

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 19/01629/PPP

**APPLICANT :** Mr Simon Brown

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse and associated infrastructure

**LOCATION:** Walled Garden Ashiestiel Mansion House  
Galashiels  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1413.pl_01	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Consultations

Community Council: This proposal will prevent the deterioration of the wall around the garden and preserve it for the future. Otherwise, unless the wall continues to be maintained, it will fall into disrepair. The proposal provides a good solution for its long-term preservation of the garden and there is probably no other viable alternative. There is also a walled private graveyard to the north which should be preserved in the same way as the walled garden. Because the proposed building is inside the wall and facing south towards the Southern Uplands, it will not be seen from the public road, although it will be visible from the road going up to Williamhope. The site is presently frequented by deer and other wildlife. They would prefer the minimum number of trees to be removed, if any.

Their main concern is how well the proposed site fits into the existing building group at Ashiestiel, particularly as it is separated from the other buildings by the road. If the garden needs to be considered as part of the group in order to meet Policy HD2 the proposed grouping could be looked upon favourably so that the proposal can proceed and the garden be preserved. However, they feel it would be better if the grounds for granting approval could, if possible, be other than by trying to demonstrate that it fits (maybe tenuously) into an existing building group. Query if this could be done by relating to the precedents set by the development of other walled gardens, e.g. at Linthill, Jedburgh. There has been, and there may still be, pressure to build in the vicinity of Peel and Ashiestiel. Allowing the development of the walled garden without it being placed in a clearly identified and indisputable building group could set a precedent which could be applied to other less appropriate applications in the area.

Subject to these comments, the CC is supportive

Roads Planning Service: No objections subject to conditions being attached to any approval. These require parking and turning for two cars; amendment of the junction; upgrading of the track; and, gates

opening inwards. The RPS also refers to the need to ensure no adverse impact on trees, and that the junction should comprise appropriate radii to allow easy access/egress; be surfaced for the initial 6m as per the recommended specification; and have appropriate drainage.

Education and Lifelong Learning: Contributions are required towards Clovenfords PS and Galashiels Academy of £7994 and £3769 respectively

Contaminated Land Officer: There is an indication of horticultural use with greenhouses on site. Recommends that the applicant completes a questionnaire and, depending on the response, a condition be imposed to cover contamination.

Scottish Water: No reply

Archaeology Officer: The walled garden dates from the middle decades of the 19th century and was modified with additional buildings and garden elements into the 20th century. It has recently seen increasing signs of dilapidation. While not Listed, the walled garden should be seen as being of regional historic interest, and it contributes positively to our understanding of Ashiestiel's development, and the archaeology of walled gardens more generally. This will be a positive development that looks to enhance a regionally significant, and arguably Listable structure. While the repairs to the garden walls and construction of new housing within them is positive, these activities will inevitably remove, damage or destroy elements of the walled garden that relate to its history and association with Ashiestiel House. Recommends that the entire walled garden undergo a detailed historic building record prior to alterations or repair. This will preserve by record the garden in its current form, and also make a contribution to our overall understanding of estate gardens and their developments over time. A condition is recommended to this effect

Environmental Health Service: No objections in principle. Conditions are recommended regarding private drainage maintenance arrangements and restricting water supply to the public mains.

Landscape Architect: Ashiestiel is a designed landscape of regional importance (not on the HES Inventory), once the home of Sir Walter Scott. Despite this connection, does not have serious concerns about the impact of the proposed development on the designed landscape and walled garden, the development acknowledging and retaining the walled structure. What may be of concern is the impact on trees from parking and the access. Suggests a competent survey of trees on both sides of the track and new building and how any potential damage will be mitigated. A competent arboriculturist should be able to give advice that ensures that the majority of trees are retained

## **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP7, EP8, EP10, EP13, IS2, IS3, IS7, IS9, IS13

SPGs Development Contributions 2011 (updated 2019); Guidance on Householder Development 2006; Landscape and Development 2008; Local Landscape Designations 2012; New Housing in the Borders Countryside 2008; Placemaking and Design 2010; Trees and Development 2008; Waste Management 2015

