

MANSFIELD COTTAGE, KIRK ROAD, ST. BOSWELLS. TD60EX

3/09/2019

The Chief Planning Officer  
Council Headquarters  
Newtown St. Boswells  
TD60SA

RECEIVED

05 SEP 2019

Dear Sir/Madam,

**Planning Application 19/01178/PPP**

**Erection of dwellinghouse at land North East of Maxton House St. Boswells**

In respect of the above planning application I think that the planned access on Kirk Road to the potential house site above, would add another risk and burden to a single track road that already suffers from heavy vehicle 'through' use. There are also the existing residents, plus Benrig cemetery visitors and St. Cuthbert's Way dog and recreational walkers (who park on the corner at the cemetery entrance) using Kirk Road on a daily basis to consider.

Sadly the upkeep of Kirk Road is poor and in winter it is rarely (if ever) gritted or serviced by a snow plough when required and in consequence the road can be very slippery and dangerous.

At harvest time ( July/August/September) there are various large farm vehicles using the road back and forwards, sometimes X 50 at least, per day, with agricultural vehicles (tractors, trailers, teleporters, combines, sprayers, JCBs etc) using the narrow road regularly at other times throughout the year to gain access to the adjacent fields. It is a regular occurrence to meet at least one of these vehicles on Kirk Road and have to reverse several yards to allow passing, which is a danger in itself given the corners and lack of sightline on the road at points.

As a resident of Kirk Road, I object to the application on the basis that the road is simply not up to additional traffic and that, taking the above points into consideration, the proposed vehicular access, on the corner, halfway along Kirk Road from the Maxton Road to Benrig would add significantly to safety issues for all road users.

Yours faithfully,



Mrs Lorna Peterson

✓

BENRIG  
ST BOSWELLS  
ROXBURGHSHIRE  
TD6 OEX

28/8/2019

Reference: 19/01178/PPP

To whom it may concern:-

As Vice-President of The Borders Arts Society & vice-chairman of The Arts Society, Scotland I have a keen interest in the arts.

The design for the new proposed house on land north-east of Maxton House would fit well in a town or city where there are other contemporary buildings.

Alternatively, it could be sited in the side of a hill where it could become part of the landscape. However, sited in a field between

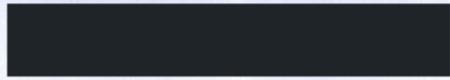
Maxton House and Mansfield the design is totally out of keeping with the neighbouring buildings and would not fit in with the rural landscape.

The proposed entrance onto Kirk Road does not have clear visibility and with the increased number of cyclists, walkers, cars and farm vehicles that use Kirk Road an accident could easily happen.



RECEIVED 30 AUG 2019 ✓

BENRIG  
ST BOSWELLS  
ROXBURGHSHIRE TD6 0EX



28th August 2019.

Reference 19/01178/PPP

Dear Sirs,

I wish to make an objection to the proposed new house on land north east of Maxton House St Boswells. I live close by at Benrig House and am aware of the following local problems.

The reasons why I wish to object are in no particular order:

1. The entrance is unsighted by the large hedge to the west of the entrance which would mean vehicles pulling out into the road to see if there was any oncoming traffic.
2. Kirk road is already very busy and is used by a lot of vehicles as a way to avoid St Boswells High Street. My office overlooks the road and I know from observing over many years there a large number of agricultural vehicles using the road and also an increasing number of large lorries use it to avoid the high street in St Boswells.
3. More vehicles using the road would be to the detriment of walkers who use it to exercise themselves and their dogs, the road is known as the 'lungs' of St Boswells and with even more vehicles the chance of an accident increases.
4. There have already been three accidents at least that I am aware of over the past few years at the sharp bend to the north of Benrig, one involving myself and numerous near misses.
5. We already have problems with parking when there is a big funeral in the churchyard, cars park along the side of the road in either direction from the churchyard, another entrance would reduce further the places to park.
6. I have looked at the proposed drawing of the house on the Council's website and it is completely out of keeping with the area and the other

houses already there.

