

Mr Jamie Reddihough
per Ethical Partnership
Per Allen Creedy
28 South Gosforth
South Gosforth
Newcastle Upon Tyne

Please ask for: Stuart Herkes
01835 825039
Our Ref: 18/01194/FUL
Your Ref:
E-Mail: sherkes@scotborders.gov.uk
Date: 14th November 2019

Dear Sir/Madam

PLANNING APPLICATION AT Land North West Of Town O Rule Farmhouse Bonchester
Bridge Hawick Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse, garages and associated access

APPLICANT: Mr Jamie Reddihough

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 18/01194/FUL

**To : Mr Jamie Reddihough per Ethical Partnership Per Allen Creedy 28 South Gosforth South
Gosforth Newcastle Upon Tyne United Kingdom NE3 1YL**

With reference to your application validated on **5th September 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse, garages and associated access

at : Land North West Of Town O Rule Farmhouse Bonchester Bridge Hawick Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 13th November 2019
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 18/01194/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
AL(0)306	Proposed Elevations	Refused
AL(0)307	Proposed Elevations	Refused
AL(0)308	Proposed Sections	Refused
A100-01	Location Plan	Refused
AL(0)101 C	Existing Site Plan	Refused
AL(0)100 C	Existing Site Plan	Refused
AL(0)102 A	Existing Elevations	Refused
AL(0)304	Proposed Plans	Refused
AL(0)301	Proposed Site Plan	Refused
AL(0)302	Proposed Site Plan	Refused
AL(0)303	Proposed Plans	Refused
AL(0)305	Proposed Roof Plan	Refused

REASON FOR REFUSAL

- 1 It is contrary to Adopted Local Development Plan Policies HD2 and PMD2, and to the guidance of the Supplementary Planning Guidance on New Housing in the Borders Countryside (2008) and Placemaking and Design (2010), in that the development would not in its layout, scale and design, respect the amenity and character of the site and surrounding area, principally in that:
 - (a) it would be unnecessarily and unacceptably over-dominant both relative to the site (including the existing building), its surroundings, and also within the context of the wider landscape; and
 - (b) it would be out-of-scale with the site, in that it would project outwith what is reasonably understood to be the most legible definition and setting of the farmyard site and building group, principally in that it would be accommodated over an existing farm track and would be accompanied by a new farm access in a location further to the southwest, without these resultant visual impacts being justified operationally, or acceptably mitigated within views from the public realm.

- 2 It is contrary to Adopted Local Development Plan Policy EP1 in that it has not been demonstrated to the Planning Authority's satisfaction that the proposal would not have a likely significant effect on a European Protected Species or its habitat.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01194/FUL

APPLICANT : Mr Jamie Reddihough

AGENT : Ethical Partnership

DEVELOPMENT : Erection of dwellinghouse, garages and associated access

LOCATION: Land North West Of Town O Rule Farmhouse Bonchester Bridge
Hawick

Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
AL(0)306	Proposed Elevations	Refused
AL(0)307	Proposed Elevations	Refused
AL(0)308	Proposed Sections	Refused
A100-01	Location Plan	Refused
AL(0)101 C	Existing Site Plan	Refused
AL(0)100 C	Existing Site Plan	Refused
AL(0)102 A	Existing Elevations	Refused
AL(0)304	Proposed Plans	Refused
AL(0)301	Proposed Site Plan	Refused
AL(0)302	Proposed Site Plan	Refused
AL(0)303	Proposed Plans	Refused
AL(0)305	Proposed Roof Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations.

All consultees summarised below, were responding to the first, and now superseded version of the proposal, and responded as follows:

Roads Planning Section: no objections in principle to this development. The proposed access for the residential plot would need to be surfaced to an appropriate specification. It is noted that there are plans to provide a new access to the southwest of the development site for agricultural traffic. It should be noted that this would not be a requirement of the Roads Planning Service. However, Roads would have no objections to the existing junction area being surfaced to an extent which covers both the residential access and the agricultural access. Should the Applicant insist on a new access for agricultural traffic, Roads would not have any preference over either Option 1 or 2, as shown on the associated plans. Conditions are proposed to require the submission and agreement of the access

details to the house and any alternative agricultural track. An appropriate specification is identified; and advice recommended with respect to contractors working in the public road boundary.

Environmental Health Section: seeks a condition to require and regulate a land contamination assessment.

Archaeology Section: considers that there is a low to moderate potential for encountering buried archaeological features or deposits, and in the event of approval, requests a condition to require and regulate a scheme of archaeological works.

Ecology Section: seeks further information, prior to the determination of the planning application specifically a survey for bats by a suitably qualified person, addressing specific and stated points. However, in addition to this, recommended conditions are also identified, specifically to protect breeding birds; require a Construction Method Statement (CMS) to protect the water environment; and require a Habitat Enhancement and Management Plan (HEMP) setting out measures to enhance local biodiversity and the ecological network through planting native species. The Ecology Section has also provided a subsequent response directly to an ecologist confirming that the latter's outlined scope of works would likely be sufficient to guide the required bat survey work.

