



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100128147-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of dwelling, together with access and parking and associated infrastructure

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	kate@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	Shiel House
First Name: *	Eric	Building Number:	54
Last Name: *	Forster	Address 1 (Street): *	Island Street
Company/Organisation	per Ferguson Planning	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	kate@fergusonplanning.co.uk		

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

Please state the measurement type used:  Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*  Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Options for private foul drainage include discharge to soakaway on land to north owned by the Applicant or to land within application boundary as the site is of sufficient size.

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ferguson Planning

On behalf of: Mr and Mrs Eric Forster

Date: 13/07/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |                              |   |
|--|------------------------------|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Submission Letter

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: . Ferguson Planning

Declaration Date: 11/07/2018

## Payment Details

Cheque: To be confirmed, 123456

Created: 13/07/2018 10:11





**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

**Application for Planning Permission**

**Reference : 13/00393/PPP**

**To : Mr And Mrs I Stark per Erich Planning \_ Property Consultants Per Kate Jenkins MPTP MRICS  
40 Belgrave Road Edinburgh EH12 6NQ**

With reference to your application validated on **2nd April 2013** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Erection of dwellinghouse**

**at: Land South West Of Ladywood Lower Greenhill Selkirk Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 29th May 2013  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed .....  
**Head of Planning and Regulatory Services**

**APPLICATION REFERENCE : 13/00393/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
121353/PL/103	Block Plans	Refused
121353/PL/101	Location Plan	Refused
121353/PL/102	Site Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposed development would be contrary to Policies H7 and H8 of Consolidated Structure Plan 2009 and Policy D2 of the Consolidated Local Plan 2011, in that the proposed development would not relate sympathetically to an existing building group in a manner which is compliant with development plan policies and the New Housing in the Borders Countryside Guidance Note 2008.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 13/00393/PPP

**APPLICANT :** Mr And Mrs I Stark

**AGENT :** Ericht Planning \_ Property Consultants

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land South West Of Ladywood  
Lower Greenhill  
Selkirk  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
121353/PL/103 BUILDING GROUP	Block Plans	Refused
121353/PL/101 LOCATION PLAN	Location Plan	Refused
121353/PL/102 SITE PLAN	Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

**EDUCATION AND LIFELONG LEARNING:** This site is located within the catchment area for Knowepark Primary School and Selkirk High School. There are no contributions sought for this application.

**ROADS PLANNING SERVICE:** I have no objections in principle to a dwelling at this location; however I am somewhat confused as to the access route. I appreciate the ground somewhat slopes away from the road but I do believe a solution could be found that would allow access to be taken directly from the public road, therefore negating the need to take a road through the existing woodland. If access is taken directly from the former A7 I would be unable to support this application. The junction of the former A7 onto the Greenhill road comprises an acute angle with level differences and is far from ideal. Furthermore developing the site in the manner proposed will not allow the proposed house to fully integrate with the others houses in the group and would cause confusion and difficulties with servicing and deliveries tending to result in a reliance on the adjacent public road despite there being no access from it.

**SELKIRK COMMUNITY COUNCIL:** agreed to recommend approval in principle to this application, provided the proposals:

- comply with Scottish Borders Council's current Housing in the Countryside policy and other relevant design guidelines
- are subject to the future submission, in detail, of any proposal for full planning consent to the satisfaction of the Roads and Planning Authorities, and are subject to the further considerations on

Location and impact of the dwelling and access, and that the application be considered on its own merits, and not on the merits of the equestrian application.  
(The full response of the Community Council can be viewed on the Public Access website).

**LANDSCAPE ARCHITECT:** In respect of the local landscape and the impact on both the immediate setting and the woodland to the west I consider the impact to be unacceptable and therefore, on landscape grounds, I do not support this application. (The full response of the Landscape Architect can be viewed on the Public Access website).

#### **PUBLICITY AND CONSULTATION:**

The application was publicised by means of a notices in the Southern Reporter and on the national planning notice website, and via the direct notification of 1 neighbouring property. All correspondence can be viewed in full on the Public Access website. One letter of representation has been received to the application. The letter can be summarised as follows: Pre-application discussion with between the writer and the planning department regarding a plot of land which lies directly next to the proposed site of this application identified that under no circumstances would planning consent be forthcoming, due to the land on that side of the roadway not complying with Scottish Borders Councils Housing in the Countryside Policy.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Structure Plan 2009:  
H7, H8, N20, I11

Scottish Borders Consolidated Local Plan 2011:  
D2, G1, H2, Inf4, Inf5, Inf6

#### **OTHER PLANNING CONSIDERATIONS**

Supplementary Planning Guidance on:  
Placemaking and Design 2010  
New Housing in the Borders Countryside 2008

