



Newtown St Boswells Melrose TD6 0SA Tel: 01835 826705 Email: corporatebusinesssystems@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 100140789-001

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.

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: | Farningham Planning Ltd | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Alan | Building Name: | The Bourse |
| Last Name: * | Farningham | Building Number: | 47 |
| Telephone Number: * | 01315557578 | Address 1 (Street): * | Timber Bush |
| Extension Number: | | Address 2: | Leith |
| Mobile Number: | 07768 952610 | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | UK |
| | | Postcode: * | EH6 6QH |
| Email Address: * | alan.farningham@farnmac.co.uk | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---|--|---|
| Title: | <input type="text" value="Other"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text" value="Mr, Mrs and Mr"/> | Building Name: | <input type="text"/> |
| First Name: * | <input type="text" value="Archie, Helen and Hugh"/> | Building Number: | <input type="text" value="103c"/> |
| Last Name: * | <input type="text" value="Shaw Stewart"/> | Address 1 (Street): * | <input type="text" value="Clarendon Road"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="London"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="UK"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="W11 4JG"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text"/> | | |

Site Address Details

| | |
|---|---|
| Planning Authority: | <input type="text" value="Scottish Borders Council"/> |
| Full postal address of the site (including postcode where available): | |
| Address 1: | <input type="text"/> |
| Address 2: | <input type="text"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text"/> |
| Post Code: | <input type="text"/> |

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of Dwellinghouse (renewal of Planning Permission Ref. 15/00036/PPP)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to Grounds of Review attached

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

1. Planning Permission (Ref 15/00036/PPP) 2. Report of Handling (Ref 15/00036/PPP) 3. Report of Handling (Ref 18/00644/PPP) 4. Various historic Ordnance Survey mapping extracts 5. Policy D2 - Consolidated Local Plan 2011 (extract) 6. Policy HD2 - Local Development Plan 2016 (extract) 7. Pages 14 and 35 of New Housing in the Borders Countryside Supplementary Planning Guidance (2008) (extracts)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00644/PPP

What date was the application submitted to the planning authority? *

24/05/2018

What date was the decision issued by the planning authority? *

23/07/2018

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Please see separate detailed explanation attached

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Please see separate detailed explanation attached

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alan Farningham

Declaration Date: 22/10/2018

Notice of Review – Proposed Dwellinghouse, Land North West of Chapel Cottage, Melrose

Grounds of Review

The Council's reason for refusal states that the proposal is contrary to adopted LDP Policy HD2 and associated Supplementary Planning Guidance – New Housing in the Borders Countryside (December 2008) on two accounts:

- i. The site is not well-related to any existing rural building group; and,
- ii. The applicant has not demonstrated that there is any operational need for the new dwelling.

If it is accepted that the site is well-related to an existing rural building group, there is no need for the applicant to demonstrate that there is an operational need. The proposal would therefore be policy compliant.

In his Report of Handling, the Planning Officer gave no weight in his assessment to the recently expired planning permission in principle (Ref. 15/00036/PPP) granted in July 2015 which, at the time of submission of the renewal application currently before the Local Review Body (LRB) was still alive. The appellants would respectfully ask the LRB to consider giving some material weight to this aspect in re-examining the merits of the proposal which, if implemented, would not cause any demonstrable harm.

The physical nature of the proposed site has not changed since the original planning approval. This is accepted by the Planning Officer. It is further noted that the original planning permission relates simply to the "erection of a dwellinghouse" and makes no distinction as to whether it is a replacement dwelling or a restoration.

Reference to the second last paragraph on Page 2 of the Planning Officer's Report of Handling (Ref. 15/00036/PPP) in respect of the original permission makes clear that the site was assessed under the replacement dwelling provisions of Policy D2 of the Consolidated Local Plan 2011.

Since the original decision, the Consolidated Local Plan 2011 has been replaced by the adopted Local Development Plan 2016 and Policy D2 of the Consolidated Local Plan 2011 has been replaced by Policy HD2 of the adopted Local Development Plan 2016.

Contrary to the opinion expressed by the Planning Officer in his Report of Handling (Ref. 18/00644/PPP) in respect of the current application, it is the appellants' view that the most recent Policy HD2 does not substantially differ in either content or objective from that of the former Policy D2 of the Consolidated Local Plan. In this regard, Policy D2 (d) 'Rebuilding' of the Consolidated Local Plan has simply been re-written as two separate sections (D) Restoration of Houses and (E) Replacement Dwellings within current Policy HD2.

