

Notice of Review Supporting Statement

Disused Sawmill, Cowdenknowes, Earlston, Scottish Borders

Erection of dwellinghouse with attached garage

Application Ref. 19/01611/FUL

On behalf of

Mr Francis Peto

March 2020

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EXECUTIVE SUMMMARY

This Notice of Review is submitted on behalf of Mr Francis Peto, following the decision of Scottish Borders Council, under delegated powers to the Planning & Development Standards Manager and based upon the Case Officer's recommendation, to refuse planning permission for erection of a dwellinghouse with attached garage (application ref.19/01611/FUL, registered 12th November 2019) at site of a disused sawmill, Cowdenknowes, Earlston, on 8th January 2020.

The site, currently including a dilapidated building, previously had planning permission (for the same house design) in 2007 which subsequently lapsed. The proposal reflects this previous consent and the applicant considers the proposal to wholly comply with local planning policy and supplementary planning guidance for new housing in the Borders countryside.

The site forms part of a well-defined Building Group at Cowdenknowes estate and the plot accords with policy in terms of being well-defined and related to the character and sense of place of the wider group. The proposed site layout and building design accord with supplementary guidance and can provide a high-quality design appropriate to its rural context.

There were no objections to the proposal from statutory consultees or third-party representations and indeed, the proposal was supported by Earlston Community Council. All conditions/contributions proposed by statutory consultees are accepted by the applicant.

It is asked that the Local Review Body, whilst considering matters, take account of the supporting documentation which accompanied the application. A site inspection is also requested to appreciate the specific nature of the site.

It is respectively requested that the Local Review Body reconsider the delegated decision and find favour in the applicant's proposal, subject to conditions, as deemed appropriate.

1.0 BACKGROUND TO THE APPLICATION

1.1 Description & Location

- 1.1.1 The site contains the dilapidated buildings associated with a former sawmill, within a site extending to approximately 0.13 hectares, and is located to the south of Earlstown and accessed via the B6356 (which the site fronts). The site is bound by mature trees and field boundaries and sits on the edge of the Cowdenknowes estate. The location and physical boundaries of the existing site are shown within the location plan and photos submitted with the application at **Appendices 2 and 5**.

1.2 The Development Proposal

- 1.2.1 The applicant seeks planning permission for erection of a dwellinghouse with attached garage which will replace the existing sawmill building. The site plan and proposed elevations and floorplans are illustrated within **Appendices 3 and 4** and include retention of existing trees, a gravel drive and new secondary access.

1.3 Site History

- 1.3.1 Planning permission (outline) was approved on 12th January 2004 (application ref.03/01778/OUT) for demolition of existing buildings and erection of a dwellinghouse. A subsequent detailed design was approved on 8th February 2007 (application ref.06/01745/REM). The outline planning approval approved by Members (contrary to Officer recommendation) at the Council's Development and Building Standards Committee (December 2003) on the basis that the site was an acceptable addition to an existing building group and the reserved matters application was approved on the basis that proposed design and materials for a 3 bedroom one and a half storey house with integral garage was considered acceptable for its location. Copies of the 2007 detailed approval plans and Case Officer report are contained within **Appendices 9 and 10** for information.
- 1.3.2 The planning consent was not implemented at the time and a subsequent application for planning permission in principle (ref.18/00599/FUL) was submitted on 31st May 2018 but refused on 7th March 2019 under delegated powers. The Case Officer's refusal reason reflected the Officer's original stance in 2003 in that the site was outwith the identifiable limits of the building group. The design proposed within the 2018 application differed from the original 2003 proposal, with a larger cross-shaped plan house proposed and a central access point, as **Appendix 11** illustrates.
- 1.3.3 The application that is the subject of this Notice of Review was submitted on 12th November 2019 (ref.19/01611/FUL) with the material difference from the 2018 application being that the design of the house mirrored the original 2007 detailed approval. The application currently under consideration is therefore exactly the same as the application approved by the Council in 2004 (in principle) and 2007 (in detail) and the original approval is a material consideration in determination of the current Notice of Review.

2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

- 2.0.1 The applicant considers the proposal mirrors the previous proposal approved by the Council and there are no material reasons for refusing the application as it accords with planning policy as set out below.

