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Erection of dwellinghouse, garages and associated access

Planning Reference Number: 18/01194/FUL

## **Grounds for Review Statement**

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### Commission Notice

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# 1. Executive Summary and Introduction

## 1.1 Executive Summary

1.1.1 This Grounds of Review Statement is submitted by Mr Jamie Reddihough in respect of the refusal of planning permission (LPA 18/01194/FUL) for the Erection of dwellinghouse, garages and associated access, which was refused on the 13 November 2019 by Scottish Borders Council.

1.1.2 The application was refused on the following grounds:

- *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.*
- *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*

1.1.3 This Grounds of Review Statement will seek to demonstrate that the proposal merits a grant of planning permission by the Local Review Body and that the development of the site for a house with ancillary buildings is compliant with those policies as outlined in chapters 5 and 6 of this statement.

1.1.4 This statement will seek to set out why the proposal should be supported. The applicant considers that the proposed house with ancillary buildings has been designed based on discussions with the Council over a lengthy period of time and has succeeded in being able to now put forward a proposal for a modern family house which demonstrates the necessary respect for the site and the traditional building therein and the surrounding area. This combined with the applicant's commitment to utilise renewable technologies including use solar photo voltaic panels and wind and ground source heat pumps, all of which would be fully integrated into the proposed scheme means that the proposal has the potential to be an exemplar proposal within the Scottish Borders.

1.1.5 The principle of development of the site has been established through planning permission reference 15/01113/PPP – for the erection of dwellinghouse, which was granted planning permission on the 12.11.2015.

1.1.6 The site subject of this review is the same as the one established through this permission. The applicant owns a significant land estate within the Scottish Borders in which he runs his

businesses from and so the house would be used better maintain and manage his land. The applicant does not currently reside in the Scottish Borders.

- 1.1.7 Two full architectural and design and access statements were submitted in support of the application and now this review. In addition to this a full landscape appraisal was also submitted with the application and now this review.
- 1.1.8 The Architectural and Access Statement submitted originally with the planning application sought to explain the principles and concepts behind the proposal. The second Architectural and Access Statement (September 2019) submitted as an addendum to the planning application and now for this review following comments from the planning officer explained the main changes and the evolution of ideas and options (1 to 4) leading to the proposal that is now before the Local Review Body.
- 1.1.9 Options 1 to 4 (please see section 2 of this statement) were submitted to the Council for discussion but it was confirmed by the Planning Officer that none were acceptable. The applicant requested several times to meet with the Planning Officer to discuss/contextualise the options, but these requests were declined. Following this the applicant decided to pursue option 4. A series of elevations relating to option 4 are set out below in the executive section of this statement.
- 1.1.10 Turning to the landscape character of the surrounding area, the immediate landscape of Town-o'-rule is defined to the north by the dense trees that line along both Hallrule Burn and the lane access to Hallrule Farm from the B6357 road. To the south tree plantations and hedgerows loosely define the gentle incline of the surrounding immediate context. Views within the immediate landscape to the agricultural and domestic structures are largely uninhibited due to tree cover being limited to various points along field boundaries and along a small burn running north east out from the centre of the hamlet. The ground levels across the site undulate and subsequently the buildings further to the west appear more prominent in views.
- 1.1.11 We set out below a series of views of the site, which shows the context of the site set within the surrounding landscape including the buildings both agricultural and non-agricultural.



1. View of Town-o'-rule from the South West A6088 Road Approach



2. View of the Larger Agricultural Buildings on the Eastern Edge of Town-o'-rule



3. View of the Buildings on the Western Edge of Town-o'-rule



4. View of the Central and Western Buildings in Town-o'-rule as seen from the North East

1.1.12 The proposed site for the dwelling is characterised by a gently sloping plateau of mixed hard surfacing that rapidly falls past the edge of the north eastern line of buildings. The eastern edge of the plateau is defined by a gently curving dry stone wall that follows the course of the existing dry burn running north east and aligns the edge of the private access gravel track that adjoins the bend in the public access lane. A steel-clad L-shaped temporary storage structure of low architectural value rests in the eastern corner behind the stone wall. To the west is the slate roof stone barn that defines the edge of the original farm buildings.

1.1.13 Below we set out more views of the site.



1. View of the Western Edge of the Site Defined by the Existing Stone Wall



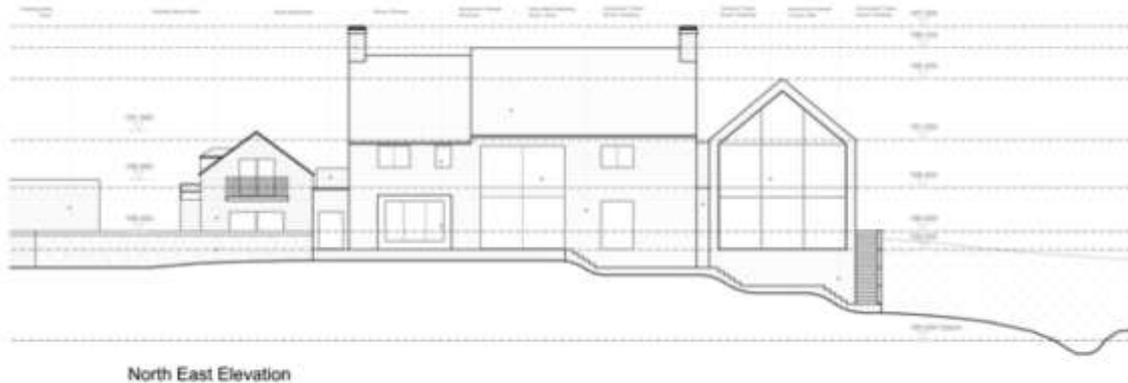
2. View of the Existing Stone Wall Agricultural Building on The Eastern Edge of the Site