The appellants would agree with the Planning Officer that, consistent with the previous, positive determination of the proposed dwellinghouse, the proposal does not meet the 'Restoration of Houses' criteria as detailed in the more recent Policy HD2.

The proposal is required to be considered within the terms of Section (E) Replacement Dwellings within Policy HD2. This would be consistent with the determination made by the Planning Officer in granting the original planning permission as it "*would be acceptable in terms of the replacement provisions of Policy D2*".

Furthermore, contrary to the views of the Planning Officer contained in his Report of Handling (Ref. 18/00644/PPP), it is not at all clear that there has been a material change in the wording of the

policy such as to prevent the replacement of a house on the site of a previous house now demolished.

In his Report of Handling (Ref. 18/00644/PPP), the Planning Officer states that Section (E) Replacement Dwellings is *“only applicable in the case of an existing house”* (Paragraph 1, Page 4). He then goes on to claim that the current proposal can only reasonably be assessed under Section (D) of Policy HD2 which relates to the Restoration of Houses.

Neither the original approval nor the new application meet the relevant policy criteria relating to the restoration of houses. As with the previous approval, the proposal is required to be assessed as a replacement dwelling.

It is acknowledged that the first part of Section (E) Replacement Dwellings of Policy HD2 refers to the replacement of an existing house. However, criteria b of Section (E) Replacement Dwellings suggests that a replacement dwelling can relate to either an existing or an original building, the latter suggesting the lack of a building on site as is the case here. The Planning Officer has failed to give consideration to this aspect. His interpretation is solely based on there being no existing house on the current application site, which of course is true. It is however equally clear that, as acknowledged by the Planning Officer, there is historical evidence of the past presence of a lodge house on the site as articulated by the submitted extracts from historic Ordnance Survey plans.

The wording of criteria b of Section (E) Replacement Dwellings suggests that assessing the acceptability of a replacement dwelling within the terms of Policy HD2 equally applies to either an existing dwelling or the site of a previous/original dwelling, as per the proposed site.

As endorsed by the original planning approval, consistent with criteria a, the former lodge house site forms part of the historical building pattern and landscape character at Linthill and, consistent with criteria b, the proposal as presented, subject to detail, will be in keeping with the original building in terms of its scale, extent, form and architectural character. Criteria c does not strictly apply, although it is contended that the proposed lodge house will make a positive contribution to the landscape by filling a current void in what formed/forms an integral and important part of the surrounding area’s historical building pattern.

In summary, it is contended that the policy wording as contained in Policy HD2 is not significantly dissimilar to that of former Policy D2 and does not specifically prevent the replacement of a previous house (now demolished) as proposed. This being the case, there is no sustainable policy reason to refuse planning permission.

Finally, if the LRB are minded to grant permission, the appellants would have no objection to the planning conditions attached to the previous approval, updated as appropriate, being applied to any new permission.

Farningham Planning Ltd

22nd October 2018

Notice of Review – Proposed Dwellinghouse, Land North West of Chapel Cottage, Melrose

Review Procedure Justification

The Council's decision is solely predicated on a particular interpretation of adopted Local Development Plan Policy HD2 and associated Supplementary Planning Guidance - New Housing in the Borders Countryside. The policy is written in a way that is open to interpretation. In this regard, the appellants wish to present a different, more positive interpretation that would support approval of the proposal.

Although the differing interpretations and consideration of the policy and associated guidance is capable of being competently articulated in an exchange of written submissions, a Hearing Session would provide a forum for the Local Review Body to better understand the differing policy interpretations by way of affording questions to be presented to the parties to help inform its final decision.

Farningham Planning Ltd

22nd October 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**Application for Planning Permission in Principle****Reference: 15/00036/PPP****To: Archie Helen And Hugh Shaw Stuart per Camerons Ltd 1 Wilderhaugh Galashiels
Scottish Borders TD1 1QJ**

With reference to your application validated on **16th January 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse**at: Land North West Of Chapel Cottage Lilliesleaf Melrose Scottish Borders**

The Scottish Borders Council hereby **grant planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, subject to the following directions:


- That an application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a) The expiration of three years from the date of this permission, or
 - b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

**Dated 13th July 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
.....
Director of Regulatory Services

Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Information Online

APPLICATION REFERENCE: 15/00036/PPP

Schedule of Plans and Drawings Approved:

| Plan Ref | Plan Type | Plan Status |
|----------------|---------------|-------------|
| 9176/A/01-01 A | Location Plan | Approved |
| 9176/A/01-02 A | Block Plans | Approved |
| ASK 140709/01 | Other | Approved |

