

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Mike Culshaw, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/140/407
- Site address: Land north west of Quarry Bank, Hume
- Appeal by Colin Dalgleish against the decision by Scottish Borders Council
- Application for outline planning permission 08/01217/OUT dated 8 July 2008 refused by notice dated 26 August 2008
- The development proposed: Erection of three dwellings
- Application drawings: 1:2500 scale site plan with indicative layout and drawing of indicative house types
- Date of Hearing: 23 April 2009

Date of appeal decision: 6 May 2009

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal, in the light of the policies of the development plan, are whether the appeal site is well related to the building group which comprises the village of Hume, and the impact of the appeal proposal on the village's character and appearance.

2. Policy H5 of The Scottish Borders Structure Plan indicates support for new housing which is associated with existing groups of buildings and which is in accordance with the provisions of the policy guidance New Housing in the Borders Countryside. Policy D2 of the Scottish Borders Local Plan was adopted in September 2008 after the decision on this application was made but represents the most up to date development plan position, which I must take into account. In the case of this policy it is in identical terms to its equivalent in the Finalised plan which was current at the time of the application. It expresses similar support provided the site is well related to an existing building group, though unlike its predecessor the Berwickshire Local Plan it does not contain a list of preferred building groups. There is however no dispute that Hume is a building group to which the favourable aims of policy D2 apply; there have been a number of permissions granted in the village for new dwellings, though the design and siting of the two at its north eastern end has attracted



criticism from the Greenlaw and Hume Community Council who also expressed reservations about this proposal.

3. Policy D2 repeats the requirement to comply with New Housing in the Borders Countryside, and this supplementary planning guidance has been updated in December 2008, taking account of the original 1993 guidance of that title together with amendments adopted by the Council in 2000 and 2004. It provides a number of criteria for all development in the countryside, and a set of factors to be taken into account in assessing the suitability of building groups to accommodate new development.

4. The Councils' reasons for refusal included the assertion that the proposal would constitute ribbon development, which the guidance says will not normally be permitted. However the village of Hume is linear in form and development is largely confined to one side of the road facing the castle. The indicative plans submitted with the application were said by the appellant to represent a continuation of Hume's existing linear form. However when travelling through the village from north east to south west the sharp bend in the road after West End Cottage marks a change in the character of the village, with a farm group on the left being the first departure from its single sided character, and Quarry Bank on the right together with the shelter belt of mainly Scots Pine trees beyond the farm being the final elements of the village at this end. When travelling in the opposite direction, on approaching this end of Hume from the south west the edge of the settlement does not become fully apparent until after the bend in the lane at the quarry entrance. Before that the farm is largely concealed behind the Scots Pines and only the metal clad shed at the rear of Quarry Bank with its high coloured sign is visible. On this approach the site is seen as a green field unrelated to the village and its proposed development would prominently extend the village form. From both directions the location and extent of the appeal site would represent an undesirable extension of the building group beyond the area which provides its sense of place into open countryside and would not comply with the guidance or with local plan policy.

5. I am not convinced that the supporting information submitted with the application demonstrates the appropriate augmentation of the village. The spacing of development and the detached houses illustrated seem to me to reflect the suburban form of the new houses at the other end of the village rather than its historic pattern, but neither an improved design nor the proposed provision of a landscaped knoll outside the appeal site as shown in the submitted landscape appraisal would be sufficient to ameliorate the harmful effects of extending development this far beyond Hume's limit.

6. The Council have indicated that there may be scope for a single dwelling on the lower lying part of the appeal site beyond the fence and conifer hedge at Quarry Bank, but since such a proposal is not before me I make no comment. I agree with the appellant that the opposition of the Council's Road User Manager, the Community Council's concerns over design and the incorporation of energy efficiency measures in the design could all be achieved by the imposition of appropriate conditions on a permission.

7. Although the second element of the Council's reason for refusal referred to the lack of need for the development the tests of need contained in policy H6 of the structure plan were not addressed by the appellant's case since it was his contention that the proposals met the criteria of H5 and D2 and should not be considered as in the open countryside. None of these factors outweighs my conclusion that the proposed development would not

be well related to the existing building group at Hume and thus would be contrary to policy D2 of the local plan. This conflict with the development plan is not outweighed by any other material considerations discussed at the hearing or included in written submissions.

MIKE CULSHAW
Reporter

