

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



FAO: Louise McGeoch  
Clerk to the Local Review Body  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

1<sup>st</sup> November 2019

Dear Ms McGeoch,

**APPEAL REFERENCE: 19/00025/RREF**

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

We are writing on behalf of our retained client, **Mr Lorne Forsyth**, the owner of Mansfield House (located adjacent to the subject site) and with regard to your letter dated 17<sup>th</sup> October 2019 informing us of the above appeal.

As you will be aware we have made a number of representations to the application and we would be grateful if they can be carried forward and presented to the Local Review Body in advance of the determination of this case.

This letter does not seek to repeat points previously made in any great detail, but we do wish to take the opportunity afforded to us to respond to the Appeal submission. The Appeal Statement appears to be limited to a number of sentences within the appeal form itself. Our response is set out below using the key headings of: **'Building Group' and 'Access'**.

#### 1. Building Group

We consider that the Appellants' position of seeking to build in an isolated location is not consistent with the requirements of the relatively stringent Building Group Policy as applied by the Scottish Borders Local Development Plan (LDP) Policy HD2 and related Supplementary Planning Guidance (new Housing in the Borders Countryside). The Appeal refers to the concept of a 'cluster' but our understanding is that the concept of a 'cluster' is not how the LDP policy applies itself in the Scottish Borders nor in its review on whether to allow new houses in the countryside.

Policy HD 2 'Housing in the Countryside' seeks to ensure the existence of a building group (three closely related dwellings) and that any plot has a suitable and safe road access. It must also not adversely affect the character of the area or landscape.

Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the site. In this instance there is a significant open field between the proposed house and the existing dwelling at Maxton House and other dwellings toward the end of the driveway. The Appellants themselves note it being some 96 metres away. It has no strong relationship with any existing buildings and it goes beyond existing screening/containment in and around Maxton House and neighbouring dwellings.

The point about distance, as laid out in the appeal submission, is not consistent with Policy HD2 which addresses the relationship and siting with an existing building group (should one exist) with the subject site then being a logical addition. Neither have been proven to be the case here.

**Main Office:**

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

**NI Office:**

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

W [www.fergusonplanning.co.uk](http://www.fergusonplanning.co.uk)



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



We fully endorse the Case Officer's assessment to refuse the application. The reasons given broadly match those that were contained within our own representations. These are that the proposal:

- Is not a logical extension to any building group and is divorced from the existing houses and thus out with the sense of place.
- Will break into open undeveloped field that does not relate or respect the character of the local area or built form. It would lead to an unjustified and sporadic expansion of residential dwellings in the open countryside and one which is set within a sensitive and designated landscape.

## 2. Access

We consider that a further strong and material reason on why this appeal should be refused is the lack of suitable and safe access to the subject site.

Within the representation made by the Council's Roads Officer it was stated that, for safety reasons, a condition for the proposed driveway access would be the requirement for a visibility splay with dimensions of 2.4 metres x 59 metres in either direction before it could then be deemed to comply with the required safety standards. In our opinion, that should be regarded as a minimum threshold.

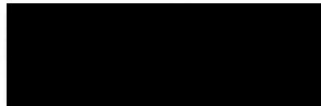
We have taken third party independent surveying advice to determine what this condition implies. From the registered boundary line between Mansfield and Maxton House by Kirk Road it is estimated that at least 10 metres of Mr Forsyth's hedging would need to be removed in order to achieve the necessary visibility splay (as laid out by the Roads Department).

As the Case Officer's Report highlights, the hedge is not located on land controlled, or owned, by the Applicant, so it is not clear how the Roads Department's condition could be achieved. The hedging is on land belonging to Mansfield.

The removal of 10 metres of hedging would substantially change the boundary condition of Mansfield and is not acceptable to Mr Forsyth, meaning that it cannot be achieved. Furthermore, it is in a protected local landscape. We therefore do not see how the principle of safe and appropriate access can be provided which is a further reason as to why this appeal should be dismissed.

In summary, it is our considered opinion that the proposal before the Local Review Body does not comply with the related LDP Policies and we do not see any other material planning reasons that would merit the reversal of the Case Officer's decision to refuse the proposal.

Yours sincerely,



### Main Office:

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

### NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

W [www.fergusonplanning.co.uk](http://www.fergusonplanning.co.uk)

