

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Mike Orr
Address Lowergreenhill Farm, Selkirk

Postcode TD7 4NP

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
E-mail*

Agent (if any)

Name Steven Irvine
Address Stainiebrae, Lowergreenhill, Selkirk

Postcode TD7 4NP

Contact Telephone 1 0175020474
Contact Telephone 2 07827962639
E-mail* teriburn@hotmail.co.uk

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 18/00832/PPP

Site address Land North East of Stainiebrae, Lowergreenhill, Selkirk

Description of proposed development

Erection of two dwelling houses

Date of application 29/06/2018

Date of decision (if any) 27/09/2018

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review (tick one box)

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Inspection of the Land to which the review relates and the impact of further planning applications being submitted and approved in the future.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The Applicant and Agent wish to be informed of and be present during any proposed site visits please.

Statement

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We are seeking a review of the refusal decision as our client does not agree with the officers reasoning. Following the submission of our clients' application, the owner of the neighbouring field subsequently decided to submit a planning in principle application - Ref No. 18/00929/PPP refers. It is unknown if this application was submitted on the knowledge that our clients had submitted an application. Thus having a negative bearing on our clients application being refused, despite it being submitted first.

Due to the area of land and limited use, our clients believe their proposed development is sympathetic to the character of the existing building group, provides the ideal opportunity to visibly enhance the appearance of the area proposed for development, giving it a sense of place.

Although our clients recognise that any additional dwellings/or other buildings as per applications 18/00832/PPP and 18/00929/PP, would be significantly outwith the ribbon effect, the siting of our clients proposal would be positioned in such a way that it would have no bearing on the privacy of the other residents living in the building group "Ladywood", Fauldsrig" and Stainie Brae, nor be detrimental to the residential amenities, which is potentially contrary if "other" applications were to be approved at the detriment of our clients application. Suitable positioning of fencing, hedging and tree planting would be agreed by our clients and the planning authority at the full planning stage to visually enhance, keeping in character with the countryside policies via a detailed landscaping plan.

In an effort to seek approval, our client is accessible to compromise, and to work with the planning authority, thus supporting the officers views in his report that " it is accepted that there is potential, in principle, for the existing building group at Lowergreenhill to be augmented by up to two additional new-build properties during the current local Development Plan period", which my clients application mirrors. It is proposed that a design similar to the "annexe" at Stainie Brae would be our clients preferred style of housing and using similar materials.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The additions added above are following the officers decision to refuse the initial applicaDecision Noticetion for planning in principle.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Decision Notice Location Plan Notice of Review form Officer Report Consultation Replies

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [Redacted Signature] Date 20/9/2018

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk



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 100126785-001

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 2 dwelling houses in field of Lower Greenhill Farm and garden ground of Steinie Brae

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:			
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steven	Building Name:	Stainie Brae
Last Name: *	Irvine	Building Number:	
Telephone Number: *	07627962636	Address 1 (Street): *	Lower Greenhill
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Selkirk
Fax Number:		Country: *	Selkirkshire
		Postcode: *	TD7 4NP
Email Address: *	terburn@hotmail.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Lower Greenhill Farmhouse
First Name: *	Mike	Building Number:	
Last Name: *	Orr	Address 1 (Street): *	Lower Greenhill
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Selkirk
Extension Number:		Country: *	Selkirkshire
Mobile Number:		Postcode: *	TD7 4NP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

LOWER GREENHILL FARMHOUSE

Address 2:

SCOTTISH BORDERS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

SELKIRK

Post Code:

TD7 4NP

Please identify/describe the location of the site or sites

Northing

624786

Easting

348266

Pre-Application Discussion

I have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.10

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)

Grazing Land and Garden Ground

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 effecting 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)

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

The properties adjacent to each of the proposed developments have private septic tank - treatment plants. It is envisaged that 1 new treatment plant or septic plant will be installed with relevant soakaways/discharge into field or waterway belonging to owner

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

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

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner (Note 4) 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

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner (Note 4) of any part of the land to which the application relates

Name:	Mr Steven Irvine
Address:	Stainic Brae, Lower Greenhill, Selkirk, Selkirkshire, TD7 4NP
Date of Service of Notice: *	01/05/2018

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

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:	
Address:	
Date of Service of Notice: *	

Signed: Steven Irvine
On behalf of: Mr Mike Orr
Date: 29/06/2018

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 principle 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)

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 Mr Steven Irvine
Declaration Date 29/06/2018

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 :-

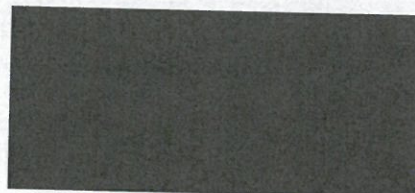
Proposal : Erection of two dwellinghouses

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:

Plan Ref	Plan Type	Plan Status
	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 OSA.

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.