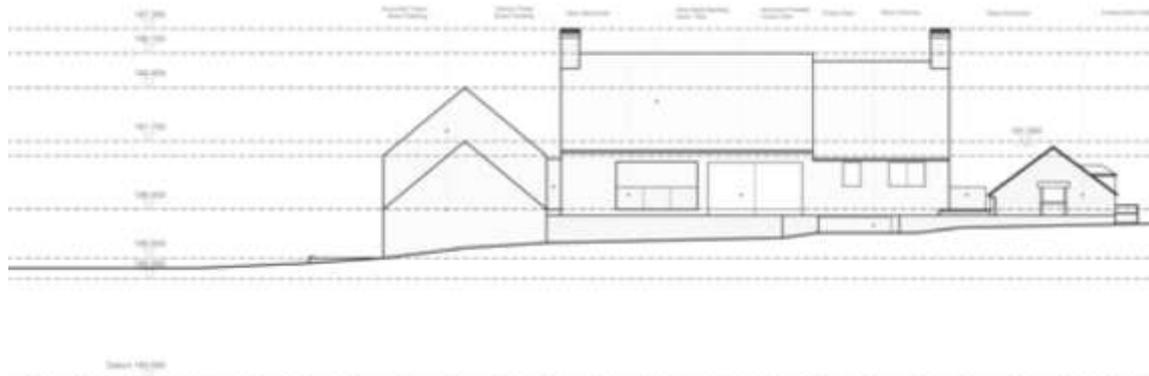


3. View of the Timber Frame Sheds and Burn on the Western Edge of the Site

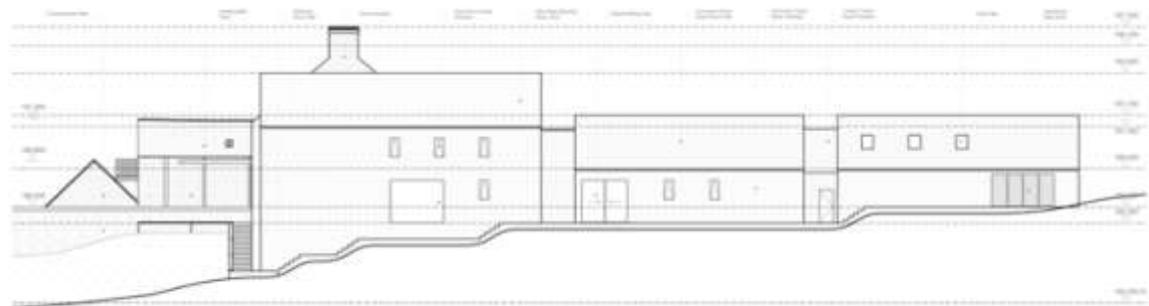


- 1.1.14 The proposed elevations (option 4) are set out below. It will be demonstrated in this statement that the proposal represents an acceptable development of the site and would not adversely impact on Town O' Rule Farmstead, surrounding landscape or indeed the character of the countryside. The proposal would provide a cohesive scheme through its layout, design and materials for the house and ancillary buildings and will enhance the existing building group.
- 1.1.15 The applicant has worked hard to amend the proposals in line with the Planning Officer's comments and considers that the proposal would be a positive addition to the site and the wider area.
- 1.1.16 We set out below the proposed elevations below.

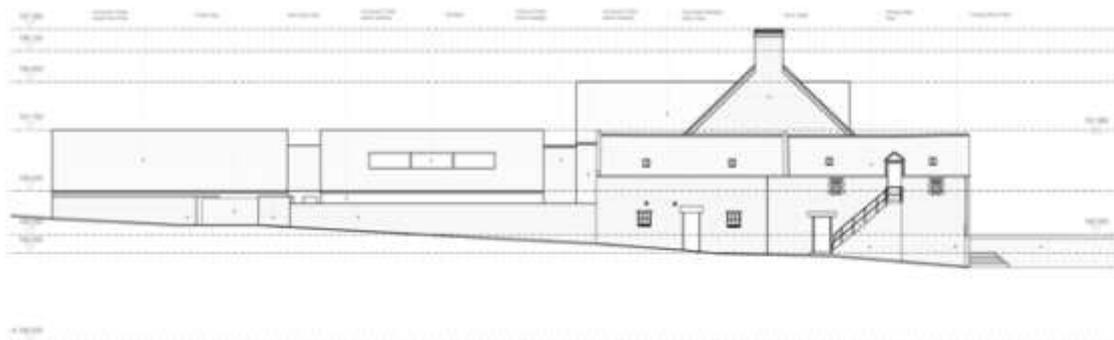




South West Elevation



North West Elevation



South East Elevation

1.1.17 In addition to the above the planning application received no letters of objection or support from the public and the following had no objection to the proposal:

Education- no objection subject to appropriate conditions

Road Planning – No objection subject to conditions

Landscape Architect – No objections subject to conditions

Ecology Officer – Further information required

Archaeology Officer – No objection subject to conditions

- 1.1.18 In regard to the comments from the Council’s Ecology Officer a Preliminary Bat Roost Assessment and Extended Phase 1 Habitat Survey, November 2019 has been carried out and is included within this review. This was not submitted with the application as the Council had already taken their decision. It is considered that this is sufficient to overcome the Council’s Ecologist concerns.

## 1.2 Introduction

1.2.1 This Ground of Review is structured to provide a summary of the key material considerations associated with the application which is the subject of this review. It sets our clients case in respect of the principle of development and responds to the reasons for refusal as follows:

- Chapter 1 – Executive Summary and Introduction
- Chapter 2 - Background, Description of proposal and Planning History
- Chapter 3 - Appellants response to Consultation responses
- Chapter 4 - Site and the Surrounding Area
- Chapter 5 – Decision making Framework and planning policy
- Chapter 6 - Conformity with the Development Plan and NPPF
- Chapter 7 - The Case for allowing the appeal
- Chapter 8 – Conclusion

1.2.2 This Grounds of Review Statement should be read alongside those documents as set out in the documents list submitted as part of this review and as set out below.

- Grounds of Review Statement, February 2020 Ethical Partnership
- 319\_Arboricultural Impact Assessment\_180418
- 319\_Bonchester Bridge Planning Statement\_100818
- 319\_Bonchester Flood Risk Assessment\_100818
- 319\_Contaminated Land Assessment\_100818
- 319\_Planning, Application Covering Letter\_040918
- 319\_Preliminary Ecological Appraisal\_10081
- AL(0)301 - Proposed Site Masterplan
- AL(0)302 - Proposed Site Plan
- AL(0) 303 - Proposed Ground Floor Plan
- AL(0) 304- Proposed First Floor Plan
- AL(0) 305 - Proposed Roof Plan
- AL(0)306 - Proposed North West and South East Elevations
- AL(0)307- Proposed North East and South West Elevations
- AL(0) 308 - Proposed Cross Section
- Proposed Dwelling at Town-o-Rule - Architectural Design and Access Statement Addendum
- Dwelling at Town-o-rule\_Architectural Design and Access Statement RevC

- Preliminary Bat Roost Assessment and Extended Habitat Survey November 2019 - Econorth.

1.2.3 The following documents below were submitted with the original 2018 submission.

- 1177-001Rev C Outline Landscape Masterplan
- 1177100 RevA Existing Site Plan A1
- 1177 Rev B General Arrangement A1
- 1177-104 Typical Landscape Details A1
- 1177-105 Proposed Landscape Visualisations A3
- 5031-02\_Farm Plan no grid\_A3L\_1000
- A100-01\_Location Plan
- AL(0)100 Existing Site Plan Rev C
- AL(0)Existing Ground Plan RevC
- AL(0)102 Existing Stone Building Plans & Elevations RevA
- AL(0)110 Proposed Ground &Site RevE
- AL(0)201 Proposed Ground Floor RevL
- AL(0)204 Proposed First Floor RevG
- AL(0) 205 Proposed LGF Floor RevF
- AL(0)206 Proposed Roof Plan RevB
- AL(0)207 Proposed Elevations A&B RevB
- AL(0) 208 Proposed Elevations C&D RevB
- AL(0) 209 Proposed Sections A,B&C Rev B
- AL(0) 210 Proposed Elevations E,F,G &H RevA
- JN1565-Dwg-0003 Site Access Option 1
- JN1565- Dwg-0004 Site Access Option 2

1.2.4 The Local Review Body is asked to note the lengthy negotiations, where the proposal started and where it has got to; a significant improvement on the original ideas, no letters of objection and no objections from consultees save for matters relating to ecology which can be overcome.

## 2. Background, Description of proposal and Planning History

### 2.1 Introduction

2.1.1 This chapter describes the background to the proposal that was refused and is now before the Local Review Body.

### 2.2 Background

2.2.1 This section of the review statement describes the background to the proposal and places the executive summary in the necessary context. The applicant is the landowner of a large agricultural estate in Hawick, which encompasses a landholding in excess of that which forms the application site.