7. One house in the field not connected to any other houses might easily lead to planning applications for further houses in the same field in the future, in other words a precedent is being set.

If you wish to contact myself regarding any points above I am happy to meet or discuss any of it with the planning authority.

Yours faithfully,



[Sender  
Name  
Address]

St. Boswells  
Bank  
St. Boswells  
TAB DEX

[Date]

27.8.19

Planning and Regulatory Services  
Scottish Borders Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA

Dear Sir/Madam

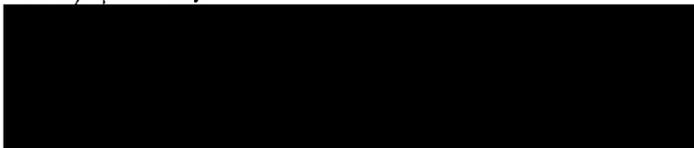
**Reference – 19/01178/PPP (Alternative Reference 10176150-001)**  
**Address – Land North East of Maxton House, St Boswells, Scottish Borders**

I wish to state my objection to the above application for planning permission at Maxton House.

The reasons for my objection include the following concerns:

- Kirk Road is a small road used by many pedestrians. It does not require to have further residential traffic. The proposed new driveway entrance is located close to a corner, visibility in both directions from the drive would be poor which could put both pedestrians and other vehicles at risk.
- The location of the proposed house is in the middle of a field and would appear incongruous in a rural setting.
- The proposed design is totally out of keeping with other residential buildings in the immediate vicinity.
- The grounds around Maxton House would be further diminished, which would not be consistent with a house of its size.

Yours sincerely



Sally McCorquodale

10 Walton Street  
London  
SW3 1RE

JH . (0)

12 September 2019

Planning and Regulatory Services  
Scottish Borders Headquarters  
Newtown St Boswells  
TD6 0SA

Dear Sirs,

**Reference 19/01178/PPP  
Land North East of Maxton House, St Boswells**

I am writing to register my objection to the planning application referenced above.

I regularly visit St Boswells (several times a year) and frequently walk on Kirk Road, both doing a circuit to and from the village as well as accessing walks by the river and St Cuthbert's Way. I can state that over the 20 or so years I have been visiting, I have noticed an increase in usage of the road by both pedestrians and vehicles. The proposed drive entrance will certainly not enhance the experience of walking and, in my opinion, given its location, it is potentially dangerous as visibility is limited for cars exiting and for those turning in.

In addition, this is an area of great rural beauty and more building will certainly not do anything to maintain this rural feel, not least as the proposed drive is long and will run down the length of a woodland strip which currently borders a field. It will disturb wildlife of all types, will upset the ecological balance and will appear as a manmade scar in this delightful countryside setting. Furthermore, the proposed design of the house lacks any understanding of what would be regarded as sympathetic to a Scottish rural style.

Yours faithfully,



Tanis Kawkabani



# Comments for Planning Application 19/01178/PPP

## Application Summary

Application Number: 19/01178/PPP

Address: Land North East Of Maxton House St Boswells Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

## Customer Details

Name: Mr Tim Wishart

Address: The Glebe House, Maxton, Scottish Borders TD6 0RN

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Increased traffic
- Noise nuisance
- Road safety
- Trees/landscape affected

Comment: I am writing to object to this planning request. I live in the area and regularly walk my dogs down the Kirk Road. Over recent years this has become busier and now can be dangerous to all walkers and their dogs. The inhabitants of the area are restricted as to where to walk due to the busy A68 on one side and the river Tweed on the other. This means that this particular area is very popular for walkers. Over recent years the traffic has increased and in particular the agricultural traffic has increased. My belief is that it has already become dangerous and I am worried that an increase in traffic would make this worse when the small road simply is not designed for this activity. This would be especially bad if there was to be a new construction. There is already a new building in the old curtilage of Maxton House. A further new property would put more pressure on such a small area which was never designed to cope with an increase. Also, the immediate vicinity of the proposed property being next to the Tweed would affect the general beauty of the area and also put further pressure on the wildlife which is generally under threat. Finally, if the access to the property was directly onto the Kirk road, I believe this would be dangerous as any car pulling out would not be able to see the oncoming traffic.