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

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:

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 'Stainie 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 'Staine 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 'Stainie 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”.

Development Management
Regulatory Services
Scottish Borders Council
Newtown St Boswells
Melrose
TD6 0SA

Mr Steven Irvine
"Stainie Brae"
Lowergreenhill
Selkirk
TD7 4NP

20th July 2018

Dear Sir/Madam

RE: 18/00832/PPP Erection of 2 Dwelling Houses Land North East of Stainie Brae, Lower Greenhill Selkirk

The above application for planning permission in principle was submitted on behalf of our client Mr and Mrs Orr, on the 29th June 2018.

A Location Plan has also been submitted, showing an excellent coloration between the current dwellings and the proposed development.

However, our clients can discuss any future requirements with yourself and submit relevant detailed plans at the Full planning stage.

The Site

Currently, the site proposed for development comprises of hilly agricultural land which is part garden area and part grazing for 2 horses. Adjacent to the site is a small section of land, which has had its boundary recently planted with very young beach hedging, planted by the owner of the field.

Following the submission of our clients' application and on receipt of our neighbour notification, we have recently been made aware that the owner of the field has subsequently decided to also submit a planning in principle application - Ref No. 18/00929/PPP refers. It is unknown if the area has always been earmarked for housing and this has been planned for some time, or the owner of the neighbouring land has submitted an application on the knowledge that our clients have submitted an application.

Due to its current use, our clients believe this proposed development provides the ideal opportunity to visibly enhance the appearance of the area they propose for development. The siting of the dwellings would be positioned in such a way as to have no bearing on the privacy of the residents living within the nearby properties. This is primarily due to the distance between the current buildings and the proposed development and them being sited south east and south west of the proposed development.

Services

Mains Electricity is within close proximity of the area proposed for development.

Our clients are proposing to install a private borehole which would provide water to both dwellings detailed within the application.

Drainage is proposed to be via a septic tank/treatment plant and soakaway within land owned by Mr and Mrs Orr.

A detailed 'services' plan will be submitted by our clients chosen architects once their Planning In Principle application has been approved and they are at the stage of submitting a full planning permission application.

Access

There are no issues identified with access to the proposed development. Access will be achieved by using existing access means for Stainie Brae, which has clear sight lines in both directions, ample parking and a turning point area. There will be no bearing or inconvenience placed on the neighbouring properties.

Landscaping

A detailed landscaping plan will be submitted by our client chosen architects once this Planning in Principle application has been approved and they are at the stage of submitting a full planning permission application.

Planning Policy and Justification

Scottish Borders Housing in the Countryside policy stipulates that existing building groups which comprise of 3 or more dwellings can be expanded by a further 2 dwellings or 30%, whichever is the greater.

There are currently 4 houses within the vicinity of the proposed development, namely Fauldsrig, Ladywood, Stainie Brae, and Lower Greenhill farmhouse with subsidiary stables.

Referring back to the initial Planning in Principle application submitted, our client has reduced their initial plans for 4 dwellings down to 2 dwellings showing their keenness at this early stage to meet the criteria within the housing in the countryside policy and any other relevant policies pertaining to the Planning Regulations.

I trust this supporting statement will be seen favourably on our clients' application for housing, however, should you wish to discuss anything with regards this letter or the application, please do not hesitate to contact me.

You

Mr Steven Irvine

Acting on behalf of Mr Mike Orr

From: Herkes, Stuart
Sent: 5 Jul 2018 09:24:55 +0100
To: DCConsultees
Cc: Begg, Gerry
Subject: FW: SBC 18/00832/PPP Land North East Of Stainie Brae Lower Greenhill Selkirk Scottish Borders PLANNING CONSULTATION

Gerry - Noted with thanks.
DCConsultees - Please could you process this as a consultation response for Housing Strategy on the above application. Thanks very much.

Regards

Stuart

Stuart Herkes MRTPI
Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825039
E-mail: sherkes@scotborders.gov.uk

To assist us with your enquiry, please quote the relevant Planning Reference Number in your correspondence.

Web | Twitter | Facebook | Flickr | YouTube

How are you playing #yourpart to help us keep the Borders thriving?

-----Original Message-----

From: Begg, Gerry On Behalf Of Housing Strategy Consultations
Sent: 05 July 2018 09:23
To: Herkes, Stuart
Subject: RE: SBC 18/00832/PPP Land North East Of Stainie Brae Lower Greenhill Selkirk Scottish Borders PLANNING CONSULTATION

Hi.

Thanks for opportunity to comment.
However I note that proposed house numbers are below threshold which requires on-site delivery of Affordable Housing. Therefore I understand that the Policy Still requires that Developer Contributions will be required.
I trust that this brief reply is sufficient for your purposes.
Regards.