**Recommendation by** - Andrew Evans (Planning Officer) on 23rd May 2013

#### **SITE**

The application seeks planning permission in principle in connection with the erection of a single detached dwellinghouse on land South West of "Ladywood" at Lower Greenhill. The site is just over 2km to the south of Selkirk, and located 300m to the east of the junction of the C17 Minor Road and the A7. The site is a south west facing agricultural field that slopes steeply down to low lying ground and feeding various issues that are taken under the embankment of the realigned A7 to connect into the Hartwood Burn, which eventually feeds into the Ettrick Water to the south west of Selkirk. There are well established conifer plantations to the west and east of the site and the site is bounded to the north by the C17 minor road to Clerklands and Lilliesleaf. On the opposite side of the C17 there are two detached properties (Ladywood and Fauldsrigg) immediately to the north and Lower Greenhill Farm steading is located further along the road to the east. Between Ladywood and Lower Greenhill is located a site subject to planning consent for a new dwelling.

#### **PROPOSED DEVELOPMENT**

The application seeks planning permission in principle for the erection of a single dwelling. Access taken would be off the disused section of the old A7 (now a private road in the applicants ownership) to the west of the site, cutting through the mainly coniferous western block of woodland between the A7 and the site. The proposed access drive is approximately 500m long, firstly cutting through this established coniferous woodland and then routed across the sloping field to reach the site.

The application was submitted with indicative plans and a diagrammatic section through the site. The section shows the dwelling sitting at a lower level than the existing site. Some excavation would be required to form a level platform for the dwelling, and the land to the rear of the dwelling would be graded. A new access to the site would be formed from the road to the west of the site, which is a diverted part of the former A7. The A7 itself was previously moved to the west.

## PLANNING HISTORY

- 12/01203/PPP - An application for the erection of three dwellinghouses was withdrawn, upon confirmation from the planning department that the proposals were contrary to Planning Policy and would not be supported.
- The supporting information included with this current application contends that the development is required to support the applicants other proposals for an equestrian development (The Ian Stark Equestrian Centre) set out in application 13/00400/FUL.

## APPLICANT SUPPORTING STATEMENT

The applicant has submitted a supporting statement with the planning application. This can be viewed in full on the Public Access website. The principal issues it sets out are as follows:

- The investment required to realise the development of the Equestrian Centre is substantial, and the development of this house plot would contribute toward this.
- Reference made to paragraph 94 of the SPP, which advises that "development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups...and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding."
- Contended that there is scope to extend the existing building group by 1 unit during the existing plan period.
- Contended that the Council accepted the 170m gap between Ladywood and Lowergreenhill, and in light of this, the C class road, cannot be said to create the boundary of the group.
- Contended that the proposed plot would comply with local plan policy, and the adopted SPG on New Housing in the Borders Countryside.
- Argued that the closing landform between the two areas of woodland planting flanking the site provide a sense of place which consolidated the building group.
- Sets out that no trees will have to be felled within the plot, though some trees within the coniferous block would have to be felled for the access.

## POLICY ASSESSMENT

The application principally requires to be assessed against the adopted local plan policy D2 on Housing in the Countryside, and Structure Plan Policies H7 and H8. The adopted policy requires the presence of a building group. It is accepted that a building group exists at Lower Greenhill. The application site is however not well related to the group, which is entirely located on the opposite side of the C class road, to the north east of the site.

Policy D2 of the Scottish Borders Consolidated Local Plan on Housing in the Countryside sets out the Council position in relation to new housing in rural locations. The site is not considered acceptable in terms of D2(A) on building groups, as the site is not considered to be well related to the existing group of buildings. D2(E) sets out that housing in locations essential for business needs may be acceptable if the criteria listed are met. In this instance however, the applicant has an existing dwelling, and there is no economic justification for the presence at this site under criteria 1, and the development is not for a "retiring farmer" so cannot be accepted under criteria 2.

Policy H7 of the Scottish Borders Structure Plan sets out that proposals for new housing in the countryside will be supported where they fit the character of the adjacent group and the surrounding area. This site is not considered to fit the character of the group, as it is detached from it, being located on the opposite side of the C class road from all of the dwellings making up the group.

Policy H8 of the Scottish Borders Structure Plan sets out that isolated housing, distinct from building groups will not be supported unless its location is essential for the needs of a business which requires a rural

location. In this case however the applicants have an existing farmhouse, which will be located adjacent to their relocating and expanding equestrian business. The house plot is not justified in terms of the operational needs of the relocating business.

The existing building group is strongly defined along its western edge by the existing C17 road. The group comprised of the existing dwellings "Fauldsrigg", "Ladywood" and "Lower Greenhill". A further dwellinghouse was approved under application 10/01715/FUL (Mr & Mrs Irvine), for which development has started on site. The extent of the building group was accepted as spanning from Lower Greenhill Farm House to the south east to Fauldsrigg to the north east, this group comprises of three properties which has the capacity to be added to. That site was well contained within the linear road fronting context of the building group and therefore lent itself to be an appropriate addition to this rural building group, in compliance with development plan policy.