Mansfield House  
St Boswells  
Roxburghshire  
TD6 0EX

(JH)(C)

10 September 2019

Planning and Regulatory Services  
Scottish Borders Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 OSA

REFERENCE – 19/01178/PPP  
Maxton House – Land North East of Maxton House, St Boswells

Dear Sir/Madam

### **Objection to Planning Application**

**Location of Driveway:** At the existing passing point, and along a woodland.

This country road has become increasingly busy over the last fifteen years, being used by more (and larger) vehicles, as well as more people out walking, some with (small) children, and with or without dogs, as part of a circular walk connected to the village. For reasons of visibility, restriction and narrowness of the road at the proposed location of the drive, it would be more dangerous for pedestrians, and vehicles alike. It is apparent that further turning movements in and out of the appeal site could add to the current dangers.

The location of the entrance is an important passing point for traffic. The well-used, narrow, unclassified country road is the sole means to Benrig Cemetery. When burials occur, there is huge pressure on passing and parking. Neighbouring agricultural land requires the use of the road as a throughway for large equipment, and transportation of livestock.

In 1990/91 there was an application for a house to be built in the grounds of Maxton House (reference 90/01238/OUT) which was refused by the Borders Regional Council and on subsequent appeal by the Scottish Office. In 1993/94 a new application was put in for the construction of two houses in the grounds of Maxton House (reference 93/01204/OUT and 93/01205/OUT) which was also refused by the Borders Regional Council and on subsequent appeal by the Scottish Office. In both instances safety concerns about the proposed access route (the same as that in the current application) and the effect additional buildings would have upon the general amenity of Maxton House and its grounds were listed as reasons for refusing planning permission.

I am doubtful of the relevance of the mention in the planning permission application, of the premise that there are other long drives in the area. On the A699 end of the road, Maxton House has the longest drive. The drive to Mansfield, which provided access for the church, (dating back to 1652 and predated by an earlier church and manse) is not such a long drive, and is not visible to other houses. The proposed drive will be a much longer L-shape, or

effectively a C-shape, all around and along the full length of the strip of trees. Winding around and along the woods will disturb the natural habitat and wildlife.

Unduly close to Stable House and its short drive, the site of the proposed drive would be extremely unfortunate and effectively cut this property from its rural setting and isolate the house with roads/drives along all sides.

**Location and Style of House:**

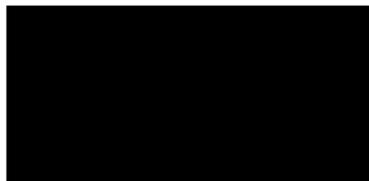
The location of the proposed house, isolated in the middle of adjoining fields is inappropriate, in style and location. Maxton House and the surrounding houses would suffer from such an additional building being constructed; particularly, Maxton House, Mansfield House and Stable House.

The proposed location: At the farthest end of Maxton House's field, upon the boundary itself to Mansfield House, built in 1791. The proposed modern Swiss style house would be both close and visible to Mansfield House, garden, paddock, and woodland. Mansfield House is carefully maintained in keeping with its style. This building scheme is unsuitable to the character and context of the pleasant rural Border countryside.

The applicant's premise is that the sisters want to live close, but not too close. I'm not sure what the relevance is of who might or might not live there, for a few years or more. However, building in the middle of agricultural land would set a precedent of potential further construction. The quality of the Maxton House policies is fragile and could be easily ruined by excessive or inappropriately sited development. This potential development will detract from the attractiveness and desirability of the house and its policies, given its size, importance and location.

If you would like to discuss any of this further, please do contact me via email or telephone.

