

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 10/01715/FUL

**To : Mr S Irvine per Gordon Melrose Building Design 6 Market Place Selkirk Scottish Borders
TD7 4BT**

With reference to your application validated on **24th December 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and detached garage incorporating guest annexe

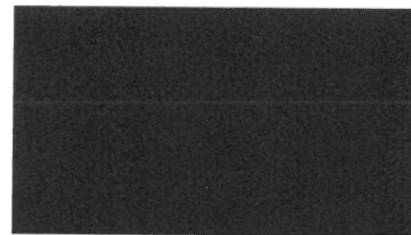
at : Land South Of Ladywood Lower Greenhill Farm Selkirk Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 8th July 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 10/01715/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1012277/LOC	Location Plan	Approved
2139	Site Plan	Approved
10277/PL2/GAR.1	Elevations	Approved
101277/PL2/01	Floor Plans	Approved
101277/PL2/02	Site Plan	Approved
101277/PL2/03	Elevations	Approved

REASON FOR DECISION

Subject to the compliance with the schedule of conditions, the proposed development would comply with development plan policies, principally Policies H7 and N20 of the Consolidated Structure Plan 2011 and Policy D2 and G1 of the Scottish Borders Consolidated Local Plan 2011.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 Notwithstanding the description of the proposed render colour finish a sample of a proposed finish and samples of all other materials used on the exterior surfaces of the building and the retaining wall finish shall be submitted to and approved in writing by the Planning Authority before development commences.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 3 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
 - vi. location and design, including materials, of walls, fences and gates
 Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

- 4 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences/the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

- 5 Before development commences the means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority. If a private water supply is to be used, no development to be commenced until a report by a qualified person has been submitted to and approved by the Planning Authority, demonstrating the provision of water to the development in terms of the quantity, quality and impacts on other supplies in the vicinity.
Reason: To ensure that the site is adequately serviced.
- 6 The detached garage with ancillary accommodation hereby approved shall at all times be used in connection with, and incidental to, the principle use of the dwellinghouse. The garage and accommodation shall not be sold or leased separately from the principal dwellinghouse.
Reason: To comply with development plan policies related to housing in the countryside.
- 7 Notwithstanding the details on Drawing No: 101277/PL2/03, the precise specification of the eave and verge detailing shall be submitted to and agreed with the Planning Authority before development commences.
Reason: The exact eave and verge detailing requires further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The applicant is informed that there is potentially contaminated land which may be discovered through backfilling any excavations. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted.

To ensure that the proposed development will cause no disruption to the overhead power cable, it would be in the applicant's interest to liaise with Scottish Power, who are contactable at the following address;

SP Network Ltd
Shared Service Centre
3rd Floor Avondale House
Phoenix Crescent
Strathclyde Business Park
Bellshill
Lanarkshire
ML4 3NJ

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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 : 10/01715/FUL

APPLICANT : Mr S Irvine

AGENT : Gordon Melrose Building Design

DEVELOPMENT : Erection of dwellinghouse and detached garage incorporating guest annexe

LOCATION: Land South Of Ladywood
Lower Greenhill Farm
Selkirk
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1012277/LOC 2139	Location Plan Site Plan	Approved Approved
10277/PL2/GAR.1	Elevations	Approved
101277/PL2/01	Floor Plans	Approved
101277/PL2/02	Site Plan	Approved
101277/PL2/03	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning Officer: No comment received at the time of writing.

Community Council: Recommend approval, subject to proposals compliance with Local Plan Policy D2.

Archaeology Officer: No objection.

Environmental Health: Should the application be approved confirmation is required from Scottish Water that connection to the public main to provide water is available. In the event a private supply is to be used, the type, location and treatment of the water supply requires agreement, if there are existing users of the supply a report will be required to conclude if the supply has the capacity to accommodate a additional user. A can be used to agree the site precise service details.

An applicant informative is recommend to alert the developer to potential unexpected land contamination ground conditions which may exist following quarrying which has know to have been undertaken at the site.

Historic Scotland: The proposed development lies within the vicinity of New Greenhill Fort scheduled as a Ancient Monument, consider that determination can be undertaken without recourse to Historic Scotland.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Structure Plan 2009: H7, N20, I11, I18

Adopted Local Plan 2011: D2, G1, G2, Inf4, Inf5, Inf6, H2

OTHER PLANNING CONSIDERATIONS

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

Recommendation by - Scott Shearer (Planning Officer) on 30th June 2011

This application seeks full planning consent for the erection of a dwellinghouse on the Land South of Ladywood, Lower Greenhill Farm, Selkirk. The proposal is for a long 1 ¾ storey dwellinghouse, with detached double garage. The site is contained within a embankment with rock outcrop and contains a localised dip within its foreground.