The Council has adopted Supplementary Planning Guidance on new housing in the Borders Countryside. This advises that sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. In this case however, the man made boundary of the C class road, is the clear limit of the sense place of the building group. The entire group has a linear form, completely contained on the far side of the minor road. I do not accept that the coniferous blocks represent the extent of the sense of place. They frame the views from parts of the group, but the group itself is contained behind the roads edge.

## SCOTTISH PLANNING POLICY AND ENABLING DEVELOPMENT

Scottish Borders Council does not have a specific planning policy dealing with "enabling development". Rather, such proposals, whilst afforded a general support by the wording in Scottish Planning Policy, require to be assessed against the relevant provisions of the development plan. In this instance, it is clear that the proposals do not comply with the provisions of the Housing in the Countryside Policy adopted by the Council, for the reasons set out above in this report. Whilst SPP is material consideration, it should also be noted that the Scottish Borders Local Plan (and policy D2) is a more recent publication than the SPP, and was in itself subject to consideration by the Scottish Government in the lead up to adoption. I do not consider that the provisions of the SPP with regards to "enabling development" carry enough weight in the determination of this application to override the requirements for the application to be determined in line with adopted planning policies D2, H7 and H8. In any case, the Planning Authority cannot control how the applicants would use the funding generated by the development.

## LANDSCAPE ISSUES

The Council Landscape Architect has reiterated concerns about the amount of earth moving which will be required to achieve the proposed levels on site and how the excess material will be dealt. There is also concern at the route of the proposed access, which would negotiate a steep slope, through what appears to be made up ground from quarry workings, now furnished with conifers. The Landscape Architect advises this would be an inappropriate intrusion into an established conifer plantation and will require an excessive amount of earthworks to achieve an adequate access to the site. Concerns regarding the access road would be overcome somewhat if an alternative route direct from the minor road was proposed, and this could be required by condition, albeit its visual implications on this site would need particular consideration at the detailed stage. The proposed site has a poor relationship with the existing houses generally, given its topography and location.

## ROADS ISSUES

The Roads Planning Service has no objections in principle to a dwelling at this location. Concern is however raised in terms of the proposed access route. Whilst the ground adjoining the roadside adjacent to the site somewhat slopes away from the road, the applicants have submitted details showing a quite lengthy access being formed from the former A7 to the west of the site. The RPS believes a solution could be found that would allow access to be taken directly from the public road, therefore negating the need to take a road through the existing woodland. If access is taken directly from the former A7, as proposed, then the RPS would be unable to support this application.

Were it intended to approve the application, a revised access arrangement from the minor road could, and should, be required via planning condition. Roads issues therefore do not form a reason for the refusal of this application.

#### DEVELOPMENT CONTRIBUTIONS

Education and Waverley Contributions have been identified as being required were the application to prove successful.

#### REASON FOR DECISION :

The proposed development would be contrary to Policies H7 and H8 of Consolidated Structure Plan 2009 and Policy D2 of the Consolidated Local Plan 2011, in that the proposed development would not relate sympathetically to an existing building group in a manner which is compliant with development plan policies and New Housing in the Borders Countryside Guidance Note 2008.

#### **Recommendation:** Refused

- 1 The proposed development would be contrary to Policies H7 and H8 of Consolidated Structure Plan 2009 and Policy D2 of the Consolidated Local Plan 2011, in that the proposed development would not relate sympathetically to an existing building group in a manner which is compliant with development plan policies and the New Housing in the Borders Countryside Guidance Note 2008.

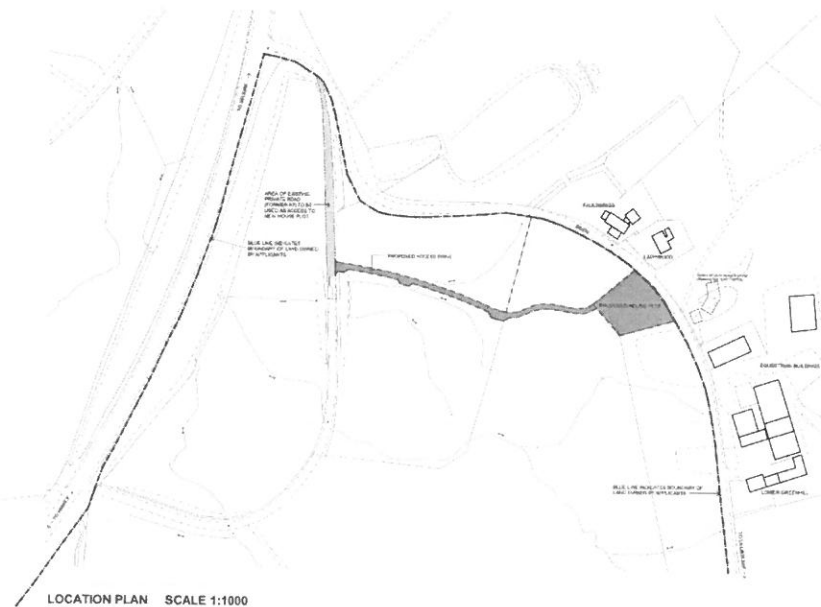
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**