REASON FOR DECISION

Subject to the identified conditions and informative, and the conclusion of a legal agreement in respect of the identified Waverley contribution, the erection of a single detached dwelling on this site is considered to be an appropriate form of development. The proposed dwelling would comply with policies G1, G5, G6, H2, NE4, BE2, D2, Inf1, Inf2, and Inf4 of the Consolidated Scottish Borders Local Plan (2011), and with adopted Supplementary Planning Guidance on New Housing in the Borders Countryside; Placemaking and Design; Trees and Development; Landscape and Development; Householder Development; and on Development Contributions

SCHEDULE OF CONDITIONS

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 The means of water supply shall be submitted for the approval of the Planning Authority before development commences. If a private water supply is to be used, no development shall 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
- 4 The means of foul and surface water drainage shall be submitted for the prior approval of the Planning Authority before development commences, surface water drainage requiring to be based upon established SUDs guidance and principles.
Reason: To ensure that the site is satisfactorily serviced.
- 5 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.

- 6 Prior to the commencement of development on the dwelling hereby approved, the visibility splays detailed in drawing ASK 140709/01 (2.4m x 90m and 2.4m x 160m) are to be provided. Thereafter the splays are to be retained in perpetuity. Prior to any works on the existing hedgerow, a detailed scheme for the replanting outwith the splay, are to be submitted to and approved in writing by the Planning Authority. Thereafter the replanting is to be carried out concurrently with the wider landscaping of the application site.
Reason: In the interests of road safety on the junction of the Linthill estate road and the B6359.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Whilst not subject to a condition limiting materials or design, it should be noted that the Planning Authority would expect that any subsequent application for Approval of Matters Specified in Conditions, should set forth plans showing a traditional lodge style dwellinghouse design, making use of traditional materials (stone and render walls, slated roof with appropriate eaves details and a steep roof pitch). Further advice is set forth in the SPGs on Placemaking and Design and on New Housing in the Borders Countryside, available from the Council website: www.scotborders.gov.uk

With regards the design of a subsequent application for a dwelling on the plot, it should be noted that high quality contemporary design features that are sympathetic to the context will be considered, though a design statement in such cases would be recommended

The landscaping required of condition 1 of this consent should include protection of existing mature trees/hedging on/adjacent the site, new planting within and along boundaries, including reinstated hedging, and a programme for completion and maintenance.

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:



Regulatory Services

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

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00036/PPP

APPLICANT : Archie Helen And Hugh Shaw Stuart

AGENT : Camerons Ltd

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land North West Of Chapel Cottage
Lilliesleaf
Melrose
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY: Negotiation

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------------------------|------------------|--------------------|
| 9176/A/01-01 A | Location Plan | Approved |
| 9176/A/01-02 A | Block Plans | Approved |
| ASK 140709/01 Junction and Splays | Other | Approved |

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

ROADS PLANNING SERVICE: The current submission addresses the previous visibility concerns. Notwithstanding the above, the following points must be incorporated into the design at the detailed planning stage:

1. Visibility splays detailed in drawing ASK 140709/01 (2.4m x 90m and 2.4m x 160m) to be provided prior to the works commencing and thereafter maintained in perpetuity.
2. Parking for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property.

LILLIESLEAF, ASHKIRK, & MIDLEM COMMUNITY COUNCIL: The community councillors support the application and look forward to seeing the detailed proposals that develop from the design statement. The proposal is for a single dwelling reminiscent of a former lodge at the gate. We will not wish to see any further dwellings on the plot or vicinity. We will wish to see that the treatment and planting of the boundary and gate with the public road are of high quality in keeping with the surroundings following construction of the visibility splays.

DEVELOPMENT NEGOTIATOR: Contributions were identified in terms of Waverley and Education. Since the withdrawal of a nearby application by the same applicant, this has been revised, to solely a contribution in terms of the reinstatement of the rail line.

LANDSCAPE ARCHITECT: No response received.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the adverts in the Southern Reporter and on the national planning notification website. No objections or representations were received.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan (2011)
G1, G5, G6, H2, NE4, BE2, D2, Inf1, Inf2, Inf4

Other
SPGs

- New Housing in the Borders Countryside
- Placemaking and Design
- Trees and Development
- Landscape and Development
- Householder Development
- Development Contributions

Recommendation by - Andrew Evans (Planning Officer) on 8th May 2015

SITE

This application seeks planning permission in principle for the erection of a single detached dwelling house at Linthill. The application site is a corner of a paddock, located at the junction of the access road to Linthill House with the B class road to Lilliesleaf. The frontage with the B Class road features a mature boundary hedge. The internal frontage onto the Linthill House driveway is defined by a fence.

