



APPEAL STATEMENT

REF: 19/01432/PPP

**ERECTION OF TWO DWELLINGHOUSES AND
ASSOCIATED WORKS**

**LAND NORTH WEST OF QUARRY BANK, HUME,
SCOTTISH BORDERS**

ON BEHALF OF: MR ANDREW THOMSON

MARCH 2020

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



RTPI

Chartered Town Planner



CONTENTS

EXECUTIVE SUMMARY

- 1.0 INTRODUCTION**
- 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS
COUNCIL AND PLANNING POLICY CONTEXT**
- 3.0 GROUNDS OF APPEAL AND CASE FOR THE APPELLANT**
- 4.0 CONCLUSIONS**

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



EXECUTIVE SUMMARY

This Appeal Statement is submitted on behalf of Mr Andrew Thomson “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission in Principle for the erection of two dwellinghouses and associated works at land north-west of Quarry Bank, Hume on 2nd March 2020 (reference 19/01432/PPP). All Core Documents (CD) are referenced with Appendix 1.

It is the Appellant’s intention to develop two dwellings on land within his ownership to provide homes within the village for his two adult children. The Appellant employs his son (for whom one of the dwellings is proposed) at the adjacent Quarry Bank Garage, of which he is proprietor. The Appellant’s daughter also works locally.

The appeal site sits adjacent to the Appellant’s home Quarry Bank, in the west of Hume village. Views of the appeal site from the surrounding countryside and the adopted highway – east of the sharp bend to the north – are dominated by Quarry Bank and the other existing building within the existing Building Group. As such the appeal site shares a single sense of place with Hume.

Reasons for Refusal

One reason was cited for the refusal of the Application.

The stated reason claimed that the application site does “not relate well to the existing building group” and contradicts Policy HD2 of the LDP. Specifically Officers considered that the proposed development would “result in ribbon development” which would “not be sympathetic to the area’s character or sense of place”.

The Appellant does not accept this assessment and points to the established settlement pattern and building line of Hume which is orientated around the adopted highway. The appeal site lies south of the sharp bend to the north which encloses the village to the west and, therefore, sits within the setting of the Building Group. The shelter belt on the boundary of Cragside Farm, which the Planning Officer claims forms the enclosing boundary of the village, is confined to the side of the road opposite the built frontage, is relatively limited in scale, and does not extensively screen views of the village from the west.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk

F E R G U S O N P L A N N I N G



The site forms part of Hume village which, in addition to being a long established village with a rich heritage, also constitutes an existing Building Group as defined in Policy HD2. The proposal would have negligible impact on the landscape character and minimal effect on the local built character. The site is currently enclosed by a post and wire fence and further landscape containment is included in the proposal. Additionally capacity exists for the expansion of the Building Group by the erection of new dwellings within the LDP period.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



1.0 PROPOSAL SUMMARY

- 1.1 This Statement in support of Local Review is submitted to Scottish Borders Council on behalf of the Appellant, Mr Andrew Thomson, against the delegated decision of Officers to refuse to grant Planning Permission in Principle for the erection of two dwellinghouses and associated works on land to the north west of Quarry Bank, Hume.
- 1.2 The two dwellinghouses are intended to provide new homes for the Appellant's two adult children. Both of the Appellant's children have grown up in Hume and would like to continue living, working, and socialising in the local area. The Appellant's son is employed by his father at Quarry Bank Garage, adjacent to the site and his sister also works locally.
- 1.3 The appeal site lies adjacent to the westerly extent of the developed frontage in Hume. Like all existing dwellings within Hume, with the exception of Cragside farmhouse, the site sits to the north of the adopted highway. The site adjoins the north-west of Quarry Bank with a relationship very similar to that of Quarry Bank and other existing dwellings to the south-east.
- 1.4 The appeal site comprises the road frontage of a field next to the village and extends to 0.262 ha of fairly level land. A Location Plan and conceptual Site Layout Plan, showing the proposed house and garage positions and the relationship of the plot with nearby dwellings were included with the application.
- 1.5 The conceptually proposed site layout includes the proposed dwellings and garages located relatively centrally within the site with tree and hedge planting included to strengthen the boundaries of both plots. The dwellings and garages have been proposed in a careful orientation to reflect the semi-enclosed courtyards which are visible at both Quarry Bank and Cragside.
- 1.6 Vehicle access to the site from the highway would be achieved via a single drive shared between the two proposed dwellings. On-site turning and parking is proposed within each plot.
- 1.7 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellant is content to secure servicing details via condition.



