

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2013****Application for Planning Permission****Reference: 15/00199/FUL****To: Gordon J Malcolm The Old Forge Blacksmith Lane Maisemore GL2 8HW**

With reference to your application validated on **26th February 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


**Proposal: Change of use from agricultural land to garden ground****At: Land East Of River Cottage Linthill Melrose Scottish Borders**

The Scottish Borders Council hereby **grants 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 following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

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

**Dated 8th April 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

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

**APPLICATION REFERENCE: 15/00199/FUL****Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Approved

**REASON FOR DECISION**

The proposals are acceptable and, subject to conditions, comply with the relevant Consolidated Scottish Borders Local Plan (2011) policies G1, H2, D2, NE4, and with adopted Supplementary Planning Guidance on Trees and Development and Landscape and Development in that they will not have any impact on the adjoining hedgerow, neighbouring privacy or amenity, or raise any issues in relation to road safety

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), no further building(s) or structure(s) with an external footprint in excess of 8 square metres (or any extension to a building or structure that would result in a building or structure with an external footprint in excess of 8 square metres) shall be erected and/or installed within the site unless an application for planning permission in that behalf has first been submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the character, appearance and setting of the site and surrounding area, including the building group at Linthill.

**FOR THE INFORMATION OF THE APPLICANT**

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.

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/00199/FUL

**APPLICANT :** Gordon J Malcolm

**AGENT :**

**DEVELOPMENT :** Change of use from agricultural land to garden ground

**LOCATION:** Land East Of River Cottage  
Linthill  
Melrose  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** No Reason

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Approved

**NUMBER OF REPRESENTATIONS:** 0

**SUMMARY OF REPRESENTATIONS:**

No consultations required.

**PUBLICITY AND REPRESENTATIONS**

This application was publicised by means of 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, H2, D2, NE4

Other  
SPG - Trees and Development  
SPG - Landscape and Development

**Recommendation by** - Andrew Evans (Planning Officer) on 2nd April 2015

This application seeks full planning permission for the change of use of agricultural land to incorporate it into the curtilage of the neighbouring dwelling.



The site is agricultural land to the immediate east of an existing residential property ('Garden Cottage') and east of an existing vehicular access at Linthill, an established building group in the Parkland of Linthill House, a Georgian Mansion House to the east of Lilliesleaf. A new post-and-wire fence has been established along the eastern boundary of the application site to divide the site from the remainder of the agricultural field, while an access to the remainder of the field is maintained at the site's northern boundary.

The building group takes the form of traditional "Garden Cottage", the new-build dwelling "Garden House" within the Linthill Walled Garden, and the conversions within the former stable block further west. I have previously taken a view that the land comprising this current application site could not accommodate a further dwelling, being located outwith the adjacent building group. Incorporation of the land into garden ground for the neighbouring dwelling would not immediately, in my view, change this position in relation to the construction of any further dwelling. The inclusion of the part of the field within the domestic curtilage is agreeable in general terms.

Notwithstanding the clear intention to create a garden area, if this application is approved, the possibility exists that the site might at some point in time be promoted again as a plot for a separate, independent residential use. Such a proposal would necessarily need to be considered on its own planning merits if ever such a planning application were made.

It is material to the determination of this current application that it would see land outwith the building group (in agricultural use), brought into what could be considered to be within the sense of place of the building group (residential use). The development of the site for outbuildings or an annexe could confuse the established form of the building group. Strictly speaking any future housing proposal for the site would need to be considered on its own merits.

It is considered that it would be appropriate to remove permitted development rights from the site in the event of approval, in such a way as to require that any building potentially capable of independent residential use could not be realised without itself first having been made the subject of a planning application. In terms of conditioning this requirement, it is considered a reasonable threshold to seek to regulate the siting of any ancillary residential structure with an external floor area of over 8 square metres that would otherwise be capable of compliance with householder PD rights. This approach has been used elsewhere in comparable cases. It will allow for modest domestic storage (Log stores, sheds), but not for any larger building capable of occupation. The area of land is currently rough grazing and it is clearly defined by the existing field boundaries and the recent post and wire fence. It is considered that there are no policy reasons why this proposal should not be supported in this rural location and it will not have any adverse impact on the wider area, or immediate landscape setting.