2.2.2 From this dialogue it was agreed early on, with the Planning Officer that that the 'horse-shoe' layout of the proposals, utilising the existing stone building with a new 'mirrored' building facing and a central 'main' house section, was a suitable response to the site and manner in which the farmstead is set out. It was also agreed that the massing of the west elevation 'wing' was deemed to be a suitable response to the site.

2.2.3 However, the authority still expressed concerns after and during a site visit with the planning officer in February 2019 without being addressed, would result in recommendation for refusal.

2.2.4 A summary of the concerns raised are set out below:

- *Concerns over the overall massing and scale of the project which would prevent the planning officer supporting the scheme, particularly the central section of the horseshoe and its north elevation.*
- *Concerns were discussed over the north elevation and it was suggested to break up the horizontal nature of this elevation by increasing the vertical elements within this elevation would hopefully help to break up the horizontally, and potentially this could be developed further via the introduction of a taller, vertically proportioned element. Breaking up or creating a step within the ridge line could also help to reduce the massing and horizontal language.*

2.2.5 Following the on-site discussion (01.02.2019) with the planning officer dialogue between the applicant and the local planning authority was kept reasonably frequent as the applicant wanted to keep the dialogue going in order to understand the planning officer's concerns with regard to the overall massing and scale of the proposal.

2.2.6 Following this the applicant submitted in August 2019 four options (please the Architectural Design and Access Statement Addendum September 2019 submitted as part of this review) with different massing arrangements in the form of 3D computer model images. The four options are set out below:

**Option 01** - Massing that considers reducing the footprint of the central main house form with accommodation re-located in the west wing, which is extended northeast and split into three forms as opposed to two.

**Option 02** - A development on Option 01 with the west wing roof ridge arrangement re-organised into a 'sawtooth' formation.

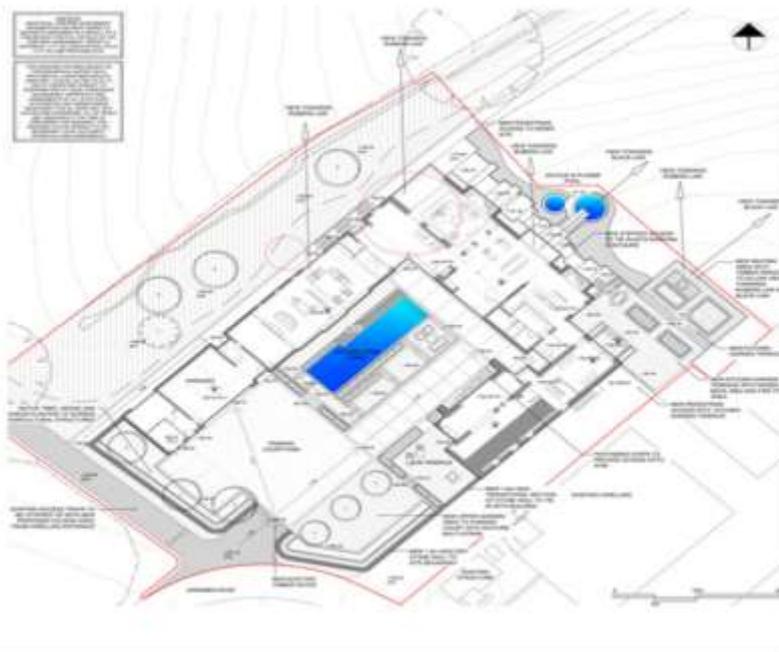
**Option 03** - Development on Option 01 that reacts to the existing fall in topography; with the central form rotated off-axis to follow the line of the existing contours, resulting in perceivably reduced verticality to the north east elevation. The three forms of the west wing are pushed further south west as a result, with the southernmost form rotated through 90 degrees to enclose the central courtyard space. The central form roof ridge line is broken and stepped in height to visually break the massing. The lowermost accommodation is re-located by the existing stone building to be refurbished.

**Option 04** - Similar to Option 03 but without rotating any of the forms off-axis; the central form is pushed further south west to avoid resting over the steep drop in topography, resulting in perceivably reduced verticality to views from the north. Unlike Option 03 the three forms of the west wing are retained in a linear formation and the subterranean accommodation omitted.

- 2.2.7 The Planning Authority reviewed the options and supplied a formal response. Despite the efforts of the design team to reduce the perceived scale without compromising the accommodation requirements, the Authority expressed that the central main house was still too large and out-of-character with the site of the former farmyard.
- 2.2.8 Given this the planning officer indicated that he would anticipate that each option would be recommended for refusal.
- 2.2.9 In addition, the planning officer supplied a marked-up of the August 2018 planning application south and east elevations (please see Page 14 Architectural Design and Access Statement Addendum September 2019) to indicate the scale of the central main house form that he would accept as in-keeping with a 'traditional rural farm building'. As can be seen this shows significantly reduced heights of the roof ridge line, eaves positions and footprint.
- 2.2.10 The Planning Officer outlined a number of ways to amend the planning application including the option of proceeding with one of the massing options of the design team's choice, highlighting the anticipation of a recommendation for refusal. A recommendation to withdraw the application was also put forward.
- 2.2.11 This was at odds with what we had discussed with the planning officer. Of course the applicant understood that the Planning Officer had concerns with the overall massing and scale of the proposal but he had not up until this point alluded to the fact that what he was looking for to make the proposal acceptable was a development half the size of the proposed one. This was not acceptable to the applicant particularly given the overall massing and scale of the proposal and its subsequent amendments (option 4) is entirely in keeping with the immediate area and indeed the surrounding area.
- 2.2.12 Following discussions with the applicant it was considered that Option 4 would be submitted to the Local Planning Authority as an amendment to the original planning application. A summary of the design changes is set out below:

- *The north eastern edge of the proposed central main house section is moved further southwest away from the existing steep fall in topography to reduce the perceived verticality to views from the north.*
- *The central main house form is shortened along the northwest-southeast axis with accommodation relocated in the west wing, which is extended northeast. The west wing is subsequently split into three forms with the new third form accommodating two levels under a newly proposed metal-finish standing seam roof (as opposed to timber).*
- *The central main house roof line is split and stepped to further break-up and reduce the perceived horizontal aspect. The lower subterranean level is omitted along with the proposed exercise pool and sauna that were accommodated in this level.*
- *The new position of the main house rests in front of the existing stone building to be renovated, located approximately in the centre of its elevation and is proposed to be separated by a larger lobby structure.*
- *Balconies off the ground floor reception room and dining room are omitted. The gables of the central main house are proposed in stone rising to form two chimney structures either side to give a greater domestic feel, while in keeping with the materiality of the existing adjacent stone buildings.*