Yours sincerely,



Eryl Forsyth





FAO:

Julie Hayward  
Development Management  
Scottish Borders Council HQ  
Newtown St Boswells  
By Melrose  
TD6 0SA

5<sup>th</sup> September 2019

Dear Sir/Madam,

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**OBJECTION TO PLANNING APPLICATION: 19/01178/PPP**

**Land North East of Maxton House, St Boswells, Scottish Borders**

**Erection of Dwellinghouse**

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## Executive Summary

This objection letter has been prepared by Ferguson Planning for submission to Scottish Borders Council ("SBC") on behalf of our retained client, **Mr Lorne Forsyth**, who has received a notification letter from SBC as he resides at Mansfield House, St Boswells, TD6 0EX, located adjacent to the subject site. Its contents have been agreed and approved by Mr Forsyth and accurately represent his views.

This letter provides background to the proposal which we have assessed in terms of previous application case history from Maxton House and in relation to the overall compliance with SBC's planning policy and supplementary guidance.

Our client is not averse to rural housing when appropriately sited and strongly related to an existing building group or in relation to agriculture operations. This proposal does not meet either of those principles and seeks to construct a mainstream residential home in an isolated rural location, nor does it comply with the associated rural housing planning policies. It could set a dangerous development precedent in sensitive rural locations such as this.

We believe the proposal is **not in compliance** with the Scottish Borders Local Development Plan and that there are no other material reasons that would outweigh current planning policy and guidance. The application before the Council, should therefore be **refused**.

**Main Office:**

Shiel House | 54 Island Street | Galashiels | TD1 1NU

**NI Office:**

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## Site Context

The proposed site is positioned approximately 0.3 miles east of St Boswells and located well beyond the settlement confines. It is therefore classified as falling within the countryside, being of prime agricultural land and is located within a Special Landscape Area (SLA) – ‘Tweed Lowlands’.

The proposal is for a mainstream residential home not tied to any agricultural or rural enterprise. The site aerial photo (replicated below) lodged with the application helps to show the isolated nature of the plot.



## Proposed Plot

The dwelling is proposed in a standalone agricultural field with significant distance between it and Maxton House and the neighbouring grouping of houses to the west of the subject site. The plot does not append or relate itself to any existing building group, is disjointed by the fields that would then surround it and has no real containment of note.

It appears to have been positioned as far away from the Maxton House as possible but in so doing has been placed in a more sensitive and isolated location, and which will then be highly visible from our Client's home and garden grounds.

The proposed access is sought from a field gate on Kirk Road. It is situated on a precarious bend which is currently a much needed passing place for tractors and cars passing on this very narrow road. A mature hedgerow exists on either side of the access which gives rise to significant visibility and safety concerns on access/exit.

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## Planning Application Forms/Drawings

We have the following observations concerning the planning application forms/drawings:

- We note that there were pre-application discussions with the planning department some time ago and it appears that initial advice concurs with ours where it is stated that there was **“concern over position of site in relation to existing group of houses”**.
- The use of high quality design materials can relate to any form of building context. It does not then directly mean the principle or acceptability of a house in this location (which is the first step in understanding overall compliance).
- We seek clarity on the ownership notice as it appears not to match with the date lodged being some three months prior. In addition we understand that certain neighbours did not receive neighbour notification of the application. We hope such people will be afforded additional time to make representations where relevant.
- Given the nature of the site and adjoining trees one would expect a Habitat Survey to be required as part of any planning application package to clarify any ecology sensitivities with this site and as per LDP Planning Policy: EP3 – Local Biodiversity.

## Planning History

Before addressing the relevant planning policies, and why we consider this proposal does not comply with them, we believe it appropriate to outline the previous planning history of this site/area. The points quoted are strong material considerations in the determination of this particular application.

There have been a number of previous applications seeking to develop residential plot(s) in the grounds of Maxton House. **These were all rejected by the Council and Scottish Ministers (Appeal).** (They do not appear to be recorded on the Planning portal).

