

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00599/FUL

APPLICANT : Mr France Peto

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Disused Sawmill
Cowdenknowes
Earlston
Scottish Borders
TD4 6AA

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|---------------------|--------------------|
| 1134.PL.1 | Location Plan | Refused |
| 1134.PL.3 | Proposed Site Plan | Refused |
| 1134.PL.2 | Proposed Elevations | Refused |

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

RPS: No objections provided conditions relating to junction visibility, the provision of a service lay-by, parking and turning and the requirement for gates to open into the site are added to any grant of consent.

CC: The CC is supportive of the application.

EHO: Water Supplies - Recommend a condition to ensure no water supply other than the public mains is used to supply the development.

Contaminated Land - It is recommended that a site investigation and risk assessment is carried out before development commences.

ELL: A contribution of £2,533 is sought for the Primary School and £3,562 is sought for the High School, making a total contribution of £6,095.

Landscape: Does not object subject to conditions details of trees to be retained, no felling, protection of trees to be retained and details of all boundary treatments . The two existing mature trees on the site are worthy of retention.

Scottish Water: No reply

Third Party Representations

One letter of objection has been received. The principal grounds of objection can be summarised as follows:

- Failure to comply with Policy HD2
- Impacts on the National Scenic Area (EP1)
- Dangerous precedent
- No exceptional justification

PLANNING CONSIDERATIONS AND POLICIES:

SBC LDP 2016

Policies PMD2, HD2, EP4, EP10, EP13, IS2, IS7, IS9, IS13

Supplementary Planning Guidance

Development Contributions
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside
Trees and Development

Recommendation by - Julie Hayward (Lead Planning Officer) on 7th March 2019

This application seeks detailed planning consent for the erection of a dwellinghouse on land occupied by a disused sawmill, Cowdenknowes, Earlston. The principle of a dwelling on this site was previously established under an earlier grant of outline planning permission in 2004 and reserved matters application in 2006. This permission was never implemented and the consent has since expired.

Notwithstanding the earlier grant of planning permission, it is important to understand the background to the earlier decision. A group of buildings consisting of 3 dwellings does exist at Cowdenknowes, although they are considered to be particularly dispersed, with the closest property (Cowdenknowes Lodge) being approximately 56 metres south east of the application site and separated by a burn and belt of mature trees. Cowdenknowes House is located 200m south of the application site and to the west and the third identified house (at the time of the original submission), at Cowdenknowes Mains, is located almost 200m north and separated from the site and Lodge by the B6356.

The original application was presented to the Eildon Area Committee with a recommendation to refuse on the grounds that the proposals were contrary to approved Structure Plan and Local Plan policies covering new housing in the countryside. Members were minded to approve this application contrary to officer's recommendation and the application was subsequently passed to the Development and Building Standards Committee in December 2003. Following the submission of additional supporting information relating to the presence of a building group on the south west side of the B class road, the application was continued to the January meeting where Members, following a site visit, resolved to approve the application contrary to officer recommendation.

The supporting information submitted at that time established that a third residential unit exists on the south west side of the B6356 and therefore even discounting Cowdenknowes Mains, it could be argued that a dispersed group exists around the network of private roads between Cowdenknowes Lodge and Cowdenknowes House.

It could be argued that a "sense of place" does exist at Cowdenknowes, and that the spread of residential units on the south west side of the B6356 could be considered to constitute a building group meeting the terms of the Housing in the Countryside policy. However as with the earlier submission it remains necessary to define the most appropriate boundary to the group within which any development should be contained. In this instance it is considered that the substantial area of mature woodland between the

application site and Cowdenknowes Lodge as well as the private drive (lined with mature trees) leading to Cowdenknowes House act as the most appropriate natural and man-made edge to the group. It is considered that the application site lies beyond that natural boundary of the group and would therefore be an inappropriate addition to the group.

Whilst consent was granted in 2004, and this is a material consideration in the determination of this current application, the original permission has lapsed and no consent exists on this site. Taking into consideration the site history, the application must be assessed against prevailing development plan policy, in this case Policy HD2 - Housing in the Countryside, supported by SPG on New Housing in the Borders Countryside (2008). This policy is generally supportive of appropriate rural housing development and in the case of additions to building groups, the Council must be satisfied that that the site is well related to an existing group. Whilst there are 3 residential units on the south west side of the B6356 they are historically associated with Cowdenknowes House and dispersed throughout a designed landscape. They do not form part of a tight, cohesive group of buildings and are separated by mature woodland and access drives within the estate. The application site is located outwith the identifiable limits of the group, on the north west side of a substantial area of mature woodland. The existing trees provide a definable natural boundary to the group, consistent with the advice contained within the SPG on housing in the countryside and it is considered that the proposed house would be located on land outwith the identifiable sense of place.

The application site is located within the locally designated Cowdenknowes Designed Landscape and the Eildon and Leaderfoot NSA however given the small scale nature of the proposed development I do not consider there to be unacceptable adverse impacts on the designated sites.

There are two mature trees on the site worthy of retention. These can be retained and protected by condition as appropriate. Additional landscaping and boundary treatments can also be covered by condition.

The RPS has no objections subject to conditions covering access, service lay-by, parking and gates. These matters can be controlled by condition.

Development contributions in line with Policy IS2 would be required towards E&LL. They can be secured through legal agreement.

Given the previous use of the site, there may be evidence of land contamination. In line with the recommendation from EHO, a condition can be added to any grant of consent that may be issued. Water supply shall be from the public mains and this can also be covered by condition. The precise details of surface and foul water drainage can be considered through the building warrant process.

I have not considered the siting, design or external materials of the proposed dwelling as the key planning issue with this application is acceptability, or otherwise, of this site as a suitable addition to a building group. However, given the location of the site within the NSA and its position adjacent to the public road the design is particularly important. Whilst there has been no negotiation with the applicant/agent I do not consider the proposed design of the dwelling as submitted to be appropriate for this rural location. As described above, I do not consider this site to be well related to an existing group of houses. The site is remote from other dwellings and is physically separated by natural and man-made boundaries. Furthermore, the need for the dwellinghouse has not been substantiated under economic requirement (Part F of Policy HD2).

REASON FOR DECISION :

The proposed development would be contrary to Policy HD2 - Housing in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed dwelling would be located on land outwith the identifiable limits of the building group separated from existing buildings by mature woodland, and the need for the dwelling has not been substantiated. The erection of a dwelling on this site would not be well related to the existing group and would lead to an undesirable precedent.

Recommendation: Refused

- 1 The proposed development would be contrary to Policy HD2 - Housing in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed dwelling would be located on land outwith the identifiable limits of the building group separated from existing buildings by mature woodland, and the need for the dwelling has not been substantiated. The erection of a dwelling on this site would not be well related to the existing group and would therefore represent sporadic, prominent and unjustified development in the open countryside.

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