Landscape Section: considers the principle of a dwellinghouse in this location has been established. Landscape's concern is with the impact on the existing tree and hedge resource on or immediately adjacent to the site. An Arboricultural Impact Assessment has been submitted but fails to provide the associated Tree Survey information which is detailed in Section 4.4 of BS5837:2012. There is no definitive plan showing the trees on site (which it is acknowledged, are relatively few in number), with numbering to identify each tree surveyed. Landscape advises that the purpose of an Arboricultural Impact Assessment (AIA) is to assess the impact of the development on the trees surveyed: 'that evaluates the direct and indirect effects of the proposed design and where necessary recommends mitigation.' (Section 5.4 of BS5837) Tree constraints (5.2 of BS5837) should be plotted on proposed site plan and this may demonstrate while a particular tree(s) require removal. A Tree Protection Plan (Section 5.5 of BS) should be required, when the design has been approved to indicate the locations of protective fencing and extent of any ground protection required to protect any retained trees on site. This would likely be conditioned as part of and detailed consent. The Landscape Section would want the Tree Survey information submitted to support a revised AIA, which clearly demonstrates the impact of the development on every tree on or adjacent to the site. However, it is advised that any consent of the proposed development should be conditional on a detailed Landscape scheme being submitted. This should pay particular attention to the external parts of the site, such as tree and hedge planting to the boundaries and planting to external areas that would mitigate the visual impact and help to achieve a landscape fit in this very rural landscape. Conditions to require and regulate these matters are identified.

Education and Lifelong Learning: advises that a contribution is required towards Denholm Primary School.

PLANNING CONSIDERATIONS AND POLICIES:

STATUTORY DEVELOPMENT PLAN

Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP8: Archaeology

EP13: Trees, Woodlands and Hedgerows

EP15: Development Affecting the Water Environment

IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage
IS13: Contaminated Land

SUPPLEMENTARY PLANNING GUIDANCE

Placemaking and Design (2010)
New Housing in the Borders Countryside (2008)
Development Contributions (2016)
Waste Management (2015)

Recommendation by - Stuart Herkes (Planning Officer) on 12th November 2019

This detailed planning application proposes a new dwellinghouse, associated outbuildings and a new access road, on land within and around the farmyard at Town O' Rule Farmhouse at Town O' Rule, which lies 1km to the north of Bonchester Bridge.

BACKGROUND

This application was originally made in 2018. At that time, and since the submission pre-dated the expiry of an earlier planning permission in principle for a new house on part of the site, the Applicant was advised that the Planning Department anticipated remaining supportive of the principle of a new house being developed on the site; at least the relevant part of the site, which had previously been the subject of the aforementioned planning consent. However, the Planning Department also advised at that time, that it was not supportive of the specific proposal. This was based upon concerns with respect the specific siting, scale and design and layout of the proposed dwellinghouse itself, and also with respect to the proposed new farm access track. Furthermore, the Applicant was also advised that there was a need for a bat survey to be carried out and reported to the Planning Authority prior to the application's determination, as per the advice of the Ecology Section. Given all of these circumstances, the Applicant was strongly advised to withdraw the application, and make a new (successor) application at a later point in time, within which - or at least within a revised proposal - it might then have the opportunity to respond directly to the objections and concerns of the Planning Department, as well as to prepare and provide a report of the requisite bat survey (which it was apparent could only be conducted in the spring of 2019 at the very earliest).

The Applicant however, was - and has remained - concerned that the existing application should not be withdrawn, but should instead be maintained while he has taken the opportunity to consider his response, and provide a revised proposal with updated information, to address the concerns and deficits identified by the Planning Department. To this end, and until recently, the original application - 18/01194/FUL - has been maintained under a Planning Processing Agreement (PPA), to give an opportunity for this information to be provided. Both the Applicant and Planning Department have been content to address matters on this basis.

At earlier points this year (2019), the Applicant was initially concerned to explore the potential to substitute the original scheme for one or other of a number of sketched up alternative options and approaches to the design and accommodation of the proposed dwellinghouse. These were presented together (rather than successively within any evolving dialogue with the Planning Department). Unfortunately none of these were considered by the Planning Department to be capable of addressing sufficiently, the substance of the Planning Department's original concerns. Accordingly, the Planning Department has not been in a position to encourage the working up and substitution of any of these potential alternative schemes. The Applicant was however, given advice as to what aspects of the proposed scheme required to be addressed in order for it to be supportive. More recently, the Applicant has provided a new and coherent, fully detailed alternative proposal, which he has explicitly asked should now be substituted directly for the original scheme, and made the subject of Planning Application 18/01194/FUL. It is this new scheme which is the subject of this current Report of Handling.

This revised scheme is accompanied by an updated supporting statement. This documents the evolution of the design, including the Applicant and agents' efforts to accommodate both the Applicant's needs, while considering the concerns raised by the Planning Department, both in its response to the original scheme, and to the various alternatives depicted by the sketched options presented earlier this year.

While I would note some concerns about how the Planning Department's position is represented, the supporting statement ultimately acknowledges that the Planning Department has maintained its objections with respect to the schemes it reviewed. The supporting statement notes some concern to move towards the Planning Department's position, but in others, it acknowledges that this has either not occurred, or has occurred only on an incremental or more limited basis than the Planning Department had been seeking.

