

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

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

**REF :** 12/00586/FUL  
**APPLICANT :** Mr And Mrs W G Walker  
**AGENT :** Mr Douglas Bailey  
**DEVELOPMENT :** Erection of agricultural building and formation of new access  
**LOCATION:** Land South East Of 37  
Mainsfield Avenue  
Morebattle  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status	
HP/2095 REV A - 101	Other SITE PLAN	Approved Site Plan	Approved
51009	Elevations	Approved	

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

There are no representations.

Consultations

Roads Planning Service: I have no objections in principle to an access at this location as previously indicated via application 11/00430/FUL. However, I would require that the following conditions be adhered to:

1. The service lay-by must be constructed as per my standard detail DC3.
2. The initial 6m of the access must be constructed to my specification of 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
3. The 1m verge indicated on the submitted plan number HP/2094-101 must be kept free of all obstructions.
4. If gates are proposed, they must be hung so as to open into the site and not out towards the adjacent public road.
5. Steps must be taken to ensure that no surface water flows from the site on to the adjacent public road.
6. All work within the public road and verge must be carried out by a contractor on the Council's approved list. (DC-8)

I note that the access is formed on land which is outwith the area shown to be in the applicant's ownership. Confirmation should be obtained that any land outwith the ownership boundary is within the control of the Council or that the applicant has the relevant authority to utilise it.

Whilst a passing place has been shown on the access track in the bottom third, there may be a requirements to provide a further one nearer the site for the building. Whilst the lack of this will not have a detrimental effect on the public road, the applicant would be advised to consider the provision of another given the traffic that could be generated by this property.

#### APPLICANT'S SUPPORTING INFORMATION:

- The site is in a hollow, set away from the village, in a location at which the building will have least visual impact. For those houses in the village which will have a view of the proposed building, it will be from the upper floors.
- From a noise/nuisance perspective, the building is best located as far from the village as possible.
- The proposed building is for general purpose use in connection with Templehall farm. As such it will be capable of providing housing for livestock as well as storage accommodation for feedstuffs, straw and machinery.
- My clients currently run 20 cows and calves on the farm which at 8.0 sq.m. per head per cow and calf creep area\* including feed passage would result in an overall requirement of 160 sq.m. of livestock accommodation within the building in which the total floor area is 251 sq.m. The remaining 90 sq.m. will as stated be used for storage of feedstuffs and mechanised equipment, being just sufficient for the required purpose.
- The travelling/turning area of the new access road and area around the building will be finished with type 1 sub-base material. The stone will be imported and laid to a depth of between 150 mm and 200mm according to the excavated load bearing conditions.

#### PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1: Quality Standards for New Development

Policy H2: Protection of Residential Amenity

Scottish Borders Structure Plan 2001-2018

Policy N20: Design

**Recommendation by** - Colm McKee (Planning Officer) on 26th September 2012

This is a full planning application for the erection of an agricultural building and associated access on an agricultural field at Templehall Farm, to the south east of Morebattle.

The site falls outwith the settlement boundary. There is some native hedging along the roadside boundary of the fields. There is a rise in the land to the south west.

There is an existing access to the field from within the town – to the east of the Temple Hall Inn. There are issues with the existing access in that the access is relatively informal and there is a conflict of traffic uses between the hotel and agricultural vehicles. There is also a gate on the north west corner however it is not practical for vehicle access.

This application can be assessed in two main sections:

1. Proposed Agricultural Building to the south east of the fields
2. Proposed new access from the Pikin Stanes to the north of the fields

### Planning History

11/00430/FUL: This site was subject to a previous application 11/00430/FUL for the erection of a storage building and dwellinghouse. The application was refused for the following reasons:

- Contrary to Policy H8 of the Structure Plan 2001-2018, Policy D2 of the Adopted Scottish Borders Local Plan (2011) and the adopted Supplementary Planning Guidance on New Housing in the Borders Countryside (2008). The site is divorced from the settlement at Morebattle, and not associated with a building group.
- The proposed re-locating/expanding business element of the proposal does not directly require a countryside location, being suitable development to take place on an industrial estate or zoned employment land, and no suitable justification has been advanced with the application.
- Consideration has been given as to whether any planning condition can render the proposals acceptable. It is not considered appropriate to remove any unacceptable elements of the application via planning condition; as such a condition would not meet the tests for use of planning conditions prescribed in Planning Circular 4 of 1998, and in any event, both the housing and business elements of the application are unacceptable in planning policy terms.