The Scottish Office case references and pertinent conclusions are quoted below:

**P/PPA/B/248: Appeal by Mr D W Alexander: Proposed Dwelling House, Plot B, Maxton House, St Boswells, 13<sup>th</sup> May 1991**

- ***5. The planning authority’s reasons for refusal were that the proposed development would be detrimental to the setting, character and established amenity of Maxton House and the building group in the surrounding area.***
- ***11. This site bears an unsympathetic relationship with the remainder of the buildings, trees and forms of enclosure within the building group. With its lack of clearly defined natural boundaries on the south-east and south-west and only a thin tree screen on the north-east a house on this small site would be unduly dominant within the building group and would be detrimental to countryside amenity. The location and alignment of the site are factors just as important as the positioning and design of a house within it, in assessing the impact of the development upon the character and setting of Maxton House.***



- **12. The whole surrounding area is of high amenity with large amounts of mature woodland, impressive detached houses, well kept gardens and paddocks and an air of rural seclusion. The appeal site would arbitrarily remove a corner of open paddock with an alignment which would not respect the alignment or setting of Maxton House and detract from the open aspect and vistas across the paddocks.**

*It would detrimentally affect the setting, character and established amenity of Maxton House. The coherence of the remaining grounds around Maxton House ought to be preserved. If the proposed development were permitted it would set an undesirable precedent for further encroachment and reduction of the grounds.*

- **13. The roads department of the regional council does not accept the suitability of the proposed access on the outside of a bend in the unclassified road where the road is narrow and the visibility is restricted.**
- **21. ...I am doubtful that the group should be considered to be so wide as to include Mansfield, Benrig Cemetery and Benrig House.**
- **22. ...I accept the submissions made by the regional council upon this as the road comprises the carriageway and the margins on both sides and is bounded by the hedges or fences on either side. Thus 2m back from the edge of the tarmacadam surface is the point at which the visibility from the access would be less restricted, but the visibility along the unclassified road from left to right would be limited by the bend in the road and would be insufficient for road safety, especially as the road here is narrow and it is said, at some times to be fairly busy.**
- **23. The site itself would represent an arbitrarily chosen intrusion into the parkland where nothing could screen a house on it if it were large enough....They would inevitably be the erection of a building which would by its presence be harmful to the amenity and setting of a fine old house in beautiful countryside. My conclusion is that the proposed development would be detrimental to the countryside amenity and the construction of a driveway across the parkland to it would increase that detriment.**



**P/PPA/B/375 & 376: Appeals by Robert Bowey – Plots 1 & 2, Maxton House, St Boswells, 24<sup>th</sup> October 1994**

Two applications were made for two dwelling houses on plots at Maxton House. It appears that access was being proposed via Maxton House and “possible access” via the field gate on Kirk Road (presumably taking into account the concerns about this entrance which had formed part of the decision for the refusal in 1991).

The applications were conjoined and again went to Appeal with the salient conclusions from the Council’s reason to refuse and the Scottish Office Inquiry Reporters set out below:

- **3. Identical reasons were given for refusing each application. “The proposal would be detrimental to the setting, character and established amenity of Maxton House and the countryside in the surrounding area and would contravene Policy 7 of the Ettrick and Lauderdale Local Plan.**
- **6. The regional council submits that the policy changes since the 1991 appeal decision do not make the current proposals acceptable.**
- **7. Even with the extensive landscaping and the passage of time to allow it to mature, the unfortunate relationship would not be ameliorated.**
- **11. The policy guidance note makes it clear under Building Groups that, having established the presence of a group, it is still necessary to test the suitability of that group to absorb new development.**
- **12. I do not consider the development of either or both of these proposed houses would respect the character of the existing group. In my view, such development in this field would have an adverse effect on the setting of Maxton House and on the amenity of the surrounding area.**

***I have had regard to all the matters raised but none outweighs the considerations leading to my decision. In particular, I note that your preferred access for both plots is by way of the Maxton House drive. If you had maintained the proposal to take access to Plot 2 from the north east corner (ie. current proposed access), I would find that access to be unacceptable.***

***Although traffic emerging on the outside of the bend would have clear visibility on to the unclassified road, vehicles entering the site from the direction of the A699 would not have sight of approaching traffic beyond the bend until the driver had commenced the right turn into the site. Widening the access in the direction of the A699 would not cure that defect.***

- **13. In the exercise of the authority delegated to me, I hereby dismiss your client’s appeals and refuse to grant planning permission for dwellinghouses on either of these plots.**



## Planning Policy Compliance

This section provides an overview of key planning policies relevant to the proposed development and whether or not it complies with such policies. While the previous refused cases fell under previous local plans the principles of building dwellings in the countryside have remained largely unchanged.