In the most recent advice given to the Applicant (further to the various options having been presented), the Applicant was in essence being asked to make significant changes to the design in order to progress the proposal positively. The Applicant does acknowledge this, but seeks to justify the proposal in its current form, based on what he considers the scheme is required to achieve.

Since the surrounding land is within the Applicant's own control, and given that the proposal maintains the original site boundary, I am content that there is no requirement or necessity for the revised proposal to be referred back to public consultation, or to any or all of the various consultees. Given that the salient details and impacts of the proposal are, or would be, either the same as, or very similar to, those that were assessed in relation to the original proposal, I am content that the further advice of consultees would not be necessarily or usefully sought or provided in response to the revised, and now current, scheme. As such, I consider that the Planning Department has sufficient information to consider and determine the planning application with the recently provided substitute scheme in place of that which was originally provided in September 2018.

SITE DESCRIPTION

The boundaries of the application site remain unchanged from the description of the original scheme. While the revised proposal does still broadly inhabit the same footprint as before, one critical difference is a revision to the footprint of the dwellinghouse, which now no longer extends so far to the northeast. However, the site boundary has not been revised or reduced to reflect this particular revision, and the original site boundary is fully maintained.

The land within the application site includes a number of different components, although the primary and central element, is part of the traditional and established farmyard at Town O' Rule. This is occupied by traditional and non-traditional farm sheds and associated structures.

While this land lies upslope from the remainder of the traditional farmyard and farmhouse at Town O' Rule (which all lie downslope to the southeast), the land then falls away quite markedly both to the immediate northwest and northeast, such that this area of the traditional farmyard is notably more elevated than the land in three different directions (to the southeast; northeast; and northwest). The application site extends into and over, these falls in levels; that is, onto, and essentially over, land that currently lies out with the existing farmyard area, downslope within neighbouring fields. The Applicant has noted a concern to minimise this drift within the footprint of the house at least, and the footprint of the revised dwellinghouse does not largely agree with the existing traditional farmyard area. However, there is one critical exception to this, which is that within the revised proposal, the footprint of the proposed dwellinghouse would now also extend onto and over, a section of the existing farm track to the immediate southwest of the existing farmyard.

Beyond the site of the proposed dwellinghouse, the application site also includes the route of a completely new farm road access, which would run through nearby fields to the southwest of the farmyard. At one point, the Applicant had considered omitting this new access, but this element is retained within the current version of the proposal. This is at least, inherently logical in that there is now the aforementioned concern to accommodate a building on land that is itself, within a section of the existing access track.

The land within the existing farmyard includes a traditional stone-built farm building along the southeastern boundary. It is proposed that this would be retained within the proposed development. All other structures within the site are modern structures, which are shown as being removed from the site; primarily to make way for the new house and/or the forecourt area around which it would be structured. At present it is this stone-built farm building which is the most salient building on the site, and it dominates views from the public road, particularly from the southwest.

PLANNING HISTORY

While the land that would be required to accommodate the new farm access road, does not have any known planning history at all, the land that is proposed to accommodate the siting of the new house has previously been the subject of an approved Planning Permission in Principle. This specifically related to the site of the traditional farmyard, which was the subject of a Planning Permission in Principle (15/01113/PPP) for the erection of a new dwellinghouse. As noted above, an acceptance of the principle of a new house being accommodated within the traditional farmyard, takes account of this recent planning history.

Planning Consent 15/01113/PPP was consented on 06 November 2015, subject to sixteen planning conditions, including conditions to require and/or regulate the following matters: (i) to require the investigation and remediation of historic land contamination; (ii) to require and regulate an archaeological Watching Brief; (iii) to protect breeding birds; (iv) to ensure agricultural activities should cease ahead of development; (v) to require a slated roof; (vi) to regulate the operation of a private water supply; (vii) to regulate the details of surface and foul water drainage; (viii) to require and regulate the details of the landscaping and boundary treatments of the site (including any gates); (ix) to regulate the construction of the site access; (x) to require on-site parking and turning provision; and (xi) to require and regulate provision of a passing space on the D63/3 public road. No development contributions were required at that time, and therefore consent was not subject to any legal agreement to secure any contributions. Although current at the time that the current planning application was received in September 2018, the aforementioned Planning Permission in Principle, has itself now expired unimplemented (at 06 November 2015), and without any ulterior AMC Consent first having been issued.

The aforementioned PPP consent itself largely superseded an earlier proposal that was the subject of a previous PPP application (12/01210/PPP) which proposed two new houses on essentially the same site as that which was ultimately the subject of Planning Consent 15/01113/PPP. However, this earlier PPP application was ultimately withdrawn (shortly before 15/01113/PPP was approved, in fact). The part of the current application site that contains the traditional farm building was also the subject of a previous, but ultimately withdrawn, planning application (12/01209/FUL) to change the use of this aforementioned building to residential use. As the numerical sequence suggests, this was a related proposal to the above noted proposed two new-build properties, and both were ultimately withdrawn at the same time, and ahead of the issue of Planning Consent 15/01113/PPP. Both Planning Application 12/01210/PPP and 12/01209/FUL had been supported by the Planning Authority, subject to the conclusion of a legal agreement to secure the requisite development contributions. However, since the legal agreement was ultimately not concluded, neither of these consents were issued, and were ultimately withdrawn in September 2015 ahead of the issue of Planning Consent 15/01113/PPP.

