

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

17 NOVEMBER 2003

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 03/01778/OUT
OFFICER:	Karen Hope
LOCAL MEMBER:	Councillor Browne
PROPOSAL:	Demolition of existing buildings and erection of dwellinghouse
SITE:	Disused Sawmill Cowdenknowes, Earlstoun
APPLICANT:	Cowdenknowes Estate Ltd
AGENT:	Mr Francis Peto (Factor)

SITE AND APPLICATION DESCRIPTION:

This is an outline planning application for the erection of a single dwellinghouse on the site of a former sawmill at Cowdenknowes, near Earlstoun. The application site, which measures approximately 50m x 34m, is bounded by the B6356 to the east and by woodland/agricultural land to the north, south and west. The site is currently occupied by a number of former sawmill buildings and a number of trees with undergrowth.

An existing vehicular access would be improved from the B6356 to the east of the site.

PLANNING HISTORY:

None.

DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

Policies H5 and H6 apply which state:

POLICY H5 - New Housing in the Countryside - Building Groups

Proposals for new housing in the countryside outwith defined settlements¹ but associated with existing building groups will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (i) are readily accessible to the strategic public transport network,
- (ii) employ energy efficient and/or innovative design principles,
- (iii) incorporate employment-generating uses appropriate to a countryside setting.

¹ Defined settlements are those identified in Local Plans and Village Plans

POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements¹ and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Ettrick and Lauderdale Local Plan 1995

Policies 7 and 8 apply which state:

Policy 7

Outwith the settlements identified in policies 2, 3 and 6, new housing development will be encouraged within or adjacent to the preferred building groups listed below. In addition, limited development may also be permitted within or adjacent to other building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Preferred Building Groups

Bemersyde, Clintmains, Dryburgh, Ettrick, Legerwood, Yarrow Feus.

Policy 8

Within the areas specified on the Proposals Map, there will be a presumption in favour of sensitively designed and well sited isolated housing in the countryside. Elsewhere, there will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;

¹ Defined settlements are those identified in Local Plans and Village Plans

4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63;
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

OTHER PLANNING CONSIDERATIONS:

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Transport and Environmental Standards: No objections in principle. A service lay-by and visibility splay along the public road must be included in the design.

Other Consultees

Earlston Community Council: No comments or observations.

Scottish Water: Awaiting comments.

Scottish Environment Protection Agency: The first choice option for sewage disposal is a suitably sized septic tank discharging to land via a closed soakaway system, in accordance with Part M of the Building Standards (Scotland) Regulations 1990 (as amended).

If poor soil porosity or risk to groundwater resources (such as private water supplies) preclude the use of a soakaway, alternative arrangements will have to be agreed with SEPA's area officer before plans are finalised. SEPA's Pollution Prevention Guidelines (PPG4), provides further advice on disposal of sewage where no mains drainage is available. This document has also be forwarded to the applicant/agent.

OTHER RESPONSES:

None.

PLANNING ISSUES:

The main issues with this application are whether the proposal complies with the terms of the Councils Housing in the Borders Countryside policy and whether or not there are any economic or other material considerations to be taken into account.

ASSESSMENT OF APPLICATION:

This application must be assessed against Policies H5 and H6 of the Approved Structure Plan 2001 – 2011 and Policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995. The Council's Housing in the Countryside policy requires the existence of a building group which consists of

residential buildings comprising at least three dwelling units, including existing buildings capable of conversion to residential use.

It is accepted that there are more than three existing dwellinghouses at Cowdenknowes. However, these are particularly dispersed. 'Cowdenknowes Lodge' is the closest existing property to the proposed site, however, it is located some 56 metres away. Furthermore, the B6356 separates the proposed site from existing properties at Cowdenknowes Mains and very prominent features, such as dense woodland, separate the proposed site from the existing dwellinghouses at Cowdenknowes.

It is therefore contended that the site is too remote from other buildings in the area and is physically separated from them. Subsequently the site does not relate to these buildings and therefore does not comply with Policies H5, 7 or the Housing in the Countryside policy and guidance note. No evidence has been submitted to support the application on the basis of policies H6 or 8. It is therefore considered that this application cannot be supported.

RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

I recommend that this application be refused for the following reason:

The proposal is contrary to policies H5 and H6 of the Approved Structure Plan, Policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995, and the Housing in the Borders Countryside Policy and Guidance Note in that the site lies outwith any settlement or building group and the need for the house has not been adequately substantiated.

*Original copy of report signed by
BRIAN FRATER (Head of Development Control)*



1:2500

Based Upon the Ordnance Survey mapping with the permission of the
Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised
reproduction infringes Crown copyright and may lead to prosecution or civil
proceedings. Scottish Borders Council, Licence Number LA 09049L, 2003.



Scottish
Borders
COUNCIL