

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND BUILDING STANDARDS**

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

**REF :** 09/01362/FUL  
**APPLICANT :** Matt Davies  
**AGENT :** Niall Hedderman  
**DEVELOPMENT :** Siting of 2 No caravans for temporary residential use (retrospective)  
**LOCATION:** Land South East Of Little Dean  
West Linton  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
DRWG 003	Site Plan	Refused
DRWG 004	Site Plan	Refused
DRWG002	Block Plans	Refused

**NUMBER OF REPRESENTATIONS: 5**

**SUMMARY OF REPRESENTATIONS:**

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Environmental Health were consulted on the proposal and commented as follows:

In terms of Section 63 of the Water (Scotland) Act 1980, it shall be the duty of any person erecting or causing to be erected a building to make adequate provision to the satisfaction of the local authority for a sufficient supply of wholesome water in pipes for the domestic purposes of the persons occupying or using the building. With this in mind, if the application is to be approved, a condition should be attached to the planning permission requiring the applicant to provide confirmation from Scottish Water that a connection from the public water main is available and that the proposals will be able to be adequately serviced by said public water main. Alternatively if a private water supply is to be used then the quality of the water must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in relation to chemical and bacteriological parameters pertaining to the designated classification of the supply. Further details on the source of supply, volume and treatment of the water shall be required and a report from an independent competent person advising how the proposed development will impact on the existing users on that supply.

Objections were received from 4 properties in the area. The concerns raised included disposal of sewerage, disposal of rubbish, use of the site for residential purposes, lack of forestry activity, unsightly impact on the landscape character/setting.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Structure Plan (2001-2011)  
Policy H5 New Housing in the Countryside – Building groups  
Policy H6 New Housing in the Countryside – Isolated Housing

Scottish Borders Local Plan (2008)  
BE8 Caravans & Camping Sites  
D1 Business, Tourism and Leisure Development within the Countryside  
D2 Housing in the Countryside

Supplementary Planning Guidance  
New Housing in the Borders Countryside

The key consideration is whether the caravans represent an appropriate form of residential development in the countryside.

**Recommendation by** - Lucy Hoad (Planning Officer) on 21st December 2009

TYPE : FUL Application

REASON FOR DELAY: Area Changeover/Officer sick leave/flu

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Recommendation by - Lucy Hoad (Planning Officer) on 16 December 2009

The caravans are located in a woodland complex (although the site is clear felled the land is classed as woodland). The site is located 6km East of West Linton and accessed along a minor road off the A701. The site lies outside the development limits.

The temporary use of a caravan by workers carrying out seasonal forestry activities on the land for part of the year is regarded as permitted development under the General Permitted Development Order (Scotland) 1992. However, the proposal is to site both caravans on a year round basis for the temporary period of 2 years.

In his Design Statement the agent has stated that one caravan (identified as No1) is for the infrequent use of forestry workers as required and the other caravan is used regularly as a residential habitation (No2).

Policy BE8 Caravans & Camping Sites states that proposals for new and extended caravan and camping sites will be supported in locations that can support the local economy and the regeneration of towns and are in accordance with the Scottish Borders Tourism Strategy. Developments within or immediately outwith the development boundary of settlements that can help support local shops and services will be favoured over countryside locations.

The application states the caravans are for forestry workers and residential use and therefore there is no tourist element to the proposal that would support the local economy.

Policy D1 Business, Tourism and Leisure Development within the Countryside states that proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area or
- the development is to be used directly for leisure, recreation or tourism, appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy or
- the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic/or operational need for the particular countryside location and that it cannot be reasonably accommodated within the development boundary of a settlement

The agent states the woodland was clearfelled in 2005 and a replanting scheme agreed between the owner and the Forestry Commission (former owner). As there are no trees on site at present it would not be possible for workers to engage in forestry activities of thinning or felling. The planting season runs from November to March/April.

The application states that the caravans are for forestry workers and residential use. No business case has been put forward for this proposal. It is accepted that planting of new trees could be carried out on site during the planting season and that this activity would be appropriate to the rural character of the area but newly planted trees would take decades to mature for market. There is no timber or thinnings to sell at present and therefore no economic justification for the proposed development. Outwith the planting season it is considered that there is no demonstrable need for workers to live on site for the operation of forestry work.

In addition, the proposal has not included sufficient details to indicate there are no existing agricultural/forestry worker's dwellings available in the locality or other properties available within nearby settlements to accommodate workers.

Policy H5 of the Structure Plan states that proposals for new housing in the countryside outwith defined settlements 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.

The caravans do not relate to an existing building group and the development is considered isolated.

Policy H6 New Housing in the Countryside - Isolated Housing states that proposals for new housing in the countryside, outwith defined settlements 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.

Policy D2 Housing in the Countryside also states that Housing in the Countryside may be approved provided that the council is satisfied that:

-the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside; such could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or

-the housing would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing

New Housing in the Borders Countryside supplementary planning guidance recognises that although the rural economy has changed dramatically in the last century and only a relatively few people now have an economic base in the countryside, there are still circumstances where a new house may be required for genuine circumstances of local need. In assessing such a proposal the Council will take into account a number of factors:-

- Whether the need for the house is supported on an agricultural basis by an appropriate agricultural adviser with suitable accreditations;
- Whether the need for the house is demonstrated to be essential for the running of an agricultural or rural business at that location;
- Whether there is a need for new accommodation for an existing local resident to suit changed and exceptional circumstances e.g. a retiring farmer or farm worker retaining an interest in the land;

No evidence has been provided to indicate the proposed dwelling would be for people needing to live on site and mainly engaged in agriculture or forestry work. The development would represent a new dwelling in the open countryside and does not meet any of the criteria considered appropriate to allow such a development. The dwelling is not a replacement dwelling, conversion of an existing building or a proposal for affordable housing and would therefore represent indiscriminate development in the open countryside contrary to advice provided in supplementary planning guidance on New Housing in the Borders Countryside.

There have been 4 objections to the development on the grounds that there is no demonstrable operational or economic need for forestry workers to reside on the land and that the development has an adverse impact on the character and appearance of the landscape setting. The issue of water supply and sewerage disposal has also been raised. The agent has confirmed that treated water is brought on to site in large

plastic tanks and stored in same, but no data on water quality has been submitted, and that a compost toilet is being used by the inhabitants of the caravan which comprise the applicant, his wife and child.

#### Summary

The site lies outside the development limits. The applicant has not demonstrated an operational need to reside on site. The caravan is not required to temporarily house an essential worker in forestry who must live on the spot rather than a nearby settlement.

Recommendation: REFUSE

#### REASON FOR DECISION :

The proposals are contrary to Policies H5 and H6 of the Scottish Borders Structure Plan (2001-2011), Policies BE8, D1 and D2 of the Scottish Borders Local Plan (2008) and the SPG in that the site is located outwith any building group, the need for the caravans has not been adequately demonstrated and there are no other material factors that could justify an exception to the Policies.

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

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#### **Recommendation:** Refused

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