PROPOSED DEVELOPMENT

The proposal is a detailed design for a new dwellinghouse that would be accommodated substantially within the existing farmyard at Town O' Rule Farm. This essentially takes in the application sites of the two previously withdrawn applications for residential development (two new-build and one conversion) on the site (12/01210/PPP and 12/01209/FUL, respectively) along with a much larger area, supplemented as it is, by additional areas to the northeast, northwest and southwest. However, it is important to stress that further to the Applicant's revised design, the footprint of the current proposal does now substantially adhere both to the traditional farmyard area itself and to the land that was the subject of the previous applications and PPP consent. The only exception, as noted, is that it would extend onto and over the existing farm access to the southwest.

In its layout, the proposed dwellinghouse would seek to replicate a traditional farm courtyard with buildings fronting onto an open central courtyard area. However, rather than a more traditional 'C-shaped' configuration, the dominant sense would certainly be more of an 'L-shaped' plan due to a pronounced exaggeration of the structures along the northwest side of the forecourt. There would in fact be three sets of adjoining new-build ancillary elements lining the northwest side of the 'forecourt', while the main dwellinghouse would dominate the northeast side in the 'central' farmhouse location. The existing traditional stone-built farm building would be retained to the southeast within this forecourt configuration. However, in its more limited projection, it would not counteract the sense of this being a predominantly 'L-shaped' footprint. The latter would register strongly within views into and of the site, from the public road, from the southwest and southeast.

The proposed main dwellinghouse would be over 11m in height; that is, from its foundation (185.000) to its roof ridge (196.105). It has been conceived as an interpretation of a traditional farmhouse, employing non-traditional materials and design elements, but in its scale, it is a significantly larger structure than the existing traditional stone building which is described as being conserved authentically to the southeast.

The proposal drawings describe levels, which indicate areas of notably significant make up of levels from the existing to the proposed, particularly along the northwest boundary of the traditional farmyard area, and to a now reduced extent along the northeast boundary of the farmyard area. It is noted but not actually fully detailed in any section or elevation drawing that the northeast and northwest limits of the dwellinghouse would be delimited for the most part, by retaining walls and features; and changes in levels would be negotiated by various flights of steps around the northwest and northeast perimeters.

A series of three ancillary elements are included extending along the northwest side of the forecourt, stepping down to more ancillary structures, including a garage block, which would itself be accommodated over a section of an existing agricultural access. The latter is not a designated Right of Way, but is the main access to existing agricultural buildings to the west of the site. As noted, the proposal includes an ulterior concern to provide a new access road to these buildings. The junction of this new road, would be located at a point to the south of the site and incorporates land that is currently a field and road verge. There are hedging and trees near this proposed new junction.

PLANNING POLICY CONTEXT

Since the application site lies out with the Development Boundary, the proposed development must be assessed against the policies and guidance of the current statutory development plan (Scottish Borders Council Local Development Plan 2016) which relates to housing development in the countryside. The present rural housing policy principally comprises Policy HD2 of the adopted Local Development Plan, with reference to the guidance of the Council's adopted SPGs on new Housing in the Borders Countryside (2008) and Placemaking and Design (2010). These then constitute the planning policy context within which the proposal requires to be assessed unless any material considerations dictate otherwise.

The proposed dwellinghouse would be new-build and is not justified by any economic need (which is to say that no supporting business case has been provided to justify any business' need for a new dwellinghouse in this specific location). Support for the principle of the development would therefore be dependent upon it being accepted that the application site is well-related to an existing building group that is capable of augmentation to include a new dwellinghouse.

There is a building group at Town O Rule which is comprised of more than three houses, and there is capacity in theory at least, for the principle of this proposal, which is to say, the addition of a new dwellinghouse to the building group at Town O Rule (in point of fact, it can be substituted directly for the house that could have been built under Planning Consent 15/01113/PPP, which has now expired).

Accordingly, it is accepted that in principle at least, there are no concerns that the building group is both existing and capable of being augmented by one additional dwellinghouse during the current local plan period. However, planning policy also requires that the specific site be well-related to that building group, and requires that account be taken of the cumulative impact of any new development upon the character of the building group and the amenity of the surrounding area. Further, and in addition to the requirements of the Council's rural housing policy itself, it is also necessary that the proposal should have no unacceptable impacts upon the environment and/or amenity of the site and surrounding area in accordance with the requirements of other policies within the Local Development Plan. As such, the specific site, and whether or not that specific site would be appropriately developed in these terms, requires further consideration.

PLANNING PRINCIPLE

With respect to the assessment of the principle of the current proposal, it is a significant material consideration that a part of the site has recently had - even in fact, at the time that that the current application was made - planning consent for a single dwellinghouse; and that this site is substantially that which would accommodate the proposed new house in this case too.