PROPOSED DEVELOPMENT

Planning permission in principle is sought for the erection of a single detached dwelling. The application only seeks consent in principle.

POLICY PRINCIPLE

The application required to be considered principally in terms of Policy D2 of the Consolidated Local Plan (2011), and in terms of the current SPG on New Housing in the Borders Countryside. In considering the principle of a house on the large footprint originally proposed, I had concerns (which have now been overcome). The section of planning policy that this application requires to be considered against (D2 (d) of the 2011 Consolidated Local Plan) sets out that the siting and design of proposed replacement / reinstatement dwellings is to reflect and respect the historical building pattern and the character of the landscape setting, and the extent of the new building is not to exceed what is to be replaced. Design will be a discussion for another day, this being a PPP application.

The originally submitted red line site boundary plan extended to the full depth of the field in which the lodge is located. This could not be supported. However, my concerns have been addressed by means of submission of a revised site plan (on the current application), which reduced down the application boundary so as to much better reflect the curtilage of the original lodge, as shown on the historic ordnance survey plans lodged with the application.

I am satisfied that the development of a single dwelling, on the reduced plot, would be acceptable in terms of the replacement provisions of policy D2. I am also satisfied that the development of a single dwelling on this plot could meet the aims and objectives set out in the SPG on Placemaking and Design.

I have spoken with the Council Archaeologist, who has searched the GIS system, and online records. He confirms that a lodge house was present on the plot until around the 1950's. No trace could be found of any other records or images of the building. It is known that a section of stonework (an archway) from the house was moved to the walled garden on its demolition in the 50's.

I am satisfied as to the existence of a house at this location. The application is acceptable in terms of policy D2 (d) of the CSBLP. Whilst little is now known of the design of the original house on the site, I considered whether a condition requiring a slate roof would be appropriate in this context. Given the former dwelling on the site was certainly of an age whereby a stone and slate dwelling is most likely to have been present. However, a condition would not in itself be appropriate here. An applicant informative is considered necessary, highlighting design and materials issues, and directing to the SPG on Placemaking and Design , and on New Housing in the Borders Countryside.

NEIGHBOURING AMENITY

I am satisfied that a dwelling could be erected on this site without an adverse impact on neighbouring amenity, privacy or outlook arising. The application is therefore considered to comply with the adopted SPG on householder development, and with policy H2 of the Consolidated Scottish Borders Local Plan.

TREES AND HEDGEROWS

Policy NE4 of the CSBLP seeks to protect existing trees, woodlands and hedgerows.

The site is in bound by mature trees and hedging to the boundary with the public road (hedge), and the boundary with the estate drive (lined with trees). Adopted policy NE4 of the CSBLP, the SPGs on Trees and Development and Landscape and Development, and the provisions of the relevant British Standard (BS 5837 Trees in relation to design, demolition and construction) are of relevance to this application.

The revised plans submitted for the house indicated a modest single dwelling, on a much reduced plot. The dwelling could be constructed without any adverse impact on neighbouring trees or hedgerows. Works to provide the required visibility splays will impinge upon the existing hedging. A condition is therefore proposed which requires extensive replanting within the splay. In time, this will create an acceptable arrangement. I am satisfied the development can be undertaken without significant adverse impacts on neighbouring trees and hedging, and access visibility issues affecting hedging can be mitigated.

ROAD SAFETY AND ACCESS

It is noted that the visibility splays at the access would be 2.4m x 90m and 2.4m x 160m. The land to the northern splay is in the control of the applicant. The land to the southern splay is in the control of a neighbouring landowner, who has confirmed in an email to the applicant that he is agreeable to the provision of the splay, provided the ditch and access to a mains supply are maintained, that the land remains in the neighbour's ownership, and that compensation is agreed with this neighbour. I am satisfied that this splay can be achieved. It would however be appropriate to insist that the splay be provided prior to the commencement of development on the dwelling itself.

Subject to the identified planning conditions, I am satisfied that the proposed development of a single dwelling on this plot is acceptable in terms of policy Inf4 of the CSBLP, and in acceptable in terms of impacts on road safety.