- 1.8 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development Plan and other material considerations.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 Planning Application 19/01432/PPP was refused on 4th March 2020. The Decision Notice cited one reason for refusal, set out below:

“1. The proposed development fails to comply with Policy HD2 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' as it would not relate well to the existing building group, it would break into an undeveloped field, it would result in ribbon development and it would not be sympathetic to the area's character or sense of place. Furthermore, the development would not comply with Policy PMD2 as it has not been demonstrated that adequate linkages with adjoining built up areas could be achieved.”

2.2 Policy HD2 permits the expansion of existing Building Groups, which comprise at least three houses, by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period

2.3 The Appellant's submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by 2 no. dwelling. Therefore sections (B) to (E) are not considered to be relevant.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk

(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.

Fig 2: Policy HD2 Housing in the Countryside – Section (A).

2.4 The Supplementary Guidance '**New Housing in the Borders Countryside**' includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



- 2.5 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
 - b) the suitability of that group to absorb new development.
- 2.6 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be 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.”
- 2.7 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
 - New development should be limited to the area contained by that sense of place;
 - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
 - Ribbon development along public roads will not normally be permitted.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Ground of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the application.
- 3.2 During the course of the application's determination multiple responses were received from statutory consultees. The Appellant was pleased that none of the listed consultees objected to the proposal:
- Archaeology
 - Education
 - Greenlaw and Hume Community Council
- 3.3 The Roads Planning Officer did not object to the road safety aspect of the proposed vehicle access arrangements.

GROUND 1: THE PROPOSAL REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO THE HUME VILLAGE BUILDING GROUP, WOULD SIT WELL WITHIN THE SETTING OF THE VILLAGE, AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE.

- 3.4 It is the Appellant's position that the appeal site lies within the setting of the Building Group at Hume village and that the proposed dwellings would enhance the defined sense of place.
- 3.5 Section (A) of Policy HD2 states that a Building Group must comprise "*at least three houses or building(s) currently in residential use*". The Supplementary Guidance advises that in determining whether a cluster of dwellings comprise a Group "a sense of place" identifiable by defined boundaries including features "such as water courses, trees or enclosing landform" is key.
- 3.6 It is common ground between the Appellant and the Planning Authority that Hume village does represent an existing Building Group and that capacity does exist for expansion by another 2 no. dwellings. However, Report of Handling 19/01432/PPP

states that “the application site is located to the south west of the village and is visually disjointed from the core area of the existing building group to the north east” and that “a shelter belt of mature trees to the north of Cragside Farm ... creates [a] clear and defensible boundary to the village”. The appointed Officer concludes that the principle of development is not acceptable as “the application site projects ... [beyond] the shelter belt”.

- 3.7 It is the Appellant’s position that the shelter belt to the west of the highway does not form the enclosing boundary of the Building Group. It is agreed with the Planning Officer that the Building Group is orientated around the highway. However the shelter belt flanks the highway to the side of the road opposite the developed frontage only. In this regard, the tree belt does not enclose built development within the village. Instead we consider that the sharp bend in the road to the north of the site, from which Hume Quarry is accessed, forms the enclosing boundary in a theoretical sense.



Fig 3: Aerial image of the west portion of Hume village with the outline of the application site illustrated in blue to the south-east of the entrance of Hume Quarry.

- 3.8 The sharp bend in the road to the south of the site is lined with built development along its north frontage. The bend does not give rise to any distinction in the Building Group,

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



rather the Building Group spans the bend. In comparison, west of the bend (to the north of the site) the character of the local area is defined by the countryside, with large fields adjoining the highway. To the east of the bend existing dwellings within the developed frontage and the ramparts of Hume Castle are clearly visible. The sense of place is further enhanced by the substantial access and entrance paraphernalia of the quarry. In this way, the quarry workings supplement the sharp bend in enclosing the boundary of the Building Group.