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 10th January 2020

Site and application description

This application seeks Planning Permission in Principle for the erection of a house on land that principally comprises a stone-built former walled garden. The walled garden was originally associated with the A Listed Ashiestiel House which is located approximately 190 metres from it to the north-east. The site is enclosed by woodland around the wall and sits alongside a public road to its north and east from which it has an existing access. Nearby to the north is Ashiestiel West Lodge and, approximately 150 metres to the east of the walled garden is Ashiestiel East Lodge. There is also a cottage behind Ashiestiel House.

This application seeks consent for the principle of a house, though it is supported by indicative plans which detail a proposal that incorporates two existing buildings, currently forming part of the walled garden, into a proposed flat-roofed house set alongside the northerly side of the wall. The existing access route would be upgraded.

## Principle

The site is within the countryside, so Policy HD2 of the Local Development Plan 2016 principally applies. The indicative proposal involves some conversion of existing buildings, but is fundamentally a new-build house, and the proposal is for the principle of a new house. No economic case has been submitted. The development, therefore, needs to relate to an established building group of at least three houses. Our SPG on new Housing in the Borders Countryside reaffirms this, as it requires that houses within walled gardens should "only be considered favourably if the walled garden is itself is part of an existing building group". Examples of other walled garden developments referred to in the applicant's supporting case also relied on there being a building group.

In this case, the walled garden clearly has historic links with the main house (Ashiestiel House). This, in turn, has a cottage alongside it and two lodges at its driveway entrances, one of which is opposite this site. I would not consider that any other houses in the wider surrounding area (including Peel Farm and houses within Craigmyle) should be seriously considered to form part of a building group associated with this site for the purposes of our policy. They are more distant, beyond trees, and clearly have a different sense of place.

The lodges, main house and cottage evidently have an historic relationship, and the walled garden shares that historic association. However, they have relatively little intervisibility between them, separated by distance, topography and woodland. The walled garden is notably set on the other side of the public road, beyond established woodland. Though intervisibility will be greater when the trees aren't in leaf, there remains a detachment between the lodges and the main house (and cottage), and the walled garden. Though one lodge is close by to this site, the remaining buildings appear to have little notable intervisibility that would link all four dwellings and the walled garden as a definable group for the purposes of Policy HD2. Even if three of the existing houses were judged to be sufficiently visually connected to form a building group (e.g. comprising the main house, its cottage and one of the lodges), the walled garden is quite clearly on a separate site, detached from that cluster.

While a sensitive development (particularly along the lines of the indicative proposal) could have a relatively limited impact on views from the public realm, that is not an overriding consideration as regards the principle of a new dwellinghouse in the countryside. A house in this location would appear as a relatively isolated development, and this would conflict with the area's character and sense of place. I also recognise the applicant's supporting case as regards the comparable spacing between the existing buildings and walled garden. However, in this case, it is the spacing that creates a sense that the existing houses (and walled garden) are visually distinct and detached from one another (excepting only the cottage behind the main house). The spacing between them does not link them visually as a group but does the opposite. The proposal is not, therefore, considered to comply with Policy HD2 or our SPG on New Housing in the Borders Countryside.

As regards other material considerations, it is recognised that the applicants would intend to maintain the wall, and the provision of a dwellinghouse would be a significant factor in securing its long term future. A scheme of repair and maintenance could be regulated by a condition of consent if granted. The wall has a regional significance and our archaeologist describes it as being arguably listable. However, it is not Listed, and its significance as an historic asset is not recognised. Nor is it within the curtilage of the A Listed Ashiestiel House, or within a nationally designated landscape (its landscape status is a local designation). It is also set back from the public road such that its visual value to the public realm is negligible. If a house were approved here because it would contribute to the maintenance of the existing wall, this is a consideration that could be replicated on other sites that do not comply with Policy HD2.