DRAINAGE AND SERVICES

Water and drainage services will require confirmation in due course, and this will be ensured via standard planning condition. As the application is currently only in principle, details of the proposed drainage and services arrangements are not required at this time. Subject to the conditions proposed, the requirements of policy G1 and section 4.2 (Water and Drainage) of the SPG on New Housing in the Borders Countryside can be met. The subsequent details lodged at AMC stage will be assessed in terms of policies Inf5 (Waste Water Treatment Standards) and Inf6 (Sustainable Urban Drainage), however there is nothing apparent which would lead to a conclusion to resist this PPP application.

DEVELOPMENT CONTRIBUTIONS

A legal agreement has been instructed with regards the identified contributions, which in this case are in respect of a Waverley contribution. An affordable housing contribution was initially identified (based on a second application for an additional plot to the far east of the housed at Linthill). That second application has now been withdrawn, leaving only this single application for a dwelling, which would not, in isolation,

attract an affordable housing contribution. Subject to securing of the identified Waverley Contribution, the application is considered to comply with policy G6 of the CSBLP, and the SPG on Development Contributions.

Instruction will be issued on a section 69 agreement on the point of this application being "minded to approve" through the scheme of delegation. Consent will thereafter be released upon conclusion of the agreement.

REASON FOR DECISION :

Subject to the identified conditions and informative, and the conclusion of a legal agreement in respect of the identified Waverley contribution, the erection of a single detached dwelling on this site is considered to be an appropriate form of development. The proposed dwelling would comply with policies G1, G5, G6, H2, NE4, BE2, D2, Inf1, Inf2, and Inf4 of the Consolidated Scottish Borders Local Plan (2011), and with adopted Supplementary Planning Guidance on New Housing in the Borders Countryside; Placemaking and Design; Trees and Development; Landscape and Development; Householder Development; and on Development Contributions

Recommendation: Approved - conditions, inform & LA

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 The means of water supply shall be submitted for the approval of the Planning Authority before development commences. If a private water supply is to be used, no development shall 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
- 4 The means of foul and surface water drainage shall be submitted for the prior approval of the Planning Authority before development commences, surface water drainage requiring to be based upon established SUDs guidance and principles.
Reason: To ensure that the site is satisfactorily serviced.
- 5 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
- 6 Prior to the commencement of development on the dwelling hereby approved, the visibility splays detailed in drawing ASK 140709/01 (2.4m x 90m and 2.4m x 160m) are to be provided. Thereafter the splays are to be retained in perpetuity. Prior to any works on the existing hedgerow, a detailed scheme for the replanting outwith the splay, are to be submitted to and approved in writing by the Planning Authority. Thereafter the replanting is to be carried out concurrently with the wider landscaping of the application site.
Reason: In the interests of road safety on the junction of the Linthill estate road and the B6359.

- 7 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, hedges and walls 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 to create both screening from public view and natural edges to the parkland.
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

Informatives

It should be noted that:

- 1 Whilst not subject to a condition limiting materials or design, it should be noted that the Planning Authority would expect that any subsequent application for Approval of Matters Specified in Conditions, should set forth plans showing a traditional lodge style dwellinghouse design, making use of traditional materials (stone and render walls, slated roof with appropriate eaves details and a steep roof pitch). Further advice is set forth in the SPGs on Placemaking and Design and on New Housing in the Borders Countryside, available from the Council website: www.scotborders.gov.uk

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00644/PPP

APPLICANT : Mr, Mrs and Mr Archie, Helen & Hugh Shaw Stewart

AGENT : Camerons Ltd

DEVELOPMENT : Erection of dwellinghouse (renewal of planning permission 15/00036/PPP)

LOCATION: Land North West Of Chapel Cottage
Melrose
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|------------------|--------------------|
| 9176/A/01-02 A | Site Plan | Refused |
| ASK 140709/01 | Other | Refused |

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: provided the conditions regarding access and parking that were attached to the previous approval are attached to any subsequent approval, Roads has no objections to this proposal.

Archaeology Section: the original application was determined without reference to archaeological concerns; as such, there are no archaeological comments at this time.

Landscape Architect: seeks the imposition of four standard conditions - specifically LA04; LA08; LA09' and LA07 - to protect existing trees and hedges, and allow for an appropriate landscaped boundary treatment for the site.

