

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01646/PPP
APPLICANT : Mr Erlend Milne
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse, workshop/garage and associated works
LOCATION: Land South East Of Tarf House
West Linton
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
PL001	Location Plan	Refused
PL002	Proposed Block Plan	Refused

NUMBER OF REPRESENTATIONS: 13

SUMMARY OF REPRESENTATIONS:

12 representations in support of the proposal were received. Those relate mostly to the retention of the nearby oval horse track and the benefit to customers from having a saddle fitting business in the area.

Consultation responses were received from:

Roads - no objection. The site is accessed via a section of private road leading from the A702. As the A702 is a Trunk Road at this location, it is the remit of Transport Scotland to comment on the suitability of the access. In terms of the plot itself, no objection providing any detailed application provides parking and turning for two vehicles, excluding any garages;

Environmental Health - no objection, subject to conditions relating to water supply and private drainage systems;

Economic Development - no objection. Whilst Economic Development considers there is a clear economic benefit, they note that it is difficult to determine the need for a house based on the submitted information;

Outdoor Access Officer - there is a claimed right of way across the site. In the event of this proposal being approved in the future there would need to be a formal diversion of the right of way (BT26);

Education and Lifelong Learning - no objection. Contributions required for education provision;

Transport Scotland - does not propose to advise against granting permission.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD2 - Quality standards

HD2 - Housing in the countryside

HD3 - Protection of residential amenity
ED7 - Business, tourism and leisure in the countryside
IS2 - Developer contributions
IS7 - Parking provision and standards
IS9 - Waste water treatment and sustainable urban drainage

The site is not strategic, therefore the policies contained within SESplan have not been considered.

The following council guidance is material:
Development contributions;
New housing in the Borders countryside;
Placemaking and design.
Waste management

Recommendation by - Ranald Dods (Planning Officer) on 22nd January 2020

Site and proposal

The site is located some 600m south west of West Linton and is within the countryside. Access is gained via a private road and it is 400m off the A702 trunk road. The site is grazing enclosed by a post and wire fence and there are no buildings on the site. The nearest properties to the site are Castlelaw and Castlelaw Steading, some 100m to the south west. The site is an undeveloped field, remote from the development boundary of West Linton and is therefore in the countryside.

The application for planning permission in principle is for a house and is made on the basis of the applicant running a saddlery and leather goods business from an associated outbuilding. A site layout is included with the application. Although that shows the siting of the house and outbuilding, no design was provided. The plan locates the house in the north western boundary of the site with the outbuilding located on the eastern boundary. The plan indicates landscaping around the edges of the site but no specification is provided.

Site history

There is some planning history associated with this site. 92/01664/FUL (T197/92) for the siting of an animal fodder container was granted in November 1992. No objection was made to the erection of a general purpose agricultural building, reference 93/01729/AGN (AGT005/93). 93/01728/OUT (T036/93) for the erection of a house was refused permission in June 93. 18/01341/PPP for the erection of dwellinghouse and detached garage was refused in November 2018. That decision was reviewed by the Local Review Body, with permission being refused on 28 January 2019.

There was no pre-application discussion prior to the submission of either the current or 2018 application.

Principle

The principle of the development was not previously accepted. The applicant has submitted a supporting statement for this new application and I have had account of that in my consideration of the application.

The main element of the application is the proposed house. The site is unrelated to a building group, however, the proposed house is predicated on economic requirement, policy HD2(F). This requires the house be essential to the efficient operation of a business. The council's Economic Development service noted in its consultation that although it makes some economic sense to have a workshop located with the house, it is difficult to determine the need for a house on the basis of the submitted information. Within that information, it states that the "...space required is not extensive and a double garage-sized space is sufficient for the purpose required". That being the case, the key question is whether a house is essential for the operation of that business. From the information submitted, it has not been demonstrated that a permanent dwellinghouse is required in order to support the business. Putting aside its financial sustainability, in operational terms alone there appears to be little, if any, justification for requiring a permanent residential presence. This is essential if Policy HD2 is to be satisfied as regards economic need.

I note also that the applicant's supporting information includes a proposed leasing arrangement for the horse riding track some 300m to the south west (reference 98/01312/FUL). Access to that is not direct and would be via a route some 600m long through neighbouring fields. That lease, which is conditional on the applicant obtaining full planning permission, would be for a period of 20 years and includes an option to buy

at the end of the lease. The land is not, however, related directly to the applicant's main business. The grazing land adjacent to the application site is not included in that lease arrangement.

The supporting statement sets out that, as well as saddlery, the applicant produces bespoke leather-work and products. Those products, ranging from furniture to riot gear, do not have a tangible link with the countryside. Whilst the products created by the saddlery side of the business may be used in the countryside and customers may require saddles to be fitted and adjusted, there is no overriding need for the business as a whole to be carried out in a rural setting. Both elements of the business comprise manufacturing activity which could reasonably be accommodated within a settlement boundary. Policy ED7 has not been satisfied since the case for siting the business in this particular countryside location has not been satisfactorily made.

As the nature of the business carried out by the applicant could be undertaken in a property within a development boundary and I am not satisfied that a house on this site is essential, the development would therefore be contrary to policy HD2 and ED7.

Amenity and privacy

Notwithstanding above matters regarding the principle of development, the site appears to be reasonably capable of accommodating a modest house as shown on the submitted plan. That would, however, need to be balanced by the impact on the visual amenity of the rural location resulting from eventual design of the development. Whilst no drawings have been submitted which show an intended design, if permission in principle were granted, it would be for a future application to demonstrate compliance with policy PMD2 in terms of design and materials. As the proposed house would be isolated from the nearest properties, there is unlikely to be a conflict with policy HD3 in relation to overlooking, privacy and sunlight provision.

Roads issues

The site is accessed from the A702 trunk road via a tarmacked private driveway. Transport Scotland has not objected to the application. Roads did not object to the application but would require further applications to provide additional details.

Services

The applicant states that the site will be connected to the public water supply. Foul drainage would be by means of a private system. In order to comply with policy IS9, a future application will have to demonstrate that the site can be serviced adequately in terms of water and drainage. There appears to be space within the site to store waste and recycling containers in a discrete manner.

Developer contributions

Contributions would be required for education provision, were the application to be granted. Those would be secured by means of either a section 69 or section 75 agreement.

Access issues

A claimed right of way (reference BT26) runs across the site. If permission were to be granted, a formal diversion would have to be put in place.

Conclusion

The proposed development is located on a greenfield site within the countryside. Notwithstanding the fact that it may be possible for a future application to show that a house could be accommodated on the site in order to comply with policy PMD2, the critical issue with the proposal is that it is outwith the defined settlement envelope of West Linton and a house in this location is not essential to the operation of the applicant's business. Nor, indeed, has the need for a rural location for the business itself been justified.

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 in that it would amount to sporadic residential development in a countryside location and no overriding case for a dwellinghouse has been substantiated.

The development would be contrary to policy ED7 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it is not essential that the development is located within the countryside and no overriding case has been substantiated.

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 in that it would amount to sporadic residential development in a countryside location unrelated to a building group and an overriding economic case for a dwellinghouse has not been substantiated.
- 2 The development would be contrary to policy ED7 of the Local Development Plan 2016 in that it has not been demonstrated that there is an overriding need for the saddlery/leather goods business to be located within this particular countryside location and its resulting development would adversely affect the rural character of the surrounding area

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