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Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000127921-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Cockburn's Consultants

Ref. Number:

First Name: *

Brent

Last Name: *

Quinn

Telephone Number: *

07708971120

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

cockburnsconsultants@gmail.com

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

29

Address 1 (Street): *

Ryehill Terrace

Address 2:

Town/City: *

Edinburgh

Country: *

UK

Postcode: *

EH6 8EN

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both:*

Other Title:

Building Name:

per Sunnyside Farm

First Name:

Building Number:

Last Name:

Address 1 (Street): *

Sunnyside Farm

Company/Organisation: *

Messrs Morgan Partnership

Address 2:

Telephone Number:

Town/City: *

by Reston

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

TD14 5LN

Fax Number:

Email Address:

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land South of Riding Centre, Sunnyside Farm

Northing

661212

Easting

385237

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Grounds of Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds of Appeal Statement
All Original Plans, Application Form, etc.
Decision Notice (Note: File too large to upload)
Report of Handling

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00424/FUL

What date was the application submitted to the planning authority? *

16/04/15

What date was the decision issued by the planning authority? *

22/06/15

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Brent Quinn

Declaration Date: 04/08/2015

Submission Date: 04/08/2015

Local Review Body (LRB) Grounds of Appeal
Statement:

For: Messrs Morgan Partnership

To Support: Proposed Erection of Single
Dwellinghouse at Land South Of Riding
Centre, Newlands, Sunnyside Farm,



Prepared by:
Brent Quinn MA(Hons) MRTPI PRINCE2
Cockburn's Consultants
August 2015
www.cockburnsconsultants.com

JOB REFERENCE: HH/15004(A)/BQ
ON BEHALF OF: MR ANDREW MORGAN
VERSION: 2ND DRAFT (REVIEW)
DATE: 4TH AUGUST 2015

PREPARED BY:



BRENT D QUINN MA (Hons)

Cockburn's Consultants 2015

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1. Introduction, Site & Proposal

Introduction

This grounds of appeal statement has been prepared by Cockburn's Consultants on behalf of the Messrs Morgan Partnership (hereafter the 'Partnership'). Collectively, the Partnership owns all of the land pertaining to this appeal. The proposed house is for Mr & Mrs Hewit, whereby Mrs Hewit is a Partner in the Partnership. The application and this appeal seek planning permission to erect a much needed new family house on existing farmland and adjacent to the Berwickshire Riding for the Disabled Association (RDA), all at Sunnyside Farm, Reston.

The planning application was submitted to Scottish Borders Council by Cockburn's Consultants, as agents, on 16th April 2015 and was accompanied by a complete set of drawings and a supporting planning statement.

The decision to refuse planning permission was issued on the 22nd June 2015. The decision to refuse planning permission was delegated and the officer's report was also issued on 22nd June 2015. The single reason for refusal was as follows:

- 1. The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.*

The refusal is solely concerned with the notion that the proposal results in isolated development and fails to respect the character of the existing house group in terms of siting and layout. We dispute that this proposal is contrary to the current Development Plan, the SPG on Housing in the Scottish Borders Countryside or the Supplementary Planning Guidance note on Place-making and Design.

There have been no objections whatsoever in connection with the planning application, but a letter of support was received.

A further planning application (14/01288/FUL) for the new dwelling was lodged by Fleming Homes on behalf of the applicant on 22nd November 2014 and was subsequently withdrawn on 25th February 2015. Cockburn's Consultants were not associated with this original application. The withdrawal was instructed on account of an understanding from the planning officer that the application was likely to be refused. There were two apparent issues that may (or may not) have acted as reasons for refusals. It is understood that these issues centred around a) the proposed siting of the proposed dwellinghouse and b) some legal misunderstandings. We would consider that the revised submission to which this appeal relates

demonstrates full compliance with the Development Plan and takes cognisance of other relevant material considerations such that planning permission should be granted by the LRB.

A location plan showing the appeal site is shown below in Figure 1.

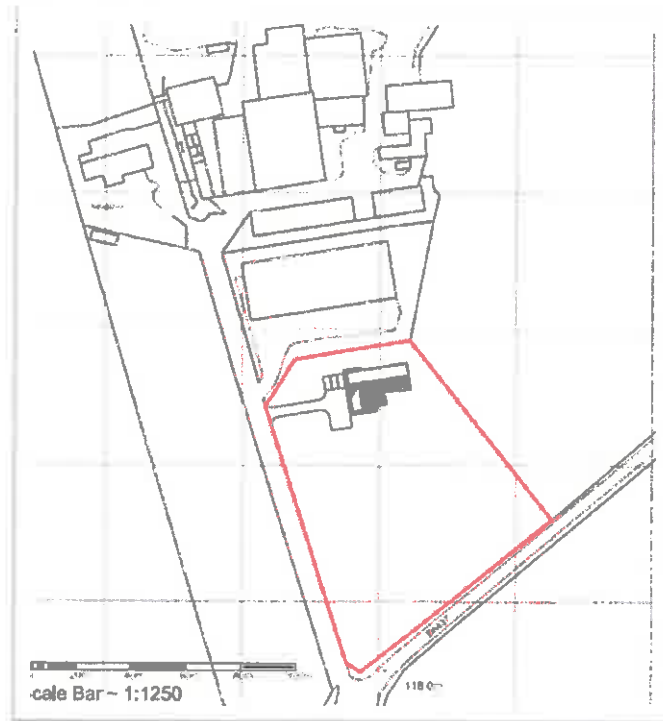


Figure 1: Location Plan (not to scale)

Site Description

The site is some 1.5 acres or thereby in size and is irregular in shape. It wholly comprises agricultural grazing grass.

The site is generally open in character although it is bounded to the north by an indoor riding arena, and further beyond this there is a substantial grouping of farm buildings and residences of varying size and style. A partly tarmacked access road that serves the farm and the riding arena runs from the B6437 to the south, and runs on a north to south axis. The access road acts as the western boundary, which is further defined in its entirety by a mature beech hedge whilst the B6437 bounds the site to the south. Again, the site is generally open to the east, but this would be defined better with the introduction of trees, shrubbery and planting.

The wider area is generally characterised by open pasture agricultural land with the main A1 dual carriageway being located some 1km due north of the site and the small settlement of Auchencrow is positioned some 600m or thereby to the south.

Proposal

Full planning permission is sought through this LRB appeal for the erection of a single dwellinghouse. Figure 2, below, provides an indicative plan on how the site could be broken up in terms of landscaping and the siting of the new house.

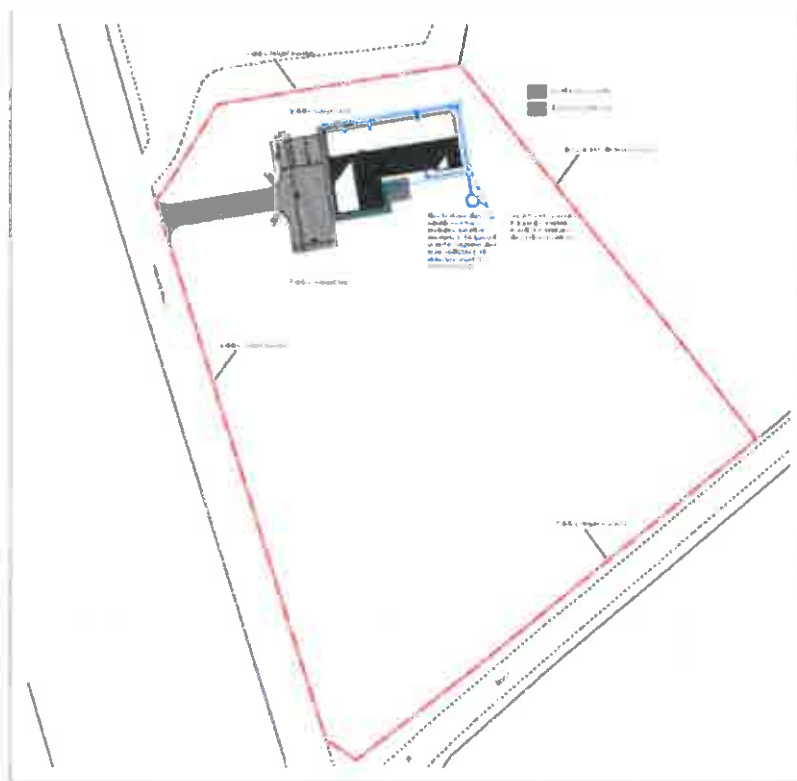


Figure 2: Site Plan (not to scale)

Elevations that illustrate what is being sought in terms of the overall scale and massing of the proposed house are shown below, in Figure 3. It is considered that this architectural approach is very much in keeping with the rural vernacular found throughout the Scottish Borders. The proposed house would be single storey in height with a pitched roof design with wall head dormers and single storey outshots and similar in design to the houses proposed immediately to the east. The materials proposed include slate, render and timber cladding. Trees, shrubbery and planting will define each of the proposed boundaries as per the red line, and further detail in this regard could be enshrined with a landscape plan, that could be the subject of a suitably worded planning condition, should that be deemed appropriate.



Figure 3: Elevations (not to scale)

Report Structure

Following this introduction, this report comprises:

- Section 2: Background
- Section 3: Planning Policy
- Section 4: Assessment; and
- Section 5: Conclusion.

It is respectfully requested that this appeal against the refusal of planning application is upheld and that planning permission be granted by the Scottish Borders Council Local Review Body (LRB).

2. Background

Agricultural Overview

Currently Mr Andrew Morgan runs business day to day management of Sunnyside Farm, in particular in respect of the sheep flock, including sheep health and safety. The management plan for the future operation of Sunnyside Farm is for Mr Philip Hewit to take over the full day to day sheep care in early 2016 following the retirement of Mr Andrew Morgan in early 2016.

As an agricultural business, the farm produces approximately 1600 tons of wheat rape Barley combined, as well as around 1750 lambs for meat and replacements and 5 tons of wool. They also plough sow and combine 200 acres for other farmers.

At present, the farm employs 2 full time staff plus seasonal labour, as well as Mr Andrew Morgan full time, (although as referred to above he is set to retire in early 2016).

Equestrian Centre/Riding School – A Community & Regional Facility



The operation and history of the riding school (Berwickshire Riding for the Disabled Association (RDA)) is important in the consideration of this LRB appeal, but more importantly its physical relationship with the proposed site is paramount. This section considers the former, whilst Section 4 goes into further detail on the latter.

Riding School History

Berwickshire Group RDA was formed in 1982 and for the first ten years of its life moved around various locations in eastern Berwickshire before successfully settling at Sunnyside and Buskin for the last 8 years.

At this point the Group rode outside in fields on Wednesday and Thursday mornings however in 1999 the weather changed and many days had to be cancelled because of overhead and ground conditions. At this time, the Group was also seeing a much bigger demand for riding places so Mr Andrew Morgan offered land at Sunnyside Farm (i.e. its current location) for a peppercorn rent for the Group so that the Group could build an indoor riding arena. Following a tremendous amount of hard work the Princess Royal officially opened the arena in October 2001.

