

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 14/01182/FUL

**APPLICANT :** Mr And Mrs D Thomson

**AGENT :** Fred Walker Associates

**DEVELOPMENT :** Erection of dwellinghouse with integral garage and incorporating granny flat

**LOCATION:** Land South Of Boggsbank  
Boggsbank Road  
West Linton  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
645 - LP	Location Plan	Refused
645 -10	General	Refused
645-11	General	Refused
645-PH	Photos	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

Representations

One letter of comment has been received relating to the development of a dwellinghouse on a greenfield site outwith the village development boundary and concerned that if allowed on this site, it would set a precedent for similar developments elsewhere.

Consultation Responses

Roads Planning

No objections provided the following points are included in any consent issued:

- The access must have a 5 metre throat width and 6 metre radii, this will allow two vehicles to pass without affecting the traffic flow.
- The junction bellmouth at the public road is to be surfaced to my specification shown below
- Visibility splays of 2.4 x 160 metres must be provided in both directions and maintained in perpetuity.
- Measures to be put in place to prevent the flow of water onto the public road.

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.

It should be borne in mind that only Council approved contractors may work within the public road boundary.

#### Education

Education and Lifelong Learning Contributions required for West Linton Primary School and Peebles High School.

#### Access

No response

#### Community Council

Support the application.

### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

G1 - Quality Standards For New Developments

D2- Housing in the Countryside

Inf4 - Parking Provision and Standards

G5 - Developer Contributions

H2 - Protection of Residential Amenity

NE4 - Trees, Woodlands and Hedgerows

Inf2 - Protection of Access Routes

SPG - New Housing in the Borders Countryside

**Recommendation by** - Dorothy Amyes (Planning Officer) on 10th December 2014

The site is located on the eastern side of Bogsbank Road to the south of West Linton, outwith the settlement boundary. To the north of the site is the access road to West Water, a dwelling 150m to the north east. At the junction of this access road and Bogsbank Road is West Water Cottage and on the western side of the public road is Bogsbank, a single storey cottage with a number of farm buildings.

The site is relatively flat and there are a number of mature trees along the boundary. The ground slopes up to the south to form an embankment that separates the site from the haulage yard to the south.

Outline planning consent ( 03/00202/OUT) for a house on this site was originally refused on the following grounds:

'The proposal would be contrary to Policies H5 and H6 of the Scottish Borders Approved Structure Plan 2001-2011 and Policies 7 and 8 of the Tweeddale Local Plan as the site is outwith any recognised settlement or building group and the need for the house has not been adequately substantiated.'

The subsequent appeal was upheld by the reporter who considered that there is a clear sense of place at the junction of the access serving West Water and Bogsbank Road and also the extended area to the east up to West Water. He considered that although there are only two properties at the junction there is a clear impression of a more substantial building group and considered that the site should be treated as an exception. Furthermore, he noted that if West Water and the semi-derelict barn are included then it could be considered as a more dispersed building group.

The appeal decision in January 2004 granted outline planning consent subject to a number of conditions. No further application was made for the reserved matters and the consent lapsed.

The current proposal is for a detached dwellinghouse with an attached granny flat. The building will be J shaped with a two storey, central section and single storey wings of differing lengths. Natural slates will be

used on the roof, with natural stone walling and small sections of timber cladding to first floor level with the walls at first floor level finished in smooth white render. Solar panels will be installed on the south facing roof slopes on the two wings. A new access will be formed to the south of the site and at least 3 parking spaces will be provided within the site. Beech hedging will be planted along the boundary of the site with Boggsbank Road and the access track to the property known as West Water and the semi-derelict barn.

Policy D2 in the Consolidated Local Plan states that additional dwellings associated with a building group may be approved provided that; the Council is satisfied that the site is well related to an existing group of at least three houses or buildings currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented.

Supplementary Planning Guidance on New Housing in the Borders Countryside states the following in relation to building groups:

'2.b.1 Definition of a Building Group

The existence of a group will be identifiable by a sense of place which will be contributed to by:

- natural boundaries such as water courses, trees or enclosing landform,

or

-man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group.