2.1 Statutory Consultees & Local Comments

- 2.1.1 Firstly, it is noted that there were no objections to the principle of development from statutory consultees (as included within **Appendix 6**).
- 2.1.2 Planning conditions proposed by the Council's Environmental Health officers in relation to site investigation and water and waste water connections are noted and accepted by the applicant.
- 2.1.3 Proposed financial contributions set out by the Council towards education infrastructure and Waverley Line reinstatement, totalling £8,302, are noted and accepted by the applicant.
- 2.1.4 The Council's Roads Planning Service noted a requirement to allow access from the existing westerly access only. This is noted and supported by the application who would accept an associated condition to not implement the proposed easterly access.
- 2.1.5 It is noted that Earlston Community Council support the application, having discussed the proposal at their December 2019 meeting. In particular, the Community Council noted that, *"the site is ideally suited for the development of a dwelling house"*.
- 2.1.6 It is also noted there were no representations from members of the public.

2.2 Addressing the Reason for Refusal

- 2.2.1 The Case Officer's Report of Handling (**Appendix 7**) and associated Decision Notice (**Appendix 8**), recommended refusal for the following single reason:-
1. *"The proposed development would be contrary to Policy HD2 – Housing in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed dwelling would be located on land outwith the identifiable limits of the building group separated from existing buildings by mature woodland, and the need for the dwelling has not been substantiated. The erection of a dwelling on this site would not be well related to the existing group and would therefore represent sporadic, prominent and unjustified development in the open countryside";*

Principle of Development

- 2.2.2 Policy HD2 of the adopted Scottish Borders Local Development Plan sets out the types of development permitted within designated Countryside areas with a view to promoting appropriate rural housing development. In particular there is support for housing, *“associated with existing building groups where this does not adversely affect their character or that of the surrounding area”*. As detailed below, it is considered the proposal meets this initial policy principle.
- 2.2.3 The principle of housing development in association with existing building groups is detailed within part (A) of Policy HD2 and supporting ‘New Housing in the Borders Countryside’ Supplementary Planning Guidance (**Appendix 12**). Firstly, in terms of scale of development, it is noted that up to two additional dwellings or a 30% increase of the building group is permitted in the Plan period. There have not been any other approvals for houses within Cowdenknowes in the plan period so the proposed addition is acceptable in policy terms.
- 2.2.4 Policy HD2 defines a building group as being *“of at least three houses or buildings currently in residential use or capable of conversion to residential use.”* The Supplementary Guidance further defines the existence of a group by a *“sense of place”* contributed to by, *“natural boundaries such as water courses, trees or enclosing landform, or, man-made boundaries such as existing buildings, roads, plantations or means of enclosure”*.
- 2.2.5 As illustrated in **Figure 1** below, the proposed site is located within the historic boundary of the Cowdenknowes estate. The original estate included Cowdenknowes House (former castle), and now A-Listed) and a range of buildings including a lodge, summer house, ice house and stable buildings plus Cowdenknowes Mains farm to the north-east.

Figure 1 – Cowdenknowes Estate (historic)



OS extract 1862, Reproduced with the permission of the National Library of Scotland

2.2.6 The current arrangement of buildings at Cowdenknowes is illustrated on **Figure 2** below. This includes the following buildings:

- Cowdenknowes House, A Listed original main house
- Cowdenknowes Lodge, traditional single storey lodge gatehouse
- Former Stable Block, equestrian centre
- Clockhouse, guest accommodation over store (ref.03/01114/FUL)
- Potting Shed, single storey 1 / 2 bedroom holiday cottage (ref.06/02059/FUL)
- Garden Cottage, two storey 4 bedroom cottage (extension ref.06/02059/FUL)

Figure 2 – Cowdenknowes Estate (current)



Google aerial image

2.2.7 The current Cowdenknowes estate is a defined building group with a minimum of three houses or buildings currently in residential use or capable of conversion to residential use as per Policy HD2. Indeed, there are up to six properties either with existing residential use or capable of conversion.

2.2.8 The application site formed the former sawmill and sits within this defined building group, as illustrated on **Figure 2**. The site is bound by mature woodland, the B6356 and field

boundaries and forms part of the setting of the Cowdenknowes estate building group which has a readily identifiable 'sense of place' as set out in Supplementary Planning Guidance.

2.2.9 In terms of part (a) of the Building Groups section of Policy HD2, the site is well related to the existing Cowdenknowes group by virtue of the physical characteristics noted above. In terms of part (b), the proposal would not create any adverse cumulative impact on the building group. The existing buildings are traditional in nature (with modern extensions in part) and the replacement of the dilapidated sawmill building with a traditional style one and half storey house would improve the character of this group.