In 2015, after some 14 years at Sunnyside Farm, the Group currently offers Riding and Equestrian Vaulting and has over regular 40 clients. It is so successful that there is now a substantial waiting list.

Riding School Operation

Each week the Group is helped by 6 horses and ponies and 50 volunteers. The Group currently receives no government funding and the only Council assistance is through payment for buses and taxis from schools and centres. The unpaid Group Committee, Coaches and volunteers work hard to raise enough money to provide feeding, shoeing and veterinary care for our horses and up keep the building and equipment to a high standard. The general public have been generous in their support and for this the Group is grateful.

The school now has a considerable collection of equipment and the indoor arena is vulnerable as it is slightly outwith the farm buildings and security is always a worry so having a key holder with visibility of the building would be a help and for emergency access and to open the door for the other Groups who make use of the Riding Arena. Currently, these are

- Reivers Vaulting Group,
- South of Scotland Select Vaulters,
- Berwickshire Pony Club,
- South Lammermuir Riding Club,
- Navigator Dogs Club, and
- Duns Rugby Club.

Clients coming to an RDA session benefit from the opportunity to work with an animal and the physiotherapists have fed back that the unique movement of a horse cannot be reciprocated in a clinical situation. Further, the warmth and movement of the horse allows muscles and joints to respond in a gentle way and gives wheelchair users the chance to walk on legs. Other benefits are improvement in balance, coordination, muscle tone, fitness, speech, taking instruction, memory, raising self-esteem, challenge, enjoyment, meeting and talking to the Group volunteers and for a lot of the people who benefit from the group it is essentially the chance to take part in a sport. Strong bonds develop with both horses and volunteers making a riding session an event to be looked forward to.

Clients range in age from 5 years to over 60 and have a wide variety of disabilities, with some in wheel chairs. The Group also offers the opportunity to take RDA Grade Tests, partake in the ASDAN program and to enter competitions which many of these people would find hard to do in other situations. As the volunteer population ages replacing key people is always a problem so having a constant on site presence who can deal with emergencies and cope with day to day running of the Group would be a great comfort and help to everyone.

In the recent past, schools and centres who have participated with the group or whom have referred clients are:

- Berwickshire High School
- Eyemouth High School
- Eyemouth Primary
- Duns Primary
- Coldstream Primary
- Chirnside Primary
- Coldingham primary
- Ayton Primary
- Greenlaw Primary
- Reston Primary
- Cockburnspath Primary
- Lanark Lodge Day Centre
- Station Avenue Care Home
- Others who come independently

The foregoing clearly illustrates that RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach.

Riding School - Future

Currently, the day to day horse management is undertaken by Mrs Margaret Morgan, who at the time of the original application was aged at 67 years. The business plan for the school will see Mrs Morgan retire sometime this year (2015) and for Rebecca Hewit, (her daughter) to immediately then take over this role.

Riding School – Application Comments

The following support comment from the Secretary of the Berwickshire Group RDA was received in respect of the planning application:

I am commenting as Secretary of the Berwickshire Group RDA, which operates the Riding Arena to the North of the proposed planning application site. The Minutes of the Committee Meeting of the Berwickshire Group RDA of 4th December 2014 state that there were no objections to the building of a house in the field to the South of the Riding Arena. The Trustees of the Group consider that the proposed siting of a house in front of the Arena will provide increased security for the riding facility and the equipment inside (valued at approx £20,000). The Group are currently raising funds to purchase a mechanical horse at a cost of £25,000, which will be kept at the arena, increasing the value of the equipment and the need for security. The position of the Berwickshire Group RDA trustees is that the proposed residential building will be of benefit to the Group's operation, since the occupants will be on hand to facilitate access to the arena, to ensure the security of the arena and equipment and to help ensure the welfare of the horses used by the Group.

3. Planning Policy

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan

The Development Plan is made up of the SESplan Strategic Development Plan (Approved) 2013 and the Scottish Borders Consolidated Local Plan (Adopted) 2011.

SESplan Strategic Development Plan (Approved) 2013

The Strategic Development Planning Authority in June 2013 received note from Scottish Ministers of the approval of SESplan (SDP). It therefore supersedes the Scottish Borders Structure Plan (SBSP). Many of the policy principles remain, however, the geographic area covered has increased substantially with the overall content diluted (particularly with regard to rural housing). The focus, in terms of determining applications like that proposed, will be more on the Local Development Plan (LDP).

The site falls within a rural area of the Scottish Borders but one that is located within close proximity of the A7 strategic transport corridor.

In relation to housing SESplan outlines the housing land requirements for each of the authority areas and the preferred locations for growth. The Scottish Ministers in their approval have sought modifications particularly with regard to what they see as being an under provision in current housing allocations.

A number of infrastructure type policies (8,9,15) are outlined with regard to transport, infrastructure and flooding again ensuring sustainable principles are applied in LDPs and that development does not occur on land known to be of a high risk of flooding.

'Scottish Borders Local Plan' (Adopted) 2011

The Scottish Borders Local Plan (SBLP) provides greater detail on the overall acceptability of individual developments. It begins with Policy G1 'Quality Standards for New Development'. It seeks high quality design and one which can be appropriately accommodated on the site, respects its surroundings and is sustainable in terms of accessibility.

It is recognised via Policy G4 'Flooding' that large parts of the Scottish Borders can be vulnerable to flooding. Areas that are thought to be at significant risk of flooding or would increase flooding would not be permitted in terms of developing houses.

Applicants even at outline stage maybe required to undertake a competent flood risk assessment and one which identifies measures that are proposed to prevent and minimise flood risk.

Policy NE5 'Development Affecting the Water Environment' seeks that consideration be given to how development may impact on the water environment and what measures can be taken to restore the water environment. It encourages the use of Sustainable Urban Drainage (SUDs) techniques in particular. Related to this Policy Inf5 'Waste Water Treatment Standards' and Policy Inf6 'Sustainable Urban Drainage' provide specific guidelines that require to be followed by all types of new development. Development in the countryside not within or adjacent to a publicly sewered area may use a private sewerage solution provided it would not have a detrimental impact on public health or local watercourses.

One of the principle policies in the determination of the LRB appeal is Policy D2 'Housing in Countryside' and associated Supplementary Planning Guidance. It is noted that the Council wishes to promote rural housing development and in doing so:

- village locations will be preferable to open countryside
- preference will be to develop land associated to building groups where it does not adversely affect their character or surrounding area
- guidance contained within SPG on siting, design and interpretation should be taken into consideration

Policy D2(E) Housing in the Countryside states that: housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and
3. the housing development 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 and
4. no appropriate sites exists within a building group and

5. there is no suitable existing house or other building capable of conversion for the required residential use

Material Considerations

There are numerous material considerations in the determination of an LRB appeal of this nature (and subsequent Approval of Matters Specified in Conditions (AMSC)), including:

- Supplementary Planning Guidance:
 - 'New Housing in the Borders Countryside' (2008).
 - 'Placemaking & Design' (2010)
- Scottish Borders Council Proposed Local Development Plan (2013)
- Scottish Planning Policy (as referred to above)
- PAN 44 Fitting New Housing into the Landscape
- PAN 72: Housing in the Countryside

The principle of these documents have been adhered to when making both the original application and this LRB appeal.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and manmade boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The context of these documents are taken on board within Chapter 5 It is worth highlighting that SPP in particular recognises that in remote rural areas new development can often help to sustain fragile communities.

It outlines that decision making should promote small scale housing and other development that supports sustainable economic growth in rural areas subject to it adhering to environmental protection policies and addressing issues such as siting, design and environmental impact.

It goes further to state that where appropriate the construction of single houses outwith settlements should be allowed provided they are well sited and designed to fit with the local landscape character and adhere to other relevant environmental policies (para. 83).

4. Assessment

The case for planning permission to be granted centres around 3 main issues. These are as follows:

1. The house is required for an agricultural worker under policy D2(E) (retiring farmer with son-in law taking over his duties).
2. There is a requirement for on-site supervision of the riding school facilities utilised by the Berwickshire branch of the RDA.
3. There is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group

It is considered that the following will respond to each of these issues and demonstrate that the proposal is wholly compliant and that consequently planning permission should be granted. Taking cognisance of the refusal, it is reasonable to conclude that the only extant issue centres on the third point i.e. whether or not the site is well related to the existing building group at the site.

LRB History & Single House Cases

It is worth noting that in the past year, 5no. similar cases have been approved at LRB when planning permission had initially been refused at delegated level. These are as follows:

1. Erection of dwellinghouse and garage
Land North East Of School House Heriot Scottish Borders
Ref. No: 14/01063/PPP
2. Alterations and extension to reinstate dwellinghouse and erection of garage
1 Prendergust Farm Cottages Eyemouth Scottish Borders TD14 5RW
Ref. No: 14/00951/FUL
3. Erection of dwellinghouse, detached garage/stable block and formation of sand paddock (change of house type previously approved under consent 11/01093/FUL)
Site 3 Rhymers Tower Land At Huntshaw Farm Huntshaw Road Earliston Scottish Borders
Ref. No: 14/00467/FUL
4. Erection of farmhouse and detached garage
Land South Of Mossfennan House Broughton Scottish Borders
Ref. No: 14/00026/PPP
5. Erection of dwellinghouse and outbuilding/stables
Plot 2 (Site 2) Land At Huntshaw Farm Steading Huntshaw Road Earliston Scottish Borders
Ref. No: 13/00892/FUL

1. Principle

The Scottish Government, in conjunction with PAN 72, issued further policy guidance (SPP15, later enshrined in SPP) which, in general terms, seeks to facilitate appropriate development in rural areas. With regard to new development paras 10 & 18 are particularly relevant and, in the opinion of the applicants, offer clear support for this proposal. It is acknowledged that the Scottish Borders Council have generally been amongst the more pro-active Planning Authorities in seeking to embrace the tenets of rural planning policy.

This consideration is also specifically dealt with in para.29 of PAN 73 (Rural Diversification), which makes specific reference to both (now out of date) SPP's 3 & 15, where it states that "Limited new build...may be acceptable where it results in a cohesive grouping, well related to its landscape setting. " It is submitted that these views support the contention that a constructive approach to development proposals, wherein they are viewed from the aspect of whether or not they compromise the aims, and objectives, behind specific development plan policies, rather than simply contravene the literal wording, offers an opportunity to reach a much more rational solution.

