

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 14/00934/FUL

**APPLICANT :** Mr Fred Millar

**AGENT :** Keppie Planning & Development

**DEVELOPMENT :** Erection of dwellinghouse and detached garage

**LOCATION:** Land West Of 3 Nethermains Cottage  
Duns  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Negotiation

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Roads: No objection subject to conditions as follows:

New private access must be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Parking and turning for two vehicles, not including garages, must be provided within the curtilage of the plot and retained in perpetuity.

1 No. passing place as per my specification (DC-1) to be constructed at an agreed location on the single track private road serving the site.

Visibility splays shown on the schematic block plan (Dwg No. P291/SK4A) to be provided prior to occupation of the dwelling and thereafter maintained as such in perpetuity.

Environmental Health: No objection subject to informative with regard to the siting and design of the flue and use of fuel. The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

Landscape: There is no landscape based objection to the proposal. New tree and hedgerow planting is indicated on the applicant's Schematic Block Plan, drawing P291/SK4A. This should be covered by

condition and a detailed planting plan and schedule submitted for approval. Landscape Guidance notes 3 and 7 are relevant.

Education: The development is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Community Council: No objections. There is already a building group of houses on the site.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Consolidated Local Plan 2011

G1 Quality Standards for New Development  
G5 Developers Contributions  
D2 Housing in the Countryside  
H2 Protection of Residential Amenity  
NE3 Local Biodiversity  
NE4 Trees, Woodlands and Hedgerows  
Inf4 Parking Standards

Supplementary Planning Guidance  
New Housing in the Borders Countryside

**Recommendation by** - Lucy Hoad (Planning Officer) on 9th March 2015

Nethermains Farm lies to the south east of the village of Chirnside and is accessed via minor roads from the A6105. The farm complex comprises the main farmhouse located at the east end of the farm access track, with a mixture of traditional and modern sheds immediately adjacent and central to the group, with 2 semi-detached farm cottages positioned at the west end of the building group.

This application seeks planning consent in full for the erection of a dwellinghouse with detached garage on land to the west of cottage No1. The site (1402 sqm ) is square in shape and roughly half of the site comprises part of the garden ground area of Cottage No1 and, the other, an area of arable grassland to the north. It is proposed to create a new access into the site.

The application is accompanied by plans, elevations and design statement. The layout plan illustrates the footprint of a house, set back within the plot, with provision of a new access and parking area, garage and amenity space. The design statement depicts a 1.75 storey house (pitched roof) with 1.5 storey projection (front elevation) and single storey side extension, set back to wrap around rear corner. External materials include a mixture of render, timber and stone with slate roof. The garage is single story with pitched roof (timber/slate).

The agent has submitted a planning statement to accompany the application in order to set out the case that the house is justified on two grounds.

1 The house is required for an agricultural worker under policy D2E (farmer coming out of retirement to help his son on a part time basis).

2 there is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group under Policy D2A.

Under Policy D2 Housing in the Countryside, 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 predominately 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 sites 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 submitted planning statement explains that the dwelling is for Mr F Miller (joint owner) who has come out of retirement to help his son Mr N Miller who manages and lives on the farm. Mr F Miller lives in Duns and wants to return to live and work on the farm on a part time basis only. No economic justification has been submitted for assessment in relation to the application. The submitted planning statement requests that there should be no requirement placed upon the applicant to have any consent unduly restricted by an occupancy condition or S75 agreement. The agent has confirmed that the existing farm cottages at Nethermains are occupied by non-farm workers.

In terms of the criteria of policy D2E, it is not considered that a sufficient case has been made to demonstrate that a house is justified at this location in terms of the applicant's employment. Nor has it been demonstrated that another dwelling on the farm could not be utilised for his accommodation.

Policy D2 aims to support new housing in the countryside that is associated with existing building groups. The Councils Housing in the Countryside policy requires the existence of a building group of at least 3 houses or buildings capable of conversion to residential use. It is accepted that there is an established building group at this location to include the main farmhouse and 2 cottages.

Policy allows for a 30% addition to the building group or an additional two dwellings. The calculations on building group size are based on the existing number of housing units within the group at the start of the local plan period, including those units under construction or nearing completion. For this group the base line figure is considered to be 3 units.

Supplementary Planning Guidance requires that any new development should be limited to the area contained by the sense of place of the grouping. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The proposed site lies to the west of the existing farm cottages which would extend/enlarge the group along the roadway. The applicant was requested to demonstrate that there were no more suitable sites within the group for the proposed dwelling. The agent advised the current site was preferred.

In considering the extent of the site, and the footprint of the proposed development, it was felt that the site and footprint of the house extended beyond the limits of the group, comprising the boundary of the mature planting encircling the existing garden ground of the farm cottages. The applicant was requested to consider a smaller development footprint to reflect the neighbouring cottages and to pull the footprint of the house forward to match the front building line of the adjacent dwellings in order ensure the new house would sit comfortably within the limits of the group.

The agent advised that it was preferred to maintain a curtilage boundary to the new plot to the north that would extend in line with the adjacent cottages, this would allow the dwelling (same footprint) to shift forward but the plot would still require alteration to the field boundary/break into the undeveloped field.

Taking into account the advice provided in the supplementary planning guidance relating to sense of place, whilst the garden ground area was accepted to related well to the existing grouping, and could provide for a modest dwelling in proportion with the existing cottages, consideration has to be given to the existing natural and man made boundaries that exist, the principle of extending into the adjacent field was not considered to be necessary/acceptable on this occasion.

#### Amenity

The agent advised that the farm business comprised pigs and cattle (not dairy) and details on livestock numbers were sought. However no details of livestock numbers or management procedures have been provided to date. Without this information the issues of odour/noise cannot be formally assessed. Policy advises that sites within 400m of existing intensive livestock units will not normally be permitted unless required in connection with the farm or business itself. No business case has been provided to date and the planning statement advises that the applicant does not wish the house to be tied to the farm.

There are no issues of loss of privacy or light stemming from the proposals. In respect of the proposed heating system, the Environmental Health Officer has advised an informative with regard to flue siting and appliance maintenance is required.

#### Services

It is proposed to connect to the public water supply and public drainage with private Suds provision.

#### Access and parking

It is noted that the Roads Officer has not raised an objection to the principle of the proposal, provided certain road works are undertaken, to include provision of visibility splays, a single passing place (location to be agreed), in line with his specification for private access, and the provision of parking and turning for 2 vehicles within the plot.

#### Landscaping

New fencing and landscaping is proposed in order to screen the development within wider views into the site. This includes planting between the proposed dwelling and existing cottages which creates a separation effect.

The Landscape Architect does not object to the proposals but advises a condition be used to ensure a planting plan and schedule is agreed for any new planting in connection with the development.

#### Developer Contributions

The Education Department seek developer contributions in respect of Lifelong Learning (Chirnside Primary School and Eyemouth High School) totalling £7195.

The community council were consulted on the application and raised no objections. No third party representations have been received in respect of the application.

#### **REASON FOR DECISION :**

The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that:

No suitable economic or agricultural justification for a further dwelling house in this location has been provided.

The site would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

#### **Recommendation:** Refused

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance

and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

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