

FAO Clerk to the Local Review Body  
Scottish Borders Council  
Newtown St Boswells  
TD6 9SA

11 West Nisbet Steading  
Jedburgh TD8 6TE

05/02/2021

Ref: Planning Appeal 21/00001/RREF

Dear Sir/Madam

**Local Review of Planning Decision relating to Planning Application 20/00956/PP**

I have been asked by the Chairman of the Crailing, Eckford and Nisbet Community Council (CEN CC), Malcolm MacGregor, to submit the views of the CEN CC in relation to the above appeal.

The CEN CC wish the following to be taken into account:-

1. The appeal appellant has not addressed any of the concerns submitted by the CEN CC to the planning application, namely
  - a. Ulston is not covered by the present Local Development Plan, (LDP1), nor the proposed one arising out of the Main Issues Report (MIR) Consultation process, (2018/19), leading to the present published LDP2, just completing SBC wide consultation at the end of January 2021. The CEN CC comments, as part of the earlier MIR consultation process, appeared to have been accepted in the LDP2, that there are sufficient development sites in other settlements within our ward, to meet the requirements of the overall area. It is unclear why the applicant did not consider in their original planning application, existing designated sites that are already earmarked as suitable for development e.g. nearby Crailing Toft.
  - b. The MIR, submitted as part of the LDP2 process, did not identify any land in Ulston for development.
  - c. The site is unusually large for a single dwelling; the CEN CC raises this point because of the possibility, should the appeal be upheld, of the site being further developed, by future owners, who may seek a relaxation of conditions on the grounds of infill.
  - d. The proposed development is clearly ribbon development as it extends the settlement linearly to the north-east along the only road running through the hamlet. Ribbon development is discouraged by SBC policy.
  - e. It is unclear from SBC policy where ribbon development should end if a previously agreed development has already moved the settlement boundary on one side of the road but not the other e.g. the construction of Fairfields on the south side of the road. This lack of clarity might result in the boundary being moved incrementally, one side of the road then on the other, on the basis of "within the existing building group" and it is our contention that is not within the spirit of what was intended. As the Planning Officer pointed out, there is no need or desire for a "bookended" boundary to the hamlet in the north east.
  - f. There is a Section 75 agreement affecting this site relating to development of Wester Ulston Farmhouse and associated buildings. No application for revision has been submitted therefore no case has been made for making a change. Should the decision be overturned on appeal, this site could potentially open up the paddock at

the back of most of houses to the north of the road, potentially linking Easter and Wester Ulston.

- g. Infrastructure concerns were raised because 17 new houses have been constructed over the last 20 years (with planning consent for 4 more) impacting on road capacity and safety for both vehicles and pedestrians, verge-side parking, frequent damage to verges by passing vehicles, poor telecommunication links, and on water pressure.
2. The appellant has not addressed the wider implications of the proposed development and has supported the case on the sole ground of building within the natural boundary and building group. It is the CEN CC's contention that a wider consideration of all factors and policies is necessary to determine this appeal.
  3. The lack of an LPD for Ulston means that it is subject to a broad policy HD2 that states that, during each LDP period, "housing up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater" would be appropriate, provided it is associated with an existing housing group. The appellant, in the original application, suggests up to 5 more dwellings would be allowed under this policy. No consideration seems to be given to the infrastructure pressures or the changing character of the hamlet through such potential growth, nor whether 30% more growth is acceptable within each LDP period. Following the appellant's interpretation in 15 years that might result in a minimum of 15 more houses – as the number of houses rises, so does the number of potential new houses within the 30% limit. This is unacceptable in a hamlet where no significant development sites have been identified in the LDP.
  4. Developing a greenfield site on the boundary of the settlement, in an open unbounded agricultural field, is hardly development within the existing building group. The natural boundary is the mature hedgerow to the on the north east boundary of Balcladoch.
  5. Local residents have expressed concern that the access road off the A68 is a danger point. It cannot be improved by a separate walkway for pedestrians as the narrow defile through which the road passes is bordered by a high bank on one side and a deep streambed on the other. This does not appear to have been taken into account although sustainability and safety are two of the SBC aims. With the relocation of the local school, some children from Ulston are no longer entitled to school transport. This means a risky walk to school along this road or more cars driven by parents ferrying youngsters.
  6. Upholding of the original planning decision would enable time for considering the wider concerns relating to the impact of further development in Ulston. There is an opportunity for these to be addressed as part of the LDP 2 consultation. It is the CEN CC's ardent wish that a comprehensive approach be undertaken to development in Ulston, and indeed all settlements with no LPD coverage, and that sustainability, quality and safety will be prioritised in the developing future local plans.

Thank you for your consideration.

Yours faithfully



Dinah Faulds

CEN CC representative for Nisbet on behalf of CEN CC