Notwithstanding the above, as part of the pre-application process in respect of the withdrawn application, in an email dated 28 October 2014, planning officer Lucy Hoad stated:

'I would advise from the information you have supplied on 25 September there would appear to be an economic need for an additional dwellinghouse to support the current agricultural business at this location. I would advise that on these grounds the proposal for a dwelling would, in principle, be acceptable to the local planning authority'

The farm business includes the original stone farmhouse occupied by a family member (daughter), a bungalow occupied by Mr Morgan, and 3 further residential properties, 2 no occupied by farm workers and a third rented out to non-farm worker. On Mr Morgan's retirement it is intended that he shall remain in the existing bungalow. The farm sheds are all in use in connection with the operation of the farm and the riding school. Economic Development were consulted on the application and were supportive of the proposals:

Two aspects of agricultural economic case are considered - labour requirement and financial viability of the unit. The farm is of a size and output to demonstrate that current labour force of 3 in terms of standard man days (SMD) is satisfied. With the retirement of Mr Morgan and replacement by Mr Hewitt the number of labour units will remain at 3. Accounts demonstrate farm unit is viable.

Under Policy D2(E) the planning officer accepted that there is a direct operational need for a dwelling under these circumstances, the retirement of the principal farmer (Criteria 1 and 2). The farm unit requires 3 farm workers (taking into account standard man hours). Thus with Mr Morgan retiring and Mr Hewitt taking over the management of the business, the workers required on the farm would remain static at three.

However, under Policy D2(E) it is recognised that consideration should also be given to the siting of the proposed dwelling. The policy requires an examination of the building grouping, to establish the fact of whether no appropriate site already exists within the group (Criteria 4), and the matter of whether there is no suitable existing housing available for the required residential use (Criteria 5). Both of these matters are addressed further below in terms of Issue 3.

In respect of the criteria of policy D2(E), the planning officer concluded that *'a sufficient case has been made to demonstrate that a house may be justified at this farm in terms of employment need. This is assessed on the basis that the farm requires 3no workers and taking into account the fact that Mr Hewitt intends to take over the management duties of Mr Morgan on his retirement.'* The planning officer has further stated that *'it has not been adequately demonstrated that another dwelling on the farm could not be utilised for his accommodation.'* However, it is not unreasonable to expect that Mr Morgan should be able to retire within his present home, where he has resided for a number of years and where he is comfortable.

The planning application was submitted by the Messrs Morgan Partnership, of which Mr & Mrs Morgan and Mrs Hewit are all Partners. The Hewits are a local family whom currently reside at Greenlaw, which is some 15 miles from the site. At present, the Partnership owns the surrounding farm (which is managed by Mr Morgan) and the land on which the riding school is sited, whilst Mrs Hewit owns the planning application site. Both adjacent land uses are significant in relation to this planning application. Mr & Mrs Morgan will retire in early 2016. With the impending retirements, it is imperative that arrangements are in place for accommodation on site for Mr & Mrs Hewit to take over the management of the farm (Mr Hewit) and the riding school (Mrs Hewit). At over 15 miles away, their current residence is simply not accessible nor practical for the 24hour on site requirements of both businesses. The grant of this LRB appeal and the erection of the proposed dwellinghouse are fundamental to ensuring both the business continuity and future viability of both important local businesses.

Land ownership is not always a land use planning issue, but in this case it is pertinent. In terms of the farm element, the proposal is presented as an 'agricultural needs case' whereby planning permission can be granted on account of there being a proven agricultural need for a new dwelling. This has been accepted at the pre-application stage, as referred to above. In that regard, the applicant is happy to enter into a S.75 Legal Agreement that would control the occupancy of the proposed house so that it would be 'tied' to the agricultural operation. At present, on account of land ownership and legal restrictions thereof, this Agreement could be entered into wholly by the Partnership, as ALL of the land relating to the application is owned by Partners in the Partnership. It should be noted, however, that it is considered that a S.75 is not strictly required in this instance as a suitably worded planning condition should suffice.

The proposal is therefore acceptable in principle and Issue 1 is satisfied.

2. On-Site Security

A key consideration that has driven the choice of the siting of the house in the location proposed is security. The access road to the farm and riding centre both have to pass the proposed position of the house and

would be clearly visible from the house. It has been well documented that there has been an increase in vehicle/machinery thefts in the Scottish Borders area in the last few years, thus security in design is a high priority. As the Council are no doubt aware, this approach is fully supported by Secured by Design (SBD), a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures.

In the course of both previous applications, it was suggested to site the house in the grouping of properties to the north of the riding centre. This would not provide a satisfactory level of security as the access road and riding arena where valuable equipment is stored would not be visible whatsoever. This very crucial point has unfortunately been wholly overlooked by the planning officer in their consideration of the case.

In this respect, there are a few key incidents that it is important to bring to the Council's attention to highlight the pertinence of the integral role of security in respect of the siting of the proposed house:

- The RDA houses more than £20,000 worth of equipment within the arena.
- In terms of the farm, some time ago there was an accident whereby a motor vehicle car ran into a major boundary fence. The proximity of the main farmhouse facilitated immediate fence repair and horse round up so that damage was minimised.
- In 2014 a horse took ill during the night and Mrs Morgan had to attend every 2 hours, whereas with increasing age this is not going to be possible or safe for her.
- The RDA trains at least one horse care student each year from the Scottish Borders College, which requires constant supervision.

The proposed site is the only location whereby security can be maximised to the extent required for both the farm operation and more significantly, in respect of the Riding School. Point 2 is therefore proven to be acceptable. The location for the proposed house is also acceptable in terms of its siting, as discussed further below:

3. Siting & Relationship with Building Group

The planning officer concluded that: *'Taking into account the pattern of development at the farm up to this point in time, the proposed plot has a weak relationship to the group.'* We would fundamentally disagree with this position and respond as follows:

Firstly, whilst it is accepted that, owing to the natural development of the agricultural grouping, there are several sites within the grouping that may also accord with the requirements of Policy D2 and also SPG. However, the crucial point is that the proposal site **does** also meet these requirements **and** the security requirements of the appellants as discussed above.

The site in question adjoins and relates well to an established and substantial rural building group. The main farm buildings collectively represent a significant grouping of buildings, amounting to some 15 or so different buildings in total. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' **immediate** south. Figure 4, below, depicts the building group and delineates a broad 'oval' around the grouping. This oval clearly envelopes the application site and demonstrates its proximity to, and relationship with, the building group. All of the buildings are positioned appropriately to form this loose flattened oval.

Indeed the inclusion of the ancillary building within this proposal adds to, and securely anchors the development with the others. It is also considered that the farm building is entirely belonging and with its own sense of place as it actually continues the theme, and streetscape of that as existing. To this end it is considered that the inclusion of the farm building, both existing and proposed, sits very contently and appropriately with the sense of place contained within the development as a whole.

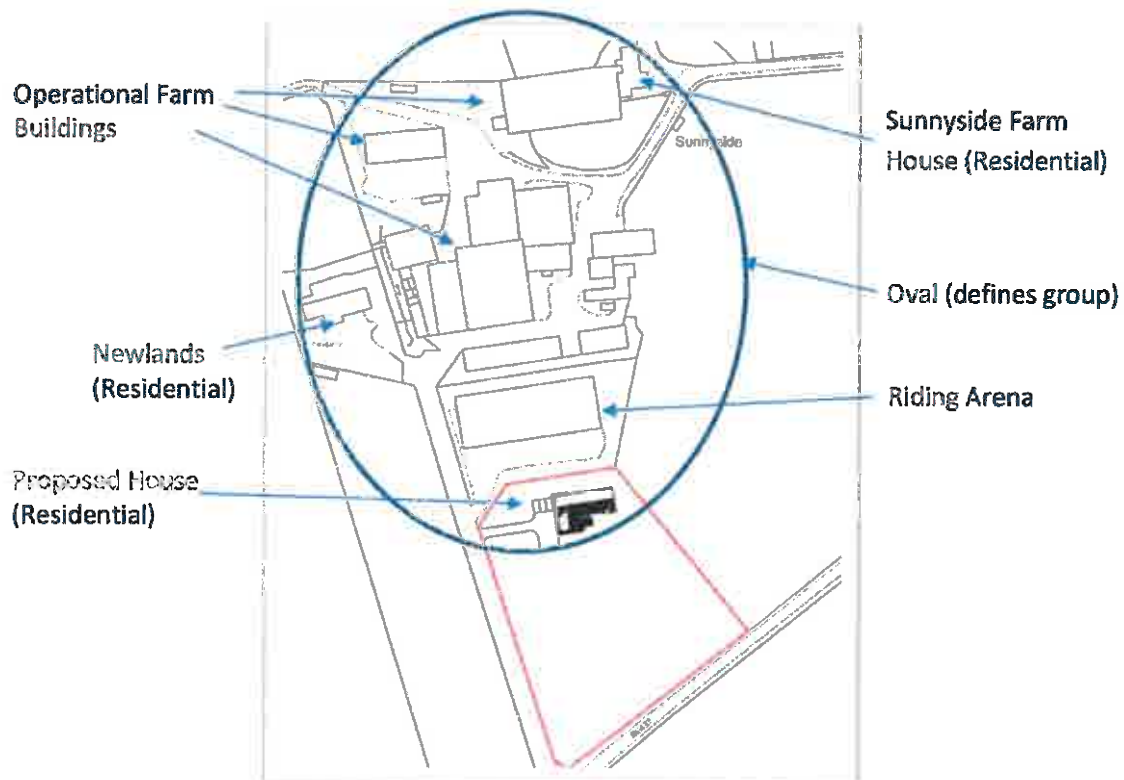


Figure 4: Relationship of Site with Existing Building Group

By working with the farm buildings as noted before, the development of the site strengthens the structure and character of the existing building group, and completes the 'flattened oval'. Outwith the security issue discussed above, it is considered that the site actually sits very well with the shared sense of place which is a requisite of the SPG guidance; but importantly not falling foul of other areas such as skyline, roofline and slopes/landform.

Open countryside adjoins the plots eastern, western and southern boundaries. The proposal recognises the sensitivities that this may give rise to and the reasoning for substantial boundary treatment in these locations. In the landscape plan that would be required at the next stage in the planning process could incorporate provision of new woodland/planting. In other instances where there is an open boundary this have proven to be acceptable elsewhere in the Scottish Borders (e.g. application 12/00046/AMC) and, if implemented to the satisfaction of the planning department, should be seen as an acceptable way of softening any potential visual impact.

Given the lack of infill opportunities of a similar plot size within the farm context, taken together with the need to be in close proximity to the riding school (as discussed above), the chosen plot is considered the next development option in that it feels part of the existing building group's sense of place, directly abuts existing built form. The plot can in no way be deemed as being sited in an unduly prominent location.

SPG on Placemaking & Design guidance notes its first observation as the requirement in relation to the sustainable nature of any proposed development. The proposal here is for a passive house and so very much in accordance with the guidance. Whilst it is not in itself a pure siting issue it does represent the appellant's desire to accord with all of the planning principles to provide the best dwelling that is possible on the site that does seek to meet all of the various requirements of planning policies.

It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it. We fundamentally disagree with the planning officer's position on this matter, which was the sole reason for refusal. This third point is accordingly satisfied.

Consultee Responses

No objections whatsoever were received in respect of the planning application:

SEPA: No objection. Informative advised in respect of contact details for regulatory advice.