2.2.10 With regard to specific suitability of a group to accommodate new houses, part 2.b.1 of the Supplementary Planning Guidance can be addressed as follows:

- Scale and character of the new house is appropriate to its context as it is within a plot containing an existing building and there are defined plot boundaries. The new house will sit within the woodland setting which defines this group.
- As illustrated above, the site is within the defined historic Cowdenknowes estate building group.
- Spacing between the proposed house and existing buildings within the group is similar in scale.
- The proposal does not require a new public road, with access to be taken directly from the existing B6356.
- The proposed site does not break into open field or require the removal of mature trees.
- The site is not within 400m of an intensive livestock unit.
- Existing farm activities at Cowdenknowes Mains are sufficiently distanced from the site to avoid nuisance.
- The existing building group is not 'complete' as the proposal allows for replacement of an existing building within the group with a new residential property.
- The proposal is not ribbon development nor would it lead to coalescence with a settlement.

2.2.11 Overall, it is considered that the principle of development is supported as the application site is located within a well-defined plot, forming an identifiable part of the Cowdenknowes estate building group. Contrary to the Case Officer's report of handling, the proposal would not form 'sporadic' development given its plot definition and would not be 'prominent' given the mature site boundaries along the public road frontage.

Design

2.2.12 Whilst not a stated reason for refusal, it is noted that the Case Officer's report considers the design not to meet the requirements of the Council's Placemaking and Design Supplementary Planning Guidance (**Appendix 13**). The same design was approved in 2007 but the Placemaking guidance was approved in 2010.

2.2.13 The purpose of the guidance is to ensure high levels of design quality are achieved and this is supported by the applicant. With regard to specific requirements for single houses in a rural context (Section 5.2), the guidance can be addressed as follows:

- Site planning – the proposed site layout plan (**Appendix 3**), illustrates how existing mature trees are retained and plot boundaries utilise existing stock fence boundary treatment (with extension of this fence style on its eastern boundary). The position of the house is set back from the public road and the canopy of the mature trees, allowing for a suitable layout. The house footprint to plot size ratio is appropriate for the area. The proposal also removes a dilapidated building and therefore improves visual appearance.
- Building design – Appropriate energy efficient measures can be utilised in the detailed design of the proposed house. As illustrated within **Appendix 4**, the proposed design is for a one and half storey house with pitched roof with massing broken down with varying roof level design to avoid an overly 'bulky' form.
- Materials – It is noted that PVC window frames and artificial roof slates are to be avoided. Appropriate materials can be a matter for condition.

2.2.14 Overall, it is considered that the traditional design of the proposed house can be integrated into the landscape at Cowdenknowes and appropriate materials can be agreed via planning condition.

3.0 CONCLUSION

3.1 This Statement, in conjunction with the appended supporting documentation, demonstrates that the proposal accords with Scottish Borders Local Development Plan policy and associated Supplementary Planning Guidance. The grounds of review of the delegated decision specifically relate to the following fundamental factors:

- Contrary to the Case Officer's opinion, the proposed site forms part of a defined Building Group. The traditional form of the Cowdenknowes estate includes a range of buildings spaced throughout the woodland setting with an overall defined sense of place and character. The Building Group has a minimum of three residential properties and the proposed plot replaces a dilapidated building within the identifiable limits of this group. The plot has well defined boundaries and meets all of the criteria set out within the Council's New Housing in the Countryside Supplementary Planning Guidance.
- The proposed house, in terms of siting and design, was previously approved by the Council in 2004 (in principle) and 2007 (in detail). This is a material consideration in determination of this Notice of Review.
- Whilst the Council has published Placemaking and Design Supplementary Planning Guidance since 2007, the proposed design of the house is considered wholly appropriate for its rural context. The site layout allows for retention of mature trees and sets the house outwith the tree canopy whilst incorporating traditional rural boundary treatment. The house design is traditional in nature, being one and half storey with pitched roof. The massing is broken up to avoid an overly dominant form and the footprint is appropriate relative to the size of the plot. Detailed materials can be agreed via planning condition.
- There were no objections to the proposal from statutory consultees or third-party representations and the principle of development was supported by Earliston Community Council. The advice of the Council's Roads Officer with regard to utilising just the westerly access can be adhered to and the applicant would accept a suitable condition. Similarly, the applicant notes and accepts the proposed conditions and financial contributions proposed by other statutory consultees.

3.3 On the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively and approved by the Local Review Body.