

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 19/00590/FUL

**APPLICANT :** Mr & Mrs S Phaup

**AGENT :** Richard Amos (Duns)

**DEVELOPMENT :** Erection of dwellinghouse and agricultural building

**LOCATION:** Land North East of Hoprigshiel Farmhouse  
Cockburnspath  
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>
17/B561/PL01	Proposed Plans	Refused
17/B561/PL02	Proposed Elevations	Refused
17/B561/PL03	Proposed Site Plan	Refused
17/B561/PL08	Proposed Elevations	Refused
17/B561/PL05	Location Plan	Refused
17/B562/PL09	Other	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**CONSULTATIONS**

SBC Education: The proposed development is within the catchment area for Cocksburnpath Primary School and Eyemouth High School. A contribution of £3,562 x 1 is sought for the High School, making a total contribution of £3,562. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders area.

SBC Environmental Health: Conditions requested to control drainage arrangements and water supply for the house, and noise and waste arrangements for the agricultural building. Informative proposed to give information on the use of stoves.

SBC Landscape: No response at the time of writing.

SBC Roads Planning: The site has no planning history and is accessed directly via a private road which serves Hoprigshiels. The site proposes to use an existing field access which will be upgraded as part of the development. As the site is directly accessed via a private road, I will not ask for the junction at the site to be formed in a sealed surface. However, I would ask that the applicant consider this to avoid the access falling into a poor state of repair due to the access also serving the adjacent field. The private road which leads to the site is very narrow and I would require this road to be

upgraded to include at least two passing places between the site and its junction with the public road. As the road is not public, these passing places do not need to be to my full specification and can be constructed with an unbound surface. The visibility at the site's access is obscured to the north east and I would require this to be improved in order to allow vehicles to safely access and egress the site.

Cockburnspath, Cockburnspath and Cove Community Council: The Community Council have no objections to this application. As the Environmental Health statutory consultation deals with water supply, drainage etc., we have no further comments to make.

Health and Safety Executive: No objection.

Scottish Water: No response at the time of writing.

## REPRESENTATIONS

None.

## PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability  
PMD2: Quality Standards  
ED7: Business, Tourism and Leisure Development in the Countryside  
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP3: Local Biodiversity  
EP13: Trees, Woodlands and Hedgerows  
EP14: Coastline  
EP15: Development Affecting the Water Environment  
EP16: Air Quality  
IS2: Development Contributions  
IS5: Protection of Access Routes  
IS6: Road Adoption Standards  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and SUDS

Other Considerations:

Development Contributions Supplementary Planning Guidance 2011 (Updated 2018)  
Landscape and Development Supplementary Planning Guidance 2008  
New Housing in the Borders Countryside Supplementary Planning Guidance 2008  
Privacy and Amenity Supplementary Planning Guidance 2006  
Placemaking and Design Supplementary Planning Guidance 2010  
Trees and Development Supplementary Planning Guidance 2008  
Waste Management Supplementary Guidance 2015

**Recommendation by** - Paul Duncan (Assistant Planning Officer) on 9th July 2019

## BACKGROUND

This application seeks planning permission to erect a detached dwellinghouse and an agricultural building on greenfield land located between Hoprigshiels Farm and Hoprig building group, near Cockburnspath in Berwickshire.

This application follows pre-application discussions regarding similar proposals, although the proposals under consideration did not include the agricultural building now proposed. An additional dwellinghouse was

considered to be justified by the labour demand and circumstances at the farm, but the proposed site for the house was deemed unsuitable.

## SITE DESCRIPTION

The proposed site is located within the northern corner of an agricultural field roughly mid-way between Hoprig building group and Hoprigshiels Farm. The field is bound by a mature tree belt to the north-west, which separates it from a private farm track which connects the farm with the building group, and a post and wire fence to the north-east. The field is served by an existing field access and gates to the north. Overhead powerlines cross the field on a north/ south axis to the east of the site; the site is located between very large pylons. The landform is gently undulating.

The farm steading is comprised of several modern farm buildings and a detached single-storey farmhouse of modern suburban character.