Roads Planning: No objection subject to condition in respect of access visibility improvements and parking/turning requirements. Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence. Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

Community Council: No objection

Other Material Considerations

Landscaping

There will be no adverse impact on the adjacent landscape as a result of this proposal owing to the proximity to its siting and the topography of the surrounding landform. The site will be enclosed by a post and wire fence, a beech hedge and a reinstated stone wall. These are all features that are entirely in keeping with the mainly rural setting within which the site sits.

Scale, Massing & Design

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. It is proposed that the house will be a modest single storey in height, and traditional in appearance, all to sympathetically respect both the wider vernacular and more immediately, the existing 'Newlands' residence, located to the north west of the site. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general. The house will be a well-proportioned family home.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate.

The proposed house therefore fully complies in respect of scale, massing and design.

Access

A new access to the site will be formed from the principal access road that runs from north to south which will ensure that the required sight lines can be achieved ensuring safe access and egress from the plot. This access, as so formed, will be designed and constructed in accordance with the requirements of the roads department.

Energy and Sustainability

The proposed house is south facing, with the majority of glazing proposed being located on the southern elevation, thus maximising solar gain. Notwithstanding the outwardly traditional appearance of the new dwelling it is intended that the house will be designed to the highest thermal and energy standards using 'Passive House' principals. With very low u-values to all external elements (walls, floors, windows, doors and roofs), high levels of air tightness, solar gains and a heat recovery system the house will benefit from very low heating requirements. The effect of this will be a significant reduction in CO2 emissions greatly exceeding the requirements of the current and proposed building regulations

Services

Mains Water and Power are available nearby. Drainage will be to a private system comprising of a septic tank and soakaway system within the boundary of the site. Surface water will be discharge to localised soakaways.

Flooding

The site in question is considered to have no flooding history. It sits at a higher level and located some distance from any watercourse.

There are no significant flood risks noted on or around the site with the acceptance that Sustainable Urban Drainage techniques will be adopted where necessary and based on advice from the Council, SEPA and Scottish Water. The proposal therefore complies with guidance contained within Policy G4 of the local plan.

Contributions

In line with supplementary guidance, developer contributions are sought for local education provision (Reston Primary and Eyemouth High Schools). A contribution of £5275 is sought for the Primary School and £4512 for the High School, making a total contribution of £9787.

Many of the other policy considerations contained within the local plan are on matters such as infrastructure (eg. Policy Inf6 'Sustainable Urban Drainage') and which we would expect to form conditions on any PPP.

Overall, in respect of material considerations, the foregoing makes it clear that the proposed dwellinghouse can be satisfactorily accommodated at this location.

Conclusion

The principle is accepted and the proposal fully complies with the Development Plan and there are no material considerations that outweigh the development plan presumption in favour of the proposal. It is therefore respectfully requested that this appeal against refusal of planning permission is upheld by the LRB of Scottish Borders Council.

5. Conclusion

Overall, this LRB appeal against the refusal of planning permission for a single house can be justified, both in terms of planning policy and also material considerations.

The proposed dwellinghouse at this location is acceptable as confirmed in an email from a Scottish Borders Council Planning Officer as part of the pre-application process in respect of the previous planning application. The house could be tied to the existing farm business either by a Legal Agreement or condition, as required. However, there is no reason why a suitably worded planning condition would not suffice.

The RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach. The ongoing viability of this business depends on the success of this planning application. Further, the siting of the proposed house in respect of the security of that business and the wider farm is critical. It simply cannot be amended.

The site in question adjoins and relates well to an established and substantial rural building group, as part of an 'oval' as defined in Figure 4. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' **immediate** south. It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it.

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate. Requisite sightlines can be wholly achieved and the proposal is therefore considered to be acceptable in this regard.

The principle is accepted and the proposal fully complies with the Development Plan and there are no material considerations that outweigh the development plan presumption in favour of the proposal. For the reasons outlined in this report, we consider the reason for refusal is unjustified. The appeal proposals comply with all relevant policies of the Development Plan and all material considerations. In these circumstances, this appeal should be allowed and planning permission should be granted. It is therefore respectfully requested that planning permission be granted by the LRB of Scottish Borders Council

RIDING SCHOOL ARBIA

Existing hedged boundary.

Gravel entrance/parking
Shaded path/cycle areas

New post and rail fence boundary.

Outline under to construct
gravel entrance/parking
at end of driveway
prior to submission.

New proposed plant
substantially in line with
existing hedged boundary
to be positioned a min.
of 2m from house and
new fence boundary.

Existing Gravel Area

Existing hedged boundary.

PRIVATE ROAD

Existing hedged boundary.

25000



North

Scale Bar = 1:250

Site Plan 1:250

PLANNING ISSUE

PROJECT
Proposed Dwelling
for Messrs Morgan Partnership
Land South of Riding School
Sunnyvale Farm
Roston
POSTCODE TD14 6LN