Education and Lifelong Learning and the Community Council have been consulted, but did not respond 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

EP8: Archaeology
EP9: Gardens and Designed Landscapes
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- New Housing in the Borders Countryside
- Placemaking and Design
- Trees and Development
- Landscape and Development
- Householder Development
- Development Contributions
- Waste Management

Recommendation by - Stuart Herkes (Planning Officer) on 21st July 2018

BACKGROUND

This application proposes the reinstatement of a recently expired Planning Permission in Principle (15/00036/PPP) for the erection of a new dwellinghouse on the site of a pre-existing lodge house; but which is currently the southeast corner of a field or paddock, adjacent to the B6359. The site lies within the Linthill Designed Landscape.

Planning Consent 15/00036/PPP was issued subject to six conditions on 15 July 2015, but more than three years on, has now expired (as of 15 July 2018). No detailed application (AMC) was made in the three years immediately proceeding the date of issue of Planning Consent 15/00036/PPP. Moreover, no detailed application (AMC) has been lodged in the period prior to the expiry of this Planning Permission in Principle (PPP).

I would note that the current PPP application was registered on 24 May 2018, and therefore before the expiry of Planning Consent 15/00036/PPP. However, rather than take the opportunity to make an AMC application to extend the life of the permission granted under Planning Consent 15/00036/PPP - by making an AMC application - the Applicant's preference has been to seek to renew the Planning Permission in Principle itself. Accordingly, the Planning Authority is obliged to consider the principle of this proposal anew, in relation to the policies and proposals of the prevailing statutory development plan.

PLANNING POLICY CONTEXT

In this context - namely, the context of there having been a very recent approval of the same proposal for essentially the same site - critical concerns are whether or not there have in fact been any significant changes in the interim period either on site, or within the policies and proposals of the statutory development plan that would reasonably require the Planning Authority to take any different position to that it took at the time of the determination of Planning Application 15/00036PPP.

With regard to circumstances on site, the plot would appear to be no different from the time of the earlier application, in that it is still the corner of an open field immediately adjacent to the public road (B6359). I am content that there are no new or different circumstances on the ground to be taken into consideration that would require or justify the Planning Authority taking any different view of the site from the time of its previous most recent assessment.

With respect to planning policy, the statutory development plan in 2015 was the Scottish Borders Consolidated Local Plan (Adopted 2011). Regard was also had, inter alia, to the Supplementary Planning Guidance Notes on New Housing in the Borders Countryside (December 2008) and Placemaking and Design (2010). The latter SPGs remain current. In the interim then, the only key difference between the context within which the previous proposal was assessed and that within which the current proposal is to be assessed, is that the statutory development plan is now the Scottish Borders Council Local Development Plan 2016.

The housing in the countryside policy which Planning Application 15/00036/PPP was assessed relative to, was underpinned by Policy D2 of the Consolidated Local Plan (2011); whereas within the current statutory development plan, the equivalent policy is Policy HD2 of the Scottish Borders Council Local Development Plan (adopted 2016). With respect to the assessment of replacement dwellinghouse proposals, there are critical differences between these two policies - Policy D2 and Policy HD2.

SUPERSEDED POLICY D2: HOUSING IN THE COUNTRYSIDE

Within the Report of Handling on Planning Application 15/00036/PPP, it was stated that "the application is acceptable in terms of policy D2 (d) of the CSBLP". This is a reference to Section (D) 'Rebuilding' of Policy D2 Housing in the Countryside, within the Consolidated Scottish Borders Local Plan 2011. This advised that "(t)he proposed rebuilding or restoration of a house may be acceptable provided that either: ..." and then proceeded to identify six alternative criteria (numbered 1 to 6 inclusive), each of which, if satisfactorily met, would be a sufficient basis of support for the principle of a replacement dwellinghouse. Additionally, and beyond one or other of these six criteria, the proposal was also required to address satisfactorily two additional criteria: criterion 7 and 8.

With regard to criteria 1 to 6, it is apparent that so little of the historic building remained that it could not have been considered to have addressed - or otherwise reasonably have been assessed under - any of the criteria from 1 to 5 inclusive. However, criterion 6 allowed that account might be taken of: "evidence of the existence of the building in terms of criteria (a) - (c) immediately above, or alternatively sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council". It is not clear what the reference "(a) - (c)" relates to, because all items above criterion 6 within Policy D2, are numbered only. However, the latter part of criterion 6 reasonably allows that the Applicant might simply present documentary evidence of the pre-existence of a house on the site, and that the Planning Authority might be sufficiently satisfied by that same evidence as to support the principle of a replacement house, provided at least that it was otherwise satisfied that criteria 7 and 8 could, or would, be satisfactorily addressed within the specific design and layout of the proposal.