2.2.13 Figure 2.1 below is the site plan for the original proposed scheme submitted in 2018.



**Figure 2.1 – Site Plan**

2.2.14 Figure 2.2 below details option 4 which is now the subject of this review.

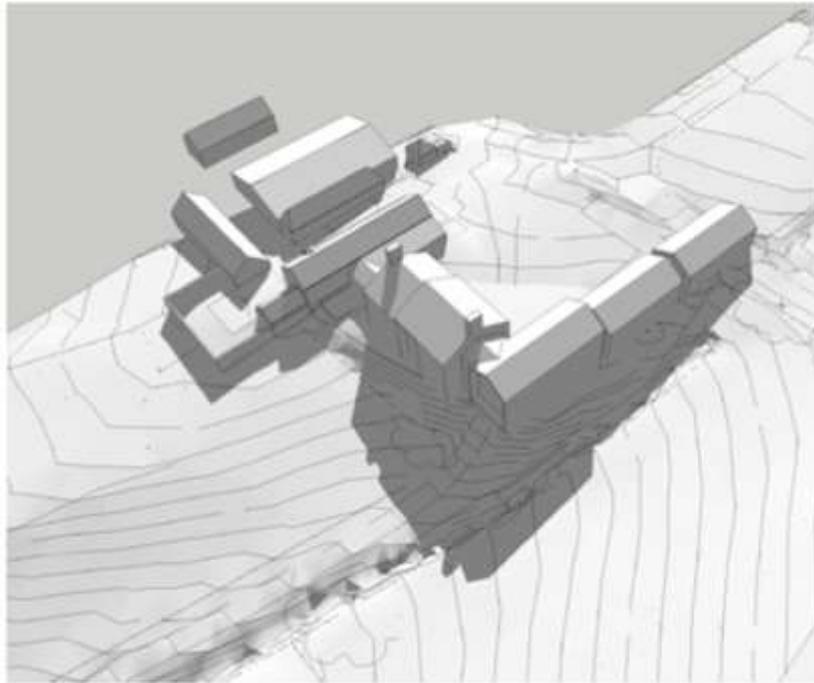


**Figure 2.2 – Option 04**

### **2.3 Description of Proposal**

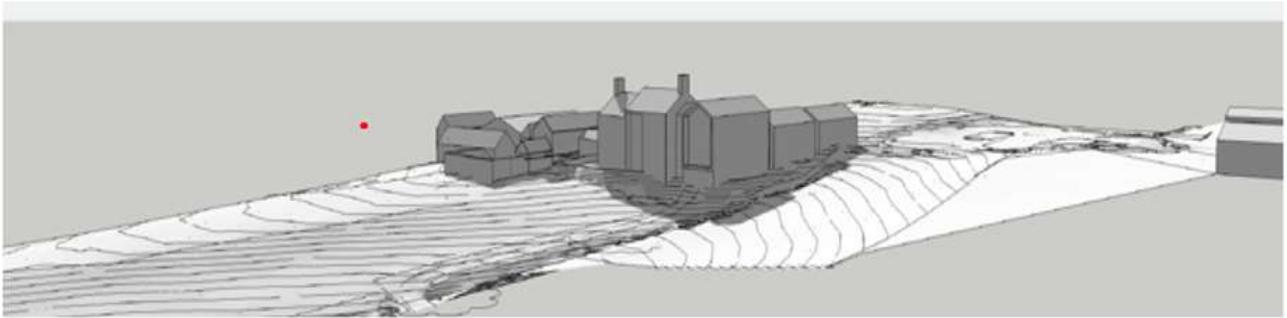
- 2.3.1 The application proposed the construction of a new dwelling and associated outbuildings on land to the northwest of Town O' Rule Farmhouse. The aims for the development are to conserve and enhance the Special Landscape Area, create a high-quality, sustainable development which promotes the innovative use of renewable technologies, which are fully integrated in the scheme's design and to retain high quality trees present on site.
- 2.3.2 From the outset the applicant has always wanted to design a house that sensitively responds to the rural character of the site and the wider surrounding area.
- 2.3.3 The proposed dwellinghouse would seek to replicate a traditional farm courtyard with buildings fronting onto an open central courtyard area. This would be in an L shaped plan. There would be three sets of adjoining new-build ancillary elements lining the northwest side of the courtyard area with the main dwellinghouse central to the overall location. The existing traditional stone-built farm building would be retained to the southeast within this forecourt configuration.

- 2.3.4 Along the north west side of the forecourt there would be three ancillary elements. These ancillary elements step down to more ancillary structures, including a garage block. The access would be from a new junction which would be located to the south of the site.
- 2.3.5 Below we set out a series of views of the proposal.



