

APPEAL STATEMENT

REF: 20/00235/PPP

**ERECTION OF DWELLINGHOUSE AND FORMATION
OF ACCESS, LANDSCAPING, AND ASSOCIATED
WORKS**

**LAND NORTH-WEST OF RAMSACRE, THICKSIDE,
JEDBURGH, SCOTTISH BORDERS**

ON BEHALF OF: DR NEIL MILLER

MAY 2020



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EXECUTIVE SUMMARY

This Statement is submitted on behalf of Dr Neil Miller “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission in Principle for the erection of a dwellinghouse and formation of access, landscaping, and associated works on land to the north-west of Ramsacre, Thickside on 23rd April 2020 (reference 20/00235/PPP). All Core Documents (CD) are referenced in Appendix 1.

The Appellant proposes to build a new dwelling on land within his ownership adjacent to the south of his current home. It is agreed between the planning authority and the Appellant that there is a Building Group comprising three existing dwellings at Thickside. Disagreement centres on whether the appeal site is well related to the existing Building Group.

In addition to lying adjacent to the Appellant’s home Thickside House, the appeal site also sits opposite the existing dwelling Ramsacre across the paved access track which provides vehicle access to the highway. Together with the existing Building Group, the appeal site lies to the east of the adopted highway Oxnam Road and shares a sheltered setting; distinct from the large open agricultural fields and the vast plantation woodland beyond. As such the appeal site sits within the setting of and shares a single sense of place with Thickside.

Reasons for Refusal

One reason was cited for the refusal of the Application.

The stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as it “would be located outwith both natural and man-made boundaries of the building group”. The appointed Planning Officer considered that the proposed development “would not relate well to an existing building group” and that the “location fails to respect the character of the building group”.

The Appellant does not accept this assessment and points to the established development pattern at Thickside which is orientated around the paved access track and the presence of existing dwellings both adjacent and opposite the appeal site. While it is recognised that Thickside House is the longest established dwelling in the Building Group, it is not accepted that the House is “manorial” in design or that it defines the local sense of place. The shelter belt on the boundary of Thickside House, which the Planning Officer claims forms the enclosing boundary of the Building Group, is confined to a single side of the access track and does not contain the existing dwelling Ramsacre, which lies beyond to the west. The proposed hedge

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along the south-west boundary of the site would correspond with the existing hedgerow of Ramsacre and create a cohesive landscaped boundary enclosing the Building Group either side of the access track. Man-made “means of enclosure” are acceptable as established in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.

The site forms part of the existing Building Group at Thickside defined by the paved access track running east from Oxnam Road and sharing a sheltered setting distinct from the vast proportions of surrounding forestry and farmland. As the site forms part of a Building Group, there is no requirement for the proposed dwelling to be tied to adjoining or any other agricultural land. The impact of the proposal on the landscape character would be limited and a detailed design which reflects and respects the local built character can be secured by condition. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Appeal and grant Planning Permission in Principle.

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1.0 PROPOSAL SUMMARY

- 1.1 This Statement in support of Local Review is submitted to Scottish Borders Council on behalf of the Appellant, Dr N Miller, against the delegated decision to refuse to grant Planning Permission in Principle for the erection of a dwellinghouse and formation of access, landscaping, and associated works on land to the north-west of Ramsacre, Thickside.
- 1.2 The appeal site lies adjacent to the south boundary of the existing dwelling 'Thickside House', which is a former farmhouse that gives its name to the local cluster of dwellings. The residential property 'Ramsacre' sits opposite the site to the south-east of the access track while 'Nagscourt' lies to the north, adjoining Thickside House to the south-east.
- 1.3 The site comprises part of a field which fits between the paved access track to the south-east and larger agricultural fields to the north and west. The field has been arranged into two broadly flat levels for a number of years. The first level runs parallel to the access track across the site's south-east boundary and the second runs adjacent to the north-west boundary, with a slope of moderate gradient running between the two. The second level is separated from the surrounding countryside by a second moderately steep slope to the north-west. There is an existing field access in the south of the site's west boundary onto the access track, which is paved in tarmac concrete.
- 1.4 The conceptual site layout proposes the new dwelling upon the second level expanse and a garden path with steps leading to a proposed drive with small hardstanding apron for car parking. The existing field shelter is to be retained and the balance of the site is to be planted and landscaped as a private garden.
- 1.5 The proposed drive would provide vehicle access to the site from the existing access track shared between the three existing dwellings at Thickside and the highway network beyond. The proposed drive and hardstanding apron provide sufficient space on-site for turning and parking and the Roads Planning Officer has not objected to the proposal.
- 1.6 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.
- 1.7 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

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Plan and other material considerations.