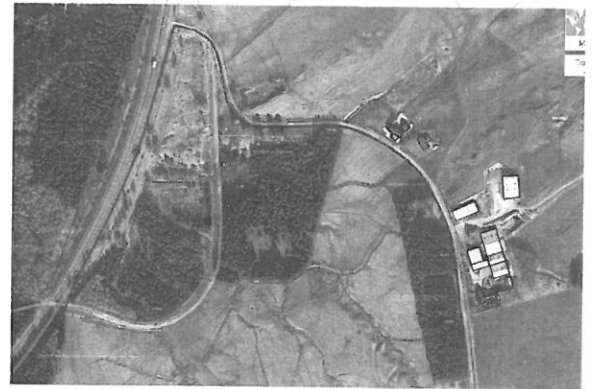


13/00393/PPP

Southern Victoria Council  
 Town and Country  
 Planning (Shire) Act 1997  
**REFUSED**  
 Subject to the  
 requirements of the  
 Act of 1997  
 Planning  
 Victoria



LOCATION PLAN SCALE 1:1000



LOCATION/SATELITE PLAN SCALE 1:2000

NOTE:  
 HOUSE LOCATIONS/OUTLINE/SECTIONS SHOWN ARE  
 INDICATIVE FOR PLANNING PURPOSES ONLY.  
 EXACT HOUSE LOCATIONS, DESIGNS & LEVELS TO BE  
 DETERMINED AT FULL PLANNING PERMISSION STAGE

<p>1: 50 Meters (1:50M)                  1: 100 Meters (1:100M)                  1: 200 Meters (1:200M)                  1: 500 Meters (1:500M)                  1: 1000 Meters (1:1000M)</p>	<p><b>g m</b>                  Geomatics                  10/11                  10/11                  10/11                  10/11                  10/11</p>
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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 18/00832/PPP**

**To : Mr Mike Orr per Steven Irvine Stainie Brae Lower Greenhill Selkirk Scottish Borders TD7 4NP**

With reference to your application validated on **29th June 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

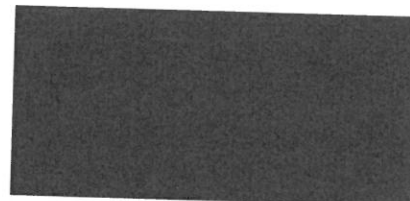
**Proposal : Erection of two dwellinghouses**

**At : Land North East of Stainie Brae Lower Greenhill Selkirk Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s)** stated on the attached **schedule**.

**Dated 27th August 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Depute Chief Planning Officer**

**APPLICATION REFERENCE : 18/00832/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposed development is contrary to Adopted Local Development Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

REF : 18/00832/PPP  
APPLICANT : Mr Mike Orr  
AGENT : Steven Irvine  
DEVELOPMENT : Erection of two dwellinghouses  
LOCATION: Land North East Of Stainie Brae  
Lower Greenhill  
Selkirk  
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

A neighbouring land owner who is also the applicant in the case of Planning Application 18/00929/PPP has raised the following concerns with respect to Planning Application 18/00832/PPP, specifically:

- (i) application appears to have been hastily prepared ahead of the submission of the neighbours' planning application;
- (ii) agent served owner notification upon himself for four houses, and more than 21 days before application was made; and the application should not have been validated by the Council on this basis;
- (iii) application is considered to fail Section 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the HoPS Guidance Note on the 'National Standard for Validation and Determination of Planning Applications and Other related Consents in Scotland' in that the site boundary is not clear or denoted by a continuous solid red outline; there is no indication of scale or north-point; there is an area enclosed with a green outline; the red outlined area overlaps with an area outlined in blue;
- (iv) the site extends beyond the garden ground that was approved for 'Stanie Brae' under Planning Consent 10/01715/FUL, the approval of which had positive regard to the natural sense of enclosure and delimitation of this site;
- (v) there is no clear defensible edge for the building group on or around the site, beyond the aforementioned topographical rise which is the natural enclosing land form for the eastern edge of the building group.