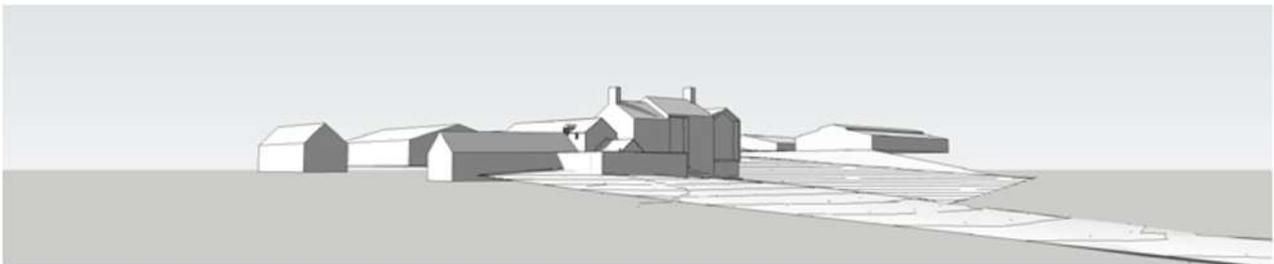
Option 04: Birdseye View

**Figure 2.3 – Option 04 Birdseye View**



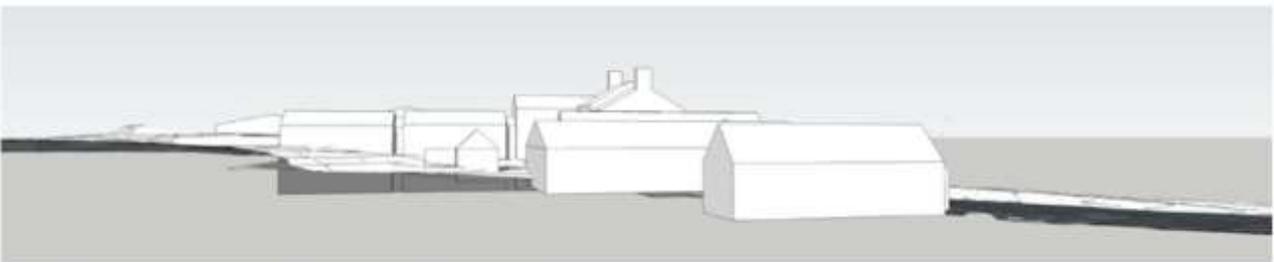
Option 04: View from the North

**Figure 2.4 – Option 04 View from the North**



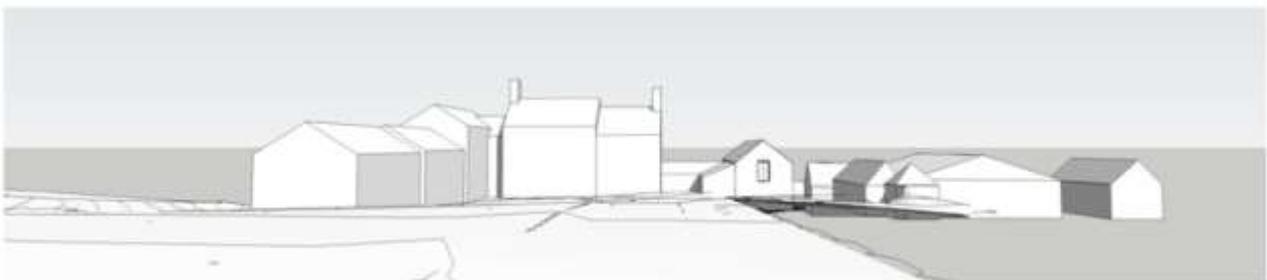
Option 04: View from the East

**Figure 2.5 – Option 04 View from the East**



Option 04: View from the Southeast Along the Existing Access Track

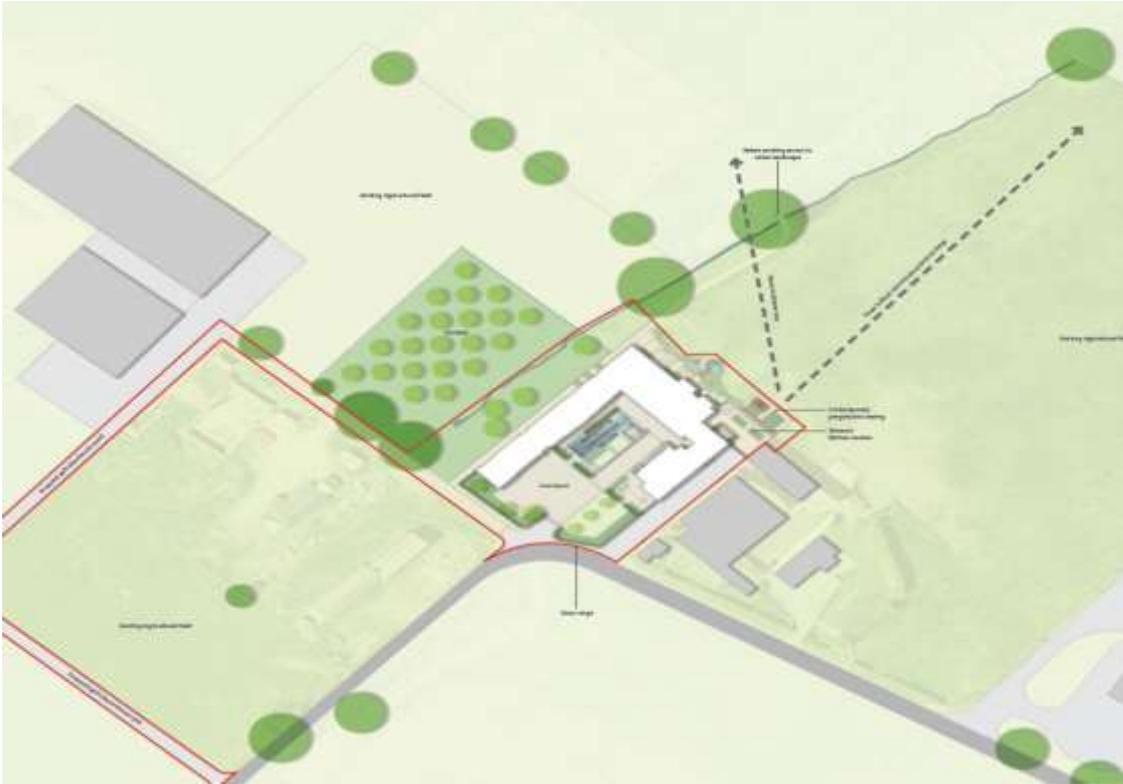
**Figure 2.6 – Option 04 View from the Southeast**



Option 04: View from the Southwest Along the Existing Access Track

**Figure 2.7 – Option 04 View from the Southwest**

2.3.6 Below we set out the landscaping plan for the proposal.



**Figure 2.8 – Landscape Plan**

## 2.4 Planning History

2.4.1 The relevant planning history pertaining to the application site and adjacent land is detailed below:

**15/01113/PPP** - Land North West of Town O Rule Farmhouse, Bonchester Bridge, Hawick, Scottish Borders, erection of dwellinghouse, granted 12.11.2015.

**12/012110/PPP** - Land North West of Town O Rule Farmhouse, Bonchester Bridge, Hawick, erection of two dwellinghouses, withdrawn. 17.09.2015

**12/01209/FUL** - Disused Agricultural Building North West of Town O Rule Farmhouse Bonchester Bridge, change of use from agricultural building and alterations to form dwellinghouse, withdrawn. 17.09.2015.

**05/01676/OUT** - Site in Lambing Field No 9444 Town O' Rule Bonchester Bridge Scottish Borders TD9 8JB, erection of dwellinghouse, granted. 09.11.2005.

**06/01716/FUL** - Site in Lambing Field No 9444 Town O' Rule Bonchester Bridge Scottish Borders TD9 8JB, erection of dwellinghouse, stables and kennels, granted. 30.10.2006.

## 3. Appellants response to Consultation responses

### 3.1 Introduction

3.1.1 This chapter of the describes those consultation responses received in respect of the proposal.

3.1.2 In response to the planning application there were no letters of objection or support. The following had no objection to the proposal:

- Education- no objection subject to appropriate conditions
- Road Planning – No objection subject to conditions
- Landscape Architect – No objections subject to conditions
- Ecology Officer – Further information required
- Archaeology Officer – No objection subject to conditions

3.1.3 In regard to the comments from the Council’s Ecology Officer a Preliminary Bat Roost Assessment and Extended Phase 1 Habitat Survey, November 2019 has been carried out and is included within this review.

3.1.4 At the time of the planning application this survey was not received until after the decision notice was issued by the Local Planning Authority.

3.1.5 EcoNorth Ltd undertook an extended Phase 1 habitat survey, a Preliminary Bat Roost Assessment (PBRA) and subsequent activity surveys of buildings and land to the north west of Town O’ Rule Farmhouse, Bonchester Bridge, Hawick, in the Scottish Borders. The initial survey was undertaken by Sarah Hawes GradCIEEM on 14th June 2019, with subsequent bat activity surveys undertaken in August and September 2019. These have been submitted as part of this review.

3.1.6 Habitat maps were produced in accordance with the methodology described in the Handbook for Phase 1 Habitat Survey (JNCC, 2010), with the survey ‘extended’ to determine the potential suitability of the site for protected species. It is proposed to develop the site, which is currently used for agriculture purposes, into a residential property; this report is designed to inform the full planning application and assesses the potential impacts upon the ecological interests of the site.

3.1.7 The impact of the development on statutory and non-statutory sites has already been considered within the Preliminary Ecological Appraisal carried out by Ethical Partnership LLP in August 2018 (Ethical Partnership, 2018). The study also investigated the presence of protected species within 2km of the site boundary. The following table highlights the key ecological features/species identified on Site and those which have the potential to be present, based on the information available to date. Requirements for further surveys are highlighted, while necessary mitigation measures are provided in chapter 7; further measures will be agreed as necessary following on from the completion of the additional surveys outlined below.