Criterion 7 required that the siting and design of new buildings should reflect and respect the historical building pattern and the character of the landscape setting. Criterion 8 required that the extent of new building should not exceed what is to be replaced. (While I would not consider that Criteria 7 and 8 of Policy D2 had in fact been met directly by the proposal made under Planning Application 15/00036/PPP, it was possible that the detailed design might have addressed these concerns; an informative was attached to the consent to guide this aspect of the proposal at the AMC stage).

The Applicant, I note, has reasonably provided the same information that was previously reviewed by the Planning Authority at the time of its determination of Planning Application 15/00036/PPP. This information was considered to address all of the above concerns; and was ultimately sufficient to allow the Planning Authority to support Planning Application 15/00036/PPP, subject to a Section 69 legal agreement to collect the requisite development contribution, and subject to conditions to address concerns with respect to the achievement of appropriate drainage, water supply, access, parking and turning arrangements within the site boundary.

Had all of the above noted criteria been retained within Planning Policy HD2 of the Scottish Borders Council Local Development Plan 2016, I would have considered this Authority obliged to support the proposal again, and on exactly the same terms as before; which is to say, subject to the imposition of the same or equivalent (if updated) planning conditions as those that were previously attached to Planning Consent 15/00036/PPP. However, the position with respect to replacement dwellings has been significantly revised within Policy HD2 of the Scottish Borders Council Local Development Plan 2016; and as noted above, and notwithstanding the previous approval, the current planning application - a new PPP application (and not an AMC application made ulterior to the PPP application) - must be assessed against the new and current housing in the countryside policy.

POLICY HD2: HOUSING

There is no equivalent section on the rebuilding of a dwellinghouse, under Policy HD2: Housing in the Countryside. Instead, proposals that would previously have been assessed under Section D of superseded Policy D2 now fall to be assessed under one or other of Section D or Section E of current Policy HD2.

Section E of the latter, relates to 'Replacement Dwellings' and is only applicable in the case of an existing house. Given that there is no existing house on the current application site (the corner of a field), I am content that the current proposal is only reasonably assessed under Section D of Policy HD2, which relates to 'Restoration of Houses'. However, the provisions of this section are that beyond the conversion of an existing building: "(t)he restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height)". Since there is in fact no building - even any remnant of a building - above ground level on the site, the current proposal clearly does not comply with the provisions of Section D either. Since the site is otherwise isolated, and no justification has been given in terms of an economic requirement for a business appropriate to this rural locality to have a worker accommodated on this site for operational reasons, I am content that the proposal is not in fact now capable of support under the Council's Housing in the Countryside Proposal.

I note both the provision of evidence of an historical presence of a house (lodge house) on the site, and I note also, that the Planning Authority has previously supported the principle of this proposal. However, neither of these considerations are, I consider, sufficient in themselves or collectively, to allow me to support the application contrary to the strict requirements of the policies of the statutory development plan. In short, I consider that the application is only now reasonably refused on the basis that the proposal does not comply with the provisions of Policy HD2, and there are no material considerations which would justify any departure from that position.

OTHER CONCERNS

I note that we have received the consultation responses of Roads, Archaeology and Landscaping, which do not object to the proposals. Ultimately, an ability to address or satisfy the particular concerns raised, might be capable of being addressed under planning conditions, however, this in itself does not outweigh the position noted above with respect to the assessment of the principle of this proposal. However, in the context of an assessment of an application which seeks to renew a previous PPP consent, I would note the following points:

Roads' concerns are capable of being addressed, as it advises, through the imposition of the conditions that were imposed on Planning Consent 15/00036/PPP. The specific conditions would be appropriately updated, to make them more precise - specifically to make them clear and enforceable. This would though entail relatively minor changes to the original conditions, and would be to the benefit of any consent issued.

I note the advice of the Archaeology Section, which I understand to mean that there are in fact archaeological implications pertaining to this proposal, albeit that these were not addressed at the time of the determination of the previous planning application. Given that the same archaeological implications were present at the time of the previous assessment of the application which this current application seeks to renew, it would not be reasonably maintained that these were new concerns which were not before the Planning Authority at the time of the original assessment of the proposal. Accordingly, if this application were approved, I would acknowledge that archaeological work would not be appropriately required in relation to it. The point with regard to potential archaeological implications would now only be appropriately addressed through an informative advising as to the potential to encounter archaeology within ground works, and the potential legal implications of this. I would be clear though that while I consider the loss of the opportunity to address the archaeological implications of this proposal to be lamentable, this has not informed my recommendation of refusal in this case. My recommendation is based only on the assessment of the principle under the policies and proposals of the statutory development plan.