Roads Planning Section: no objection in principle, providing the recommended conditions are attached to any consent issued. No issues with the access onto the public road with the bellmouth able to accommodate two-way traffic movements and satisfactory visibility splays. The C13 has sufficient passing places already in place to accommodate the proposed development. The conditions required, specifically include: (a) the gradient of the access road to be no steeper than 1:8 and the gradient of

the parking areas to be no steeper than 1:12; (b) the submission of a scheme of details for the detailed design of the private access road serving this development, including construction specification, drainage, gradients; and (c) parking for a minimum of two vehicles, excluding any garages to be provided within the curtilage of each property.

Transport Scotland: does not propose to advise against.

Housing Strategy: notes the requirement for affordable housing contributions based on the proposal being for two houses.

Community Council and Scottish Water have been consulted, but have not responded to the public consultation.

## **PLANNING CONSIDERATIONS AND POLICIES:**

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability  
PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
IS2: Developer Contributions  
IS3: Developer Contributions Related to the Borders Railway  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and Sustainable Urban Drainage

### **SUPPLEMENTARY PLANNING GUIDANCE**

- Placemaking and Design (2010)
- Development Contributions (2016)
- New Housing in the Borders Countryside (2008)

**Recommendation by** - Stuart Herkes (Planning Officer) on 23rd August 2018

### **SITE DESCRIPTION, PROPOSED DEVELOPMENT AND PLANNING HISTORY**

This application proposes planning permission in principle for two new houses at Lower Greenhill. More specifically, the site is: (i) firstly, one proposed housing plot on land within the curtilage of the dwellinghouse at 'Stainie Brae', a recently completed residential property within the building group at Lower Greenhill; (ii) a second proposed housing plot on an adjoining area of farmland, immediately adjacent to, but outwith, the curtilage of the aforementioned residential property; and (iii) a 'pan handle' of land along, but within, the northern property boundary of 'Stainie Brae'. The two plots would be situated 'side-by-side' with one another, orientated southwest to northeast, with the site access projecting to the southwest to reach the public road. The Applicant is only the owner of the second, more northeasterly plot. The Agent is the owner of both the more southwesterly of the plots and the entire length of the access road.

'Stainie Brae' is the most recent addition to the aforementioned building group. This residential property was approved under Planning Application 10/01715/FUL on 08 July 2011, subject to planning conditions. It consists of a main house and then an ancillary outbuilding which lies in closer proximity to the public road than the house.

A supporting statement has been provided, which is concerned: (a) to provide advice on another planning application relating to neighbouring land (specifically Planning Application 18/00929/PPP); (b) to advise that all detailed matters would be addressed at the time of any detailed planning application; and (c) to set out a short policy justification, which identifies Lower Greenhill as a building group capable of augmentation by two houses within the current Local Development Plan period. This statement also confirms that water would be supplied from a private borehole; and that drainage would be via a septic tank/treatment plant and soakaway.

No supporting business case has been provided in support of this planning application to demonstrate that the house is proposed to address a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside; nor that it would be accommodation for a worker who is both predominantly employed in such an enterprise and whose presence on-site is essential to the efficient operation of the same, or a person who was last employed in such an enterprise.

As the Applicant anticipates, this proposal is only reasonably assessed under Section A of Planning Policy HD2, which relates to proposed new-build additions to existing building groups in the countryside.

## PLANNING POLICY CONTEXT

There is a building group at Lower Greenhill. In the most recent consideration of the extent and definition of this building group - within the Report of Handling on Planning Application 13/00393/PPP - the Planning Department advised that the building group extends from 'Fauldsrig' in the north, to Lower Greenhill Farm in the south. There are two residential properties within the aforementioned farm, the most southerly of which is 'New Greenhill'; and then three dwellings to the north, of which the aforementioned 'Fauldsrig' is the most northerly. As such, the building group so defined, encompasses five residential properties, which are, from north to south: 'Fauldsrig', 'Ladywood', 'Stainie Brae', 'Dryden' and 'New Greenhill'. I am content that this is still reasonably the current extent and definition of the building group.

No new dwellings have been approved since the start of the current Local Development Plan period. With the completion of 'Stainie Brae', it is accepted that there is potential in principle for the existing building group at Lower Greenhill to be augmented by up to two additional new-build properties during the current Local Development Plan period in accordance with the requirements of Section A of the Policy HD2 of the Approved Local Development Plan. However, and in accordance with the same Section (A) of the same policy, there is an ulterior requirement to consider the specific proposals, and consider whether or not what is specifically proposed here, would in fact be an acceptable addition to the building group.

Beyond the building group being capable of being augmented by up to two additional dwellings during the Local Development Plan period, Section A of Policy HD2 requires: (i) that the site should be well related to that building group; (ii) that the cumulative impact of new development on the character of the building group, landscape and amenity of the surrounding area should not cause unacceptable adverse impacts; and (iii) that the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the building group. It is a further requirement under Policy HD2 relating to all Sections of the same policy, including Section A, that there should be compliance with the Council's Supplementary Planning Guidance where it meets the terms of Policy HD2 and development must not negatively impact on landscape and existing communities, including any cumulative effects.