- 3.9 The erection of the proposed dwellings would enhance the existing view of dwellings within the village from the road and fields to the west of the site. While the enhanced views would more strongly depict the village aesthetic, the existing view is of a village and so the effect on existing views would be largely neutral.
- 3.10 The Planning Authority and Appellant agree that Hume is a long established village with a rich heritage which does constitute a Building Group as defined in section (A) of Policy HD2. It is considered that the application site is not “visually disjointed” but is in fact well related to the existing Building Group lying within the village’s defined sense of place to the south-east of Hume Quarry. Therefore the appeal proposal is considered to accord with criteria a) of section (A).
- 3.11 The appeal proposal comprises two small detached dwellings in relatively large plots – 0.139ha (0.34ac) and 0.123ha (0.30ac) respectively. The density of proposed development is considered to be broadly representative of the existing pattern of development within Hume.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk

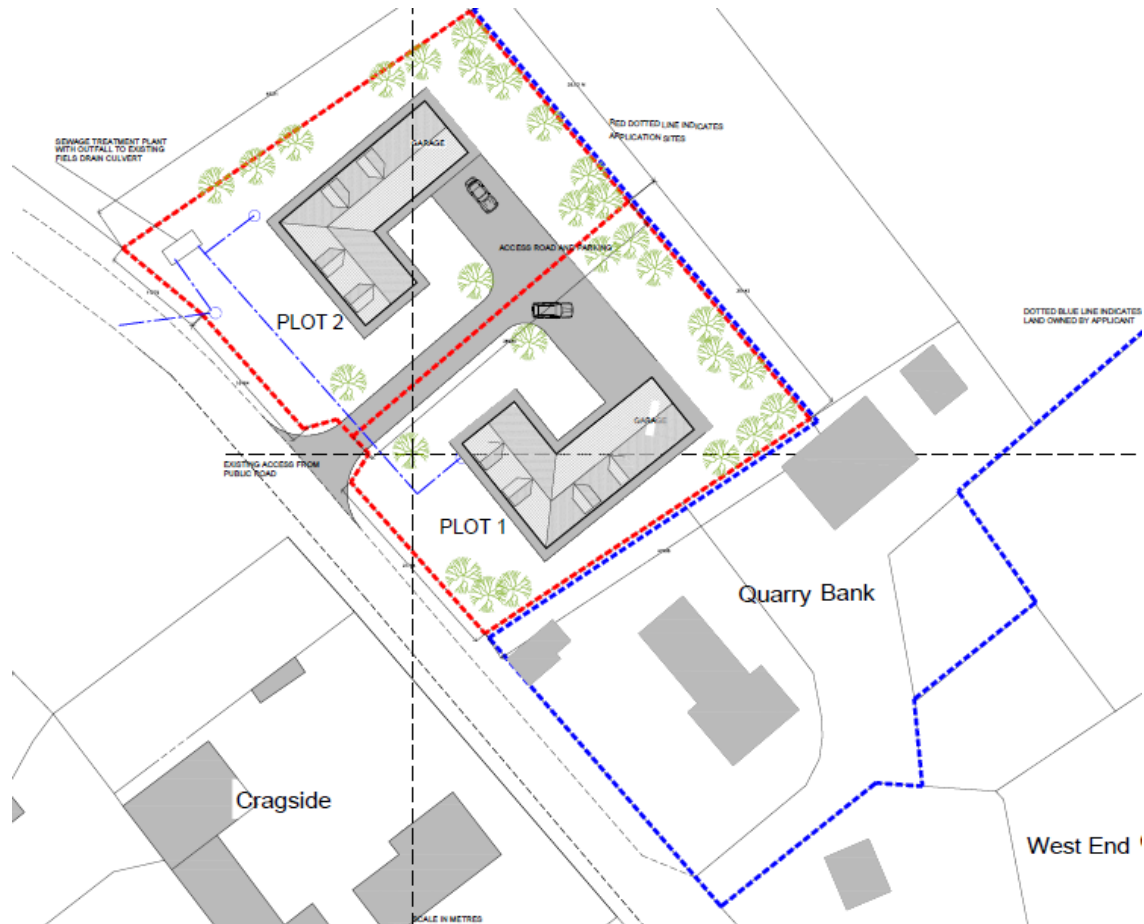


Fig 4: Extract from ATPPP03 Proposed Site Plan (Source: RG Licence Architect).