Key policy observations are outlined below:

### Policy HD2 Housing in the Countryside

Much of the Housing in the Countryside policy relates to justifiable single dwellings in the countryside, justifiable generally meaning within close proximity to, or infill of, existing rural building groups or the conversion of existing buildings or brownfield sites that already sit well within the rural context.

They require to be of a scale, layout and design suitable for their intended location. We do not consider that the proposed residential dwelling on this open prime agricultural field does comply with the associated policy.

To be acceptable a dwelling requires to relate to, and largely be contained by, an existing group. This proposal seeks to take itself away from the form of building group around Maxton House by some distance. It cannot be considered to be part of that building group particularly as it would be surrounded on all sides by fields pre and post build.

Previous refusals by the Council and Reporter's Unit at Appeal have ruled on this issue on more than one occasion. They have also ruled that housing in this general area would indeed impact on the character and setting of Maxton House. The principles or application of guidance in this regard have not changed and still apply to the current Local Development Plan.

Therefore, the first starting part of Policy HD2 is not met and would merit the refusal of the application in its own right. Another very important issue concerns the requirement for suitable roads access. The proposed access is potentially hazardous in our opinion and was stated to be unsafe in previous rulings.

The proposed access overlaps with a very important and much needed passing place on a sharp bend. On exiting the proposed entrance, visibility to the west is non-existent until a vehicle pulls out onto the middle of the road. Previous rulings have noted that, even had hedgerow been cut back, it would still not satisfy road safety concerns raised. Traffic on this road has increased as has the number of recreational walkers, not least as a result of housing developments in and around St Boswells since previous rulings. Road safety concerns will have therefore increased, rather than diminished, in the intervening years and the road has remained unaltered since previous applications.

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In summary, the subject site does not have a strong relationship with an existing building group, does not have a form of containment, gives rise to road safety concerns and would have an adverse or negative impact on the character and setting of both Maxton House and Mansfield as well as the Special Landscape Area in which it is set.

### Design

We do not find the proposed design of the house to be appropriate. Its flat roof, two storey height, scale and massing is wholly out of keeping with the landscape and does not blend in well with the surroundings. This is exacerbated by the choice of an isolated plot by the applicant. It does not fit in to the “context” compared to other houses in the general area and is not in the least sympathetic with the very sensitive landscape that surrounds it.

The house will be clearly visible from our client’s home/garden at Mansfield and exposed to the west and south. It will also be exposed to, and impact upon, the character and setting of Maxton House. Landscaping would not be sufficient enough to diminish or reduce the impact of such a box style / modern home.

Houses of modern design must relate well within the context that they are set and relate closely to existing built form. The proposal falls short on both those counts.

**For the reasons outlined above in this section addressing Policy HD2, and those outlined in previous rulings, this proposal fails to meet this Policy in full. In our view, the proposal therefore merits refusal on those grounds alone.**

### Policy PMD2: Quality Standards

The above policy covers wide ranging requirements that seek to ensure development of the highest quality. The proposal does not comply with key criteria for many of the reasons previously noted (lack of landscaping, not respecting the characteristics of the surrounding area, adverse impact on the general amenity etc).

Beyond this there are the necessary requirements within criterion ‘q’ that relates to accessibility. It seeks to ensure that there is no adverse impact on road safety particularly in relation to taking access to, or from, a public road.

As we have noted previously there are a considerable number of road safety concerns regarding the site access. These include the fact that that there is no exit visibility to the west, that the access is used as a passing place, which is very much needed given the heavy use of the road for large agricultural vehicles as well as the ever-increasing level of road user traffic. Additionally, pedestrian use has increased very significantly, at all times of day, and into the evening.

The appropriate visibility splays needed cannot be achieved due to the high hedgerow looking in both directions. Pulling blindly out into the middle of the road would be dangerous and should not be permitted for safety reasons as it puts both pedestrians and passing vehicles at risk.