## ASSESSMENT UNDER POLICY HD2

At present, the building group takes a relatively linear form; orientated north to south; in alignment with, and directly accessible from, the eastern side of the public road. The Planning Authority has previously identified the latter as constituting the western extent of the group, with the northern and southern extremities being defined by the curtilages of 'Fauldsrig' and 'New Greenhill' respectively. The current proposal is the first to propose new housing to the east of the existing building group.

The proposed houses would be set back behind the line of existing dwellings, further to the east, and at notably greater distance from the public road than any existing dwellings. The only building which occupies any equivalent position is a single farm building at Lower Greenhill Farm, which lies behind another farm building, and which is moreover at a notably higher level in the landscape relative to the building group, which lies downslope and to the west. As such, this farm building - which is patently not a residential building or capable of conversion to any such use - reasonably lies out with the building group. The application site lies to the north and downslope of this farm building. Although it is notably lower in the landscape than the site of the farm building, the application site would still occupy a notably recessed position relative to the remainder of the building group and would essentially constitute a 'second row' of houses to the rear, where there are presently none. Further, given the location, size and orientation of the plots, it is also clear that any houses so sited, would not be accommodated in any way that they could be directly accessed off the public road or face towards the public road in common with all other existing properties within the building group. Instead they would require to be accessed from their own shared driveway, which is to be along and within the northern boundary of the curtilage of 'Stainie Brae'. As such,

the proposed houses would be accommodated in a 'backland' situation relative to the existing houses, and in circumstances where there are no equivalent existing or consented dwellings in any similar relationship or setting. They would face towards the open countryside and the private elevations of existing properties to the north and west at 'Ladywood' and 'Fauldsrig'.

Moreover, the size of the proposed plots is such that the properties would be notably smaller and under-sized relative to the existing houses, being liable to have very different house-to-plot ratios; which would make them liable to appear 'shoehorned' into their plots. Further, and owing to their limited size and access requirements, they would also be liable to have their own peculiar orientation, in alignment with a new access and driveway; again, at complete variance to other properties within the rest of the building group. In short, the proposals would have nothing in common with the properties within the existing building group and would be liable to appear to be an under-sized satellite, shoe-horned into too small a site at the back of the building group. The character of the building group itself would be adversely impacted by a sense of a poorly planned drift of development into the open countryside, along an arbitrary spoke or spur, and with no obvious point of natural termination thereafter, given the lack of any shelter belts or other features that would provide any obvious visual or physical containment to the east. As such, the proposal would be liable to promote a greater linear 'ribbon' development. In point of fact, the Applicant has expressed his concern to apply for two further dwellings in the period beyond the current planning application. Any and all such proposals would require to be determined on their own planning merits, and in accordance with the planning policy prevailing at the time that these were submitted, but it is material that were the building group to be expanded in such an arbitrary and piecemeal way, and without any natural terminus to arrest development in this direction, there may be potential for a greater 'drift' of development out off, and from, the established setting and character of the building group, and into the surrounding countryside, along this fairly random 'spoke'. Ultimately, there is no reasonable basis for this type of development at this fairly compact building group, which is based on a farmyard and farm cottage next to the public road. It is a building group with no precedent or history of any 'second row' of houses to the east, or indeed any spoke of development projecting into the surrounding countryside. As such the proposal would fundamentally contradict the character of the building group as it has formed and developed.

While the southwesternmost of the proposed plots might benefit from definition within what is the existing building group in that it is within the curtilage of 'Stanie Brae', it would be liable to be of an equivalent size to the outbuilding at 'Stanie Brae'. It would therefore be liable to result in a visually awkward, almost 'book-ended' relationship with this existing property, whereby the main house at 'Stanie Brae' would appear amid two smaller detached buildings on either side. Moreover, the fact that one of these would be a much smaller, separate property, would be visually discordant and not in keeping with the aforementioned house-to-plot ratio. It would look incongruous not to mention, shoe-horned in, and would be visually awkward, confusing and unsympathetic to the appearance of the existing property at 'Stanie Brae'. As such, notwithstanding that a house sited on this specific plot would technically occur on land that is within the building group, it would give rise to a particular awkward and unusual form of development.

The other proposed plot lies out with any logical or natural sense of where the building group prevails at present. It lies within an open field. It may be that 'Stanie Brae' itself was formed from land that was previously within the same field as this part of the site, but even allowing for this, I am content that all of the factors noted above, are such as to make the current proposals highly unsympathetic to the established character of the building group.

