

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00923/PPP
APPLICANT : R E Wood And Sons
AGENT : Ericht Planning & Property Consultants
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North West Of Whinneybrae
Skirling
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1 of 1	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 3
SUMMARY OF REPRESENTATIONS:

Three representations in the form of objections were submitted. The material grounds contained within those representations can be summarised as follows: inappropriate isolated housing; impact on trees; access to site; road safety; more appropriate sites and property are available; the site is not a farm; no need for a house on this site; viability.

Consultation responses were received from: Roads - no objection, subject to conditions; Outdoor Access Officer - no objection. There is a core path adjacent to the site. That should be kept open and free from obstruction. Any diversion may be undertaken only if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created; community council - two members stated support as the new house may indirectly attract people to the village. Overall concerns were expressed about the proposed location, access, impact on traffic, pedestrian and equine safety, impact on trees and impact on the core path.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016
PMD2 - Quality standards
PMD4 - Development outwith development boundaries
HD2 - Housing in the countryside
HD3 - Protection of residential amenity
EP13 - Trees, woodlands and hedgerows
IS2 - Developer contributions
IS5 - Protection of access routes
IS7 - Parking provision and standards
IS9 - Waste water treatment and sustainable urban drainage

The site is not strategic, therefore the policies contained within SESplan have not been considered.

The following council guidance is material:

Development contributions;
New housing in the Borders countryside;
Placemaking and design;
Privacy and sunlight guide;
Waste management.

APPLICANT'S SUPPORTING INFORMATION:

Business plan and accounts
Planning statement
Housing justification report

Recommendation by - Ranauld Dods (Planning Officer) on 26th October 2020

Site and proposal

The greenfield site is roughly square and approximately 2500m square in area. It is part of a 15.5ha holding spread over 4 fields and is located roughly 225m south east of the boundary of Skirling. Given the distance from the boundary, policy PMD4 does not apply in this instance. It would be some 35m above the level of the village centre and would be accessed by means of a private track which forms part of the core path network (reference SKIR/176/1). A line of mature trees would form the north western boundary of the application site. Some 37m distant to the south eastern boundary of the site is the curtilage of the property known as Whinneybrae. The site is not related to any building group.

The application is made for planning permission in principle for a single house. An indicative layout plan has been submitted and that shows a single house. Also shown is an agricultural shed outwith the application site but that does not form part of this application and is not considered here.

Visual impact

No design is submitted with this application. That would be the subject of detailed examination in further applications if permission were to be granted. Given the isolated position in the landscape, any house is likely to be prominent when viewed from the north north west, although the single line of trees would provide some degree of screening. It would also be fleetingly visible from the south west near the junction of the U39 and A72 roads. The height of any proposed house, landscaping of the site, retention of trees and how the ground levels are treated, will be important to minimising its landscape and visual impact.

Principle

As regards Policy PMD4, I would contend that the site is too remote for this policy to be undermined. The key policy against which the proposal has to be assessed is HD2. There is little doubt, as evinced in the applicant's supporting statement, that the applicant runs a successful farm business centred around Kingledores (11km to the south south east) where the majority of the landholding is but also at Bamflatt Farm (2.5km to the south south west). Criterion F of HD2 states that housing with a location essential for business needs may be acceptable, subject to a number of further criteria. Those relevant to this application are:

- a) 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 predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise;
- d) no appropriate site exists within a building group and;
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

The farm business has a total land holding of 1745 hectares, of which 209 hectares is improved grassland or forage, across Kingledores, Bamflatt and Firknowe. I note that there is a landholding of similar size to the application site approximately 1.5km to the south west of the site, between the A72 and B7016, albeit that holding is just within the South Lanarkshire Council area. Those fields are roughly 1km from Bamflatt Farm whilst the application site is some 2.55km distant. The business wants to relocate a pedigree flock of sheep

