

LRB APPEAL STATEMENT

Erection of 15 No huts with associated access and car parking

North Cloich Woodland
Land East Of Wester Deans
by Lamanca, West Linton

Ref 19/01256/FUL

1. Introduction

1.1 This short Statement reviews the key points relating to the delegated Application decision and the Reasons for Refusal set out by the Planning Officer.

1.2. **This Statement is the key document in the Appeal.** Further important detail is provided in the Applicant's Supplementary Statement and Key Plan submitted as Application documents.

1.3 The development has been refused on the basis that it is impossible to create a suitable landscaping scheme at this site. The Planning Officer suggests trees will not grow here, yet a fully mature commercial forestry crop was harvested on this site 10 years ago. A typical landscaping Condition has been applied to Planning Permission for various other local developments in recent times.

1.4 Restricted access to active travel and public transport is given as a second reason for refusal, yet other developments approved locally in recent times are more remote from bus services and paths. Active travel and bus provision falls well within published Scottish Government standards for rural development.

1.5 **The Planning Department has applied very different standards to this Application, beyond what has been required of other developments in the area. The Applicant seeks only a fair assessment of the proposals.**

2. Key Planning Issues

2.1 The Report of Handling notes that the proposal is acceptable in principle under the terms of LDP Policy ED7, relating to Business, Tourism and Leisure in the Countryside, as it is a use requiring a countryside location. It also confirms that the proposals are consistent with Scottish Planning Policy 2014, which defines hutting.

2.2 Having established this principle, the Report of Handling focuses on two key planning considerations:

- visual impact on the landscape
- access by walking, cycling and public transport.

These two matters are given as Reasons for Refusal of the Planning Application.

2.3. There are examples of traditional hutting sites locally at Eddleston, Carlops and Soonhope by Peebles, although these are of a different character to the Application proposals. These hut communities were constructed in the early 20th century by miners in Midlothian, as an escape from industrial life.

2.4. The modern hutting movement in Scotland has been promoted by Reforesting Scotland's 1000 Huts campaign. It seeks to reconnect people with nature by creating woodland-based opportunities for off-grid recreational huts, constructed from local timber. Hutterers will spend time in natural surroundings, playing an active role in woodland management. The huts will be owned by individual families or friends and will not be available for commercial rental.

2.5. In the post-covid 19 era, hutting provides a desirable option for those seeking to spend leisure time close to home, in natural surroundings, with benefits for health and wellbeing.

3. Reason for Refusal 1 - Visual Impact on the Landscape

3.1. The first Reason for Refusal refers to LDP Policy PMD2, relating to Quality Standards for development. Criteria f) of this policy notes that development proposals should incorporate landscaping works to integrate them into their surroundings. It states:

“In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance”.

3.2 This is entirely reasonable. It is an approach applied by Planning Authorities across Scotland. In granting planning permission, Scottish Borders Council will often attach a Condition requiring further approval of landscaping works, which must then be undertaken in conjunction with the development.

3.3 In this case, the Council's Landscape Architect (Siobhan McDermott) was consulted on the Application. She had no objection but suggested additional tree planting should be provided to integrate the development into the landscape. She set out a typical Condition, to be attached to the grant of planning permission in the usual manner.

3.4 The Landscape Architect also helpfully provided recommendations for a planting plan, including suggested species. This information was used, through positive dialogue between the Applicant and the Council's Landscape Architect to prepare initial landscaping proposals. These proposals were then finalised and agreed through further dialogue with the Council's Landscape Architect. The agreed proposals were submitted to the Planning Officer (Ranald Dodds) but no comments were received in response and they have still not been posted on the Council's online planning file. The Applicant is happy to make further adjustment to these proposals if that is deemed appropriate.

3.5 Setting aside the Landscape Architect's expert advice, the Planning Officer stated in the Report of Handling that it would be impossible to establish new planting at this site within a reasonable time period, despite the fact that it has recently been entirely covered by trees as part of a commercial woodland plantation. New woodland is already re-established over one third of the woodland and site, with regeneration now taking hold over the remaining area.

3.6 Reason for Refusal 1 states that the development would result in a visual impact which would not be compatible with the character of the surrounding area. This matter had been addressed by the Applicant in a Supplementary Statement and Key Plan. These documents note the following points:

- The landscape surrounding the site has no protective designations.
- The site is distant from the few residential properties in the area.
- The nearest road running some distance to the east and south of the site carries very little traffic.
- Views into the site are distant, limited in many places by trees, woodland and field/ditch embankments.