In summary, what is proposed is highly unsympathetic to the form and sense of place of the building group at Lower Greenhill. It would result in a form of development that would appear shoe-horned in; which would have a backland character of development; and which would be accommodated in an overly-contrived and arbitrary way in obvious contradiction to the established character and setting of the building group. As such, it would be highly detrimental to the visual amenities of the site, the building group and the surrounding area, and on this basis, the application should be refused.

## OTHER CONCERNS

In the event that the application were supported, the detailed design and layout of the site, and the landscaping of the site could be regulated under standard PPP conditions. Details with regard to the accommodation of the properties within this landscape setting would be needed; specifically details about existing and finished levels.



With respect to access, the proposal appears to anticipate that both properties would be accessed from the public road to the west via a shared driveway accommodated on land that is currently also within the curtilage of 'Stainie Brae'. I note that the Roads Authorities do not have any objections in principle, and consider that its concerns might be regulated under planning conditions. A couple of points which do not appear insurmountable, but which would nonetheless require to be addressed within any proposed schedule of conditions, are firstly, a need to avoid any unnecessary repetition or overlap of any requirements specifically with respect to the delivery of the required gradients; and secondly, the need for a suspensive condition to ensure that a single safe and viable access, would be delivered to serve both properties. A point of note in this specific respect is that the site is in two different ownerships (the access and most southwesterly of the two plots would appear to be in a different ownership to the Applicant, who is the owner of the most northeasterly of the plots). Given that the other land owner would appear to be the agent, it would appear highly likely that the two owners would be able to reach an appropriate agreement in this respect, but any proposed conditions would reasonably be made suspensive, to require that a single road access would be delivered and maintained in the long-term, and in such a way as to be a safe and viable access to both properties, without there being any requirement for any other, second, road access.

It is advised that drainage arrangements would be private. The advice with respect to how this would be achieved, is a bit confusing but appears to anticipate that one proposed dwellinghouse, presumably that to the southwest, would be served by the infrastructure currently in place to serve 'Stainie Brae'; but one new treatment plant is envisaged, presumably for the more northeasterly of the two plots. It is advised that a private water supply would be used. Again, in the event of approval, conditions could be applied to a PPP consent essentially requiring that full and appropriate details should be supplied, to describe and demonstrate the viability of the specific proposed drainage and water supply arrangements. These are standard concerns, capable of being addressed by appropriately worded standard planning conditions.

The requisite contributions would also be capable of being applied and required by an appropriate legal agreement. In this case, this includes not only two contributions (one per house) towards the Waverley Re-instatement, but also one towards Affordable Housing.

I would note that another planning application, currently undetermined, has recently been made, which also proposes development to the east of the existing residential properties. However, while there are liable to be the same or similar issues within the consideration of that proposal, this other application requires to be determined on its own planning merits, and is not appropriately considered within this planning decision. The Applicant has been concerned to make comments on this particular proposal within their supporting statement, but these comments are more appropriately considered within the assessment of the other planning application. Similarly, the household raising concerns with respect to the current proposal also intermixes its advice against the current proposal and in support of its own. Ultimately the two proposals are not necessarily or reasonably compared to the favour or disadvantage of one or other, and each must be assessed on its own planning merits.

The Applicant appears to consider that positive regard might be had to his decision to reduce the number of proposed houses to two from four that were originally identified within the first version of his proposals. I understand that this reduction was made unilaterally, and after Registration had made the Applicant aware of restrictions within the Housing in the Countryside Policy on the numbers of houses that might be added to a building group during the same Local Development Plan period. Registration was not initiating any negotiation on behalf of the Planning Authority, merely making a common sense observation, to allow the Applicant to make a better informed decision about whether or not they wanted to revise their proposals. This advice was given at and within the context of the registration of the planning application by registration staff, and before the case file had reached Development Management. The Applicant in any case, advises in a letter of 20 July, that he is considering applying at a later date for "the two other dwelling houses" omitted by himself from his current scheme, so even in its own terms, it is not actually apparent to what precisely the Planning Authority is meant to have positive regard vis-a-vis the Applicant's own unilaterally reduced proposal.

The household raising concerns with respect to the current proposal considers that the application should have been made invalid, based primarily on the poor quality of the proposal drawings and upon what is considered to be a not competently served ownership notification. With regard to the first point, I would acknowledge that the Location Plan is of exceptionally poor quality, but it is not (unfortunately) unique in these respects, and in a climate where Planning Departments are encouraged not to be officious and overly bureaucratic, a view must ultimately be taken as to whether or not the description given adequately meets

the criteria and is sufficiently comprehensible. In this case, and given that it is ultimately a relatively simple proposal to describe - an outline in plan identifying a PPP proposal - I am content that the Applicant was not reasonably or necessarily required to provide a more accurate or detailed Proposal Drawing. In the second instance, and while it might be unusual, it is material that the Agent in this particular case, is also the notifiable land owner. Therefore the delay of longer than 21 days between notice having been served on the owner, and the planning application finally being registered, would be something of a technicality to throw at this application. Ultimately, while admittedly poor, the details provided in support of the application were sufficient to allow it to be registered, and are sufficient to allow it to be progressed to determination.