While some of the Landscape Section's concerns would be met by the re-imposition of the previous conditions which required re-planting, again it would not be reasonable to require any new works or investigations with regard to concerns that were equally prevalent at the time of the assessment of the previous planning application. Accordingly, and in the event of approval of this application which explicitly seeks to renew a previous PPP consent, the measures identified to protect trees would not be reasonably imposed.

A Waverely Contribution has already been collected under a Section 69 legal agreement. Accordingly no contributions would be required in the event of the application being supported.

No equivalent location plan has been provided, so the drawings informing the decision, are only the site plan and visibility splay drawing which were both approved under the previous PPP consent for the site.

An odd detail is the indicated presence in plan, on the visibility splay drawings of a communal bin storage area which appears would serve the wider array of properties accessible off the main driveway. Notwithstanding efficiency and accessibility considerations, in the event of approval such a prominent location for the bin store would not be appropriate, both in terms of its impacts upon the setting, character and amenity of the proposed house. Had the proposal been supported, then it would have been appropriate to have sought a more discreet accommodation of this bin storage provision off-site; perhaps more reasonably and realistically on the opposite side of the driveway access road from the proposal.

REASON FOR DECISION :

The planning application should be refused for the following reason:

- 1) The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse 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 in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse 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”.

(C) CONVERSIONS

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) REBUILDING

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or
6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

(E) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly

2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion; and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

OR

(Rebuilding)

The proposed development is the rebuilding or restoration of a house, provided that either:

1. the existing building makes a positive contribution to the landscape
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height), and
3. no significant demolition is required (A structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored); and
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. Significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design

or:

6. the proposal relates to an established policy/parkland setting, not normally comprising part of a designed landscape, and
7. there is evidence of the existence of the building in terms of criteria 1-3 above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
8. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
9. the extent of new building does not exceed what is to be replaced.

In **ALL** instances there shall be compliance with the Council's Policy and Guidance Note on 'New Housing in the Borders Countryside' and must not negatively impact on landscape and existing developments. The cumulative effect of applications under this policy will be taken into account when determining impact.

JUSTIFICATION

*The aims of the policy are: to encourage a long-term sustainable pattern of appropriate rural housing development that restricts development outwith defined settlements in accordance with the need to support existing services and facilities in villages and the promotion of sustainable travel patterns; to support rural businesses; to protect the environment from inappropriate and sporadic new housing development; and to direct new housing in the countryside development into identifiable building groups or to remote rural anchor points. Any housing built under this policy will **not** be treated as a new*

- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

(C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

(E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

(F) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and

Isolated Housing – Economic Justification

Although the general presumption in national guidance is that isolated housing development should be discouraged, development plans can, with reasoned justification adopt a more permissive approach to new housing development in clearly identified isolated locations. Where permission is sought for a house relating to a business, a Business Plan, supported by referees or independent business adjudication, will be required.



Figure 3: Working farm in valley

Hobby/Part-time Farming

In the case of proposals for a new house based on the operation of a farm unit on a part-time or hobby basis, where farming represents only a proportion of household income, each case will be assessed taking into account the physical characteristics of the unit and the contribution of the farming element to the overall household income.

Mansion Houses

In some circumstances, development of isolated housing not relating to the above criteria may be encouraged. When the proposed development is the rebuilding or restoration of a house within established policy/parkland settings, (not normally comprising part of a designed landscape) the development may be encouraged. There is a requirement for evidence to be provided to the satisfaction of the Council showing the existence of the building as described in policy D2, or documentary evidence relating to the siting and form of the previous house. The siting and design of new buildings should respect the historical building pattern and the character of the landscape setting. The extent of new building should not exceed the original historic building.

Guest Houses

New guest houses within the Countryside should only be encouraged within an existing building group or within buildings that are capable for conversion. The same criteria as set out in Section 3: Building Groups will still apply.

Section 75 Agreements

Where a new house is permitted in these circumstances, the Scottish Borders Council will normally seek to enter into a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 with the landowner. The terms of such an agreement will depend upon the specific circumstances of the application but typically may:

a) restrict further residential development on other land in the area in the owners control; or