## PROPOSED DEVELOPMENT

The proposed site would be roughly triangular in shape, the southern side curved inwards. A detached, roughly T-shaped single-storey dwellinghouse would be erected centrally within the site. The house would have an unspecified render finish and its hipped and pitched roofs would be finished in pantiles. The proposed agricultural storage building (40ft by 30ft in footprint, 12ft to eaves) would be located to the west of the house, in line with the tree belt. An indicative scheme for shrub and tree planting has also been put forward.

The dwellinghouse would be occupied by the main farmer, who will be moving into semi-retirement in the future but wishes to remain on-site, overseeing its running. The existing farmhouse would be freed up as a result of the development. It would be occupied by a new farm worker, who would replace an existing farm worker who is also nearing retirement but has always lived off-site.

## SITE HISTORY

There is no relevant planning history on the site.

## KEY PLANNING POLICY

Local Development Plan policy HD2 states that the rural housing development in the open countryside will only be granted in special circumstances on appropriate sites. Criterion (F) sets out two such circumstances. These are where the proposed dwellinghouse would be a direct operational requirement of an agricultural enterprise for (a) a worker predominantly employed in that enterprise where the presence of that worker on-site is essential to operations, or (b) where the house would be used by a person last employed by such a farm business and the house would release another house for use by a farm worker. A range of further criteria are also applicable.

Policy HD2 is supported by the New Housing in the Borders Countryside SPG 2008 which expands on the policy, with further guidance and policy considerations, particularly in terms of the siting and design of new rural housing developments.

## ASSESSMENT

### Principle

The Council's rural housing policies seek to protect the countryside from inappropriate and sporadic new housing development, whilst still being able to support rural communities and businesses. In the circumstances outlined within the application and summarised above, a hybrid assessment against the aforementioned criteria (a) and (b) of Local Development Plan policy HD2 (F) is appropriate.

The existing farm worker lives off-site and the supporting statement explains that he/she will need to be replaced. I would agree that residence onsite will be essential when the new worker gradually becomes the main farmer as the applicant gradually retires. As the current farmer (the applicant) will not be retiring now, criterion (b) does not apply directly, but the same principles are considered to be applicable. The new house

would free up capacity for the existing house to be occupied by a new farm worker whose presence on the site will be critical for operational reasons. The supporting statement confirms that there is labour unit demand for 2 full-time workers on the farm. At the pre-application stage, informal discussions were held with the Council's Economic Development team and it was accepted that the scale of the farm and its stock demand 2 full time workers. In principle, it is agreed that a dwellinghouse can be justified under policy HD(F). Any house approved under such a justification would need to be tied to the farm by means of a legal agreement.

As noted further above, LDP policy HD2 requires new rural housing to be sited appropriately. For the proposed development, preference would be given to siting the house at either the existing farm steading or the Hoprig building group. The overriding aim of rural housing policies within the Scottish Borders is to avoid sporadic, isolated rural housing which gradually erodes the landscape character and appearance of the Borders countryside. The proposed site lacks a clear relationship with either the farm steading or the Hoprig building group. This was noted via pre-application advice which was provided last year. Whilst the proposals have been amended to incorporate a new agricultural storage building, this has not strengthened the argument for site selection. Further information has been provided with this application, but this has not provided sufficient justification for site selection. It has not been adequately demonstrated that more suitable sites at the Hoprig building group or at/ closer to the farm steading cannot be delivered. It is recognised that sites at the farm steading may require removal of trees and/ or reconfiguration of working practices at the farm but this would be preferable to the chosen site being developed. Whilst these sites may be less attractive to the applicants, this would not be a material planning consideration.

In terms of the proposed agricultural building, the principle of such a building within a rural location would be supported by LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside). The suitability of the proposed siting of the building is considered below.

#### Placemaking, Design and Landscape/ Visual Impacts

The orientation of the house and its siting within the plot has no obvious relationship with either the private road, landform or the nearby tree belt. The development would break into an undeveloped field. The proposed dwellinghouse would be large in overall footprint but this would be broken up by the roughly T-shaped form of the house. North and south elevation gables would be appropriately proportioned with traditional roof pitches. The main west range of the house would feature a shallower, less traditional roof pitch and form and is less suitable. Proposed materials (red/ pink natural stone and rendered walls and pantiles to the roof) would be suitable for this part of Berwickshire. Overall, whilst the design of the proposed house is considered to be broadly acceptable, its siting and orientation will exacerbate the inappropriateness of the site itself, producing an unsuitable appearance in the wider landscape.