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

2.1 Planning Application 20/00235/PPP was refused on 23rd April 2020. The Decision Notice cited one reason for refusal, set out below:

“1. The proposed development is contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016) and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance (2008) in that:

- **The proposed development would not relate to an existing building group and would be located outwith both natural and man-made boundaries of the building group. This location fails to respect the character of the building group;**
- **It has not been demonstrated that there is an economic or operational need for a new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.”**

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 a single dwelling. Therefore section (F) – “economic or operational need” – is not considered to be relevant.

(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 1: 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.



- 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.

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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 The Roads Planning Officer was the only statutory consultee to comment on the application during the course of its determination. The response received did not object to the proposal but did recommend that conditions were attached.

GROUND 1: THE PROPOSAL REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO THE EXISTING BUILDING GROUP AT THICKSIDE AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.

- 3.3 It is the Appellant's position that the appeal site lies within the setting and forms part of the Building Group at Thickside and that the proposed dwelling would enhance the defined sense of place.
- 3.4 It is common ground between the Appellant and the Planning Authority that an existing Building Group exists at Thickside and that capacity does exist for expansion by another 2 no. dwellings. However, Report of Handling 20/00235/PPP states that the appeal site lies "outwith the area contained by the sense of place, defined by the strong natural woodland boundary which clearly demarks the extent of Thickside". The appointed Planning Officer acknowledges that Ramsacre also lies beyond the "strong natural woodland boundary" identified but that "it does not feel divorced from the host built environment and it is not visually prominent or physically separated by landcover" and so was considered to be a "marginally acceptable addition in terms of sense of place" given the supporting economic justification.
- 3.5 It is the Appellant's position that the shelter belt to the north-east of the appeal site does not form the enclosing boundary of the Building Group. The shelter belt flanks the access track on one side only and, in any case, the existing dwelling Ramsacre protrudes beyond the hypothetical boundary it would create. It is recognised that if the responsibility to determine the application in which Ramsacre was approved had fallen to the appointed Planning Officer, then planning permission may not have been granted

or substantial revision may have been required. However there is no provision within section (A) of Policy HD2 for this consideration to inform determination of the application at hand. Given the pattern of development at Thickside and particularly the position of Ramsacre in relation to the rest of the Building Group, it is clear that the tree belt is not the definitive enclosing feature of the landscape. In truth there are a number of weak landscape boundaries around Thickside including the change in topography and timber post-and-rail fence along the south-west boundary of the field in which the appeal site sits, the existing hedge on the boundary of Ramsacre, and the shelter belt identified by the Planning Officer. Each of these features contradict each other to a degree and there is no single definitive demarcation.

- 3.6 It is considered that both Ramsacre and the field in which the appeal site is located form part of the Building Group's setting and that hedge planting on the south-west boundary of the site which corresponds with existing hedging to the south-east of the access track represents the best prospect of establishing a distinct and cohesive enclosing landscape feature in the short and medium term. As Fig.2. (below) shows all three existing dwellings are moderately prominent in the landscape. Each can be clearly seen and distinctly made out from the Netherwells road end approximately 500 metres from Ramsacre (crow flight distance). Therefore it is considered that it is incorrect to attribute substantial weight to 'visual prominence' in the determination of the application as the existing Building Group is intrinsically visually prominent.



Fig 2: View of Thickside Building Group from Oxnam Road to south-east of appeal site.

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- 3.7 It is noted that Report of Handling 20/00235/PPP states that “Thickside Farmhouse is manorial and occupies a well enclosed and elevated site, overlooking the former ranges and lands. Residential development of this site would not share or acknowledge that sense of place.” The Planning Officer considers that in this local setting the proposed dwelling “would appear from Oxnam Road as an arbitrary choice of siting and an outlier to the natural setting of Thickside”.
- 3.8 It is considered that Thickside House does not define the setting or sense of place within the Building Group. Firstly, a manor house would be expected to sit at the end of a private way to the highway. Thickside House does not sit at the end of the access track rather it lies to the north-west with vehicle access provided by a less substantial gravel drive. Secondly although Thickside House is Victorian in proportions, those are not stately, baronial, or manorial. Together with elevations finished in white render, the character of the house is one of a sensitively designed and attractive farmhouse – not a stately home or manor house.

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Fig 3: Annotated aerial image of Building Group at Thickside.