The site already benefits from a detailed planning consent for the erection of a dwellinghouse (planning reference 10/00965/AMC which followed approval 06/02181/OUT). Although an existing consent exist, the principle of a erecting a dwellinghouse on this still must still comply with current polices. In this instance, there is a building group spanning from Lower Greenhill Farm House to the south east to Fauldsrig to the north east, this group compromises of three properties which has the capacity to be added to. The site is well contained within the linear road fronting context of this building group and therefore lends itself to be an appropriate addition to this rural building group, in compliance with current development plan policy.

The siting of the proposal has required substantiating and amending through the application process. Given the embanked physicality of the site, its developable nature is constrained. The proposal is sited so that it follows the contours of the sites embankment, whilst the dwelling will be set into this embankment with the requirement of a retaining wall, remedial works to the slope are proposed to naturally reinstate its gradient behind the house. The site currently rises from the road site, with the exception of the localised hollow, to create the developable base works to the levels are required. The raising of the parking area has been marginally reduced and the agent confirmed that the upon the submitted section the hollow is evident with the amount of fill appearing stark, however this only occurs locally in front of the house meaning the extent of this fill is required locally. Overall, the submitted plans illustrate that the development is being sited in a manner which closely matches the existing site context with the development rising from the road site and being contained within the embanked natural contours.

Concern was expressed from the outset regarding the top heavy and suburban design. Through the course of this application the design has been amended to a more applicable balanced rural form with two subordinate side wings breaking up the houses bulk. The fenestration of the proposal has been simplified to exhibit greater vertical emphasis with stone mullions used on the front elevation. The complexity of the rear elevation has been reduced with the angling of the proposal meaning that the hipped wall head extension should be hidden. The scale of the garage has been increased, this allows for a coherent double garage which appears more rural in form and it is common for rural houses to be served by large outbuildings and in this case this building assists to break up the scale of this development.

In terms of material finishes, a white K-Rend is proposed, although the farmhouse is white, the other two buildings in this group are light colours but nevertheless off white. The New Housing in the Borders Countryside SPG advises against the use of a white finish, therefore to comply with this material consideration a condition is recommended to agree a suitable darker tone. The material choice of the retaining wall require agreement, otherwise subject to condition of agreement of samples the principle to use all other specified materials is according.

No objections have been received and the proposal will not give rise to any adverse impact to the amenity of any neighbouring properties.

The site is dissected by an overhead cable, the previous application provided confirmation from Scottish Power so I would advise the applicant to liaise with Scottish Power on this matter via an informative, to guard against ill affect.

No consultation response was received from the Roads User Officer, however it is proposed to utilise the existing site access to the western most corner of the site and I do not envisage that this should cause any issues. A condition will require the consolidated of the gravel parking surface and its appropriate use. The Councils Environmental Health Officer has recommended that more information relating to proposed water supply is required, this will be incorporated into a condition. The proposed surface water drainage is to a soakaway and foul drainage to a new non mains system as referred to on the site plan, the Building Warrant process will confirm its appropriateness.

The previous planning approval (06/02181/OUT) sought relevant developer contributions, this application will not place any additional burden on local infrastructure so no contributions are sought.

REASON FOR DECISION :

Subject to the compliance with the schedule of conditions, the proposed development would comply with development plan policies, principally Policies H7 and N20 of the Consolidated Structure Plan 2011 and Policy D2 and G1 of the Scottish Borders Consolidated Local Plan 2011.