Gerry

-----Original Message-----

From: sherkes@scotborders.gov.uk [<mailto:sherkes@scotborders.gov.uk>]
Sent: 04 July 2018 15:37

To: Housing Strategy Consultations
Subject: SBC 18/00832/PPP Land North East Of Stainie Brae Lower Greenhill Selkirk Scottish Borders
PLANNING CONSULTATION

Please see attached. Please remember to e-mail the DCConsultees Mailbox to advise when you have inserted your reply into Idox

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Roads Planning Service	Contact e-mail/number:	
	David Collins Roads Planning MA	David.collins@scotborders.gov.uk ext 5477	
Date of reply	23 July 2018		
Planning Application Reference	18/00832/PPP	Case Officer: 18/00832/PPP	
Proposed Development	Erection of two dwellinghouses		
Site Location	Land north east of Stainie Brae, Lower Greenhill, Selkirk		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	<p>I shall have no objection to this proposal in principle providing the recommended conditions are attached to any consent issued.</p> <p>I have no issues with the access onto the public road with the bellmouth able to accommodate two way traffic movements and satisfactory visibility splays.</p> <p>The C13 has sufficient number of passing places already in place to accommodate for the proposed development.</p>		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions
Recommended Conditions	<p><input type="checkbox"/> Further information required</p> <p>The gradient of the access road shall be no steeper than 1:8 and the gradient of the parking areas shall be no steeper than 1:12. Reason: To ensure a satisfactory form of development.</p> <p>A scheme of details for the detailed design of the private access road serving this development to be submitted for approval and thereafter fully implemented, unless otherwise agreed, prior to occupation of either unit. Details to include; construction specification, drainage, gradients. Reason: To ensure adequate access is provided to serve the proposed dwellings.</p> <p>Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of each property prior to the property becoming occupied. Thereafter they must be retained in perpetuity. Reason: To ensure each property is served by appropriate parking.</p>		
Recommended Informatives			

Signed: Alan Scott

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	18/00832/PPP
	TS TRBO Reference:-	SE/70/2018

Application made by Mr Mike Orr per Steven Irvine, Stainie Brae Lower Greenhill Selkirk Selkirkshire TD7 4NP and received by Transport Scotland on 03 July 2018 for planning permission for erection of two dwellinghouses located at Land North East Of Stainie Brae Lower Greenhill Selkirk Scottish Borders affecting the A7 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A7) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
SOUTH EAST
6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
0800 0420188
OCCR,SESCOTLAND@amey.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

Transport Scotland Response Date:- 12-Jul-2018

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow. G4 0HF

Telephone Number: 0141 272 7382

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

18/00832/PPP

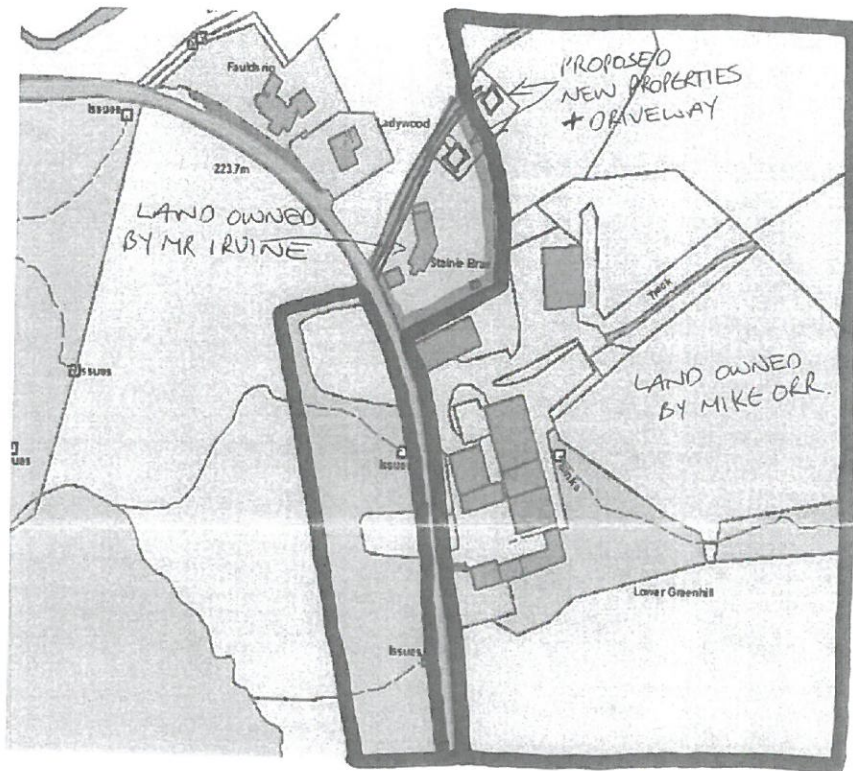
RECEIVED 70 JUN 2018

Scottish Borders Council
Environment &
Infrastructure

27 AUG 2018

Town & Country Planning (Scotland) Act
REFUSED

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