Ecological Feature	Presence on Site	Ecological Value	Further Surveys Required - Pre-planning?	Key Mitigation
Habitats	The western section of the site is dominated by improved grassland (pasture) as well as semi-improved grassland and hard standing. A small section of hedgerow and fence line is also included in the survey area.	Low - local	No	Priority within any planting scheme to be given to native species, which are ideally of local provenance
Bats	Four buildings on the site, of varying construction, assessed as having negligible to high bat roosting potential. Activity surveys have	Local	No	A European Protected Species Mitigation License will need to be obtained prior to works commencing. Implementation of appropriate working methods / protection

Ecological Feature	Presence on Site	Ecological Value	Further Surveys Required - Pre-planning?	Key Mitigation
	confirmed the presence of small common and soprano pipistrelle day roosts within buildings 1, 2 and 3.			measures, and the creation of roosting opportunities through the works. Further information provided in Section 7
Reptiles	The semi-improved grassland and hard standing on site are considered suboptimal for reptiles due to the low levels of cover. The improved grassland has a very short sward and is subject to grazing pressure which is likely to cause high disturbance and reduce the risk of reptiles being present. Also, the habitat being impacted by the proposed access road is small relative to the habitat being retained.	Low	No	Working to a precautionary method statement
Badger	Badgers may use the grasslands as foraging habitat and there is potential for badger setts to be present along the hedgerow. However, during the survey no evidence of badgers was recorded.	Low - local	No	Badger checks within one month prior to works commencing. Works to follow an appropriately precautionary method statement
Birds	The buildings provide nesting opportunities for birds, while the grassland and hedgerow provide foraging and nesting opportunities for a range of common bird species. The barn building (Building 3) provides	Local	No	It is advised that the works commence outside of the breeding bird season (March to August inclusive). However, if works are to be carried out within this time a nest check will be required by a suitably qualified ecologist within 5 days prior to the works commencing.

Ecological Feature	Presence on Site	Ecological Value	Further Surveys Required - Pre-planning?	Key Mitigation
	suitable nesting opportunity for Barn Owls however, no evidence was recorded during the surveys.			

Figure 3.1 – Additional Required Surveys

- 3.1.8 Those protected species which were considered but ruled out due to the lack of suitable habitat on Site include otter, water vole, white-clawed crayfish, migratory fish, red squirrel and Schedule 9 plant species.
- 3.1.9 Those tables included earlier in the chapter outline that the site is of low ecological value and as such the comments from the Council's Ecologist carry little weight relevant to the determination of this review.

## 4. Site and the Surrounding Area

### 4.1 Site Location

4.1.1 The site to which this appeal relates can be seen in the aerial photograph at Figure 4.1 below.



**Figure 4.1 – Aerial Photograph of the Site**

- 4.1.2 The application site is located in Town O' Rule, a farmstead off the B6357 road in the Scottish Borders. Town O' Rule Farm is situated approximately 1.3 miles to the north of Bonchester Bridge, approximately 5 miles east of Hawick, 6 miles southwest of Jedburgh and 3 miles northwest of Chesters. The structures in the farmstead are a mixture of agricultural buildings and residential dwellings.
- 4.1.3 The site is accessed by a minor public road from the B6357 Bonchester Bridge to Jedburgh Road. The existing site comprises a two-storey rendered farmhouse and a number of traditional stone and slate and more modern corrugated metal farm buildings.
- 4.1.4 The site to which this application relates is situated to the northwest of the main steading. There are corrugated metal sheds on the site and an access onto the public road. There are fields to the north and east and the modern agricultural complex is to the north west. There is a stone wall on the western boundary with the road and access track to the modern steading.
- 4.1.5 The farmhouse and a modern house, Town O' Rule House, are situated to the southeast and there are three farm cottages on the opposite side of the public road to the southeast.
- 4.1.6 The site is within the southern part of the Teviot Valleys Special Landscape Area. The Special Landscape Area runs between Hawick and Jedburgh and consists of three valleys characterised by visually prominent hills, with a number of landmark features with associated pastoral and woodland settings.

## 5. Decision Making Framework and Planning Policy

### 5.1 Introduction

- 5.1.1 This chapter sets out the decision-making framework and the planning policy relevant to this review.
- 5.1.2 In Scotland, there is a hierarchical structure of policy covering national and local planning. At a national level the National Planning Framework (NPF3) sets out the Government’s long-term vision for development and investment across Scotland over the next 20 to 30 years. At a local level, strategic development plans and local development plans set out area-specific planning policies.
- 5.1.3 Section 25(1) of the Town and Country Planning (Scotland) Act 1997 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 5.1.4 The National Planning Framework (NPF) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole.
- 5.1.5 Scotland’s third National Planning Framework (NPF3) is the spatial expression of the Scottish Government’s Economic Strategy – with a focus on supporting sustainable economic growth and the transition to a low carbon economy. NPF3 sets out the Government’s ambitions for Scotland as a whole.
- 5.1.6 This premise of the plan led approach to the planning system is set out in sections 25 and 37 of the Act as:
- 25 - Status of development plans.
- “Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.....”
- 37 - Determination of applications: general considerations.
- “(1) Where an application is made to a planning authority for planning permission—
- (a)subject to sections 58 and 59, they may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
- (b)they may refuse planning permission.
- (2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

## 5.2 Local Development Plan

5.2.1 The application site lies out with any recognised settlement 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.

5.2.2 There are a number of policies taken from this plan that are applicable here, which are set out below:

- 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: Wastewater Treatment

5.2.3 In addition to those policies of the Local Development Plan the following are applicable:

- Placemaking and Design (2010)
- New Housing in the Borders Countryside (2008)

5.2.4 The key policy relevant to this review is **HD2: Housing in the Countryside**. This policy is set out below:

The Council wishes to promote appropriate rural housing development:

- a. in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites
- b. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c. in dispersed communities in the Southern Borders housing marker area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be

supplemented by Supplementary Planning Guidance/ Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

#### **A. BUILDING GROUPS**

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a. The council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented.
- b. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.
- c. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

#### **B. DISPERSED BUILDING GROUPS**

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases, the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a. The Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area.
- b. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted.
- c. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

### **C. CONVERSIONS OF BUILDINGS TO A HOUSE**

Development that is a change of use of a building to a house may be acceptable provided that:

The council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use

b. The building stands substantially intact and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and

c. The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

#### **National Planning Framework**

- 5.2.5 The Scottish Government's central purpose is outlined in paragraph 1.1. of the NPF: to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Government Economic Strategy aims to share the benefits of growth by encouraging economic activity and investment across all of Scotland's communities, whilst protecting our natural and cultural assets.
- 5.2.6 NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.
- 5.2.7 The planning system should:
- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times
  - enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
  - have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.
- 5.2.8 At paragraph 2.2.6 the NPF states that "we do not wish to see development in our rural areas unnecessarily constrained. There will be a continuing need for new housing – we expect more people to live and work in Scotland's rural areas as digital links and opportunities for remote working and new enterprises continue to grow".

### **5.3 New Housing in the Borders Countryside SPG**

5.3.1 This Supplementary Planning Guidance provides advice and assistance with regard to the siting and design of new housing in the Scottish Borders countryside.

#### **Siting and Design**

5.3.2 The Council will encourage a full planning application in preference to an outline application for any housing in the countryside proposal – including rebuilding, conversions and mansion houses.

5.3.3 It is particularly important to establish the relationship that the proposed housing will have with existing buildings, and with the wider countryside. It is also important to identify the cumulative impact of housing in the countryside has on the area.

