

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 18/01341/PPP  
**APPLICANT :** Mr and Mrs Erlend Milne  
**AGENT :** Ferguson Planning  
**DEVELOPMENT :** Erection of dwellinghouse and detached garage  
**LOCATION:** Land South East Of Tarf House  
West Linton  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1344.PL_01 a	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

No representations were received,

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; Transport Scotland - does not propose to advise against granting permission; 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); community council - supports the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
PMD2 - Quality standards  
HD2 - Housing in the countryside  
HD3 - Protection of residential amenity  
EP13 - Trees, woodlands and hedgerows  
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.

**Recommendation by** - Randal Dods (Planning Officer) on 19th November 2018

**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.

This application is made for planning permission in principle for a house. An indicative site layout was submitted with the application. Although that shows a house and garage, both of which are stated as 1 and ½ storey, no indicative design was provided. The plan indicates that the house could be located towards the southern boundary of the site. A field access would be retained to give access to the fields to the south and the east of the application site. 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.

**Principle**

The key policy against which this application is assessed is HD2, housing in the countryside.

The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area and;
- 3) sites in dispersed communities in the southern Borders Housing Market Area (HMA).

In this case, the site is not within a defined settlement. It is not associated with a building group of at least three houses or buildings capable of conversion to residential use. Finally, the site is within the northern and not the southern HMA. The application therefore fails to meet any of the general principles used when assessing whether or not an application for rural housing is appropriate.

The policy sets out 6 further main criteria against which applications are assessed. Those are:

- A) Building groups;
- B) dispersed building groups;
- C) conversions of buildings to a house;
- D) restoration of houses;
- E) replacement dwellings
- F) economic requirement.

Of these, the only possible option is criterion A) building group. This allows for 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. Three tests are set out, being:

a) the council is satisfied that the site is well related to an existing group of at least three houses or buildings 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.

The proposal fails the first test. A building group does not exist as only CastleLaw and Castlelaw Steading are within 100m, both to the south west. The supporting statement submitted with the application claims that there is a building group, comprising: CastleLaw; Castlelaw Steading; West Tarf House and; Westlands Lodge. It cannot reasonably be argued that those properties form a building group. West Tarf House is 270m distant and Westlands Lodge is 309m distant from the Castlelaw properties and all four are physically separated from the site by topography and vegetation and the site does not relate well to them.

Even if a building group did exist, the house would be located in a prominent, exposed and isolated location within the local setting. This would fundamentally change the setting of the area and, even if the first test were passed, the application could be called into question by the second test.

It should be noted that, in relation to criterion F), although the application indicates that the garage would be used for an element of home working, it is stated clearly that this will be wholly ancillary to the principal residential use. It is further stated that the applicant does not propose to justify the application on the basis of operational requirement.

The New Housing in the Borders Countryside supplementary planning guidance (SPG) reinforces the terms of policy HD2. No support for the proposal can be found within the SPG nor has the applicant advanced a case setting out why there is an overwhelming need for the development of the site. No justification has been provided by the applicant which indicates that it may be possible to set aside the terms of the SPG.

Since no supporting case has been submitted in support of the application, this proposal remains wholly inconsistent with planning policy and guidance. There are no material considerations of which I am aware that would suggest that policy provisions should be set aside in favour of the development and granting permission in principle would set an undesirable precedent.

The principle of a house on this site as proposed in this application is not accepted.

#### Amenity and privacy

Notwithstanding above matters regarding the principle of development, the site appears to be reasonably capable of accommodating a modest house. 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 policies 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 some 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.

#### 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 policies relating to design, amenity, parking and drainage, the critical issue with the proposal is that it is outwith the defined settlement envelope of West Linton and does not respect the rural character of the area and neighbouring land uses and would not add to the sense of place. The proposal is therefore contrary to policies PMD2 and HD2 and published guidance on new housing in the countryside. The applicant has advanced no material reasons to set aside the terms of the development plan and it is recommended that planning permission in principle is refused.

#### **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 unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

**Recommendation:** Refused

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