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Previous case law supports this position and the rulings have also indicated that small amendments such as cutting back some hedgerow would still not be sufficient to address all the related road safety concerns.

**In short, the proposal fails to comply with Policy PMD2: Quality Standards.**

### **Policy EP5: Special Landscape Areas (SLA) & Policy EP6: Countryside Around Towns**

The subject site falls within a Special Landscape Area and Countryside Around Towns designation which adds an extra layer of sensitivity when proposing new development within.

The policy seeks to safeguard landscape quality and pays particular attention to understanding associated landscape impacts. Where developments are found to have significant adverse impact they will normally be refused unless outweighed by social/economic benefits of national or local importance.

The proposal has sought to locate itself away from the Maxton House grouping and set itself within an isolated and rural plot. As previous rulings have concluded, this proposal will also have a significant landscape impact on the local area and setting of Maxton House and Mansfield. It provides no social or economic benefits that would justify the landscape impact it would cause. Consequently, our view is that the proposal fails to meet Policy EP5 due to the significant negative impact it would have upon the SLA and local landscape.

**There is no essential or rural requirement for the plot and it does not adhere to Policy HD2 and thus the proposal also falls short in complying with Policy EP6 of the LDP.**

## **Conclusion**

In conclusion, the application before the Council does not comply with the following key LDP Planning Policies:

**Policy HD2: Housing in the Countryside**

**Policy PMD2: Quality Standards**

**Policy EP5: Special Landscape Areas**

**Policy EP6: Countryside Arouns Towns**

Similarly, it does not fully adhere to the relating Supplementary Guidance and, taken as a whole, we therefore believe it should lead to a decision of **refusal**.

We trust that the matters we raise in this letter will be taken into consideration during the determination of the application. We reserve the right to comment further on any new or further submissions lodged by the applicant.

F E R G U S O N  
P L A N N I N G



Should you wish to discuss further the content of this letter then please do not hesitate to contact Tim Ferguson (Managing Director) either by telephone (07960003358 or 01896 668744) or email (tim@fergusonplanning.co.uk).

Yours Sincerely



**FERGUSON PLANNING**

**On behalf of Mr Lorne Forsyth, Mansfield, St Boswells, TD6 0EX**

**Main Office:**

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**From:** Ian Dalziel

**Sent:** 11 Sep 2019 09:23:22 +0100

**To:** Planning & Regulatory Services

**Subject:** Application number 19/01178/PPP Land North East of Maxton House, St Boswells.

Dear Sirs,

My objections to this proposal are general and specific.

In general terms, the absence of any contact between the applicant and/or her agent is a matter to be regretted.

As an immediate and affected neighbour I would have welcomed a meeting. I understand the applicant is non-resident but an effort to meet the neighbours would have been appreciated. This is even more unusual because clearly the idea to build a house on agricultural land has been formulated over a period of several months. As it was, I was advised informally by a note delivered to my house by the applicant's niece on July 19th and only received official notification from the Council on August 30th.

Another general concern is the likely intention of the applicant. Were her circumstances to change and for whatever reason a decision was taken not to take up residence in Scotland then the applicant would be fully entitled to sell the site, with outline planning, to a third party, assuming the application is successful. I am not doubting the applicant's integrity but should a decision be made not to relocate and specifically to Maxton, the rationale contained in Dr Anna Dall's submission would be overtaken by events.

Maxton House and Cottage is a substantial property. A further diminution of the extent of its surrounding grounds, by the loss of this proposed site, is in sharp contradiction to the accepted notion as to what is traditionally regarded as commensurate for a period house of this size and design. I refer to *The Buildings Of Scotland, Borders* edited by Cruft, Dunbar and Fawcett, 2006.