- 3.9 The feature around which the Building Group is orientated is the existing access track. Nagscourt, which has the appearance of a converted steading, sits at the east of the access track (furthest from the highway) while Thickside House sits adjacent to the north-west and active agricultural buildings and structures lie to the south-east. Ramsacre lies to the west of the other buildings, adjacent to the south-east of the access track. The whole Building Group sits distinct from Oxnam Road (adopted highway) to the west and has a sheltered setting, separate from the nearby large open agricultural fields and the vast proportions of plantation woodland beyond.
- 3.10 It is a simple matter of fact that Ramsacre lies closer to the highway than and beyond the shelter belt identified by the Planning Officer; therefore it is not possible that the shelter belt represents the landform enclosing the existing Building Group and it is clear



that the setting and sense of place extend beyond the belt. Given that the setting of the Building Group extends beyond the identified shelter belt and that the proposed dwelling would sit opposite Ramsacre, the appeal site is considered to be well related to the existing Building Group at Thickside.

- 3.11 The Planning Authority and Appellant agree that there is an existing Building Group at Thickside as defined in section (A) of Policy HD2. It is considered that the proposed development would not “fail to respect the character of the Building Group” but is in fact well related to the existing Building Group lying within the local setting and defined sense of place to the east of Oxnam Road adopted highway. Therefore the appeal proposal is considered to accord with criteria a) of section (A).
- 3.12 The proposal is for the erection of a single small detached dwelling in a relatively large plot – 0.217ha (0.54ac). The density of proposed development is considered to be broadly representative of the existing pattern of development at Thickside and particularly with the plot and layout of Ramsacre (opposite).

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Fig 4: Extract from H096-SP01(A) Site Layout (Source: Aidan Hume Design).

- 3.13 It should also be noted that there have not been any dwellings approved or built, within or adjacent to the Building Group since the adoption of the current Local Development Plan. Given the limited impact of the proposal on the character of the Building Group and the absence of other development contributing towards impacts on character, the proposal is considered to satisfy criteria (b) of section (A).
- 3.14 Criteria c) stipulates that Building Groups should not be extended by more than 30% of the existing housing stock or two dwellings. In the case of Thickside, the maximum permitted increase in the size of the Building Group is two dwellings. As previously



stated, no dwellings have been approved or built in the Building Group since adoption of the current LDP. Therefore the proposal is in accordance with criteria (c).

- 3.15 Briefly, it is noted that the Report of Handling raises the spectre of precedent setting. As the appeal site is bounded on two sides by existing dwellings and is well related to an existing Building Group, the proposed development is made in accordance with adopted policy. Therefore the primacy of the Local Development Plan would be protected and reinforced in the event that the Local Review Body determines to grant planning permission.
- 3.16 The proposal is considered to accord with section (A) of Policy HD2. The appeal site comprises part of an existing Building Group which is defined by an existing tarmac concrete access track running east from the adopted highway and providing access to 3 no. existing dwellings. Two of the existing dwellings lie east of the appeal site while the other sits opposite the site to the south-east. Together the access track, three existing dwellings, and sheltered setting of the Building Group give rise to the sense of place at Thickside. The proposed dwelling is set in a relatively large plot which is reflective of the local character of Thickside. The existing Building Group has capacity to expand within the current LPD period. In addition to being in accordance with adopted policy, the proposal offers the opportunity to secure a new home and retain investment together with associated employment in this part of the Borders.

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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 20/00235/PPP and grant consent for the erection of a dwellinghouse and formation of access, landscaping, and associated works on land to the north-west of Ramsacre, Thickside
- 4.2 The proposal is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group. The proposed dwelling both reflects the existing pattern of development and respects the local character of Thickside. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly as the Building Group has capacity to expand by two dwellings over the LDP period and no new development has been approved to date – the Building Group has capacity to expand in line with adopted policy. Therefore the proposal is considered to accord with section (A) of Policy HD2.
- 4.3 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 development is 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.
- 4.4 Vehicle access to the adopted highway is proposed via the existing paved access track and a proposed on-site driveway. A consultation response was received from the Roads Planning Officer who did not object to the proposal.
- 4.5 Should Planning Permission in Principle be granted, approval of the deferred 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.
- 4.6 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse and formation of access, landscaping, and associated works.

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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 H096-LP01(A) Location Plan;
- CD4 H096-SP01(A) Site Layout;
- CD5 Report of Handling 20/00235/PPP; and
- CD6 Decision Notice 20/00235/PPP.

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