3.7 The documents also note that the surrounding area is characterised by a number of large scale developments, many of which have buildings or features which are or will be visible in the surrounding landscape. These include:

- A large number of industrial-scale egg production sheds (one of them clearly visible from the site)
- The Cowieslinn Quarry, extending to approximately 85 hectares to the south east of the site.
- Remnants of a string of 65 former ammunition buildings located to the north east of the site.
- Planning permission to the south for an 18 turbine wind farm, currently subject of a new scoping exercise.

3.8 There are also numerous large agricultural buildings in the surrounding area.

3.9 Recently, the Local Review Body has approved the development of two new houses to the west of the site at Cowdenburn Cottages and a vehicle body repair workshop a short distance to the north west of the Application site.

3.10 For all recent and proposed developments approved in the surrounding area, the typical landscaping Condition has been attached to the Planning Permission, ensuring adequate new planting is provided. This applies to the industrial-scale egg shed buildings just as it applies to the houses and workshop.

3.11 The Planning Officer has deemed that the hutting proposal is singularly unsuitable for approval with this same Condition attached. As noted above, a suitable landscaping plan had already been agreed with the Council's Landscape specialist.

3.12 The Applicant does not expect a relaxation of typical Scottish Borders Council planning requirements. However, it is fair to expect that the same balanced and reasonable assessment should be applied to all planning applications. This application has no features meriting a different approach to landscaping than others which have been approved by the Planning Department or the Local Review Body in the surrounding area. **The standard landscaping Condition should have been attached to a grant of Planning Permission.**

3.13 Finally on this matter, LRB members are requested to note that pre-application advice was sought by the Applicant on this proposal. The Planning Officer then in post (Dorothy Amyes) noted that planting of trees would resolve any potential visual issue but also stated in regard to the small timber buildings proposed, "Even if they were visible, it is not a particularly sensitive location visually". This opinion matches the specialist advice from the Council's Landscape Architect.

4. Reason for Refusal 2 - Walking, Cycling and Public Transport

4.1 The second Reason for Refusal refers to LDP Policy PMD1, relating to Sustainability of development. Criteria g) of this policy notes that development proposals should encourage walking, cycling and public transport in preference to the private car. This again is entirely reasonable and is an approach applied by Planning Authorities across Scotland.

4.2 In this case, the Council's Roads Planning Officer was consulted on the Application. He raised no issue with options for walking, cycling or bus services for the development.

4.3 The Applicant's Supplementary Statement and Key Plan address these matters. They note the availability of regular bus services with 4 bicycle spaces per double decker running at the A703 to the east of the site. This 'Hail and Halt' service will stop conveniently for foot and cycle passengers at two separate rights of way (BT4 and BT5) marked on the Council's adopted Core Path Plan. These safe routes providing connections to the Application site are well within published Scottish Government guideline distances for pedestrian and cycle trips in rural areas, as stated clearly in the Supplementary Statement. Scottish Borders Council has accepted these guideline distances in

granting Planning Permission for other developments in the area (for example, a hotel at the outer edge of West Linton, approved in April 2018, ref. 16/01526/FUL).

4.4 From the end of both rights of way, pedestrians would use a short stretch of wide grass road verge over the final 300-350 metres to connect to off road woodland paths adjacent to the site. Cyclists would use the road, as they would elsewhere. There is clear forward visibility along this stretch of road.

4.5 The Environmental Statement, Vol.1 - Written Statement, for the adjacent Cloich Forest Wind Farm project, notes that this road carries limited traffic flow even during morning and evening peak periods. Due to the sparse traffic recorded on this route, it is not even included in the transport assessment for the Cloich Forest Wind Farm project, despite being adjacent to the Wind Farm site.

4.6 A review of Planning Permissions for other rural developments in the surrounding area indicates that accessibility for pedestrians, cycling and bus services has not been a determining factor.

4.7 Neither the Planning Officer Report of Handling or Refusal nor the Local Review Body Approval of the two houses at Cowdenburn (ref. 18/01469/PPP) raise issues over walking, cycling or public transport access. These houses would need to use the same rights of way and bus services that provide access to the hut Application site (there are no bus services on the A701). However, they are significantly further away - residents of these houses would need to walk an additional 1.8km on winding single track road and the A701, with no footpaths and narrow verges over much of the route.

4.8 Again, neither the Planning Officer Report of Handling or Reasons for Refusal, nor the Local Review Body Approval, for the vehicle body repair workshop (ref. 16/01174/FUL and 19/00272/AMC) raise issues over walking, cycling or public transport access. And again, this development would use the same rights of way and bus services as the hut Application site, requiring pedestrians to use the grass road verge over a longer distance of 420 metres.