More specifically my objections are:

- Kirk Road is a narrow road. Passing places are poorly delineated and the 20mph signs virtually invisible.
- the creation of an entry/exit to the proposed dwelling would be narrow with less than ideal visibility
- a number of long established trees and hedges would have to be destroyed to eliminate this lack of visibility
- there is a steady stream of farm vehicles, often in convoy. They seem to get wider, heavier and longer every year
- this traffic can cause passenger cars to back up as the drivers of the large farm vehicles cannot easily reverse in such tight corners
- the damage to the hedges, verges and road surface is clear to see, as are the many pot holes
- Kirk Road is located in an area of general amenity enjoyed by many
- walkers, children, bikers, dogs and those accessing the Tweed and St Cuthbert's Way would be affected
- the general amenity of the area would be adversely impacted by any additional traffic associated with this proposed build
- the house which is the subject of the Application is uniquely unattractive and totally out of character with the local architectural vernacular
- the materials, appearance and style of this dwelling are clearly influenced by housing not associated with rural Scotland and our climate

Yours faithfully

Ian Dalziel

Stable House

Maxton

St Boswells TD6 OEX

RECEIVED

02 SEP 2019

Laretburn Farm House  
St. Boswells  
Melrose  
TD6 0DJ

29<sup>th</sup> August 2019

Planning and Regulatory Services  
Scottish Borders Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA

Dear Sir/Madam

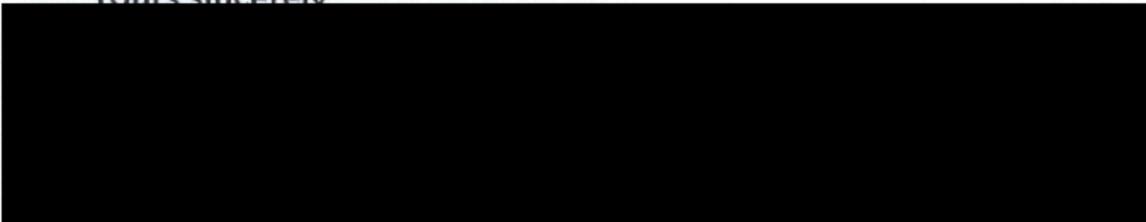
**Reference – 19/01178/PPP (Alternative Reference 10176150-001)**  
**Address – Land North East of Maxton House, St Boswells, Scottish Borders**

We are writing with regard to the above application for planning permission within the grounds of Maxton House. We wish it to be recorded that we are objecting to this application.

Our objection is based on the following:

- The proposed access point does not have clear visibility and would be hazardous both for other vehicles and for pedestrians on a road which is much utilised for recreational walking. The road is also the principal access to Benrig Cemetery, and we would not like to see damage to our ancient hedges on that road.
- The further intensive use of vehicles which the development would bring on the unclassified road which runs from the A699 passed Maxton House by a twisting route to the B6404 road east of St Boswells.
- The undesirability of further development in a dispersed building group such as exists at Maxton.
- The proposed building is in an exposed location and is on agricultural land with fields on all sides. It would not be a good precedent for such a development to be approved particularly, within what is a Special Landscape Area.

Yours sincerely

  
James and Claire McCorquodale

# Comments for Planning Application 19/01178/PPP

## Application Summary

Application Number: 19/01178/PPP

Address: Land North East Of Maxton House St Boswells Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

## Customer Details

Name: Miss Jennifer Shelley

Address: Temple Farmhouse, St Boswells, Melrose, Scottish Borders TD6 0EX

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Land affected
- Loss of view
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment:

9 September 2019

Temple Farm

St Boswells

TD6 0EX

19/01178/PPP Erection of dwellinghouse | Land North East Of Maxton House St Boswells Scottish Borders

Dear Sirs

I feel I have to object to the proposed new house on land north east of Maxton House.

In no particular order:

Access to Kirk Road is potentially dangerous. However slowly you come out onto Kirk Road, pedestrians, dogs, vehicles will be very difficult to see.

The proposed site is not part of any "grouping" but stand alone and therefore stand out and will not enhance the amenity or agricultural land of Maxton House

The proposed building does not seem to blend in with existing buildings, by it's shape, materials etc

Previously in the '90s planning permission was refused for most if not all of the above.

Yours faithfully

Jennifer Shelley