



*Successful Planning Through Sound Advice*

**APPLICATION NUMBER 18/01161/FUL**

**CHANGE OF USE OF AGRICULTURAL LAND TO A DOG DAY CARE  
WALKING FACILITY AND ERECTION OF BOUNDARY FENCE ON LAND  
SOUTH WEST OF MILKUESTON TOLL HOUSE, SCOTTISH BORDERS.**

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## **1. Introduction**

1.1 This report provides the grounds for appeal against the decision to refuse planning permission to change the use of the land from primarily horse and sheep grazing to a dog care walking facility.

## **2. Terms of Reference**

2.1 This appeal is undertaken on behalf of Paul Lawrie and Fiona McCallum

## **3. The Proposal**

3.1 The planning application as submitted was to change a small strip of land south west of Milkieston Toll House from primarily agricultural grazing for horses into enclosed fields for exercising dogs. The site already has deer fencing which provides an additional barrier to the original fence. Fundamentally, the site would be changed from a field with horses into a field where dogs would be exercised for 15 hours per week with no loss of amenity for the local area.

## **4. Site Description**

4.1 The application site is a long narrow piece of agricultural grazing land, 3km north of Peebles on the west side of the A703. The land is just north of the elevated bridge access serving Cringletie House Hotel. The land is a narrow strip between the public road and the Eddleston water beyond (see location plan at **Annex A**). There are also the remains of a railway embankment which is indistinguishable from much of the land due to recent river re-meandering. The course of the river is now west of its previous route and meanders more naturally which has allowed the embankment to be removed this has reduced the risk of flooding and has helped to create new habitats.

4.2 The site is approximately 290m long, 40m wide in the south and 70m wide in the north.

## **5. Site Access**

5.1 The site can easily be accessed travelling north or south along the A703 Edinburgh Peebles road. The access to the site has long been established as the land has primarily been used for horses which required daily site visits to drop off feed and general care for the animals. This has historically required one or two vehicle movements per day.

## **6. Background**

6.1 A planning application for a change of use of land South west of Milkieston Toll was submitted on the 30<sup>th</sup> August 2018 and registered on the 10th September 2018. **The refusal notice was issued on the 3<sup>rd</sup> April 2019.**

6.2 The reasons for refusal are outlined in an extract of the Report of Handling and the Roads Planning Officers Report. An excerpt of the Report of Handling is provided below:

***‘The development is contrary to Policy PMD2 of the Local Development Plan 2016 in that its intensified traffic usage of a sub-standard vehicular access creates a detrimental impact on road safety on the A703. The continued use of the existing sub-standard access would result in an unacceptable adverse impact on road safety, including but not limited to the site access’.***

6.3 The Roads Planning Officer's Report states that:

*'The previous proposal was refused in part due to road safety concerns with the field gate being used as an access for a business. The access has poor visibility onto the A703 to the north due to the alignment of the fence and the gradient of the access'.*

## **7. Grounds for Appeal**

7.1 The Report of Handling states that the junction is contrary to Policy PMD2 in that intensified traffic usage of the site access would have a detrimental impact on road safety.

7.2 The proposed change of use for the land will not result in an increase in the number of vehicle movements. One or two small vans will arrive on site at 11am and leave the site at 2pm Monday to Friday. Under no circumstances will customers ever be expected to drop off dogs at the site. Therefore, there would only be two movements per day Monday to Friday and no vehicle movements at the weekend or the evening. Effectively, there will be less vehicle movements than before and at set times of the day. Two vehicle movements at set times of the day does not materially change the intensity of use of the site access, if anything eliminating the random use of the site will contribute to road safety as vehicle movements are during the quietest times of day and always in daylight. **The application does not seek to create new access to the site but to continue to use it as before with fewer overall vehicle movements.**

7.3 The Roads Planning Officer in his report highlights issues of poor visibility as another reason for recommending refusal. Having recently accurately remeasured the sight lines in both directions, **there is more than 220 metres unobstructed visibility set back 2.2 metres from site entrance looking south towards Peebles and north towards Edinburgh (see site plan with visibility splays Annex B).**

7.4 Furthermore, since the original application was submitted much of the vegetation to the south of the site entrance has been cleared (including a large tree) as part of the plan to widen the junction for Cringletie Hotel (Fig.1) Also, much of the vegetation to the north of the site has also been cut back which greatly improves visibility (Fig.2) **These recent developments have greatly improved the overall visibility towards the south and north of the site entrance.**



Fig.1 Much of the vegetation has been cleared greatly improving visibility looking south along the A703 towards Peebles



Fig.2 Clear view of the A703 looking north towards Edinburgh





Fig.3 Site access

7.5 As can be seen in Fig.3 entering and leaving the site is easily achievable via the site entrance. The shape of the junction enables vehicles to orientate towards the direction of travel either north towards Edinburgh or south towards Peebles. **As the much of the vegetation has been cleared drivers leaving the site have a clear view in both directions of at least 220 metres.**

## **8. Further Information Regarding Site Access**

8.1 The applicant is also in the process of sourcing a mirror which will be installed adjacent to the site entrance to further improve road safety.

8.2 A planning application has also submitted by Sustran's to build a cycle path which runs parallel to the application site. The precise location of the cycle path was taken into account when determining this application. **This application was not deemed to be in conflict with the safe operation of the cycle path.** Part of Sustran's plan is to improve the junction to enable cyclist to more easily cross the property before heading south towards Peebles.

8.3 **The upgrade will reduce the gradient of the site access and improve the quality of the road surface at the entrance.** The upgrade to the entrance and the associated work is estimated to be completed by 2020 at the latest.

## **9. Conclusion and Recommendations**

9.1 **As this report has demonstrated the proposal does not increase vehicle traffic beyond which would previously have been the case when the land was primarily used for grazing horses and sheep.**

9.2 The site access although not ideal, still enables drivers to see at least 220 metres in either direction without any major obstacles obscuring sight lines.

9.3 We believe that access to this site would not adversely affect road safety and we therefore respectfully **recommend that this application for planning permission is granted on appeal.**

## ANNEX B – LOCATION PLAN: LAND SOUTH WEST OF MILKIESTON TOLL



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0m 50m 100m 150m 200m 250m 300m 350m 400m

Scale: 1:5000, paper size: A4

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Site boundary

**ANNEX B – VISIBILITY SPLAY INDICATED BY A RED LINE 220 METERS IN BOTH DIRECTIONS FROM THE SITE ENTRANCE**