4.9 The Supplementary Statement also discusses trip generation for the hut development by private car and active modes of transport. It finds that the hut development would generate less annual traffic than the two houses approved by the Local Review Body at Cowdenburn.

4.10 Given that the hut Application site has better access to paths and bus services than these two developments, and generates very limited traffic, it is entirely unfair to refuse Planning Permission on this basis.

4.11 Finally on this matter, LRB members are requested to note that the Report of Handling incorrectly suggests that 32 car parking spaces are proposed. The Application form and the design Statement clearly state that 15 spaces will be provided, one for each hut. The Council's Roads Officer accepts this as adequate provision. The area indicated for parking on the Site Plan allows room for trees to be planted between small groups of parking spaces, integrating this area into the woodland.

5. Community Engagement

5.1 Community engagement has been undertaken locally to provide information on the proposed hunting development and gather feedback. Posters were displayed in Eddleston, West Linton, Penicuik, Peebles and at the site, making people aware of the proposals and inviting local people to a site meeting.

5.2 The site meeting held in late July was attended by one local family from Whim, one local individual from Eddleston who responded positively to the proposed development. The meeting

was also attended by a couple who are local farmers, who noted farming related concerns regarding uncontrolled dogs and fly tipping. Hutterers will be required to follow a strict Code of Conduct which will include conditions regarding control of dogs. Activity at the hutting site may well deter some individuals from fly tipping on the Application site and in the surrounding area. The Code of Conduct will also specifically control amenity, with restrictions on noise, litter and respect for neighbours.

5.3 A website has been created, providing information on the site and the planning application case. This can be viewed at:

<https://northcloichwoodland.weebly.com>

5.4 A Facebook page has also been posted, to enable local people to find information on the proposals and to provide comment. This has attracted good traffic, with 80 views in the first week and 20-30 views in each of the following weeks. Information was also made available on the Eddleston and West Linton Facebook pages.

5.5. A very small number of people have noted objections to the proposal or raised questions online and responses have been made by the Applicant clarifying the nature of the development and explaining how the site will operate. Questions related to a range of matters such as:

- where hutterers will park
- concerns over toilet waste
- odours from the egg sheds to the north east

Provision for parking is made within the site and toilet waste will be managed using dry composting toilets in each hut. The Council's Roads Officer and Environmental Health Officer have confirmed these provisions are acceptable. The Applicant has owned the woodland for several years and has visited regularly. There has been no odour evident from the egg sheds at any point. Most of the sheds lie at least one mile to the north and north east, away from the prevailing wind direction.

5.6 A significantly larger number of local people have expressed support for the development. Comments include:

"I feel there are many benefits to be had from these plans and can see very few drawbacks. In particular, I see no negative visual impact from small huts, which will be obscured within a few years by tree growth, in an area with very few people living, and can only see positive benefits for the local economy in terms of potential trade and by introducing much-needed biodiversity to the area."

"The community of Eddleston have recently been asked to take part in a survey of what matters for them in the community and identify priorities of action. It was clear from the results that the community were in favour of a shop, and the proposal could further support the possibilities of a shop opening within the village."

"Hutting and being in nature is what people need more than ever in these trying times. Not only do those who own huts benefit, but those who visit them are often inspired by the simplicity, respect of nature and the ways of living promoted by hutting."

"This sounds like a great plan. Anything that involves native tree planting and habitat creation gets my vote. This area is so beautiful but the egg farms and peat extraction are so damaging for the environment."

"We had a walk up there last week - a lovely place to visit. I would imagine these huts would be less visually intrusive than the other structures in the area."

6. Conclusions

6.1 Assessment of the Planning Application has not been undertaken on an equitable basis.

6.2 An unreasonable and excessively stringent requirement for landscaping is unfair. The huts are small structures finished in natural timber which will weather quickly to blend with the landscape. New planting will soon screen views of the huts and in a few years they will not be visible at all. Locally, the large egg sheds, agricultural buildings, wind turbines, quarry and other rural buildings will all remain visible.

6.3 Access to bus services and active travel options meets Scottish Government guidelines and is more convenient than for other local developments granted Planning Permission in recent times.

6.4. The Local Review Body is requested to grant Planning permission for the Application, restoring consistency and parity to the interpretation of planning policy for rural development.

Prepared by
Richard Heggie
 Director, Urban Animation
 for and on behalf of Jess Windsor

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