- 3.12 Given the limited impact of the proposal on the character of the Building Group and the limited nature of other development contributing towards impacts on character, the proposal is considered to satisfy criteria (b) of section (A).
- 3.13 Criteria c) stipulates that Building Groups should not be extended by more than 30% of the existing housing stock or two dwellings. Hume village comprises a clear 20-unit Building Group, the maximum permitted increase in the size of the Building Group is six or seven dwellings. Capacity exists for the expansion of the Building Group by another two dwellings and the proposal accords with criteria (c).
- 3.14 It is noted that the Planning Officer has also referenced the lack of formal footway provision in the proposal within the reason for refusal. Firstly, the character of Hume is

overwhelmingly semi-rural. This is laid bare by the fact that the proposed vehicle access to the site lies approximately 275 metres west of any streetlight and 605 metres west of the end of the formal footway by the side of the highway. Many of the houses in Hume don't have a formal footway and the current pedestrian access arrangements work informally. Secondly, in the event that the footway was provided it would provide a very short pedestrian route which would be isolated from any wider network; sitting over half a kilometer from the nearest formal footway. Thirdly, the addition of street lighting to the area would represent a new source of light pollution in an otherwise dark night sky. The justification for street lighting and how environmental impacts would be outweighed are considered to be unclear.

- 3.15 The proposal is considered to accord with section (A) of Policy HD2. The application site comprises part of an existing Building Group which is defined by a linear pattern of development fronting two fairly straight sections of adopted highway. Together with proximity to and the prominence of the historic Castle, the development pattern gives rise to the sense of place within the village. The proposal is for two new dwellings set in fairly large plots which are reflective of local character within the village. The Hume village Building Group has capacity to expand by four/five more dwellings within the current LPD period. In addition to being in accordance with adopted policy, the proposal offers the opportunity to provide new homes for two young people who have grown up in the village and would like to continue living, working, and socialising locally in this part of the Borders.



4.0 CONCLUSIONS

- 4.1 The Appeal, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 19/01432/PPP and grant consent for the erection of two dwellinghouses and associated works at land north-west of Quarry Bank, Hume.
- 4.2 The appeal proposal has been designed to facilitate the Appellant's children remaining in the local area while allowing each to lead an independent life. However, the two dwellings have both been proposed on a site which is well related to the existing Building Group and would appear as a natural extension to the village.
- 4.3 The proposal is for the erection of two dwellings within the setting of the village, which respects the existing building line, and reflects local character within Hume. The proposed dwellings would have minimal impact on the amenity of surrounding properties or local landscape. Lastly as the village has capacity to expand by six or seven dwellings over the LDP period and only two dwellings have been approved to date, leaving capacity to absorb the two proposed dwellings within the existing Building Group. Therefore the proposal is considered to accord with section (A) of Policy HD2.
- 4.4 The Appellant acknowledges that a detailed design will have to be submitted in the subsequent stage of the planning process in order to secure the consent. Importantly this will include a definitive landscaping design which enables the development to be assimilated into the wider landscape and to ensure the final design of the proposed buildings are of high quality. The site and proposed dwellings will be contained by landscaped boundaries, as directed by the New Housing in the Borders Countryside Supplementary Guidance.
- 4.5 Vehicle access can be achieved directly from the adopted highway. The consultation response of the Roads Planning Officer did not consider the proposed vehicle access arrangements to be unsafe.
- 4.6 Should Planning Permission in Principle be granted, approval of further details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.7 The Local Review Body is respectfully requested to allow the appeal for the erection two dwellinghouses and associated works.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk

F E R G U S O N P L A N N I N G



Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk





APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Appeal Form;
- CD1 Appeal Statement;
- Application Form;
- CD2 (Application) Planning Statement;
- CD3 ATPPP01 Area Location Plan;
- CD4 ATPPP02 Existing Site Plan;
- CD5 ATPPP03 Proposed Site Plan;
- CD6 Report of Handling 19/01432/PPP; and
- CD7 Decision Notice 19/01432/PPP.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07586 807 973

E Ruairaidh@fergusonplanning.co.uk

W www.fergusonplanning.co.uk