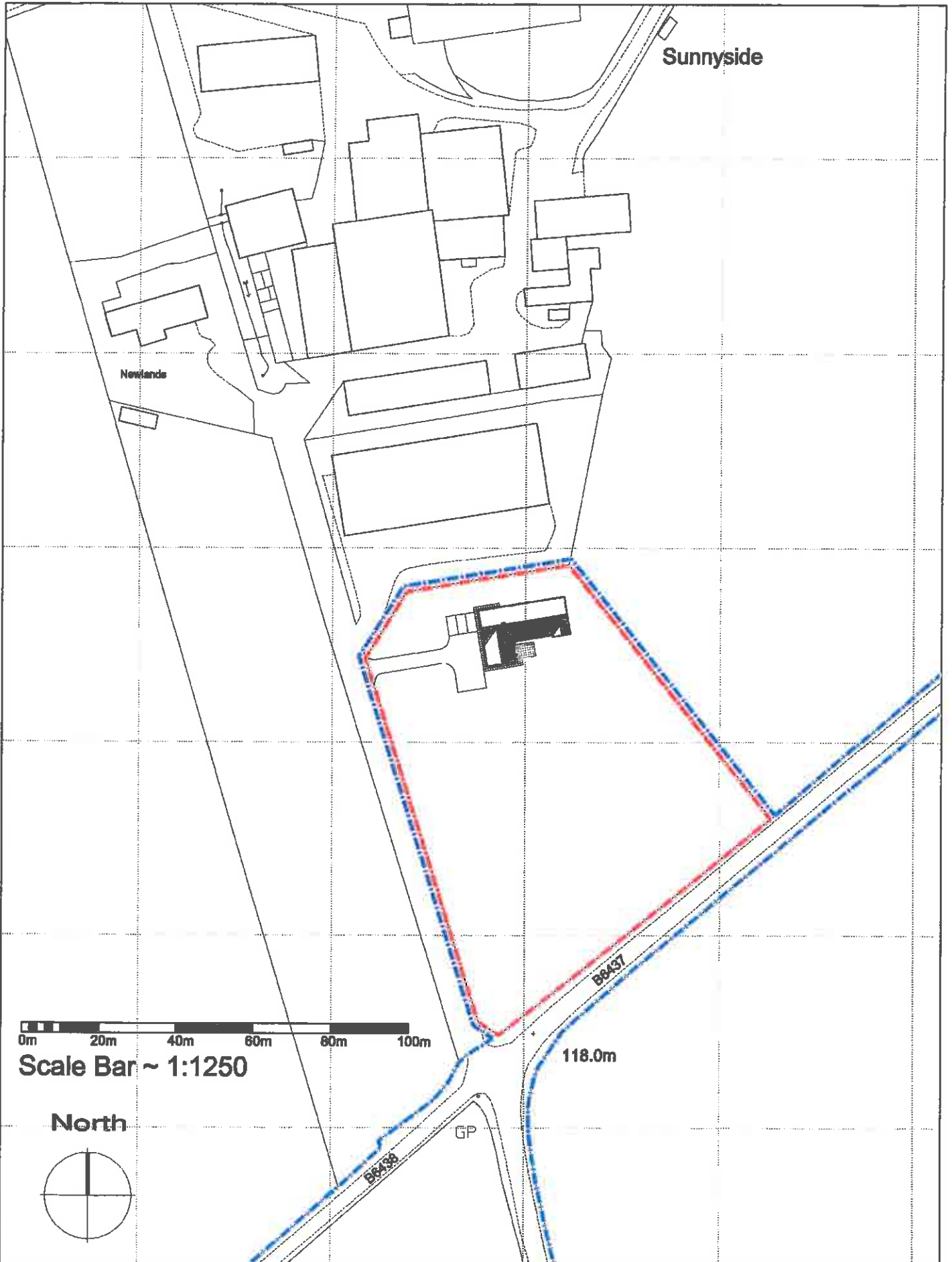


H O M E S
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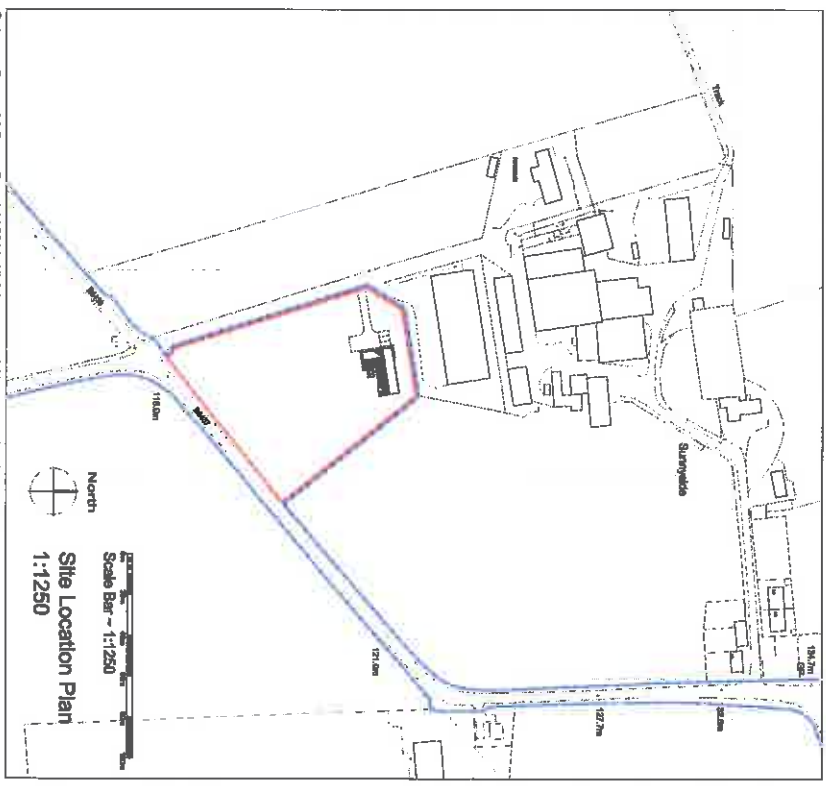
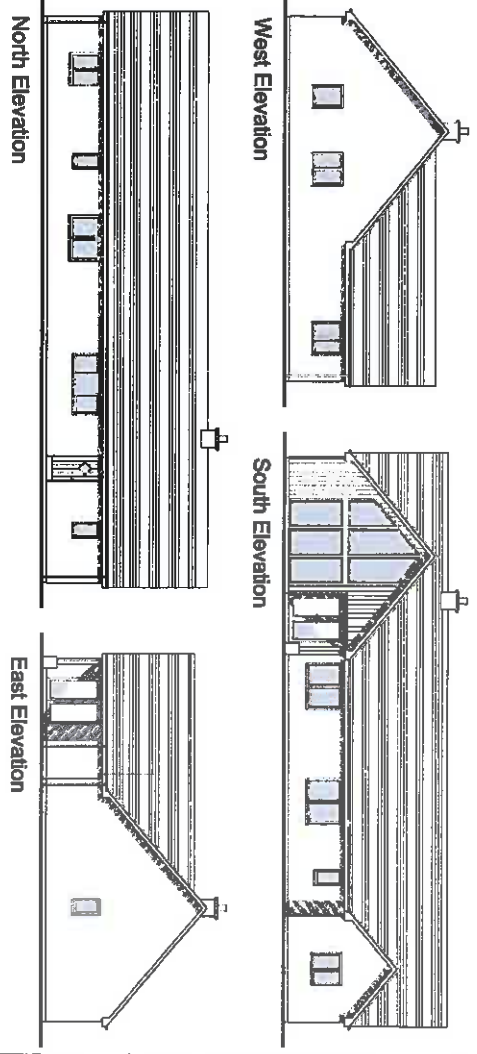
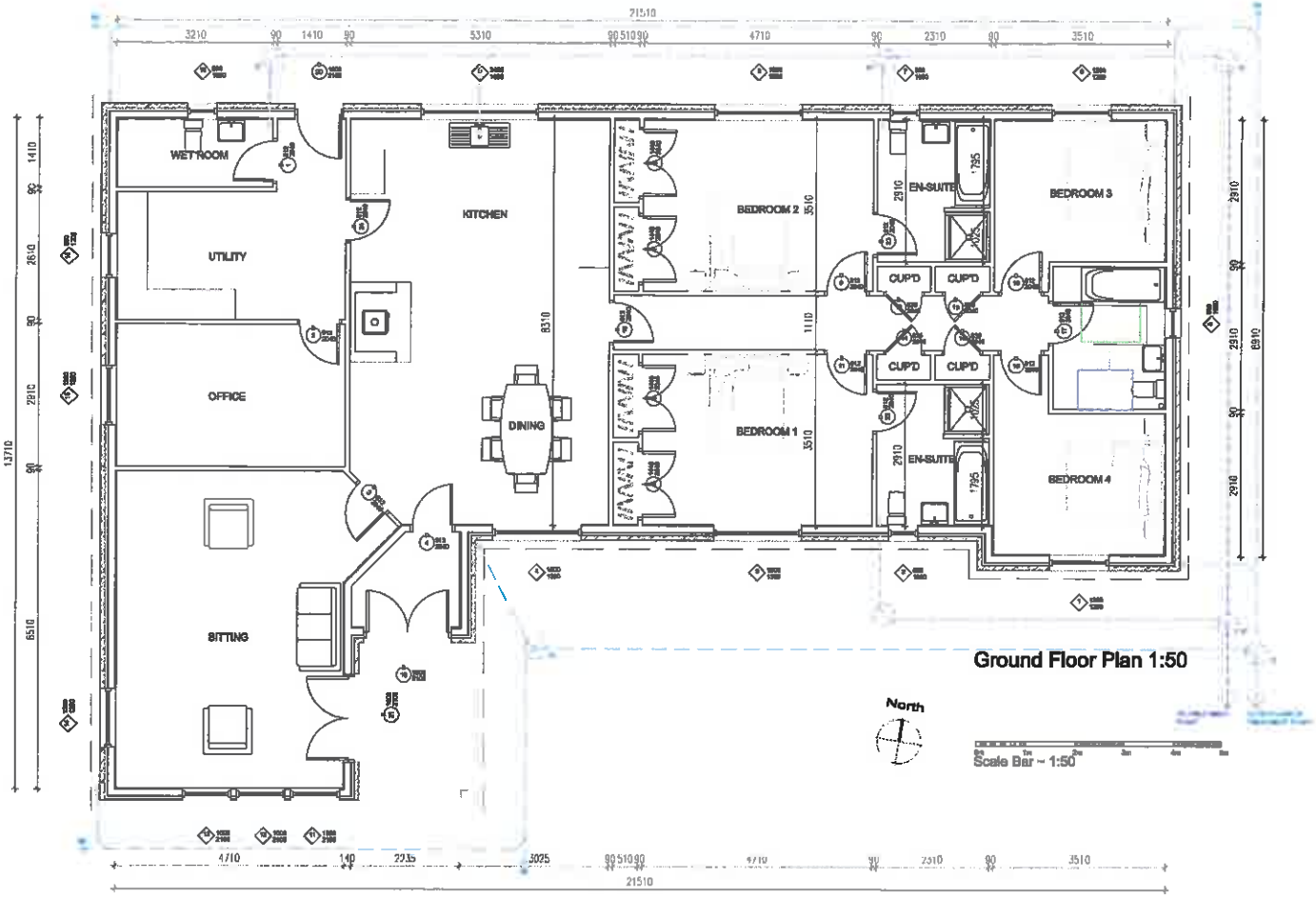
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SCALE	DATE	BY	FOR
1:250	N/S	CE	A1 15/04/2015
DATE REVISIONS			

DRAWING Ref.	CONTRACT No.
6022PL2	1504



<p>FLEMING HOMES</p> <p>Tel: (01361) 883 785 Fax: (01361) 883 898 Email: enquiries@fleminghomes.co.uk</p>	<p>Client: Messrs Morgan Partnership</p>	<p>Drawn: NRS</p>	<p>Checked: CE</p>	<p>Scale: 1:1250</p>	<p>Contract No.: 1504</p>
	<p>Address: Land South Of Riding School Sunnyside Farm, Reston</p>	<p>Date: 15/04/15</p>	<p><small>THIS DRAWING IS COPYRIGHT Drawings given are structural unless otherwise stated Do not scale drawing © Green Group Ltd All rights reserved. Licence Number 10007218</small></p>		<p>Drawing Ref: 6022.SP</p>



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PLANNING ISSUE

PROPOSAL
 Proposed Dwelling
 for Messrs Morgan Partnership
 and Lady South of Riding School
 Sunnyside Farm
 Resiton

POSTCODE TD14 8LN

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SCALE: DRAWN | CHECKED | PREPARED

AS SHOWN | NRS | CE | AI | 15/04/2016

DATE | REVISIONS

DRAWING Ref: **6022PL 1** CONTRACT No. **1504**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/00424/FUL

**To : Messrs Morgan Partnership per Cockburn's Consultants Per Brent Quinn 29 Ryehill Terrace
Edinburgh EH6 8EN**

With reference to your application validated on **23rd April 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

at: Land South Of Riding Centre Newlands Sunnyside Reston Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the reason(s) stated on the attached schedule.

**Dated 22nd June 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Service Director Regulatory Services

APPLICATION REFERENCE: 15/00424/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
6022.SP	Site Plan	Refused
6022PL2	Site Plan	Refused
6022PL1	General	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00424/FUL

APPLICANT : Messrs Morgan Partnership

AGENT : Cockburn's Consultants

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of Riding Centre
Newlands
Sunnyside
Reston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
6022.SP	Site Plan	Refused
6022PL2	Site Plan	Refused
6022PL1	General	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

Education: The proposed development is located within the catchment area for Reston Primary School and Eyemouth High School.

A contribution of £5275 is sought for the Primary School and £4512 for the High School, making a total contribution of £9787.

SEPA: No objection. Informative advised in respect of contact details for regulatory advice.

Roads Planning: No objection subject to condition in respect of access visibility improvements and parking/turning requirements.

Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence.

Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

Community Council: No objection Concerns raised include:

Consideration to be given to passing place

Selection of materials

Consideration of reflection from glazing south elevation

Economic Development: No objection. Two aspects of agricultural economic case are considered - labour requirement and financial viability of the unit. The farm is of a size and output to demonstrate that current labour force of 3 in terms of standard man days (SMD) is satisfied. With the retirement of Mr Morgan and replacement by Mr Hewitt the number of labour units will remain at 3. Accounts demonstrate farm unit is viable. No consideration has been given for Disabled Riding School - it does not constitute an economic benefit.

A third party comment has been received supporting the proposals: Main points raised include:
No objections from the Berwickshire Group RDA
The site will increase security for the riding facility and equipment
The proposal will be of benefit to the RDA operation as the occupants will be on hand to facilitate access to the arena, to ensure security and to ensure welfare of the horses used by the group

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Consolidated Local Plan 2011

G1 Quality Standards for New Development
G5 Developers Contributions
D2 Housing in the Countryside
H2 Protection of Residential Amenity
NE3 Local Biodiversity
NE4 Trees, Woodlands and Hedgerows
Inf4 Parking Standards

Supplementary Planning Guidance
New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 22nd June 2015

Site

Newlands Sunnyside Farm, is located 2.4km to the west of Reston and 0.7km north of Auchencrow. The landscape is characterised mainly by an open landscape comprising a series of undulating hills. The farm complex sits on rising land and comprises the main farmhouse located to the north, three farm cottages to the north west, and a bungalow to the north east. There is a mixture of traditional and modern sheds immediately adjacent and central to the group. The site lies to the south of the indoor riding arena directly visible from the B6437 to the east and south. Access is to be taken via the southern private access route off the public road. The site is not within any natural heritage designations

History

14/01288/FUL An earlier application for the erection of a dwellinghouse for a farm worker on the site was withdrawn by the applicant. The applicant was advised at the time that the site did not relate well to the existing group extending beyond the limits of the group, and that preferable alternative sites within the farm complex existed.

Proposal

This application seeks planning consent in full for the erection of a dwellinghouse on land to the south of the indoor riding arena. The site (7260 sqm) is roughly rectangular in shape and comprises arable grassland. The application is accompanied by plans, elevations and a supporting planning statement.

The layout plan illustrates the footprint of a house, set back within the plot (north) with provision of a new access, parking area, and amenity space. The plans depict a single storey house (pitched roof) with full height projection (south elevation). External materials include a mixture of render, and timber with slate roof.

The planning statement sets out the case that the house is justified on the following grounds.

1 The house is required for an agricultural worker under policy D2(E) (retiring farmer with son-in law taking over his duties).

2 There is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group

3 There is a requirement for on-site supervision of the riding school facilities utilised by the Berwickshire branch of the RDA.