An existing beech hedge abuts the application site, and would become internal, within the garden of the expanded garden ground for the house. Policy NE4 of the CSBLP sets out that trees, woodlands and hedges are to be afforded protection from development. The application however only relates to the change of use of the field. Whilst a condition on outbuildings is appropriate, the retention of the hedgerow is not something that I consider appropriate to make subject to a planning condition, as the hedge would ultimately run through the centre of the extended garden, and I see no public interest in insisting upon its retention. This should be a decision for the applicant.

I have considered whether enhanced planting should be undertaken to the new eastern boundary. In the end, I have concluded it is not essential. Enhancing the boundary here, in a location not readily visible from the public realm would serve no real planning purpose. The extents of the building group are already defined, by the existing hedge. If the hedge is removed, it would be reasonable to presume the new fence line could be the new edge to the group. The boundary is not open to wider public view, so enhancement of the boundary is not necessary in this case, at this time. Any future decision on the extent of the group would ultimately be a decision to be made were any future housing application made.

## **REASON FOR DECISION :**

The proposals are acceptable and, subject to conditions, comply with the relevant Consolidated Scottish Borders Local Plan (2011) policies G1, H2, D2, NE4, and with adopted Supplementary Planning Guidance on Trees and Development and Landscape and Development in that they will not have any impact on the adjoining hedgerow, neighbouring privacy or amenity, or raise any issues in relation to road safety

**Recommendation:** Approved subject to conditions

- 1      The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2      Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), no further building(s) or structure(s) with an external footprint in excess of 8 square metres (or any extension to a building or structure that would result in a building or structure with an external footprint in excess of 8 square metres) shall be erected and/or installed within the site unless an application for planning permission in that behalf has first been submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the character, appearance and setting of the site and surrounding area, including the building group at Linthill.