If approved, there would be no conflict with the 30%/2 house rule in Policy HD2 as no approvals have been granted for dwellinghouses in this area in the current LDP period. Nor would there appear to be any land use conflict with a residential use.

## Services

Private foul drainage is proposed, with water supply from the mains. Conditions should secure details of the former and evidence of the latter, as well as a surface water drainage plan

#### Contributions

If approved, a legal agreement would be necessary to secure a contribution to the Waverley Line (£2,018) as well as local schools, as referred to above by Education and Lifelong Learning.

#### Ecology

The site is not on or near ecological designations and no building or trees should need removed to allow for a house. If mature trees with bat habitat potential were to be removed in association with the access works, however, these should be supported by a survey of potential impacts on bats. Also, the existing buildings have the potential to provide suitable bat habitat. If the indicative proposals were to be advanced at the detailed application stage, they would also need supported by a bat survey. A bat survey is not necessary at this PPP stage, since the proposal is only for the principle of a house within the site, and that does not rely necessarily on reuse or alteration of the existing buildings. Works during the bird breeding season may also need controlled via a detailed consent unless a protection plan demonstrates no risk.

#### Archaeology

There are no national archaeological designations that would be affected. However, our archaeologist notes the regional value of the wall. A condition can secure the mitigation as he suggests, albeit that cannot prevent repair of the wall since that does not constitute development

#### Neighbouring Amenity

Development within the walled garden is not likely to risk neighbouring amenity, whether comprising a free standing house within it or along the lines of the indicative proposal

#### Parking and access

The site has the potential to incorporate two parking spaces. It also has an existing access from the public road which could be upgraded. The RPS has advised that this should be upgraded with appropriate radii, surfacing and drainage (as per their detailed comments). Further to this, they also clarify that the access must be wide enough for two vehicles to pass over the first 6metres, incorporate a service layby (if service provision is not provided within the site) and a bin collection point. Visibility splays must be 2.4m by 50m minimum though, with the adjacent land owned by the applicant (according to the location plan), these appear capable of being achieved. As noted further in this report, implications for trees would need accounted for.

#### Waste

There is ample room for bin storage within the site, and the access junction could be designed to incorporate a bin collection point. These could be covered at the detailed application stage.

#### Contamination

Due to past horticultural use, the Council's Contaminated Land Officer has asked the applicants to complete a questionnaire to assist with his determination as to whether a condition requiring assessment and remediation is justified. At the time of writing, no confirmation has been given that this was completed and therefore, in the absence of confirmation from the CLO, a condition would be necessary if this application were to be approved.

#### Placemaking and design

The site boundary extends beyond the walled garden and includes woodland around it. The walled garden, however, provides an obvious curtilage limitation to a proposed dwellinghouse, and development within it of a sensitively designed house would not have adverse landscape or visual implications of note for either the public realm or existing heritage assets, including the A Listed Ashiestiel House. The application is

supported by an indicative proposal that appears to be a generally sympathetic means of developing the site, subject to consideration of some points of detail which were raised at the pre-application stage (19/00425/PREAPP). I, therefore, expect the site could be developed in compliance with Policy PMD2 though, for the reasons noted above, it would principally appear as a relatively isolated house.

The existing access would need improved and, though a suitable design and specification should mean this would have limited visual consequences, it may also affect trees that are of value to the site. A detailed proposal for this aspect should, therefore, be supported by a tree survey, impact assessment and tree protection plan.

#### **REASON FOR DECISION :**

The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be insufficiently related to an established building group and would not be sympathetic to the area's character and sense of place. An economic case has not been substantiated and there are no other material considerations that would be sufficient to outweigh this policy conflict

#### **Recommendation:** Refused

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be insufficiently related to an established building group and would not be sympathetic to the area's character and sense of place. An economic case has not been substantiated and there are no other material considerations that would be sufficient to outweigh this policy conflict

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