Normally a group will consist of residential buildings comprising at least three dwelling units. Conversions may themselves constitute a complete building group. '

In terms of policy on housing in the countryside, in particular Local Plan policy D2, it was considered by planning officers when assessing the earlier application for a dwellinghouse that there was no established building group of at least three properties at this location. However, the reporter took a different view and considered that there is an established building group, that there is a sense of place created by the two existing dwellings and that the site relates well to this building group.

The questions therefore are whether a precedent has been established and whether an exception to the policy can be made in this instance. It is also noted that there is a valid consent to restore the semi-derelict barn to a single dwellinghouse which, again the reporter considered that this and West Water constituted a more dispersed building group. Normally, only dispersed building groups are considered in the more rural areas in the Southern Housing area.

The earlier application was assessed against the Structure Plan and Tweeddale Local Plan policies. However, the current application must be assessed against the prevailing Local Plan ie the Scottish Borders Consolidated Local Plan 2011. As noted above, the main policy is D2 and this states that there must be an existing building group of at least three residential properties. There are only two residential properties at this location and, as noted by the reporter, they do contribute to the sense of place. Westwater House is too remote for it to be considered as part of the building group and no work has started on the barn conversion. Even if the barn had been converted to residential use, it is some distance from the two existing properties and does not relate well to them. It is unlikely that this would be considered to make a cohesive building group of three. Furthermore, the proposed site is an open area located to the south of a clear boundary formed by the line of mature trees along the access road to Westwater House and beyond.

It is considered that the current Local Plan policy takes precedent over previous planning decisions for this site, there is no established building group at this location and for this reason, the application cannot be supported. No information has been submitted with the application to support an exception to the policy. It is understood that the applicant owns the existing business operating to the south of the site but no information has been submitted to support a new dwellinghouse on economic grounds.

Although the application cannot be supported on policy grounds, the proposals should be fully assessed.

The house is well set back from Bogsbank Road and planting is proposed along the boundary. It can be adequately accommodated on the site. There are no objections to the access subject to the required design being put in place. The existing dwellinghouses will not be affected by the development.

The existing residential properties at this location are single storey, traditional properties but it is noted that there are business premises to the south of the plot with a number of buildings including a large barn style building. The proposed single storey wings of the dwelling house will compliment the existing dwellinghouses in terms of design, materials and massing. The central two storey element will not be overly dominant or be out of place given the location on the plot and the scale of the buildings to the south. The southern elevation, which faces onto Bogsbank Road contains large areas of windows and a balcony. This will be partially screened by the existing trees and the proposed planting. Although beech hedging is proposed it is considered that a hedge of mixed species would be more appropriate in this rural location. This could be made a condition on any consent. Furthermore, it is considered that further consideration is required for the window detailing and the finished materials as few details have been submitted.

The northern wing of the house is located close to the boundary with the access route to West Water. This access route is lined with mature trees which are important landscape features and this has been recognised on recent planning decisions for a replacement house at West Water and the alterations to the barn to form a dwellinghouse. There are conditions on these consents to protect and maintain these trees. The application form indicates that no trees will be felled but there is potential for damage to tree roots by the northern wing but it is considered that the trees would require extra protection through a planning condition.

There are no objections to the proposed annex provided that it is ancillary accommodation for the main house and not used as a separate dwelling unit. An appropriately worded condition can be placed on the consent.

Developer contributions are required for Education and Lifelong Learning and the applicant has agreed to enter into a section 75 agreement to secure the payment.

In conclusion, whilst in terms of scale, massing, design and siting the proposals are acceptable, the application cannot be supported as there is no building group of at least three houses currently existing at the location.

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

The proposals are not acceptable as they do not comply with Scottish Borders Local Plan policy D2 in that there is no existing building group of at least three houses at this location and a case has not been made that would support an exception to this policy.

#### **Recommendation: Refused**

- 0 The proposals are contrary to Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as there is no existing building group of at least three house at the location on Bogsbank Road.

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