In terms of the farm building, whilst this is likely to be acceptable in scale, massing or materials, such buildings should be closely associated with existing farm buildings unless exceptional circumstances justify alternative siting arrangements. No such justification has been adequately demonstrated. Whilst it is agreed that supervision of farm equipment is an important consideration, no sufficient reasoning has been provided to explain why this could not be achieved at the farm steading.

#### Roads Access and Parking

The proposed site would be accessed directly via the existing private road from Hoprig building group which currently serves Hoprigshiels Farm. An existing field access would be upgraded as part of the development to allow vehicular access. The Roads Planning Officer does not require the junction to be upgraded to his usual standard given it joins a private road, but would encourage this. Visibility splays (70m by 2.4m) and two passing places are however required along the private road. These matters could be controlled by condition were the application to be supported.

#### Residential Amenity Impacts

Policy HD3 (Residential Amenity) of the Local Development Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The policy also seeks to ensure the new developments benefit from adequate levels of amenity.

Given the distances to neighbouring dwellinghouses there would be no significant adverse impacts on existing dwellinghouses. In terms of the amenity enjoyed by the proposed dwellinghouse itself, the property would benefit from ample garden ground and a good level of general amenity. The Environmental Health Officer has recommended conditions relating to noise and to waste arrangements for the agricultural building. Given the applicant would control both the house and the farm building, and given they would be tied to the farm, these conditions are not required. Policy HD3 is satisfied without such recourse.

### Ecology

The site comprises part of an existing open field with little apparent ecological interest and is a significant distance from any sites designated for their ecological interests. Works at the junction may affect existing trees which could in turn affect breeding birds, but the scale of such works should be fairly limited. Otherwise there are no significant ecological concerns arising from these proposals.

### Prime Agricultural Land

The proposed site is classified as Prime Agricultural Land. Local Development Plan policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) seeks to ensure our finite agricultural land resource is retained for farming and food production. The policy states that development which results in the permanent loss of prime agricultural land will not be permitted unless the land is allocated for development; the development meets an established need and no other site is available; or the development is small scale and directly related to a rural business. The site is not allocated for development. It is accepted that there is an established need for a dwellinghouse and that this is likely to be require building on greenfield land. The proposed development would be small in scale, and there would be a relationship with an existing rural business.

### Services

The development would dispose of waste water via a septic tank which would be located in a field to the north of the site. This would discharge to a watercourse also to the north of the site via field tiles with a combined length of 300m. The Environmental Health Officer has recommended a standard condition which seeks to avoid issues that can arise as a result of shared private drainage arrangements. Such a condition is unlikely to be necessary in this instance given the applicant's control over both the development and land and buildings in the vicinity.

A private water supply is proposed. The Environmental Health Officer has recommended this be controlled by suspensive planning condition to ensure an adequate supply is available for the dwellinghouse. A condition of this kind would be appropriate were the application to be supported.

The application states that surface water would be dealt with in a sustainable manner. Given the extent of land within the applicants' control, this should be easily achieved.

### Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in Local Development Plan policy IS2.

The proposed development would sit within the catchment areas of Cocksburnpath Primary School and Eyemouth High School. A contribution would be sought for the High School were this application to be supported. This could be controlled by means of a s69 or s75 legal agreement.

### Other Matters

A Health and Safety Executive consultation has been carried out given the proximity to the nearby quarry. This has returned no objection.

The private farm road forms part of a registered customary path. This right of access would not be directly affected by the proposals.

## **REASON FOR DECISION :**

The proposed development would be contrary to Policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Guidance 2008 in that the proposed dwellinghouse and agricultural storage building would not have a visually sympathetic relationship with either the existing farm steading or the nearby building group; would result in sporadic rural development that would not relate sympathetically to the character of the surrounding landscape; and insufficient justification has been submitted demonstrating that a site more sympathetically related to the steading or building group is not available.

## **Recommendation:** Refused

- 1 The proposed development would be contrary to Policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Guidance 2008 in that the proposed dwellinghouse and agricultural storage building would not have a visually sympathetic relationship with either the existing farm steading or the nearby building group; would result in sporadic rural development that would not relate sympathetically to the character of the surrounding landscape; and insufficient justification has been submitted demonstrating that a site more sympathetically related to the steading or building group is not available.

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