Policy

Under Policy D2(E) Housing in the Countryside, housing with a location essential for business needs may be acceptable if the Council is satisfied that

1 the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,

2 it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and

3 the housing development 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 and

4 no appropriate sites exists within a building group and

5 there is no suitable existing house or other building capable of conversion for the required residential use

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

Assessment

The planning statement explains that the proposed dwelling is for the son-in-law Mr Hewitt who intends to take over the running of the business from the principle farmer who intends to retire (Mr Morgan). In addition the statement advises that Mrs Hewitt intends to take over the management of the adjacent riding school currently used by the Berwickshire RDA group.

The farm business includes the original stone farmhouse occupied by a family member (daughter), a bungalow occupied by Mr Morgan, and 3 further residential properties, 2no occupied by farm workers and a third rented out to non-farm worker. On Mr Morgan's retirement it is intended that he shall remain in the existing bungalow. The farm sheds are all in use in connection with the operation of the farm and the riding school. Economic Development has been consulted on the application and is supportive of the proposals.

Under Policy D2(E) it is accepted that there may be a direct operational need for a dwelling under these circumstances, the retirement of the principal farmer (Criteria 1 and 2). The farm unit requires 3 farm workers (taking into account standard man hours). Thus with Mr Morgan retiring and Mr Hewitt taking over the management of the business, the workers required on the farm would remain static at three. However, under Policy D2(E) it is recognised that consideration should also be given to the siting of the proposed dwelling. The policy requires an examination of the building grouping, to establish the fact of whether no appropriate site already exists within the group (Criteria 4), and the matter of whether there is no suitable existing housing available for the required residential use (Criteria 5).

Taking into account the pattern of development at the farm up to this point in time, the proposed plot has a weak relationship to the group. The site would break into the undeveloped field to the south of the riding school, and extend/enlarge the group of agricultural buildings southward towards the roadway. A walk over of the farm was undertaken by the applicant and the planning officer during the site visit. It appeared that there were alternative sites within the group that could provide for a more logical expansion of the group, for example land adjacent to the existing farm cottages lying to the north west of the grouping. However, during the site visit the applicant advised that the current site was the preferred location for the new dwelling in order to provide security to the riding school.

In consideration of the issue of siting, it is noted that criteria four of Policy D2 has not been met, given the existing pattern of development at the farm.

It is the councils understanding that there is 1 property under the control of the farm which is rented out to non-farm workers within the group which raises the issue of whether there is a shortfall of accommodation at the farm. It appears that there may be availability of another property on the farm that could provide accommodation for a farm worker contrary to criteria five of Policy D2.

Design

The scale, mass and form of the proposed dwelling reflects the design of new modern housing recently approved within the Scottish Borders countryside, with use of traditional materials.

Amenity

In terms of neighbouring amenity, the proposal raises no privacy or daylight issues.

Access and parking

The Roads Officer has been consulted on the application and has no objection to the proposals subject to works to improve visibility at the junction with the public road which will require removal of a short section of hedging along the road side boundary and minor fence alterations. He requires 2No parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity. The plot provides ample room for turning and parking as required by roads standards.

Landscaping

It is intended to retain the existing field boundaries and erect a new post and wire fence to the western boundary of the site. No additional planting has been proposed.

Services

The applicant has indicated that the development will receive its water from a public mains supply. A new sewage treatment plant/septic tank and related private foul and surface water drainage system is proposed within the plot. Drainage proposals would require to be assessed by the Building Standards Officer via the building warrant process. Connection to the public mains water supply would be assessed by application to Scottish Water.

Representations

A letter of support has been received from the Secretary of the Berwickshire Group RDA.. The group is supportive of the proposed development as the siting of the house will provide security for the riding facility and equipment inside. In addition the occupants would be on hand to facilitate access to the arena, to ensure security, and to help ensure welfare of the horses used by the group.

There has been no further third party comments/representation received in respect of this application.

Legal

In line with supplementary guidance, developer contributions are sought for local education provision (Reston Primary and Eyemouth High Schools). A Legal Agreement would be required to tie the housing to the farm.

In terms of occupancy the submitted planning statement requests that there should be no requirement placed upon the applicant to have any consent unduly restricted by S75 agreement. A condition on occupancy is preferred.

Policy D2 states that the applicant or landowner may be required to enter a Section 75 agreement with the authority to tie the proposed house or any existing house to the business for which it is justified, and to

restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants.

Conclusion

In terms of the criteria of policy D2(E), it is considered that a sufficient case has been made to demonstrate that a house may be justified at this farm in terms of employment need. This is assessed on the basis that the farm requires 3no workers and taking into account the fact that Mr Hewitt intends to take over the management duties of Mr Morgan on his retirement. However, it has not been adequately demonstrated that another dwelling on the farm could not be utilised for his accommodation.

The form of development layout does not relate well to the existing group at Newlands. In considering the extent of the site, and the footprint of the proposed development, it was felt that the site and footprint of the house extended beyond the limits of the group, bounded on the southern side by the agricultural sheds. The applicant was advised to consider an alternative site to ensure the new house would sit comfortably within the limits of the group.

The applicant has sought to keep the development close to the riding stables and at a distance from the existing residential properties at the farm. The proposed site is located within an area of land that is clearly visible from the public road. No planting has been proposed to help screen or integrate the development into the existing group.

The proposal is not considered acceptable under the criteria of policy D2(E) as the site extends the group outwards into the unbroken field with related adverse effects on the landscape and amenity of the surrounding area. Alternative sites that are better related to the existing buildings and sense of place created by the group, exist within the farm complex and these should be tested through the planning process. Furthermore, an existing farm cottage, albeit occupied but a non-farm worker, could be made available for the required residential use.

REASON FOR DECISION :

The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the site would break into a previously undeveloped field outwith the identifiable boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the established building group.

Recommendation: Refused

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

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



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000117196-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cockburn's Consultants
Ref. Number:	
First Name: *	Brent
Last Name: *	Quinn
Telephone Number: *	07708971120
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	cockburnsconsultants@gmail.com

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	29
Address 1 (Street): *	Ryehill Terrace
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH6 8EN

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	
Other Title:	
First Name:	
Last Name:	
Company/Organisation: *	Messrs MorganPartnership
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	per Sunnyside Farm
Building Number:	
Address 1 (Street): *	Sunnyside Farm
Address 2:	
Town/City: *	by Reston
Country: *	Scotland
Postcode: *	TD14 5LN

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land South of Riding Centre, Sunnyside Farm

Northing

661212

Easting

385237

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

This application is a resubmission of no. 14/01288/FUL. In advance of the last submission, the following key outcome advised by Lucy Hoad in an email dated 28/10/2014 should be noted:

From the information you have supplied there would appear to be an economic need for an additional dwellinghouse to support the current agricultural business at this location. I would advise that on these grounds the proposal for a dwelling would, in principle, be acceptable to the local planning authority.

Title:

Ms

Other title:

First Name:

Lucy

Last Name:

Hoad

Correspondence Reference Number:

14/00747/PREAPP

Date (dd/mm/yyyy):

28/10/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

7260.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Grazing land for horses

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- New/Altered septic tank.
- Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

Proposed Treatment Plant with outflow to soakaway

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

A Utility is indicated on the floor plans, where household waste and recycling will be stored until collection day.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Brent Quinn

On behalf of: Messrs MorganPartnership

Date: 14/04/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Brent Quinn

Declaration Date: 15/04/2015

Submission Date: 15/04/2015

Planning Statement:

For: Messrs Morgan Partnership

To Support: Proposed Erection of Single Dwellinghouse at Land South Of Riding Centre, Newlands, Sunnyside Farm, Reston, Scottish Borders



Prepared by:
Brent Quinn MA(Hons) MRTPI PRINCE2
Cockburn's Consultants
April 2015

www.cockburnsconsultants.com

JOB REFERENCE: HH/15004/BQ
ON BEHALF OF: MR ANDREW MORGAN
VERSION: FINAL DRAFT (SUBMISSION)
DATE: 14 APRIL 2015

PREPARED BY:



BRENT D QUINN MA (Hons)

Cockburn's Consultants 2015

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1. Introduction, Site & Proposal

Introduction

This supporting statement has been prepared by Cockburn's Consultants on behalf of the Messrs Morgan Partnership (hereafter the 'Partnership'). Collectively, the Partnership owns all of the land pertaining to this planning application. The proposed house is for Mr & Mrs Hewitt, whereby Mrs Hewitt is a Partner in the Partnership. This application seeks full planning permission to erect a much needed new family house on existing farmland and adjacent to the Berwickshire Riding for the Disabled Association (RDA), all at Sunnyside Farm, Reston.

An original planning application (14/01288/FUL) for the new dwelling was lodged by Fleming Homes on behalf of the applicant on 22 November 2014 and was subsequently withdrawn on 25 February 2015. Cockburn's Consultants were not associated with this original application. The withdrawal was instructed on account of an understanding from the planning officer that the application was likely to be refused. There were two apparent issues that may (or may not) have acted as reasons for refusals. It is understood that these issues centred around a) the proposed siting of the proposed dwellinghouse and b) some legal misunderstandings. This revised submission demonstrates full compliance with the Development Plan and takes cognisance of other relevant material considerations such that planning permission should be granted.

A location plan showing the application site is shown below in Figure 1.

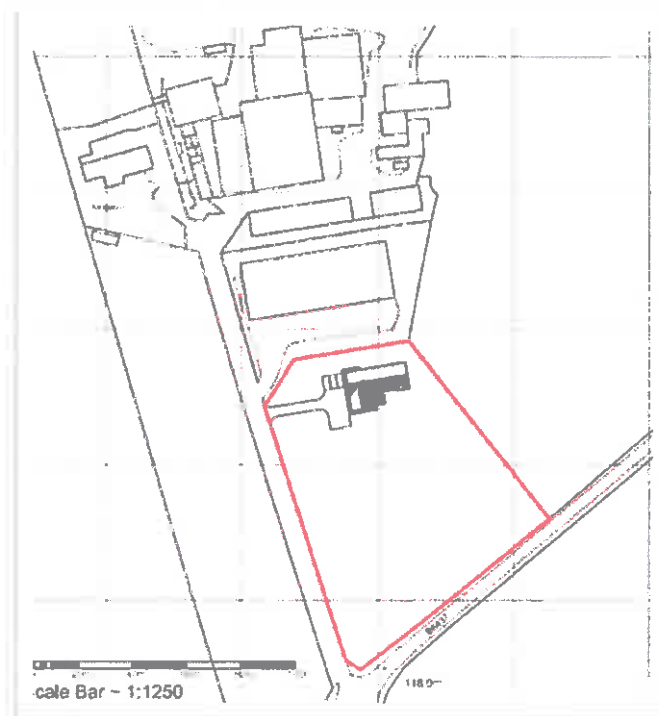


Figure 1: Location Plan (not to scale)

Site Description

The site is some 1.5 acres or thereby in size and is irregular in shape. It wholly comprises grazing grass for horses in relation to the riding school to the north.