## CONCLUSION

It is not considered that the proposal would be an acceptable addition to the building group in terms of its impacts upon the established character and setting of the building group, and on this basis, it is considered that the application is only appropriately refused.

## REASON FOR DECISION :

The planning application should be refused for the following reason:

1) the proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

## **Recommendation:** Refused

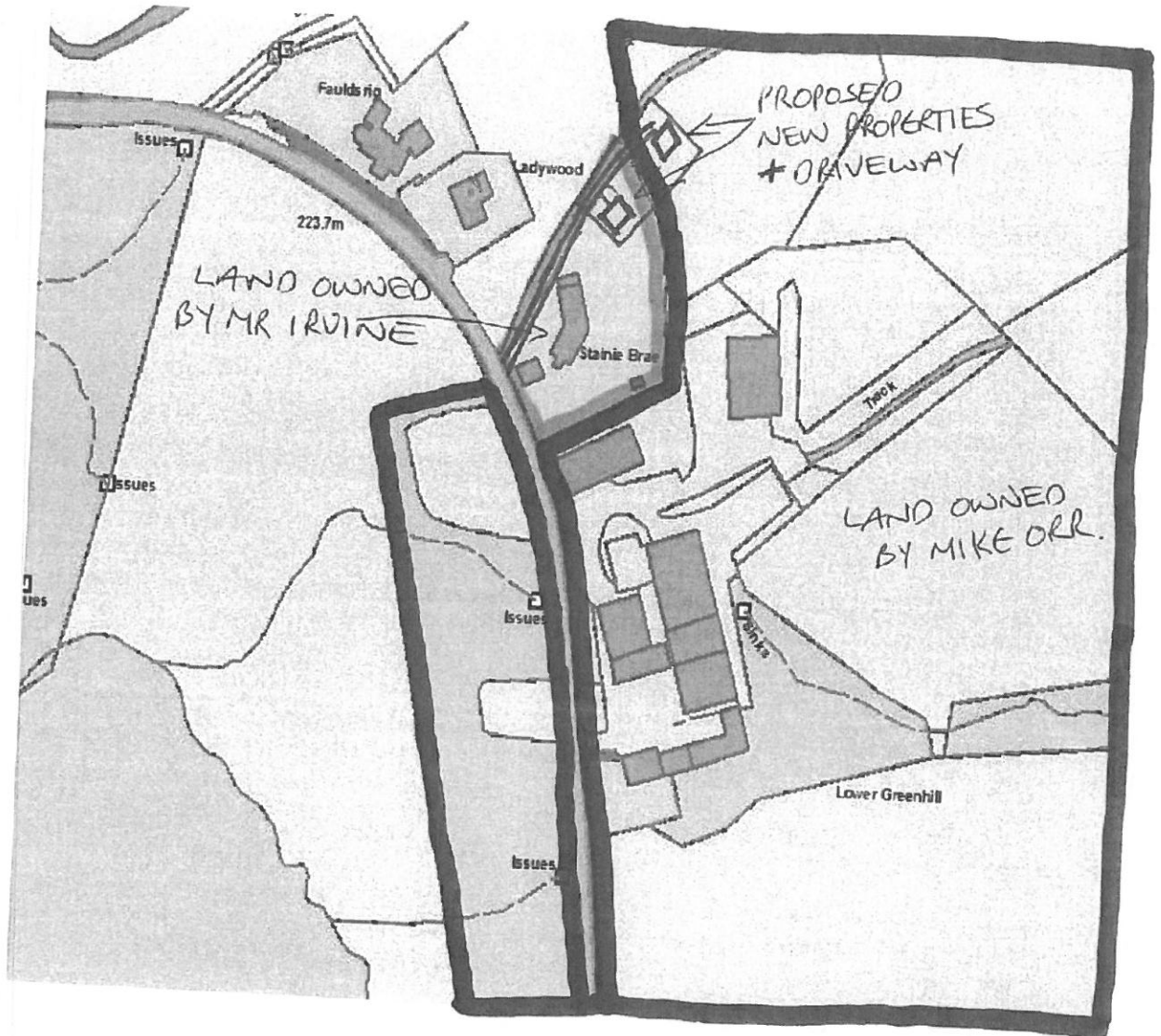
- 1 The proposed development is contrary to Adopted Local Development Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

18/00832/PPP

27.08.18

Lower Greenhill Selkirk TD7 4NP



Outlined in Blue – Land owned by Mr Mike Orr

Outlined in Red – Plots requested and entrance driveways

Outlined in Green – Land owned by Mr Steven Irvine

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