An appeal took place and again refused and the Planning Officer's decision was upheld by the Local Review Body.

A pre-application enquiry was made with respect to this current application 12/00289/PREAPP. The Planning Authority provided a response and indicated the proposal may be acceptable.

Due to the history of the site it may be pertinent to attach an informative to any consent to remind the applicant the building can be used for agricultural use only. Any alternative uses may require a planning application for a change of use.

### Assessment

#### Agricultural Building

Policy G1 (Quality Standards for New Development), as contained within the Consolidated Local Plan 2011, states that new development will be expected to be of a high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. Development must ensure that it is of a scale, massing, height and density appropriate to its surroundings and that it is finished externally in materials, the colours and textures of which complement the locality.

The proposed building is a standard agricultural building with a rectangular form and pitched roof.

In this instance the proposal is considered to be suitable to the rural locality and suitably sited positioned so as not to be overly prominent within the locality. The external finishing materials can be agreed by way of attached conditions. The building would not be out of scale within the locality.

Policy H2 (Protection of Residential Amenity), as contained within the Consolidated Local Plan 2011, states that all development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The nearest residential properties are 250m from the site. It is considered that the proposal would not harm the residential amenities of occupiers of these properties.

### Access

There is an access proposed from Pikin Stanes, to the east of the flower beds.

The Roads Planning Service does not object to the proposals subject to suggested conditions and informatives being attached to any consent.

The Roads Planning Service Officer has made comments regarding the land outwith the applicant's ownership; the applicant has confirmed there is not any third party owner to the adjoining land. The Roads Officer is content with this.

The Roads Planning Service Officer has advised that whilst a passing place has been shown on the access track in the bottom third, there may be a requirements to provide a further one nearer the site for the building. Whilst the lack of this will not have a detrimental effect on the public road, the applicant would be advised to consider the provision of another given the traffic that could be generated by this property. Only the first 25m of the access track requires planning permission and so the Roads Planning Service's requirements can be attached as an informative.

The visual impact of the access track across the field is a concern. However, only the first 25m of the access track requires planning permission. This would be on gently sloping ground adjacent to existing houses within the village and it is considered that the visual impact of this is not detrimental enough to warrant refusal of the application.

#### **REASON FOR DECISION :**

The proposal complies with policies G1 and H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the proposed agricultural building would not harm the residential amenities of occupants of neighbouring properties or the visual amenities of the area and the proposed new access can be satisfactorily accommodated within the site and would not interfere with the safety and traffic flow in the immediate locality.

#### **Recommendation:** Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until samples of the materials and colour finish to be used in the construction all external surfaces of the agricultural building hereby approved have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its rural setting.
- 3 The access hereby approved is to incorporate the following design criteria in its construction:
  - The initial 6m of the access must be constructed to the following specification: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming binded with sub-base, type 1;
  - The 1m verge indicated on the submitted plan number HP/2095-101 must be kept free of all obstructions;
  - Any gates erected at the access must be hung so as to open into the site and not out towards the public road;

- The proposed surface lay-by as shown on the approved drawing HP/2095-101 to be constructed as per standard detail DC3 (form DC3 attached) by a contractor on the Council's approved list (Form DC-8 attached).

These works to be completed before the use of the building commences.

Reason: In the interests of road safety.

- 4 Prior to commencement of the development hereby approved, details of a scheme identifying measures to deal with surface water from the access track flowing onto the public road serving the agricultural building to be submitted to and approved in writing by the Planning Authority. Prior to use of the access, the approved scheme to be implemented as part of the development.  
Reason: In the interests of road safety.

### Informatives

It should be noted that:

- 1 The applicant is reminded that the permission for the building is for agricultural use only and any proposal for a change of use may require planning permission.
- 2 The Roads Planning Service Officer's comments are as follows:

I have no objections in principle to an access at this location as previously indicated via application 11/00430/FUL. However, I would require that the following conditions be adhered to:

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- 3 In respect of Condition 3, forms DC3 and DC8 are attached.

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