The site is bounded to the north by a post and wire fence, beyond which lies an indoor riding arena, and further beyond this there is a substantial grouping of agricultural buildings of varying size and style. A partly tarmacked access road that serves the farm and the riding arena runs from the B6437 to the south, and runs on a north to south axis. The access road acts as the western boundary, which is further defined in its entirety by a mature beech hedge whilst the B6437 bounds the site to the south. Although the site is generally open to the east, a small post and wire fence does act as a border to the site on this boundary.

The wider area is generally characterised by open pasture agricultural land with the main A1 dual carriageway being located some 1km due north of the site and the small settlement of Auchencrow is positioned some 600m or thereby to the south.

Proposal

Full planning permission is sought for the erection of a single dwellinghouse. Figure 2, below, provides a site plan that illustrates how the site will be broken up in terms of landscaping, open space and the positioning of the new house.



Figure 2: Site Plan (not to scale)

Elevations that illustrate what is being sought in terms of the overall scale and massing of the proposed house are shown below, in Figure 3. It is considered that this architectural approach is very much in keeping with the rural vernacular found throughout the Scottish Borders. The proposed house would be single storey in height with a pitched roof design with wall head dormers and single storey outshots and similar in design to the houses proposed immediately to the east. The materials proposed include slate, render and timber cladding.



Figure 3: Elevations (not to scale)

Report Structure

Following this introduction, this report comprises:

- Section 2: Background
- Section 3: Planning Policy
- Section 4: Assessment; and
- Section 5: Conclusion.

Due to the small size of the site and that only a single dwellinghouse is being proposed, the application is classed as a "Local Development" in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

It is respectfully requested that this planning application is granted by the Scottish Borders Council.

2. Background

Agricultural Overview

Currently Mr Andrew Morgan runs business day to day management of Sunnyside Farm, in particular in respect of the sheep flock, including sheep health and safety. The management plan for the future operation of Sunnyside Farm is for Mr Philip Hewit to take over the full day to day sheep care in early 2016 following the retirement of Mr Andrew Morgan in early 2016.

As an agricultural business, the farm produces approximately 1600 tons of wheat rape Barley combined, as well as around 1750 lambs for meat and replacements and 5 tons of wool. They also plough sow and combine 200 acres for other farmers.

At present, the farm employs 2 full time staff plus seasonal labour, as well as Mr Andrew Morgan full time, (although as referred to above he is set to retire in early 2016).

Equestrian Centre/Riding School – A Community & Regional Facility



The operation and history of the riding school (Berwickshire Riding for the Disabled Association (RDA)) is important in the consideration of this planning application, but more importantly its physical relationship with the proposed site is paramount. This section considers the former, whilst Section 4 goes into further detail on the latter.

Riding School History

Berwickshire Group RDA was formed in 1982 and for the first ten years of its life moved around various locations in eastern Berwickshire before successfully settling at Sunnyside and Buskin for the last 8 years.

At this point the Group rode outside in fields on Wednesday and Thursday mornings however in 1999 the weather changed and many days had to be cancelled because of overhead and ground conditions. At this time, the Group was also seeing a much bigger demand for riding places so Mr Andrew Morgan offered land at Sunnyside Farm (i.e. its current location) for a peppercorn rent for the Group so that the Group could build an indoor riding arena. Following a tremendous amount of hard work the Princess Royal officially opened the arena in October 2001.

In 2015, after some 14 years at Sunnyside Farm, the Group currently offers Riding and Equestrian Vaulting and has over regular 40 clients. It is so successful that there is now a substantial waiting list.

Riding School Operation

Each week the Group is helped by 6 horses and ponies and 50 volunteers. The Group currently receives no government funding and the only Council assistance is through payment for buses and taxis from schools and centres. The unpaid Group Committee, Coaches and volunteers work hard to raise enough money to provide feeding, shoeing and veterinary care for our horses and up keep the building and equipment to a high standard. The general public have been generous in their support and for this the Group is grateful.

The school now has a considerable collection of equipment and the indoor arena is vulnerable as it is slightly outwith the farm buildings and security is always a worry so having a key holder with visibility of the building would be a help and for emergency access and to open the door for the other Groups who make use of the Riding Arena. Currently, these are

- Reivers Vaulting Group,
- South of Scotland Select Vaulters,
- Berwickshire Pony Club,
- South Lamermuir Riding Club,
- Navigator Dogs Club, and
- Duns Rugby Club.

Clients coming to an RDA session benefit from the opportunity to work with an animal and the physiotherapists have fed back that the unique movement of a horse cannot be reciprocated in a clinical situation. Further, the warmth and movement of the horse allows muscles and joints to respond in a gentle way and gives wheelchair users the chance to walk on legs. Other benefits are improvement in balance, coordination, muscle tone, fitness, speech, taking instruction, memory, raising self-esteem, challenge, enjoyment, meeting and talking to the Group volunteers and for a lot of the people who benefit from the group it is essentially the chance to take part in a sport. Strong bonds develop with both horses and volunteers making a riding session an event to be looked forward to.

Clients range in age from 5 years to over 60 and have a wide variety of disabilities, with some in wheel chairs. The Group also offers the opportunity to take RDA Grade Tests, partake in the ASDAN program and to enter competitions which many of these people would find hard to do in other situations. As the volunteer population ages replacing key people is always a problem so having a constant on site presence

who can deal with emergencies and cope with day to day running of the Group would be a great comfort and help to everyone.

In the recent past, schools and centres who have participated with the group or whom have referred clients are:

- Berwickshire High School
- Eyemouth High School
- Eyemouth Primary
- Duns Primary
- Coldstream Primary
- Chirnside Primary
- Coldingham primary
- Ayton Primary
- Greenlaw Primary
- Reston Primary
- Cockburnspath Primary
- Lanark Lodge Day Centre
- Station Avenue Care Home
- Others who come independently

The foregoing clearly illustrates that RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach.

Riding School - Future

Currently, the day to day horse management is undertaken by Mrs Margaret Morgan, who at the time of the application is aged at 67 years. The business plan for the school will see Mrs Morgan retire sometime this year (2015) and for Rebecca Hewit, (her daughter in law) to immediately then take over this role.

3. Planning Policy

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan

The Development Plan is made up of the SESplan Strategic Development Plan (Approved) 2013 and the Scottish Borders Consolidated Local Plan (Adopted) 2011.

SESplan Strategic Development Plan (Approved) 2013

The Strategic Development Planning Authority in June 2013 received note from Scottish Ministers of the approval of SESplan (SDP). It therefore supersedes the Scottish Borders Structure Plan (SBSP). Many of the policy principles remain, however, the geographic area covered has increased substantially with the overall content diluted (particularly with regard to rural housing). The focus, in terms of determining applications like that proposed, will be more on the Local Development Plan (LDP).

The site falls within a rural area of the Scottish Borders but one that is located within close proximity of the A1 strategic transport corridor.

In relation to housing SESplan outlines the housing land requirements for each of the authority areas and the preferred locations for growth. The Scottish Ministers in their approval have sought modifications particularly with regard to what they see as being an under provision in current housing allocations.

A number of infrastructure type policies (8,9,15) are outlined with regard to transport, infrastructure and flooding again ensuring sustainable principles are applied in LDPs and that development does not occur on land known to be of a high risk of flooding.

'Scottish Borders Local Plan' (Adopted) 2011

The Scottish Borders Local Plan (SBLP) provides greater detail on the overall acceptability of individual developments. It begins with Policy G1 'Quality Standards for New Development'. It seeks high quality design and one which can be appropriately accommodated on the site, respects its surroundings and is sustainable in terms of accessibility.

It is recognised via Policy G4 'Flooding' that large parts of the Scottish Borders can be vulnerable to flooding. Areas that are thought to be at significant risk of flooding or would increase flooding would not be permitted in terms of developing houses.

Applicants even at outline stage maybe required to undertake a competent flood risk assessment and one which identifies measures that are proposed to prevent and minimise flood risk.

Policy NE5 'Development Affecting the Water Environment' seeks that consideration be given to how development may impact on the water environment and what measures can be taken to restore the water environment. It encourages the use of Sustainable Urban Drainage (SUDs) techniques in particular.

Related to this Policy Inf5 'Waste Water Treatment Standards' and Policy Inf6 'Sustainable Urban Drainage' provide specific guidelines that require to be followed by all types of new development. Development in the countryside not within or adjacent to a publicly sewered area may use a private sewerage solution provided it would not have a detrimental impact on public health or local watercourses.

One of the principle policies in the determination of the application is Policy D2 'Housing in Countryside' and associated Supplementary Planning Guidance. It is noted that the Council wishes to promote rural housing development and in doing so:

- village locations will be preferable to open countryside
- preference will be to develop land associated to building groups where it does not adversely affect their character or surrounding area
- guidance contained within SPG on siting, design and interpretation should be taken into consideration

Material Considerations

There are numerous material considerations in the determination of an application of this nature, including:

- Supplementary Planning Guidance:
 - 'New Housing in the Borders Countryside' (2008).
 - 'Placemaking & Design' (2010)
- Scottish Borders Council Proposed Local Development Plan (2013)
- Scottish Planning Policy (as referred to above)
- PAN 44 Fitting New Housing into the Landscape
- PAN 72: Housing in the Countryside

The principle of these documents have been adhered to when making this application.

The context of these documents are taken on board within Chapter 4. It is worth highlighting that SPP in particular recognises that in remote rural areas new development can often help to sustain fragile communities.

It outlines that decision making should promote small scale housing and other development that supports sustainable economic growth in rural areas subject to it adhering to environmental protection policies and addressing issues such as siting, design and environmental impact.

It goes further to state that where appropriate the construction of single houses outwith settlements should be allowed provided they are well sited and designed to fit with the local landscape character and adhere to other relevant environmental policies (para. 83).

4. Assessment

Due to the proposal falling within a countryside location 'Policy D2: Housing in the Countryside' is a key over-riding policy in the overall determination of the application. However, the 5 key issues to be considered in the determination of this case are:

- 1) The principle of the application,
- 2) If occupancy of the proposed development can be controlled in a satisfactory manner,
- 3) The siting of the plot, having regard to need for security, natural surveillance, etc.,
- 4) Is the proposed plot acceptable in principle at the location, taking cognisance of the siting of the relationship with the building group,
- 5) If the proposed development can be accommodated within the site without any adverse impact on landscape setting, transport, and other material considerations

It is considered that the following will respond to each of these issues and demonstrate that the proposal is wholly compliant and that consequently planning permission should be granted.

Issue 1 –The principle of the application

The Scottish Government, in conjunction with PAN 72, issued further policy guidance (SPP15, later enshrined in SPP) which, in general terms, seeks to facilitate appropriate development in rural areas. With regard to new development paras 10 & 18 are particularly relevant and, in the opinion of the applicants, offer clear support for this proposal. It is acknowledged that the Scottish Borders Council have generally been amongst the more pro-active Planning Authorities in seeking to embrace the tenets of rural planning policy.