Recommendation: Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Notwithstanding the description of the proposed render colour finish a sample of a proposed finish and samples of all other materials used on the exterior surfaces of the building and the retaining wall finish shall be submitted to and approved in writing by the Planning Authority before development commences.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
 - vi. location and design, including materials, of walls, fences and gatesReason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 4 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences/the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

- 5 Before development commences the means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority. If a private water supply is to be used, no development to be commenced until a report by a qualified person has been submitted to and approved by the Planning Authority, demonstrating the provision of water to the development in terms of the quantity, quality and impacts on other supplies in the vicinity.
Reason: To ensure that the site is adequately serviced.
- 6 The detached garage with ancillary accommodation hereby approved shall at all times be used in connection with, and incidental to, the principle use of the dwellinghouse. The garage and accommodation shall not be sold or leased separately from the principal dwellinghouse.
Reason: To comply with development plan policies related to housing in the countryside.
- 7 Notwithstanding the details on Drawing No: 101277/PL2/03, the precise specification of the eave and verge detailing shall be submitted to and agreed with the Planning Authority before development commences.
Reason: The exact eave and verge detailing requires further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

Informatives

It should be noted that:

- 1 The applicant is informed that there is potentially contaminated land which may be discovered through backfilling any excavations. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted.
- 2 To ensure that the proposed development will cause no disruption to the overhead power cable, it would be in the applicant's interest to liaise with Scottish Power, who are contactable at the following address;
SP Network Ltd
Shared Service Centre
3rd Floor Avondale House
Phoenix Crescent
Strathclyde Business Park
Bellshill
Lanarkshire
ML4 3NJ

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

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 Ericht 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:**

Plan Ref	Plan Type	Plan Status
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:

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”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/00929/PPP

**To : Mr and Mrs Eric Forster per Ferguson Planning 54 Island Street Galashiels Scottish Borders
TD1 1NU**

With reference to your application validated on **16th July 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


Proposal : Erection of dwellinghouse

At : Land North East 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 27th August 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 18/00929/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 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 : 18/00929/PPP
APPLICANT : Mr and Mrs Eric Forster
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of Ladywood 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: 0

SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: no objection in principle providing conditions are imposed, to address its stated concerns. The existing access to the field has satisfactory visibility north east, but has poor visibility south. Conditions are recommended to require the provision of a service lay-by; manage surface water drainage; the provision and retention of parking areas; and achievement of visibility splays. An informative with respect to working within the public road boundary is also noted.

Transport Scotland: does not propose to advise against.

Education and Lifelong Learning: no contributions sought for local education facilities.

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 a new house at Lower Greenhill. More specifically, the site is undulating agricultural land to the north, east and south of 'Ladywood'; to the north and east of 'Fauldsrig'; and north and west of 'Stainie Brae'; which are the three most northerly properties within the building group at Lower Greenhill. Part of the site; the area to the south of 'Ladywood'; lies adjacent to the public road, and includes an existing field access.

A supporting statement has been provided, which advises that 'Ladywood' is owned by the Applicant, and 'Fauldrig' by a relative. It considers that Lower Greenhill is a building group capable of augmentation by one new house, and considers that the proposal would be well-related to this building group in being contiguous to three existing properties and being on an equivalent level to these same properties, contained topographically within the same enclosing landform. With regard to amenity and accommodation within its landscape setting, it is pointed out that there are already established hedges and property boundaries to accommodate it, where it lies adjacent to existing properties. Further, the plot is sufficiently large to allow the distances of set back recommended by the Council's own Supplementary Planning Guidance to be adhered to. It is advised that the property would be served by an existing private water supply, and that private drainage arrangements can be accommodated on land to the northwest within the Applicant's ownership. It is advised that it is the Applicant's intention to propose a design in line with rural design principles, including the use of natural slate.

An indicative layout is described on the Proposal Drawing which describes a private driveway to the south of 'Ladywood' and north of 'Stainie Brae', winding around the southeast corner of 'Ladywood' to a garage at the back (eastern extremity) of the plot, with the house shown to the north of this.

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.

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. As the Applicant notes, 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 proposes a new house to the east of the existing building group; specifically to the north and east of the three most northerly of the existing residential properties. It would not be within any alignment with these or any other properties within the building group, instead, it 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 within the building group which occupies any equivalent position is a single farm building at Lower Greenhill Farm, to the south. This farm building lies behind another farm building, and is moreover at a notably higher level in the landscape relative to the building group, which lies downslope and to the west of it. 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 aforementioned farm building, the application site would still occupy a notably recessed position relative to the public road in comparison to the remainder of the building group, essentially behind the existing building group, where there are currently no houses similarly or equivalently located. Any house 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 it would be accessed off its own private driveway. 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.