5.3.4 As a consequence, the main criticisms of new housing in the countryside have been:

- the selection of obtrusive rather than sheltered sites;
- the failure to integrate new housing with the surrounding landscape;
- the introduction of suburban house types which are out of character with traditional rural building styles
- the use of excessive underbuilding, particularly on sloping sites, resulting in buildings which are unrelated to the existing landform
- the use of incongruous materials

#### **Siting**

5.3.5 Advice on siting is primarily concerned with ensuring that, by respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover, new housing is in harmony with its immediate and wider surroundings. If a site is selected which is unduly prominent on a ridge or in a skyline position, then the task of designing a house which does not look out of place is made extremely difficult. In order to allow a proper assessment of the suitability of countryside sites, applicants will be encouraged to submit indicative plans of site layout, house type, means of access, servicing and landscape proposals even at outline application stage.

#### **Design**

5.3.6 Of particular concern, in recent years, has been the considerable increase in the use of standard suburban designs which tend to ignore local building traditions. Irrespective of style, a house requires to be designed for its setting and the importation of standard suburban designs or the cosmetic modification of standard types, is never successful in a rural setting.

5.3.7 For a new house to be successful, the designer should draw on the widely appreciated and accepted traditions of Border house design rather than models more suited to a suburban context or from designs which derive from other regions. It is therefore important to be aware of the key elements of building design which characterise the indigenous architectural form.

5.3.8 This guidance should not, however, be applied unthinkingly nor across the board, as there will be circumstances where, with sound reasoned justification, a different solution, in terms of building form, proportion and materials, can legitimately be pursued. Innovative designs, therefore, which

are sympathetic to their setting and to the general principles in respect of siting set out above, will also be encouraged.

#### **5.4 Place making and Design 2010**

5.4.1 This Supplementary Planning Guidance highlights the strategic importance of well-designed places in the Scottish Borders, reflecting national policy and the policies within the Development Plan. It should be used as a tool to aid the design and development management process, to produce the highest quality of new development. It sets out the key sustainable placemaking objectives that any new development in the Scottish Borders should strive to achieve, as an aid to all stages in the complex process of new housing development.

5.4.2 The guidance is structured round the process of placemaking and design. It is intended for use by all who are involved in new development in the Borders as a point of reference and as a basis for the planning, design and communication of new development proposals. It has been designed around the following subtitles:

- Introduction
- Design Policy
- Achieving Good Design
- Placemaking & Design Principles
- Design Action Points
- Glossary and Sourcebook

## 6. Conformity with the Development Plan and NPF

### 6.1 Introduction

- 6.1.1 This chapter of the Grounds of Review assesses the conformity of the appeal proposal against the development plan and other material considerations.
- 6.1.2 At the heart of this appeal is that the proposed development would deliver an innovative, high-quality dwelling that has taken on board the Planning Officer's comments at every stage of the process, would encourage local economic activity and would have renewable energy fully integrated into the design.
- 6.1.3 Planning permission has been granted in principle (reference number 15/01113/PPP) and that this demonstrates that the Local Planning Authority is satisfied that this site relates well to the existing group of buildings.

### 6.2 NPF

- 6.2.1 The NPF is underpinned by 4 aims which are: a successful, sustainable place, a low carbon place, a natural resilient place and a connected place.
- 6.2.2 The proposal represents the opportunity to be able to deliver a successful sustainable place for the applicant to live and work from. The house and associated buildings will be of a high quality and will be combined with renewable technologies for energy generation. The applicant is very keen to harness the benefits of renewable technologies and contribute to a low carbon economy. He is committed to raising the standards by integrating these features into the house. This would be implemented after consent is granted and could be subject to conditions should the local review body see fit.
- 6.2.3 It is considered by having these technologies within the buildings that this would raise the standard of architecture within the surrounding area in terms of how domestic buildings can be designed to be more energy efficient.
- 6.2.4 Accompanying the planning application submission and now submitted to the review was a landscape appraisal. This included a thorough review of the landscape and character of the site and the surrounding area. The proposal has been designed to assimilate into the landscape and the surrounding area with as little impact as possible. The site is large and defined by a number of buildings. Through discussion with the Council the applicant has sought to lessen the proposals perceived impact on the landscape or any statutory designations such as the Teviot Valley's Special Landscape Area. The planting scheme and palette of materials with the integration of renewables into the design would seek to ensure that the proposal is resilient to climate change. Pulling all this together it is considered that the proposal complies with the vision and spirit of NPF.
- 6.2.5 It is acknowledged that the site is out with any defined settlement boundary and is within the countryside. It is though crucially set within a group of buildings as confirmed by the Local Planning Authority's assessment of planning application 15/01113/PPP.

6.2.6 Chapter 2 of the NPF sets out the Governments policy to create high quality, diverse and sustainable places that promote wellbeing and attract investment. The proposal is of high quality, will be sustainable and will seek allow the applicant to live and further invest in the local area. We have taken on board the comments from the Planning Officer and it considered that the proposal would be able to contribute to the delivery of a successful and sustainable place.

6.2.7 The proposal would allow the applicant to manage his agricultural estate more effectively, which would have social, environmental and economic benefits in terms of enabling the applicant to contribute to and play an active part in the local community, reducing the need to travel to the site from further afield, and better management of the agricultural estate could create local employment opportunities.

### **6.3 Local Development Plan**

#### **PMD1: Sustainability**

6.3.1 The proposed development would encourage the long-term sustainable use and management of the site, and the wider estate. The proposed development would enhance the landscape of the site, thereby creating improved habitats for wildlife and nesting opportunities for birds. The scheme would make innovative use of renewable technologies, and thereby serve as an exemplar for renewable energy generation and consumption systems in the domestic designs.

#### **PMD2: Quality Standards**

6.3.2 The proposed development is located on a site which has previously been accepted by the local planning authority as appropriate for residential development (ref: 15/01113/PPP).

6.3.3 The proposed dwellinghouse has been designed to be sensitive to the site and surroundings in terms of its scale, siting, design, access and materials, and is therefore sympathetic to the character of the building group.

6.3.4 The scheme has been designed having due regard to this policy and to the Planning Officers comments. The applicant has tried to ensure that the proposal will be integrated into the surrounding area and relate well to the existing buildings through a quality designed house and associated buildings.

#### **HD2: Housing in the Countryside**

6.3.5 It is considered that the relationship of the proposal to the existing buildings and site is positive and well related. It will be able to contribute positively to a further extended cohesive group of buildings that would not bring any harm in terms of residential amenity nor to the surrounding area. Moreover, it is considered that the cumulative impact of the proposal would not adversely impact on the group of buildings (only improve) or the landscape or the surrounding area.

6.3.6 The proposal will be in scale, siting, design, access, and materials, sympathetic to the character of the group of buildings.

#### **HD3: Protection of Residential Amenity**

6.3.7 There would be no adverse impact on residents as a result of this proposal and is therefore in conformity with this policy.

**EP3: Local Biodiversity**

- 6.3.8 Chapter 3 of this statement outlines the work undertaken to support the planning application in respect of this policy. It is considered that Preliminary Ecological Appraisals details the proposed impact of the scheme on biodiversity, which is considered to not be significant.
- 6.3.9 The recommendations set out in both Appraisals will be implemented to ensure the development does not adversely affect local biodiversity.

**EP5: Special Landscape Areas**

- 6.3.10 The site is located within the Teviot Valleys Special Landscape Area. A thorough appraisal of the landscape has been undertaken and a landscape masterplan is submitted to demonstrate the sensitive improvements will be implemented to enhance the contribution of the site to the Special Landscape Area. Additionally, the Council's Landscape Architect has commented they do not object subject to conditions.