This consideration is also specifically dealt with in para.29 of PAN 73 (Rural Diversification), which makes specific reference to both (now out of date) SPP's 3 & 15, where it states that "Limited new build...may be acceptable where it results in a cohesive grouping, well related to its landscape setting. " It is submitted that these views support the contention that a constructive approach to development proposals, wherein they are viewed from the aspect of whether or not they compromise the aims, and objectives, behind specific development plan policies, rather than simply contravene the literal wording, offers an opportunity to reach a much more rational solution.

Notwithstanding the above, as part of the pre-application process in respect of the withdrawn application, in an email dated 28 October 2014, planning officer Lucy Hoad stated:

'I would advise from the information you have supplied on 25 September there would appear to be an economic need for an additional dwellinghouse to support the current agricultural business at this location. I would advise that on these grounds the proposal for a dwelling would, in principle, be acceptable to the local planning authority'

The proposal is therefore acceptable in principle and Issue 1 is satisfied.

Issue 2: If occupancy of the proposed development can be controlled in a satisfactory manner

This planning application is submitted by the Messrs Morgan Partnership, of which Mr & Mrs Morgan and Mrs Hewit are all Partners. The Hewits are a local family whom currently reside at Greenlaw, which is some 15 miles from the site. At present, the Partnership owns the surrounding farm (which is managed by Mr Morgan) and the land on which the riding school is sited, whilst Mrs Hewit owns the planning application site. Both adjacent land uses are significant in relation to this planning application. Mr & Mrs Morgan will retire in early 2016. With the impending retirements, it is imperative that arrangements are in place for accommodation on site for Mr & Mrs Hewit to take over the management of the farm (Mr Hewit) and the riding school (Mrs Hewit). At over 15 miles away, their current residence is simply not accessible nor practical for the 24hour on site requirements of both businesses. The grant of this planning application and the erection of the proposed dwellinghouse are fundamental to ensuring both the business continuity and future viability of both important local businesses.

Land ownership is not always a land use planning issue, but in this case it is pertinent. In terms of the farm element, the proposal is presented as an 'agricultural needs case' whereby planning permission can be granted on account of there being a proven agricultural need for a new dwelling. This has been accepted at the pre-application stage, as referred to above. In that regard, the applicant is happy to enter into a S.75 Legal Agreement that would control the occupancy of the proposed house so that it would be 'tied' to the agricultural operation. At present, on account of land ownership and legal restrictions thereof, this Agreement could be entered into wholly by the Partnership, as ALL of the land relating to the application is owned by Partners in the Partnership. It should be noted, however, that it is considered that a S.75 is not strictly required in this instance as a suitably worded planning condition should suffice.

Issue 3: The siting of the plot, having regard to need for security, natural surveillance, etc.

A key consideration that has driven the choice of the siting of the house in the location proposed is security. The access road to the farm and riding centre both have to pass the proposed position of the house and would be clearly visible from the house. It has been well documented that there has been an increase in vehicle/machinery thefts in the Scottish Borders area in the last few years, thus security in design is a high priority. As the Council are no doubt aware, this approach is fully supported by Secured by Design (SBD), a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures.

In the course of the previous application, it was suggested to site the house in the grouping of properties to the north of the riding centre. This would not provide a satisfactory level of security as the access road and riding arena where valuable equipment is stored would not be visible whatsoever.

In this respect, there are a few key incidents that it is important to bring to the Council's attention to highlight the pertinence of the integral role of security in respect of the siting of the proposed house:

- The RDA houses more than £15,000 worth of equipment within the arena.

- In terms of the farm, some time ago there was an accident whereby a motor vehicle car ran into a major boundary fence. The proximity of the main farmhouse facilitated immediate fence repair and horse round up so that damage was minimised.
- In 2014 a horse took ill during the night and Mrs Morgan had to attend every 2 hours, whereas with increasing age this is not going to be possible or safe for her.
- The RDA trains at least one horse care student each year from the Scottish Borders College, which requires constant supervision.

To conclude, the proposed site is the only location whereby security can be maximised to the extent required for both the farm operation and more significantly, in respect of the Riding School. The location for the proposed house is also acceptable in terms of its siting, as discussed further below:

Issue 4: Is the proposed plot acceptable in principle at the location, taking cognisance of the siting of the relationship with the building group

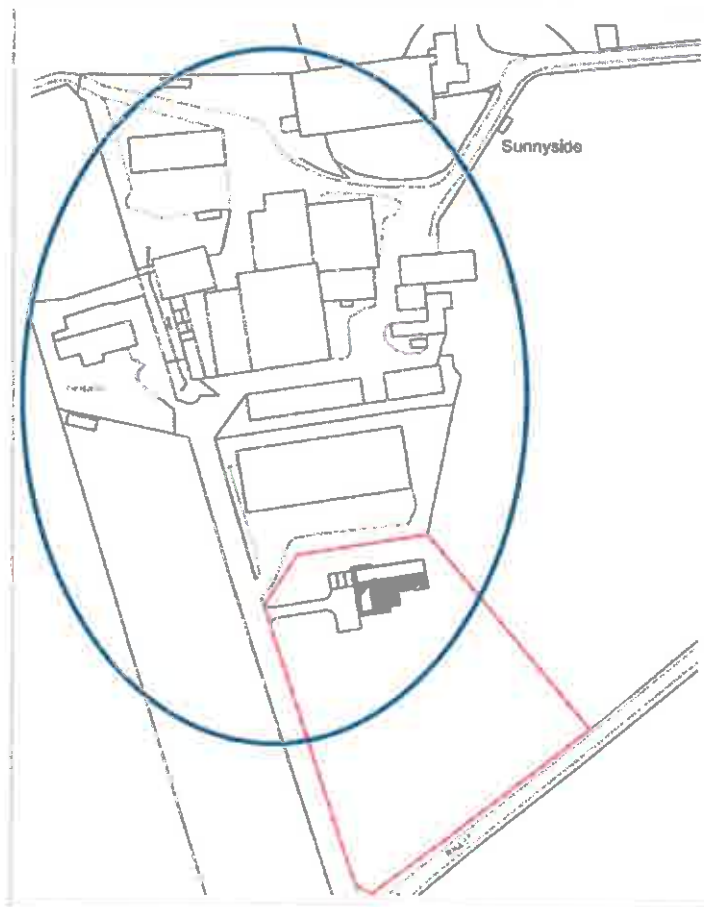


Figure 4: Relationship of Site with Existing Building Group

The site in question adjoins and relates well to an established and substantial rural building group. The main farm buildings collectively represent a significant grouping of buildings, amounting to some 15 or so different buildings in total. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' **immediate** south. Figure 4, above, depicts the building group and delineates a broad circle around the grouping. This circle clearly envelopes the application site and demonstrates its proximity to, and relationship with, the building group.

Open countryside adjoins the plots eastern, western and southern boundaries. The proposal recognises the sensitivities that this may give rise to and the reasoning for substantial boundary treatment in these locations. In the landscape plan that would be required at the next stage in the planning process could incorporate provision of new woodland/planting. In other instances where there is an open boundary this have proven to be acceptable elsewhere in the Scottish Borders (e.g. application 12/00046/AMC) and, if implemented to the satisfaction of the planning department, should be seen as an acceptable way of softening any potential visual impact.

Given the lack of infill opportunities within the farm context, taken together with the need to be in close proximity to the riding school (as discussed above), the chosen plot is considered the next development option in that it feels part of the existing building group's sense of place, directly abuts existing built form. The plot can in no way be deemed as being sited in an unduly prominent location.

It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it.

Issue 5: If the proposed development can be accommodated within the site without any adverse impact on landscape setting, transport, and other material considerations

Landscaping

There will be no adverse impact on the adjacent landscape as a result of this proposal owing to the proximity to its siting and the topography of the surrounding landform. The site will be enclosed by a post and wire fence, a beech hedge and a reinstated stone wall. These are all features that are entirely in keeping with the mainly rural setting within which the site sits.

Scale, Massing & Design

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate.

It is proposed that the house will be a maximum of two storeys and traditional in appearance. The house will be a well-proportioned family home. External materials will be driven by those used locally. Therefore it is expected that this would include natural slate roofing, stone and/or rendered walls and painted windows. Windows would observe traditional proportions.

The proposed house therefore fully complies in respect of scale, massing and design.

Access

No new access will be formed from the main road, but a new access to the site will be formed from the existing, private access road that runs from north to south which will ensure that the required sight lines can be achieved ensuring safe access and egress from the plot. This access, as so formed, will be designed and constructed in accordance with the requirements of the roads department.

Energy and Sustainability

The proposed house is south facing, with the majority of glazing proposed being located on the southern elevation, thus maximising solar gain. Notwithstanding the outwardly traditional appearance of the new dwelling it is intended that the house will be designed to the highest thermal and energy standards using 'Passive House' principals. With very low u-values to all external elements (walls, floors, windows, doors and roofs), high levels of air tightness, solar gains and a heat recovery system the house will benefit from very low heating requirements. The effect of this will be a significant reduction in CO2 emissions greatly exceeding the requirements of the current and proposed building regulations

Services

Mains Water and Power are available nearby. Drainage will be to a private system comprising of a septic tank and soakaway system within the boundary of the site. Surface water will be discharge to localised soakaways.

Flooding

The site in question is considered to have little to no flooding history. It sits at a higher level and located some distance from any watercourse.

There are no significant flood risks noted on or around the site with the acceptance that Sustainable Urban Drainage techniques will be adopted where necessary and based on advice from the Council, SEPA and Scottish Water. The proposal therefore complies with guidance contained within Policy G4 of the local plan.

Overall, in respect of Issue 4, the foregoing makes it clear that the proposed dwellinghouse can be satisfactorily accommodated at this location.

Conclusion

The principle is accepted and the proposal fully complies with the Development Plan and here are no material considerations that outweigh the development plan presumption in favour of the proposal. It is therefore respectfully requested that planning permission be granted by the Scottish Borders Council.

5. Conclusion

Overall, the planning application for a single house can be justified, both in terms of planning policy and material considerations.

The proposed dwellinghouse at this location is acceptable as confirmed in an email from a Scottish Borders Council Planning Officer as part of the pre-application process in respect of the previous planning application.

At present, a S.75 Legal Agreement could be entered into by the applicants, the Sunnyside Farming Partnership that would tie the house with the farm operation. It should be noted, however, that it is considered that a S.75 is not strictly required in this instance as a suitably worded planning condition should suffice.

The RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach. The ongoing viability of this business depends on the success of this planning application. Further, the siting of the proposed house in respect of the security of that business and the wider farm is critical. It simply cannot be amended.

The site in question adjoins and relates well to an established and substantial rural building group. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' immediate south. It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it.

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate. Requisite sightlines can be wholly achieved and the proposal is therefore considered to be acceptable in this regard.

The principle is accepted and the proposal fully complies with the Development Plan and here are no material considerations that outweigh the development plan presumption in favour of the proposal. It is therefore respectfully requested that planning permission be granted by the Scottish Borders Council

