

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/00965/FUL

APPLICANT : Mr & Mrs Roddy & Rachel Jackson

AGENT : Ferguson Planning

DEVELOPMENT : Demolition of existing dwellinghouse and erection of replacement dwellinghouse

LOCATION: Folly Cottage Woodside Farm
Kelso
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
01	Location Plan	Refused
02	Proposed Site Plan	Refused
06	Proposed Plans	Refused
07	Proposed Plans	Refused
08B	Proposed Elevations	Refused
09B	Proposed Elevations	Refused
10A	Proposed Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

The application was published in the Southern Reporter and on tellmescotland.gov.uk. No representations were received.

Applicant's Planning Statement:

A completely new building being proposed. The constructional detailing has been amended to achieve very high standards of thermal and energy efficiency. There is a 12.5sqm reduction on 17/00104/FUL. The design and layout of the single dwelling has already been deemed acceptable under HD2 (C) Conversions of Buildings to a house. The full extent of re-building and remodelling required to the existing structures became apparent at BW stage 17/00104/FUL. There is a cost premium to demolition. Rebuilding is a safety concern. Re-building with a house of increased sustainability and energy efficiency is a policy principle. Evidence of previous residential use on the site. The walls of the former cottage are substantially intact but in a state of disrepair. The replacement would reflect the original layout of the dwelling.

Consultations:

Environmental Health: No objection subject to conditions on water supply and private drainage details.

Archaeology: The proposal to demolish the existing buildings and construct a new house will destroy archaeological information in the buildings and below ground. Given the likely antiquity of the settlement, and indeed the upstanding buildings, I judge the archaeological significance to be regional, with there being a moderate to high potential of encountering significant archaeological information. Mitigating the loss of the buildings and impacts on below ground deposits should include an historic building survey of the existing structures to an ENHANCED standard (per ALGAO: Scotland guidance; more detailed recording may be required as necessary) and a watching brief on all associated groundworks to sterile sub-soil or the first archaeological horizon.

Roads Planning: No objection subject to conditions requiring parking and visibility splay works.

Ecology: No objection subject to condition requiring SPP for birds.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of residential amenity

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP8: Archaeology

EP13: Trees, woodlands and hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

New Housing in the Borders Countryside 2008

Landscape and development, 2008

Developer Contributions, April 2016

Guidance on Householder Developments, July 2006

Recommendation by - Euan Calvert (Assistant Planning Officer) on 2nd September 2019

Full planning permission is sought for demolition of a derelict dwellinghouse and erection of a replacement at Folly Cottage, Woodside Farm, Kelso.

Site and Location

The site is 3 miles south of Town Yetholm in the Bowmont valley. It is situated on the lower eastern slopes of Crookedshaws Hill, overlooking the Bowmont Water. A track leads uphill from the roadside (the eastern boundary) to the building at The Folly Hope Burn. This burn forms the western boundary of this site.

The curtilage of the building has been enclosed by agricultural steel net stock fencing and a mixed species hedgerow. A service layby and entrance bellmouth have been formed in bitmac, both in accordance with a planning condition on 10/00655/FUL. The building benefits from this extant full planning permission for reinstatement, alterations and extensions to the derelict farmhouse.

A subsequent application in 2017, 17/00104/FUL, for re-instatement, alterations and extension of former dwellinghouse and erection of detached garage was approved but not implemented.

Policy

A material planning consideration is Policy HD2 Part E which identifies opportunities for replacement dwellings in the countryside.

Proposal

The proposal is to demolish the building and to erect a new dwellinghouse on the site. The design is largely identical in form, layout and orientation as approved in 2017, 17/00104/FUL. There would be discernible changes to the plan principally in the length of the main ridge line. This proposal would be shorter in ridge length and 12.5m small in footprint than the live permission.

Assessment

Principle

The principal of residential accommodation was established by permission 06/00992/FUL, which considered conversion of a derelict building to dwellinghouse. In 2010, 10/00655/FUL, a permission for reinstatement, alterations and extensions was approved for what was described as a "derelict farmhouse". This has commenced and now a live permission exists for re-instatement, alterations and extension, 17/00104/FUL.

Policy HD2, Part E, of the Local Development Plan 2016 supports replacement of an existing house where:

- I. The siting and design of the new build reflects and respects the historical building pattern and character of the landscape setting.
- II. The proposal is in keeping with the existing/ original building in terms of scale, extent, form and architectural character.
- III. The conversion is in keeping with the scale and architectural character of the existing building.