**EP8: Archaeology**

- 6.3.11 The Council's Archaeologist 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.

**EP13: Trees, Woodlands and Hedgerows**

- 6.3.12 The Council's Landscape Architect has commented they do not object subject to conditions. This is acceptable to the applicant.

**IS7: Parking Provision and Standards**

- 6.3.13 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. Additionally, converse to the Planning Officers comments in his report it is considered that the road access would not have an unacceptable impact upon the setting of the building group at Town O' Rule, and will in cumulative terms not adversely landscape or visual impact upon the sense of place of the building group or upon the wider landscape.

## 7. The Case for allowing the appeal

### 7.1 Introduction

7.1.1 In this chapter of the review we set out the reasons why the appeal should be allowed. This will also have regard to the Planning Officers report in respect of 18/01194/FUL.

### 7.2 The Case

7.2.1 The applicant's case is that the proposal wholly accords with the provisions of the Local Development Plan and, in particular, Policy HD2. The revised option 4 takes into account discussions with the Planning Officer and responds in a manner which not only sought further to comply with the Local Development Plan but also the NPF, Placemaking and Design (2010) and New Housing in the Borders Countryside (2008).

7.2.2 It is of course accepted that the appeal site lies out with any recognised settlement envelope and such is located within the countryside. With this in mind it is considered that there are two main issues relevant to this appeal, which are; a) whether this is an appropriate site for a house notwithstanding those policies relating to houses in the countryside b) whether the design is compatible with the surrounding area and landscape.

### 7.3 Principle of the Development

7.3.1 The principle of development on the site has already been established on the 12.11.2015 through the granting of planning permission in principle, reference number 15/01113/PPP. This application was approved on the basis that the Council considered that; the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design will ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the Special Landscape Area. Adequate access and on-site parking can be achieved.

7.3.2 The appeal site relates to the same site as the approved permission in principle. The Council in its determination of the application refused it commenting (having regard to those policies as specified in paragraph 1.2.1 of this statement 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.

7.3.3 Town O' Rule itself is a building group based upon a group of traditional farm buildings including a farmhouse. There is reasonably loose configuration of buildings configured along the side of the road, which itself is on a slope, running downwards from northwest to southeast.

7.3.4 The Planning Officer in his report states that 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.

7.3.5 He goes onto to comment that:

*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.*

7.3.6 The Planning Officer further states within his report that:

*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.*

7.3.7 The Planning Officer's report summarises that it is the 'sheer scale', 'over dominance' and the way in which the areas of land that would in his opinion should be considered within the existing limits of the buildings that would essentially 'overwrite' the exiting boundaries and limits of the building group at its north eastern and south west. It is his opinion therefore that this would be unsympathetic to the definition of the exiting building group and its landscape setting.

7.3.8 The applicant would argue that the development of the site would still respect the boundaries of the site and would not extend in a way that would be disrespectful to the collection of buildings presently on site. Additionally, it would not be a pre cursor for further development as implied by the Planning Officer in his report. Indeed, on that last point the applicant has no intention to develop further beyond the proposed boundaries particularly to the north.

7.3.9 The site is more than capable of being developed for a dwelling without being over dominant or visually intrusive to the site or the surrounding area whilst still being able to respond to the legible definition of the site. Of course, the applicant wishes to maximise the potential of the site, but this does not mean that the building group or indeed the site should be compromised. This is the case here. The proposal will not 'overwrite' the existing limits of the site. Nor would the proposal 'spill out' unnecessarily into the countryside as the Panning Officer has stated. This is a carefully considered proposal that has tried and succeeded to comply with local development plan policies and the NPF and the comments from the Local Planning Authority.

7.3.10 In his report the Planning Officer states that *I would draw 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.*

7.3.11 Having regard to this it is considered that the Planning Officer has failed to provide in his assessment of the proposal what he considers to be the hierarchy of the buildings on site. As such any statement such as the one he makes that the existing building being integral to the proposal in terms of scale and design being relegated to ancillary building does not make sense unless this

is put into the necessary context. The Planning Officer states that these buildings would be 'swamped' by the proposed property, and relegated within any hierarchy of the site, to an almost incidental feature but given that the proper context has not been set out this does not carry the intended weight that the Planning Officer probably sought.

- 7.3.12 The proposal has been designed in a manner that respects the buildings on site none of which are listed or have any other statutory status that would seek to limit development of the site overall. The applicant has always tried to ensure that the design of the proposal is sensitive to the surrounding area; its character and its distinctiveness. The proposal that is now the subject of this review will contribute positively to the distinctiveness of the area and will not contrary to the Planning Officers opinion 'swamp' the other buildings or the site to the detriment of the local character of the area.
- 7.3.13 In his report the Planning Officer states that *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.*
- 7.3.14 The applicant acknowledges these comments and would further state as set out previously in this statement that he has worked hard to address the comments of the Planning Officer in a constructive and cooperative manner whilst trying to develop the site for his family home.
- 7.3.15 The Planning Officer follows from above by commenting that *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.*
- 7.3.16 The applicant does not agree with this statement. The design of the revised proposal utilises clean and simple lines to express its architectural vernacular which is more in keeping with the simple yet effective buildings on site. The architectural approach is further expressed in a modernist, contemporary architectural style, that will be an honest reflection of a building constructed in 21st century using modern materials, construction methods and utilising the latest technology.
- 7.3.17 In addition to the above comments the Planning Officers comments must be considered in context. To the north west of the site located on the track road form the B6357 road there are two very large agricultural buildings one of which is approximately 60 metres in length. Whilst these have a specific use, they undoubtedly have an impact on the surrounding area. The Planning Officer has described the house proposal as being extremely large. Set within the context of the site, the surrounding area and the agricultural buildings the proposed house is not considered to be extremely large. The applicant would agree that the house is large, but as stated this must be placed in the appropriate context. One which considers the perceived impact and harm that would bring.
- 7.3.18 In this particular case the 'harm' to the surrounding area, landscape and other properties is such that it is considered this is not reason enough to refuse the planning application. The site is large with a collection of buildings. The surrounding area is characterised by open countryside

interspersed with large agricultural buildings and large houses. This must be factored in when considering the proposal, which has responded in a positive manner to the site and the surrounding area. Views into the site are limited and therefore the 'impact' of the proposal and in particular the house on the landscape and the surrounding area is considered not to be too great as to warrant refusal of planning permission.

- 7.3.19 From the outset and throughout the process it has always been the intention of the applicant to create a strong relationship between the house and the surrounding landscape. It responds well to the setting and those existing landscape features that are present with merit. It is considered that the proposal has been able to respond positively to the existing buildings and surrounding landscape by utilising materials consistent with the local vernacular and planting to reinforce the overall character of the area.

## 8. Conclusion

### 8.1 The Development of the Site

- 8.1.1 The proposal represents an acceptable development of the site and would not adversely impact on Town O' Rule Farmstead, surrounding landscape or indeed the character of the countryside. The proposal would provide a cohesive scheme through its layout, design and materials for the house and ancillary buildings and will enhance the existing building group.
- 8.1.2 The applicant has worked hard to amend the proposals in line with the Planning Officer's comments and considers that the proposal would be a positive addition to the site and the wider area. It is therefore respectfully requested that the Local Review Body review the case and support the proposal.

**Document ends**