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



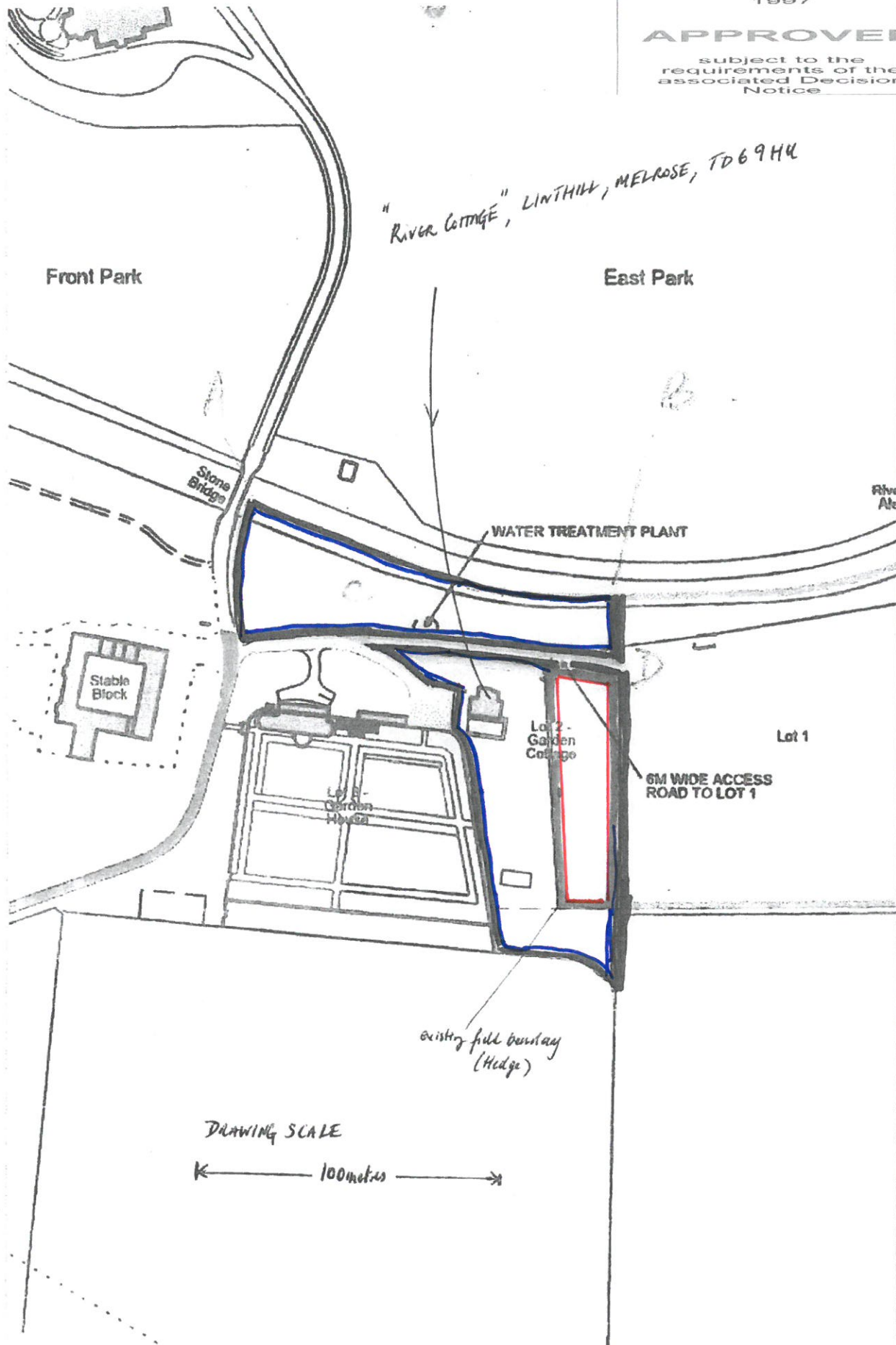


15/00199/FUL

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

**APPROVED**

subject to the  
requirements of the  
associated Decision  
Notice







**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2013****Application for Planning Permission****Reference : 16/00252/FUL****To : Mr And Mrs G Malcolm per Gordon Melrose Building Design 6 Market Place Selkirk Scottish  
Borders TD7 4BT**

With reference to your application validated on **3rd March 2016** for planning permission under the  
Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of detached garage / workshop / store****at : River Cottage Linthill Melrose Scottish Borders TD6 9HU**

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 following direction:

- That the development to which this permission relates must be commenced within three  
years of the date of this permission.

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

**Dated 14th April 2016  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**  
.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00252/FUL****Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
141447/PL/01	Floor Plan & Elevation	Approved
141447/PL/GAR-01	Elevations	Approved
141447/PL/LOC	Location Plan	Approved

**REASON FOR DECISION**

By virtue of the development's design, placement and absence of impact on public or private amenity, and its subservient relationship to the existing dwelling, the proposals comply with planning policy and guidance relating to design and development quality, and the protection of trees.

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The building/development hereby approved shall be used only as an ancillary outbuilding to the adjacent dwelling currently known as River Cottage, and shall not be converted to or otherwise used as a self-contained unit independent of the existing residential property, whether for residential or commercial purposes, unless an application for Planning Permission in that behalf has been submitted to and approved by the Planning Authority  
Reason: to ensure that the outbuilding remains as it is intended to be in terms of use, as a separate subservient building providing an outbuilding to River Cottage, and to remain consistent with the terms of planning permission 15/00199/FUL.

**FOR THE INFORMATION OF THE APPLICANT**

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.

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/00252/FUL

**APPLICANT :** Mr And Mrs G Malcolm

**AGENT :** Gordon Melrose Building Design

**DEVELOPMENT :** Erection of detached garage / workshop / store

**LOCATION:** River Cottage Linthill  
Melrose  
Scottish Borders  
TD6 9HU

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
141447/PL/01		Approved
141447/PL/GAR-01	Elevations	Approved
141447/PL/LOC	Location Plan	Approved

**NUMBER OF REPRESENTATIONS:** 0

**SUMMARY OF REPRESENTATIONS:**

None received.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011:

Policy G1, NE4.