New housing in Borders Countryside Supplementary Planning Guidance, December 2008, guide replacements as follows:

"Rehabilitation of any available existing buildings should be considered as an alternative to new development and the Scottish Borders Council will look sympathetically at proposals for the sensitive reuse, conversion or rehabilitation of traditional buildings. There is, however, no automatic presumption in favour of redevelopment or replacement of derelict or dilapidated buildings in the countryside, particularly where the proposed housing is of a different scale and character to that which had existed previously."

The 2017 application was approved because it was largely in accordance with policy HD2 Part C which guides conversions. It was an enlargement of the previous structure but two previous Officers (in 2006 and 2010) had come to the same conclusions that the building lent itself to conversion and had also permitted enlargements of the existing envelope.

The difference between Policy HD2 part C, conversions, and part E, replacements, is that there must be an existing dwellinghouse and it is the Planning Authorities decision that no dwellinghouse exists on this site presently. The building is uninhabited, missing a north gable and therefore open to the elements. The building has lent itself as a nest site for a barn owl in recent times. It cannot be considered a dwellinghouse despite it providing shelter by having a partially complete roof.

There is no requirement for me to consider policy criteria of Part E any further as the application fails to satisfy this very fundamental difference.

Two approvals have already been granted to rehabilitate this building. The 2017 proposal is more modest in footprint size than the 2010 approval. The 2017 proposal is linear rather than U-shaped in layout. The 2017 proposal is 1 and 3/4 storey in height whereas the extant permission is 1 and 1/2 storey in height.

New Housing in Borders Countryside 2008 identifies premise of conversion over any alternative to new development. I have previously considered proposals sympathetically as they demonstrate sensitive reuse of a traditional building and this position must be maintained. The Council has no presumption in favour of demolition and replacement.

I acknowledge the Agent's arguments in terms of energy efficiency, cost, and even safety however to compromise on fundamental distinction between conversion and replacement under Policy HD2 would set an unwelcomed precedent. Conversion of buildings must always be favoured over replacement and especially in this location. This existing building is highly prominent and makes a substantial contribution to the character and appearance of the Bowmont Valley. I find no material considerations in this case which merit relaxing this Policy position.

This building presents itself as an ideal opportunity to convert. There may have been a history of habitation on this site but I am quite clear from site photos that the building has been uninhabited (for a significant period of time) and is currently uninhabitable. The last use was clearly agricultural judging by the removal of the gable and use of brick in the stanchions.

To ignore this fact would result in a laissez-faire approach to housing in the countryside (HD2) whereby the Council could not make any tangible distinction between conversion or replacement in future decisions. The risks of such a position would be potential wholesale loss to local built character as others followed suit. It will always be the case that conversions are more costly and less energy efficient but these are compromises being made in the interests of preserving character of the historic built environment.

Ecology (EP2: National Nature Conservation Sites and Protected Species and EP3: Local Biodiversity)

The Council's Ecology Officer is aware of previous studies/surveys related to the previous permission. It is understood that the building was suitable habitat for barn owl and consequently mitigation measures were put into place. A permanent compensation site and ongoing monitoring has taken place on an ongoing annual basis since barn owl nest boxes were installed.

As an informative I will note this barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to a state beyond use) in order to safeguard the nesting site(s) available to barn owl.

Presence of barn owl and the fact that the structure has been completely open at a gable end, which would create an unstable temperature, there is no requirement for a bat survey. I am satisfied that both Policy EP2 and EP3 have been fulfilled.

Special Landscape Areas (Policy EP5)

Sensitivity of the Cheviot Foothills SLA is acknowledged. Rehabilitation of a former dwelling, rather than a new building, is supported as the design is traditional in form therefore in keeping with vernacular.

Archaeology (Policy EP8)

The Council's Archaeologist notes the site is of regional archaeological significance, with there being a moderate to high potential of encountering significant archaeological information. A historic building survey and a watching brief is requested to ensure buried archaeology is mitigated and recorded.

IS2: Developer Contributions

Contributions were identified for Kelso High School in a consultation response from Education however it would not be equitable to pursue this request for school contributions. The burden on services and infrastructure was already accepted in 2006 and, crucially, permission granted in 2010 is implementable (10/00655/FUL). I am satisfied that policy IS2 has been complied with.

IS7: Parking Provision and Standards

The Roads Planning Officer identified requirements of planning conditions to ensure visibility splays.

IS9: Waste water Treatment Standards and Sustainable Urban Drainage

Details are required to protect the water environment.

No response has been received from Yetholm Community Council and no third party representations have been received.

REASON FOR DECISION :

The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment.

Recommendation: Refused

- o The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment.

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