With respect to the principle of the land within the application site that was the subject of Planning Application 15/01113/FUL being developed, I am content that the situation both on the ground and in

planning policy and guidance, remains substantially the same as at the time of the assessment of that previous application, and that no different view would reasonably be taken with respect to the acceptability of the principle of the development of this land to accommodate a new dwellinghouse.

This having been noted, it must be observed that this site is not commensurate with the current application site, which not only contains the site of the now expired Planning Consent 15/01113/FUL (not to mention those of Planning Applications 12/01210/PPP and 12/01209/FUL), but also includes other areas of land that are beyond the recognisable limits of the traditional existing farmyard site; including as it does, land in fields downslope of the farmyard and a section of the existing access road. As such, while I am content that the assessment of the potential to accommodate a new-build house on the existing farmyard site is only reasonably considered to remain essentially as it was assessed to be back in 2015, no direct equation should be made between this position, and the assessment of the principle of the current proposal. As such, the current proposal - with its inclusion of the additional areas - needs to be assessed on its own planning merits.

RELATIONSHIP OF SITE TO BUILDING GROUP

Town O' Rule is a building group based upon a group of traditional farm buildings including a farmhouse. It has a somewhat linear form, being a group of buildings arranged along, and essentially configured in relation to, the side of the road, which itself negotiates a pronounced slope, running downwards from northwest to southeast. The existing traditional farmyard is both adjacent to the farmhouse (to the southeast). It is not an especially well-defined and contained area of land, in that there are notable falls in levels to the northeast and northwest. However, the previous history of planning approvals, reasonably allows that a view has been taken that the majority of the area that would accommodate the dwellinghouse, has been accepted as being within the building group either in being within the farmyard area, or sufficiently well-related to it. However, a strong feature within the definition of both the farmyard, and by extension the building group, is certainly the road and farm track to the southwest. Moreover, the current application site also includes areas that are beyond the farmyard, particularly to the northeast, where a large area of field downslope of the farmyard site is also included, albeit no longer identified for inclusion within the proposed house's footprint.

I am content that both the section of the access track to the southwest, and the fields included within the current application site to the northeast, do not lie with the definition of the building group at Town O' Rule. These are more reasonably characterised as areas that are either within the setting of the building group (fields), if not in fact, as features which actually serve to define and delimit it (the existing farm road). Any development that were to go forward in these circumstances, would, I consider, certainly do so in very clear contradiction to this existing definition and present sense of containment of the building group at Town O' Rule.

In particular, I would note that there would be two obvious and deleterious effects, specifically in that development in these areas would remove - essentially 'overwrite' - the existing boundaries and limits of the building group at its northeastern and southwestern extremities; seeing it 'spill out' of its existing limits, into the surrounding countryside. This would in itself, be unsympathetic to the definition of the existing building group and its landscape setting. Moreover, in its introduction of development into areas that are clearly extrinsic to the building group, including undeveloped fields, it would be liable to promote further development beyond the existing and otherwise perfectly defensible boundaries of the building group in these different directions; particularly; to the southwest and northeast; and to even greater and even more unacceptably adverse effect, with respect to the impacts upon the character and setting of the building group, and the latter's sense of place as a group based on a traditional farm steading.

I would note that the part of the current application site which would be used to accommodate the proposed new farm access road, is also a consideration here, in terms of the impacts of this proposal upon the wider character and setting of the building group at Town O' Rule. While it is being proposed directly as a new access for the other operational farm buildings to the northwest (as such, as an agricultural development rather than a residential one), it has ulterior potential to allow or become, now or later in time, a substitute limit or arrest of development to the southwest, at least where the proposed dwellinghouse were to be realised over the existing southwestern boundaries of the farmyard. In point of fact, beyond the current proposal's own inherent logic (that there should be a replacement access to the one the Applicant wants to develop over), there is otherwise no obvious or natural requirement for there to be any new ulterior 'limit' to the building group to be established in this direction, at least not where the building group could more

reasonably be expected to be accommodated within the limits of the existing traditional farmyard area; bounded by the existing access track along its southeastern boundary. There is no obvious or reasonable requirement to supersede or overwrite the existing farm access, which appears perfectly serviceable as an access, and perfectly defensible as an existing limit to the traditional farmyard area, and by extension to the building group, to the southwest.

I consider that the principle of a new house could, as before, be supported where this would be entirely within, and confined to, the existing definition of the farmyard (or at least within areas that were within the development site that was subject to Planning Consent 15/01113/PPP). However, with the inclusion of areas that are obviously extrinsic to the traditional farmyard, I am obliged to take the view that the larger site - the current application site - when considered on its own planning merits, is not reasonably assessed as being within the existing sense of place of the building group at Town O' Rule, and that the extension and development of the building group in these ways, and (literal) directions, would have an unacceptably adverse impact upon the sense of place of the building group, its character and landscape setting. I consider that within this assessment, the current application site is not reasonably accepted as a suitable addition to the building group, and the proposal should be refused on this basis.