As noted above, the Applicant considers that the site inhabits the same enclosing land form as the building group. This however, relies on a somewhat tendentious assessment of what the enclosing land form actually is, and where that particularly stops and starts within the vicinity of the building group. There is a cincture of surrounding land of notably higher relief to the north and east, but this does not rise sharply outside of the application site; on the contrary, levels rise perceptibly across the site, towards these areas of higher relief. Furthermore, the application site itself is not itself at all level, and is in fact notably undulating, albeit that this occurs itself within a general rise in levels from west to east. There are also no existing shelter belts or other features that might properly and conclusively provide any sharp sense of enclosure, or definition, of the site and building group occurring within the same enclosure. On the contrary, the land climbs perceptibly from the building group - through the application site - to adjacent land and the aforementioned areas of relief, without the introduction of any pronounced break in levels or any screen of trees or other strong natural or landscape feature that might reasonably provide any containment. It is ultimately the lack of definition and any strong sense of visual containment that characterises the site and its general vicinity to the north and east. If anything, it is more reasonably characterised as a fairly unremarkable constituent of the wider setting of Lower Greenhill; part of the open and undulating upland landscape which prevails to the north and east of the building group.

The proposal would be a somewhat arbitrary 'backland' addition to the existing building group, with an elongated driveway contrived to accommodate a development within the open and undulating upland landscape setting behind Lower Greenhill. In allowing one such addition, there would be a risk that this might promote further applications for dwellings in similar backland situations to the proposed, and the position would certainly be less defensible in future, were one property to be allowed to inhabit this situation. There is no 'second line' of houses to the east of the building group at present, and no basis for accepting that the building group should be expanded in this direction and in such a 'backland' character. Lower Greenhill is a single linear building group based on a farmyard and adhering to the public road. The proposal would contradict this essential character of the existing building group.

It occurs that part of the site; specifically that area to the south of 'Ladywood' and west of 'Stainie Brae'; does fit well enough with the form of the building group in so far as it is an area of land which in common with these two neighbouring properties, would actually front, and be accessible from, the public road. However, this section of the site is a particularly constrained area of land spatially (the Applicant only proposes to run the driveway through it) and any housing development here would be liable to appear shoe-horned into this site, were any dwellinghouse to be sited in this particular area. Moreover, any house so sited, would be liable to have an unacceptably adverse impact upon the amenity of 'Stainie Brae', in that there is no existing opportunity to screen views to and from that dwellinghouse which lies to the immediate south and east. In short, it is not reasonably an opportunity to accommodate a new separate dwellinghouse.

I note the Applicant's reasonable assessment that the site as proposed, could accommodate a house without this being liable to have any unacceptable impacts upon the amenity of any surrounding residential properties (primarily due to the ability to achieve appropriate distances of set back from neighbouring dwellings) but this is not in itself a material consideration that outweighs, or should outweigh, the above noted concerns with respect to the proposal being an unsympathetic addition to the building group in its siting.

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 have a backland character of development; and in being accessed along a private driveway, it 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, as the Applicant anticipates. 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, I note that the Roads Authorities do not have any objections in principle, and that the Roads Planning Section considers that its concerns might be regulated under planning conditions. The Applicant as the owner of 'Ladywood' would appear to have sufficient control over the proposed access and surrounding area, as to manage the achievement and maintenance of the requisite visibility splays.

The private water supply and drainage arrangements would be capable of being regulated under appropriately worded planning conditions imposed upon any Planning Permission in Principle that might be issued ulterior to this determination.

The required Waverley contribution would be capable of being applied and required by an appropriate legal agreement.

I would note that the Applicant has made comments pertaining to this current proposal in the context of representations made to another planning application, currently undetermined, which also proposes development to the east of the existing residential properties at Lower Greenhill (18/00832/PPP). 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 particularly, to make comments on this other proposal within representations submitted to the public consultation on the other proposal but which seek to make a comparison between the two proposals, and advising how the current proposal is more respectful of the enclosing land form around the northeastern section of the building group. The other application must be determined on its own planning merits, and there is no requirement in the context of this or the other assessment to reach any conclusions as to which of the proposals is more appropriate or sensitive than the other. Ultimately this is not the determining factor in either case; and each must be determined on its own planning merits in absolute rather than in relative terms. As such, the comparison the Applicant wishes to make in that context, is fundamentally redundant.

The indicative layout is not necessarily included amongst the Proposal Drawings since it is not in line with what the Roads Department would seek, and in the event of approval, the exact layout of the site would be more reasonably considered in association with any detailed design proposed under an ulterior AMC application.

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”.

