

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01766/PPP

APPLICANT : Dr John Crombie Smith

AGENT : MKT Design

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land North West Of
Poultry Farm
Stow Road
Lauder
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
MKT/JCS/001	Location Plan	Refused
MKT/JCS/002	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Roads Planning Service: It is good practice to restrict the number of accesses onto A and B classified roads out with settlement boundaries, however a new access can be supported where there is a proven economic justification for the proposal provided geometry and visibility requirements can be achieved. As such, should there be proven economic justification for this proposal I shall not object provided the conditions set out below are included in any consent issued.

Community Council: No response.

Director of Education and Lifelong Learning: This proposed development is within the catchment area for Lauder Primary School and Earlston High School. A contribution of £7,754 is sought for the Primary School and £3,562 is sought for the High School, making a total contribution of £11,316.

Scottish Water: No response.

Scotia Gas & National Grid: As the proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment.

Economic Development: I will require copies of the last 2 years Accounts and a Business Plan for Loanside Quarter Horses before I can comment.

Re-consultation: Given the information supplied, there is clearly not sufficient business activity to provide an income for one person let alone sufficient to justify the provision of a dwellinghouse. Appreciate that the applicant has indicated that in the future there is the likelihood of horse breeding activity but this has not taken place as yet and cannot be used to justify a dwelling.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Outwith Development Boundaries

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP13: Trees, Woodland and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Trees and Development 2008

Landscape and Development 2008

Development Contributions updated January 2018

New Housing in the Borders Countryside 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 23rd September 2019

Site and Proposal

The site is situated to the west of Lauder and to the north of the B6362 road to Stow. It is in the south west corner of a field and there are stables in the south east corner and mature trees on the boundary with the public road. The site is surrounded by fields, though there is a gas plant to the east, an electricity substation to the south and a large complex of poultry houses to the south east.

The proposal is to erect a dwellinghouse on the site. An access would be formed onto the public road. As this is an application for Planning Permission in Principle no details of the design of the house have been submitted, though a site plan has been provided showing the siting of the house in relation to the gas pipeline.

Planning History

None

Planning Policy

The site is outwith the Development Boundary for Lauder, as allocated in the Local Development Plan and so the proposal has to be assessed against the Council's housing in the countryside policies.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. There is no building group in this location.

Policy HD2 (E) relates to housing in the countryside and housing in a location essential for business needs may be acceptable if the Council is satisfied that the housing development is a direct operational requirement of an enterprise which is itself appropriate to the countryside and is for a worker predominantly employed in the enterprise and the presence of that worker on site is essential to the efficient operation of the enterprise.

Policy PMD4 states that where Development Boundaries are defined they identify the extent to which settlements should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and new development outwith this boundary will normally be refused. One exception is that it is a job generating development in the countryside that has an economic justification under policy ED7.

The Supporting Statements advise that the applicant operates a horse breeding, showing and stabling business, established in 1986 which employs two members of staff. The dwellinghouse is required for security and horse welfare reasons.

The Council's Economic Development requested a business plan and accounts to fully assess the proposal.

Additional supporting information has since been submitted which states that the applicant stopped breeding horses due to personal circumstances. He owns one 4 acre field and rents two fields for growing hay. He has three horses at livery but does not currently own any horses. He wishes to buy horses and restart breeding, breaking, showing and competing horses and expand the livery business with other family members. The applicant has also submitted accounts for 2018 and up to April 2019.

The Economic Development Section has been consulted on this information and advises that, based on the information submitted, there is clearly not sufficient business activity to provide an income for one person or to justify the provision of a dwellinghouse. The applicant has indicated that in the future there is the likelihood of horse breeding activity but this has not taken place as yet and cannot be used to justify a new dwelling on this site.

Therefore, the proposal fails to comply with policies PMD4 and HD2 as there is no robust economic justification for a new dwellinghouse on this site as there is no established business being run from the site and the existing building on the site does not appear sufficient to accommodate the business proposal outlined by the applicant in the supporting information.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

No details of the design or materials of the proposed dwellinghouse, boundary treatment or landscaping have been submitted as this is in an application for Planning Permission in Principle and would be dealt with at the Approval of Matters Specified in Conditions or detailed application stage.

The trees along the road boundary provide a degree of screening to this open field.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The nearest residential properties are at Greenwells and Lauderhill 160m to the south east. The proposal would not affect the light or privacy of any existing properties.

Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

A new access would be formed from the public road which would incorporate a service layby. The site is large enough to accommodate on-site parking.

The Roads Planning Service advises that it is good practice to restrict the number of accesses onto A and B classified roads outwith settlement boundaries and the new access can only be supported where there is a proven economic justification for the proposal and provided that geometry and visibility requirements can be achieved.

As outlined above, it is considered that there is no economic justification for a new dwellinghouse on this site.

Trees and Woodlands

Policy EP13 seeks to protect trees from development. There is a tree belt between the site and public road and the vehicular access and service layby may impact on these trees.

The agent has submitted a tree survey. This highlights two mature ash trees, which are in a state of decline, and young trees along the roadside verge and concludes that the trees should be felled as they would propose a risk to the proposed house and the young self-seeded trees along the road verge would need to be removed for the access and visibility splays.

Should the application be approved and the trees require to be felled, a condition is recommended that replacement planting is carried out within the site.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The water supply would be from the mains supply and drainage would to a septic tank and soakaway. No details have been submitted and this would be secured by a condition.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3 are required towards the Borders Railway and education and would be secured via a legal agreement.

REASON FOR DECISION :

The proposal is considered to be contrary to policies PMD4 and HD2 of the Local Development Plan 2016 as there is no business currently being operated from the site and so there is no economic justification for a new dwellinghouse in this particular countryside location outwith the Development Boundary for Lauder. In addition, the Roads Planning Service would only support a new access onto the public road in this rural location if there is a proven economic justification for the dwellinghouse on this site.

Recommendation: Refused

- 1 The proposal is contrary to policies PMD4 and HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside (December 2008) in

that the application site is located outwith the Development Boundary for Lauder, is not associated with any recognised building group of 3 or more houses and the need for a house at this particular location has not been adequately demonstrated as being a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. The erection of a house on this site would lead to an unjustified and sporadic expansion of residential development into the open countryside.

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