I am content that there are no material considerations that would otherwise justify any concern to augment the land within the farmyard for the purpose of accommodating a new residential property; and that the specific proposal is simply excessive in its concern to use and involve wider areas of land around, and out with, the farmyard. In point of fact, the 'spill out' and over, clear changes in levels to the northeast, as well as into and over the existing access track to the southwest, is only a response to the Applicant's particular concern to accommodate a specific bespoke proposal, including a very large dwellinghouse which is itself, fundamentally out-of-scale with the site. In this sense, the form and definition of the application site is not in fact, any considered or reasonable response to the actual boundaries, landscape context (or even planning history) of the existing farmyard site within which the Applicant might reasonably be expected to work; let alone, being any considered attempt to accommodate a new house within the established boundaries and sense of place of the building group. Instead, it seems to be a simple case of 'the coat not being cut to the cloth'; with the definition of the current application site being dictated wholly by the concern to accommodate this particular design and layout of dwellinghouse.

I do not consider that the current application site - with its incorporation of areas of land that clearly lie out with the existing farmyard at Town O' Rule - is reasonably assessed as being encompassed within the existing sense of place of the building group at Town O' Rule. On the contrary, it appears to lie in an obvious contradiction - even challenge - to the sense of place of the building group as this is reasonably understood to prevail on the ground. It would be liable to 'push' the building group over its existing limits and even into its own setting, without there being any clear need for this to occur, other than the physical inability to accommodate the proposal within the existing confines of the traditional farmyard area. The definition of the application site is not supported.

For the above noted reasons, I do not consider that the application site is well-related to the sense of place of the building group at Town O' Rule and its development would have an unacceptable and significantly adverse impact upon the character and setting of the building group at Town O' Rule, being tantamount to an overwrite of the obvious and natural sense of containment of the building group, and in ways that would also be liable to appear, obviously contrived and unsympathetic.

PROPOSED LAYOUT OF DWELLINGHOUSE

As noted above, the proposed layout and design of the specific proposed dwellinghouse and residential property, is apparently the most dominant consideration informing the definition of the application site. In planning terms, the Applicant would more reasonably have designed and laid out his proposed dwellinghouse to respect the existing character and setting of the building group. The house and outbuilding(s) at least, would more reasonably have been confined to, and contained within, the existing traditional farmyard, without there being any part of any proposed structure spilling out into, or over, the land within surrounding fields or across the existing farm road.

There is no requirement to consider the revised proposal relative to the original proposal in the way that the supporting statement is concerned to frame its assessment (since the original proposal was not something that the Applicant was able to progress). However, even in its own terms, I would note that while the removal of the footprint of the proposed house from the fields to the northeast, is certainly a relatively positive

revision, the accommodation of garages over a section of the existing farm track, is not. This is a particularly clumsy, unfortunate and unsympathetic aspect of the proposal, which could easily have been avoided within a more modest and compact design, tailored to the confines of the traditional farmyard area. In its layout, the proposal is a highly unsympathetic form of development in landscape and visual terms; it is simply too large and sprawling to be sympathetically accommodated in this location, and in any terms that are sympathetic to the character of the site or the surrounding area, including the building group.

As an additional point with respect to the proposed layout, the proposal to accommodate the garages over a section of the existing farm access road would also see this highly ancillary element occupy a very dominant position within the local landscape, essentially at the top of the crest of the hill, from which the public road descends, such that the garages would confront any road users climbing the hill. As far as reasonably possible, garages and outbuildings should be accommodated in secondary and ancillary locations, which agree with their function. They should not be dominant elements. However, sited and operated as proposed, the garages in this case, would have an unfortunate prominence, even over-dominance over the site and surrounding area, which is simply not necessary or justifiable in any landscape or operational terms.

Although potentially something that might in other circumstances, have been regulated by a planning condition in the event of approval, I would also note the extent of hard standing that would be accommodated to the front of the house. In addition to the farm courtyard, there is also a 'parking court' to the southeast. While the detailing may itself help, and while opportunities to reduce or 'break up' this impact, could be explored, there would be a risk that as described, this could result in an unsightly and highly suburban expanse of hard standing 'front and centre' within views from the public road, undermining any sense of an agricultural forecourt. Such an impact would be highly detrimental to the site and its setting.

PROPOSED DESIGN OF DWELLINGHOUSE

Within the most recent supporting statement, the Applicant has sought to show how he has responded to the concerns of the Planning Department (see principally, Section 3.1, page 17, which itemises the changes made from the original to the current version of the proposal). While the house design has changed and some alterations have been made in response to some of the concerns raised by the Planning Department, what has not changed significantly, is the sheer scale and dominance - over-dominance - of the proposed dwellinghouse, and the incongruous and highly detrimental visual appearance that the accommodation of such a large, out-of-scale building would have upon this site.

With respect to this scale and the proposal drawings, I would draw particular attention to the difference in height between the proposed main dwellinghouse and the existing farm building. The latter currently dominates the site, and in itself, is not at all an insubstantial, structure. It is, and remains, a positive feature of the development, that the Applicant is concerned to retain this existing building as part of the residential development. However, rather than this existing building being integral to the proposal in terms of scale and design, it would in fact be relegated to ancillary building, with no particularly recognisable context or setting. It would be 'swamped' by the proposed residential property, and relegated within any hierarchy of the site, to an almost incidental feature. The Northeast Elevation Drawing in particular, describes the existing/retained building and the proposed building side-by-side with one another. This shows that the existing building would be only around half the height of the proposed new main dwellinghouse.