Adopted Supplementary Planning Guidance:

Placemaking and Design (2010).

**Recommendation by** - John Hiscox (Planning Officer) on 7th April 2016

The following report relates to a full planning application for the erection of a detached outbuilding to serve the dwelling known as River Cottage, at Linthill near Lilliesleaf. The proposed building is an apex-roofed garage, workshop and store - single storey but with a vaulted ceiling over the central workshop section. Materials proposed are timber and slate. An application for planning permission is required because, although the building would be within the extended residential curtilage serving the dwelling as consented under ref. 15/00199/FUL, permitted development rights were limited to small outbuildings by condition. The proposal easily exceeds the limitations described in the condition.



In visual terms, the development would have very little potential to impact on the public realm. This is a fairly secluded location; in any event, even if the building were to be visible its design and materials are agreeable. It would be near to a number of trees and hedgerows acting as screens and backdrops.

The development would have negligible, if any effect on the residential amenity of others due to its placement and use of existing access route.

The aforementioned condition of 15/00199/FUL responded in part to concerns regarding the potential ability of any new building to be converted to residential accommodation. Planning history at Linthill includes an application (withdrawn) on this site for residential development. However, it is considered that the proposed building is acceptable in its own right and does not set any sort of precedent for future development. By virtue of its position, size and design it is reasonably well related to the dwelling and proportionate in terms of the accommodation proposed. It may be noted that a two-storey extension to the dwelling is described in the application drawings but that the extension is 'permitted development'. The proposed outbuilding requiring planning permission would be compatible in architectural terms with the extension - the extension is a modern intervention intended to complement, not mimic the existing building.

It may be noted that the development would have the potential to impact upon the root system of a large, mature Beech tree situated to the south of the building's footprint; however, there is adequate separation between the building and the tree for this not to be a significant concern. Although the tree is striking due to its height, form and position, it is not suitable for protection by a Tree Preservation Order in part due to the minimal contribution it makes to the public realm, and in part due to its condition. Although overall health looks vigorous there is a large exposed area of the core of the trunk at the base on the east side where bark does not exist, and although the tree has developed a strong response to the damage there is inevitably a potential entry point for disease - observation confirmed presence of *Ustulina deusta* during the site visit. It is not considered that potential minor impacts on the tree's root system would merit adjustment to the scheme.

There have been no adverse representations received and the only consultee, the Roads Planning Manager, has indicated no objection. The development would comply with Policy G1 of the current local plan in terms of development quality and is designed to combine simple aesthetics/materials with functionality. It would also comply with Policy NE4, having regard to aforementioned advice relating to the Beech tree. In the absence of any significant planning concerns, approval is recommended.

It should be noted that the proposals have been assessed against the objectives of adopted Local Plan Policy from within the 2011 Consolidated Local Plan; this does not prejudice the likely adoption of the Local Development Plan and the relevant policies therein.

## **REASON FOR DECISION :**

By virtue of the development's design, placement and absence of impact on public or private amenity, and its subservient relationship to the existing dwelling, the proposals comply with planning policy and guidance relating to design and development quality, and the protection of trees.

## **Recommendation:** Approved subject to conditions

- 1      The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2      The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3      The building/development hereby approved shall be used only as an ancillary outbuilding to the adjacent dwelling currently known as River Cottage, and shall not be converted to or otherwise used

as a self-contained unit independent of the existing residential property, whether for residential or commercial purposes, unless an application for Planning Permission in that behalf has been submitted to and approved by the Planning Authority

Reason: to ensure that the outbuilding remains as it is intended to be in terms of use, as a separate subservient building providing an outbuilding to River Cottage, and to remain consistent with the terms of planning permission 15/00199/FUL.

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

