

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 19/01701/PPP  
**APPLICANT :** Mr Alasdair Mackenzie  
**AGENT :** Camerons Ltd  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land North East Of West Mains Farmhouse  
Carlops  
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>
9417 (2-)001	Location Plan	Refused

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

No representations were received.

Consultation responses were received from:  
Roads - no objection, subject to condition;  
Education and Lifelong Learning - no objection. Contributions required for education provision;  
Transport Scotland - does not propose to advise against granting permission.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
HD2 - Housing in the countryside  
HD3 - Protection of residential amenity  
IS2 - Developer contributions  
IS7 - Parking provision and standards  
IS9 - Waste water treatment and sustainable urban drainage  
EP13 Trees, Woodlands and Hedgerows

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.  
Waste management  
Trees and Development

**Recommendation by** - Randal Dods (Planning Officer) on 2nd March 2020

**Site and proposal**

The site is located approximately 1km south south east of Carlops and is within the countryside. Access is gained via a private road and it is 300m off the A702 trunk road. The site is an open strip of land, approximately 18.5m by 58m, which has recently been used as five caravan pitches. There are no buildings on the site. West Mains Farm lies some 30m to the south west.

The application for planning permission in principle is for a house. A short statement has been submitted which states that the property will be one and a half storey in height. No indicative design or site layout was submitted.

**Site history**

There is no planning history associated with this site. The land immediately to the north west, beyond the stand of semi-mature trees, was granted permission for a change of use to caravan storage (reference 07/00534/FUL).

There was no pre-application discussion prior to the submission the current application.

**Principle**

The principle of the development is not accepted. The applicant has submitted a short supporting statement and I have had account of that in my consideration of the application.

With the site being in a rural location, the key policy against which the application must be assessed is HD2, housing in the countryside. Amongst other things, the policy requires that additional houses be essential to the efficient operation of a business. Although there is clearly a farm business operating at West Mains, the key question is whether an additional house is essential for the operation of that business. Given the lack of information on the economic or employment need, the applicant has not demonstrated that a permanent dwellinghouse is required in order to support the business. This is essential if policy HD2 is to be satisfied as regards economic need.

The applicant also states that the building would be an extension to an existing rural farm. Policy HD2 allows for additional housing if, amongst other things, the site is well related to an existing group of three houses or buildings currently in residential use or capable of conversion to residential use. Whilst the farm steading buildings may be capable of conversion to residential use, setting aside the potential impact on farm operations, planning permission is not in place to allow the necessary conversions to take place in order to establish a building group and there is only one house present, namely West Mains Farmhouse. The proposal therefore fails to meet the requirements of policy HD2 in terms of building group justification.

Given the applicant has not provided any economic justification to associate the proposed house with a rural business, I am not satisfied that a house on this site is essential. In addition, there is no building group with which the proposed house would be well related, the development would be contrary to policy HD2.

**Amenity and privacy**

Notwithstanding above matters regarding the principle of development, the site may be capable of accommodating a modest house. Whilst no drawings have been submitted which show an intended design or layout, if permission in principle were granted, it would be for a future application to demonstrate compliance with policy HD3 in relation to overlooking, privacy and sunlight provision.

**Trees**

The trees which are present on the northern edge of the site are semi-mature pine trees which add to the amenity of the area, especially when the site is viewed from the south. No arboricultural assessment was submitted with the application. As the site is rather narrow, the construction of a house may have a negative impact on those trees and that would be detrimental to the appearance of the local area. The lack of information (required by our guidance and BS5837:12) means that the applicant has not demonstrated that the site is capable of being developed without having a negative impact on trees adjacent to the site which are considered to be high value in terms of amenity. While this may be capable of being addressed, there is no information to confirm it will be at this stage. The proposal would therefore be contrary to policy EP13

#### Impact on special landscape area

The site lies within the Pentland Hills special landscape area (SLA). Without a design having been submitted, it is difficult to make a full assessment of the likely impacts on the SLA. That having been said, a modest house is unlikely to have a significant adverse effect on the integrity or overall objectives of the SLA.

#### 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, subject to a condition requiring the provision of two parking spaces within the curtilage of the house.

#### Services

The applicant states that the site will be connected to a private 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. There appears to be space within the site to store waste and recycling containers in a discrete manner.

#### 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.

#### Conclusion

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 policy PMD2, the critical issue with the proposal is that it is located within the countryside. The applicant has not demonstrated that the proposed house is essential to the operation of a rural business and the building is not well related to an existing building group of three houses. The proposed house would, therefore, be contrary to policy HD2 and our housing in the countryside guidance. The applicant has also failed to demonstrate that the site is capable of being developed without having a negative impact on trees adjacent to the site which are considered to be of some landscape value. The proposal would therefore be contrary to policy EP13.

#### **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 and no overriding case for a dwellinghouse has been substantiated. The development would be contrary to policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the applicant has failed to demonstrate that the development would not result in the loss or serious damage to trees which are of high value to the amenity of the area and there are no public benefits which would clearly outweigh their loss.

#### **Recommendation:** Refused

- 1 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 and an overriding economic case for a dwellinghouse has not been substantiated.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the applicant has failed to demonstrate that the development would not result in serious damage to trees which are of landscape value and there are no public benefits which would clearly outweigh their loss.

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