The Applicant was asked, as he acknowledges, to ensure that the proposed new-build elements were no higher than this existing building in order to keep the proposed house in scale with the site, and farmyard context. I would continue to maintain the concern that any new-build on the site should not be higher (certainly not notably higher) than the existing building, and I would look for any new-build to be, and to remain in scale, with the existing building. The existing retained steading building, is simply overwhelmed by the scale of the proposed house, and in particular, the main section of it. It is to be noted that the sheer dominance of this building is to be further exaggerated, firstly, by the site's natural prominence within the surrounding landscape; and secondly, by the pronounced fall away in levels to the northeast and northwest, which give the site added salience in views from these directions.

I would add that while there may be a relative improvement in the design of the main house compared to the design of the house within the original proposal; this improvement is not sufficiently substantial to have addressed acceptably, the concerns raised with respect to the character and scale of the house proposed. The design has been 'broken up' somewhat within the revised proposal, which I recognise, does try to respond to the concern that the house could, and should, be set out along the lines of a traditional farm courtyard, with the main farmhouse in the central location. However, while the design of the revised proposal is relatively less institutional and/or industrial in its character and appearance than previous versions of the proposal, it is still an extremely large building that is not at all comfortably domestic in its appearance and scale, and which located at the higher end of the building group too, topographically speaking, would also see it be over-dominant both on the site, and relative to its surroundings including even the traditional farmhouse at Town O' Rule. The proposed dwellinghouse is, and would remain, a very bad fit in its scale and design, both with the site, with the building group, and with its landscape setting. The poor fit of the specific design of the dwellinghouse, is, I consider, another reason for refusal of this application.

The design of the two outermost (southwestern) ancillary sections of the dwellinghouse along the northwest side of the forecourt does not raise any particular concerns, in that these at least, do have some potential to have the general character and form of farm steading buildings and are in scale with the existing building. This though, does not negate the concerns, indeed objections, I have noted above, with respect to these extending out and over the route of the existing farm access road. However, I am content that the basic simple, single storey form of the structures could within an alternative design, have worked relatively well, subject to the materials and finishes being regulated to ensure a sympathetic finished appearance.

Given the relatively open nature of the site, and the artificially raised ground required to accommodate it, there is no reasonable prospect either that any landscaping or materials or finishes could allow for this proposal to be accommodated acceptably. On a technical point only, in the event of approval, such matters could though be conditioned, and further details about the specifics of both the finishes, materials and landscaping might have been provided, for prior approval.

ACCESS AND PARKING

I note that the Roads Planning Section, subject to its specific concerns being addressed to its satisfaction, is content that the proposed alternative access road could be accommodated appropriately in road safety terms. However, notwithstanding this, I would be concerned that the need for a new farm access road has not been appropriately substantiated, particularly where the loss of the existing farm track appears to be a concomitant only of the Applicant's concern to extend the footprint of the dwellinghouse beyond, and out of the farmyard site; and to remove farm traffic from the immediate vicinity of the site. Neither of these points appears to be necessary or essential in operational terms for either the farm or for the dwellinghouse.

Taking account of the lack of justification for it, I would consider that this proposed new access road is objectionable, and as noted above, I consider that it would have an unacceptable impact upon the setting of the building group at Town O' Rule, and that it would contribute, along with the proposed dwellinghouse, to a cumulative but highly significant and unacceptably adverse landscape and visual impact upon the sense of place of the building group, and upon the wider landscape.

TREES, HEDGES, LANDSCAPING AND LEVELS

Amongst the adverse impacts upon the local landscape and setting of the building group, that would be liable to occur, would be the potential for impacts upon existing trees and hedges, which I note the Landscape Section does not consider have been appropriately addressed within the supporting details. Had the proposal otherwise been justified operationally, it may have been appropriate to have accepted that a certain amount of disruption and disturbance to a roadside hedge at least, was necessary. However, without that justification, it can only be considered to add to the wider and unacceptably detrimental landscape and visual impacts of this aspect of the proposals.

In the event of approval, it would be appropriate to seek to regulate finished levels and landscaping treatments to ensure an acceptable finished appearance. Although both landscaping and levels details are given on the Proposal Drawings, these are not especially clear as to how the site would be finished and additional and more detailed information, would otherwise have been appropriately sought in both cases, in the event of planning approval. I am aware however, that since much of the dwellinghouse site does coincide with that which was the subject of the previous Planning Permission in Principle, there was already

an acceptance on the part of the Planning Authority that there was inevitably to have been some considerable remodelling ground works required. Accordingly, I am content that the extent of works to accommodate the dwellinghouse is not objectionable, even if there is a reasonable concern to ensure that these should not be exaggerated beyond that which is necessary to accommodate the house.

However, notwithstanding that these matters - landscaping and levels - could be addressed by conditions in the event of approval, I would be clear that I do not consider that the potential to regulate levels and landscaping, would reasonably address the concerns already noted with regard to the potential for significantly adverse and unacceptable landscape and visual impacts upon the sense of place of the building group, and wider landscape, as a consequence of this proposal.

