

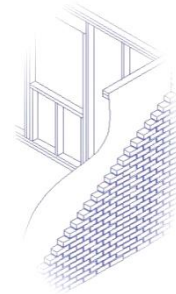
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Appeal to Local Review Body

Mr C. Lyle
Dodlands
Hawick
TD9 8LG

Grounds of Appeal – Proposed Dwelling at Land to South of Dodlands, Hawick, TD9 8LG **Planning Reference - 19/01358/PPP**

See enclosed information -
Location Plan (19-667-PPP-1001) and Planning Design Statement & Photographs

This planning application was submitted by necessity rather than a desire to build a new house at Dodlands. As noted in the submitted Planning Design Statement, a pre-application was assessed prior to our formal application which noted that Mr Lyle is currently separated from his wife, and requires selling Dodlands as part of their settlement. This information is quite personal which is why it was removed from the statement from our formal application. While personal circumstance should not be used to try and gain favouritism for any application, it perhaps provides a little more insight that we have not taken the decision lightly to submit an application.

The reasoning for the house is adequately covered in the original application, and as noted in the officers' report, there is no economic reasoning behind the need for a house, which we do not dispute. The smallholding could not support a house for this reason. But with the increase in rural theft in the last few years, especially for expensive equine equipment, security is of paramount importance for the applicant, which he would no longer have not living on site. We understand that this is also a major concern of Mr Whillans who runs the livery at Dodlands Stables.

The planning report reads as though the plot/house could be supported with the exception that we are not part of a housing group, defined by three or more houses, and there is also potential issue with the access to the site. Unfortunately we were not afforded the right of response to these issues prior to refusal being passed, so we feel this is our opportunity to address each of these items.

We were always aware that any new house in this location would be contrary to housing in the countryside policy, but essentially a third house in this particular area provides better a link between Dodlands and Firdean, essentially forming the desired grouping. If there is concern about additional development in the area this could have been dealt with by additional conditions on the approval, but the applicant has no intention of asking for any further development in any instance. There are several isolated houses in and around the areas between Hawick and Denholm/Bonchester, many not forming a housing group, so these proposals are not any different to the surroundings.

Paul Grigor, Roads Planning Officer, was the only objection to the application on the basis that the existing junction between the drove road and the A6088 is sub-standard, in particular the sight-lines to the South. The drove road is a public right of way between Dodlands and Hawick, joining a slow moving section of the main road, but can freely be accessed by any vehicle without restriction. At the moment it is generally only accessed by the occupants to Dodlands and Firdean, with occasional agricultural use for the adjacent farm lands. The inclusion of a third house is unlikely to increase the traffic in this junction by any significant numbers suggested by Mr Grigor, and if the junction is suitable for a slow-moving agricultural vehicle, we see no reason that it is unsuitable for a modern passenger car as it is currently used.

If our appeal is unsuccessful, it is still likely that there will be an increased volume of traffic at the junction in any instance, given the applicant will be visiting on a regular basis to check his livestock and stores, certainly no more than if he lived on site. And given the public right of way, this is not a concern for the roads department.

This objection by the roads department also highlights the shortfall in their own decision making, which continues to be a problem for various planning applications. While their concern for this particular application is perhaps understandable, it is noted that other projects do not seem to get the same treatment. It was noted that a recent development at Spittal-on-Rule for an equestrian centre is currently under construction (planning reference 15/00518/FUL), and it appears the roads department had no concern or objection even though it is accessed from a farm track off a fast flowing section of the A698, which also has limited visibility to the East. An equestrian centre is likely to generate more traffic than a single dwelling, and also likely to be slower moving. All we are asking for is fair and consistent decision making. Spittal-on-Rule is just one of several projects in the Borders that we feel has not been judged by the same standards as this particular application.

There were letters of support submitted from the nearby neighbours, who again are looking to try and ensure as much security as possible given their location. There were also no objections from any consultations other than the roads department which is covered above. Although the site does not comply with planning policy, we do not see that an individual house is doing any harm in this location. As noted by the planning officer, it would have no detrimental impact on the adjacent properties or the surrounding area, and it is effectively out of sight from any public areas, with the exception of the adjacent drove road. If there was ever an application that deserved consideration outwith the grouping policy, this is the one.

Stuart Patterson
On behalf of Mr C. Lyle.