The revised proposals I note, now include a proposed orchard to the northwest. However, this could be established without planning approval (provided the land were for horticulture, and were not intended as a new private garden). The establishment of smaller fruit trees would not provide any particularly effective screen in landscape and visual terms, particularly since the views from the road, in which the house would be especially dominant, would remain unmitigated.

ECOLOGY

The Applicant has been made aware of the Ecology Section's concern to review a bat survey of the existing farmyard and buildings on the site, ahead of the determination of the application. Indeed, the Applicant's agent presented a description of the proposed scope of survey works that they were proposing to carry out. However, no such survey has subsequently been presented.

While it may have been possible for a survey and report of the same, to have provided sufficient reassurance to the Ecology Section that the impacts were not objectionable, or were capable of being mitigated appropriately, no such reassurance has been provided. Accordingly the potential for unacceptably adverse impacts upon bats, a Protected Species, would in these circumstances, also necessarily need to be included amongst the reasons for refusal of the current application. Had it been the only potential point of objection, it would have been appropriate to have referred this matter back to the Applicant, but given the Applicant's concern to progress the current proposal, and given that this is a long-term application, I am content that the application is now reasonably presented and determined in the form in which it currently exists.

CULTURAL HERITAGE

The existing traditional stone-built building is described within the Proposal Drawings as being conserved fairly authentically. In so far as the principle of this proposal, does not rely on the conversion of a traditional stone building, there is no necessity to require that the building should be conserved (as opposed to re-built).

The retention of the existing building is a positive element, but again, is not a factor that would otherwise outweigh the harm that the proposal would otherwise have upon the site, its setting, the building group and wider landscape. As noted, the existing building would simply be overwhelmed by the substantially larger house, and would lose any meaningful historic context.

OTHER CONCERNS

I am content that the matters raised by the Archaeology Section and Contaminated Land Section would be capable of being met under appropriately worded planning conditions, along the lines that these consultees have identified.

Given that the site and surrounding land - including the nearest existing residential properties - are owned by the Applicant, and given the distances involved, I am content that the proposal would not reasonably have any unacceptable impacts upon the amenity of any neighbouring dwellinghouses.

Taking account of the amenity of the wider area (including local road network), as well as that of surrounding properties, I would be concerned that some regard, is necessarily had to the appearance and operation of the ancillary sections to the proposed dwellinghouse and large areas of hard standing described; in that in the event of approval, there would be a reasonable concern to require that the site - at least the ancillary

sections and forecourt - should only be operated for private domestic purposes, and not for any business use of the premises.

CONCLUSION

For the reasons set out in the Report of Handling above, I am not supportive of the planning application, and would recommend that it is refused on account of its incongruous design, its unacceptably adverse landscape and visual impacts upon the site, and upon the character and setting of the building group at Town O' Rule. While the lack of any appropriate assessment of its impacts upon bats, is also only reasonably included amongst the reasons for refusal.

REASON FOR DECISION :

The proposal should be refused, because:

It is contrary to Adopted Local Development Plan Policies HD2 and PMD2, and to the guidance of the Supplementary Planning Guidance on New Housing in the Borders Countryside (2008) and Placemaking and Design (2010), in that the development would not in its layout, scale and design, respect the amenity and character of the site and surrounding area, principally in that:

- (a) it would be unnecessarily and unacceptably over-dominant both relative to the site (including the existing building), its surroundings, and also within the context of the wider landscape; and
- (b) it would be out-of-scale with the site, in that it would project outwith what is reasonably understood to be the most legible definition and setting of the farmyard site and building group, principally in that it would be accommodated over an existing farm track and would be accompanied by a new farm access in a location further to the southwest, without these resultant visual impacts being justified operationally, or acceptably mitigated within views from the public realm; and

It is contrary to Adopted Local Development Plan Policy EP1 in that it has not been demonstrated to the Planning Authority's satisfaction that the proposal would not have a likely significant effect on a European Protected Species or its habitat.

Recommendation: Refused

- 1 It is contrary to Adopted Local Development Plan Policies HD2 and PMD2, and to the guidance of the Supplementary Planning Guidance on New Housing in the Borders Countryside (2008) and Placemaking and Design (2010), in that the development would not in its layout, scale and design, respect the amenity and character of the site and surrounding area, principally in that:
 - (a) it would be unnecessarily and unacceptably over-dominant both relative to the site (including the existing building), its surroundings, and also within the context of the wider landscape; and
 - (b) it would be out-of-scale with the site, in that it would project outwith what is reasonably understood to be the most legible definition and setting of the farmyard site and building group, principally in that it would be accommodated over an existing farm track and would be accompanied by a new farm access in a location further to the southwest, without these resultant visual impacts being justified operationally, or acceptably mitigated within views from the public realm.
- 2 It is contrary to Adopted Local Development Plan Policy EP1 in that it has not been demonstrated to the Planning Authority's satisfaction that the proposal would not have a likely significant effect on a European Protected Species or its habitat.

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