to the four fields at Firknowe stating that "The health of the flock is at risk whilst it is being run with the commercial Blackface flock". There does not appear to be a statement as to why it would not be possible to segregate the pedigree flock from other livestock elsewhere within the existing landholding and closer to the existing building groups. It is noted that a statement from the applicant's vet has been included in the Agricultural Justification. Whilst the applicant states the relocation of the flock is essential, the vet does not make such a strong statement. Rather they state that to "...try and keep the pedigree flock free of diseases such as OPA and help maintain their MV status it would be advantageous [sic.] for the pedigree stock to move to a separate farm". Even if the applicant's vet had advised that there was no other option than to have the pedigree flock separated from other livestock, that would not be sufficient justification for a new house in the countryside associated with such a small area of land. To take that proposition to its logical conclusion, a new house could be required any time a farmer wished to locate pedigree stock in fields which were remote from the main farm and/or where no house was available. On that basis, a new house cannot be supported in respect of criterion a). Even if the application was capable of support, there would be no way to ensure that the four fields adjacent to the application site would be used to hold the pedigree stock (the husbandry of which is the principal justification for the proposed house) in perpetuity. That simply could not be controlled by means of condition or legal agreement on grounds of reasonableness.

The applicant states that the farm business "...has very limited access to housing. There are no houses within the ownership or control of the farm business which would be suitable or available for occupation by the additional worker. There are no existing houses or buildings capable of conversion at Firknowe or agricultural sheds available for use". Whilst it is acknowledged that there are no buildings in the four fields which are within the control of the applicant at Firknowe, it has not been stated that there are no sites available or buildings capable of conversion at the other holdings where there are farm buildings. The applicant's statement above does not rule out, for example, the availability of buildings suitable for conversion at Bamflatt and they did not rule out that possibility in correspondence during the processing of this application. The applicant has, therefore, failed to satisfy me that the proposal would be acceptable in terms of criteria d) and e) of policy HD2.

In summary, whilst the farm business is successful and there may be a labour requirement for an additional worker, the applicant has failed to demonstrate that there is a direct operational requirement for a house on this site and that there is no reasonable alternative to the proposed site. Granting permission would set an undesirable precedent for other similar unjustified proposals.

Amenity and privacy

No design has been included with the application so an assessment of the impacts on amenity and privacy cannot be made. That would be a matter for consideration in further applications were the application to be granted.

Roads issues

Roads noted that the private access serving the proposed site is single track in nature and formed with an unbound construction. The running surface was in reasonable condition and a drainage ditch is provided down one side with intermittent run-offs to deal with the surface water run-off. The access forms part of a right of way and Roads noted the comments made by the community council regarding pedestrian movements on this road. They consider that volume of vehicular traffic on this track and the low speed of traffic is unlikely to have a negative impact on road safety with the introduction of an agricultural dwelling but recommend that the private road would benefit from a further passing place at an agreed location. I have no reason to question that assessment. No objection was raised but conditions were suggested were permission to be granted.

Trees

There is a single row of mature trees to the north of the site which add to the amenity of the area and would give some degree of screening to the site. No account has been taken of those in this application. As the application is made to establish the principle of the development, a proper assessment of the impact on the trees can be made only with the submission of further applications. Were permission to be granted, conditions would be required relating to those trees. While establishing the protection area required for those trees would have been appropriate at this stage (thus requiring development outside the protected areas), given the concerns in principle, this has not been requested. In the event this application were to be approved, it would be for the applicant to demonstrate that these trees can be safeguarded.

Services

The application form indicates that water supply would be via the public network. Foul drainage would be by means of a septic tank and soakaway. There would be sufficient space available to site waste and recycling containers away from the front elevation of the building.

Developer contributions

Contributions would be required for education provision were permission to be granted. Those would be secured by means of a legal agreement.

Access

The site is located next to a core path, reference SKIR/176/1. The proposal would not affect that path. Comments have been made regarding vehicular access and granting of rights to carry out works on the access track. It must be noted that those are matters of private law which are outwith the realms of planning.

Conclusion

The proposed development would be outwith any settlement envelope defined in the LDP. The applicant has failed to satisfy the council that the presence of a worker on this site is essential for the operation of the farm business. The proposal is therefore contrary to policy HD2 and the council's guidance on New Housing in the Borders Countryside.

REASON FOR DECISION :

The proposed development is contrary to policy HD2 of the Local Development Plan 2016 and the adopted supplementary planning guidance on New Housing in the Borders Countryside, in that the site is outwith any recognised settlement or building group and the need for the house has not been adequately substantiated. Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside which would set an undesirable precedent for similar unjustified proposals.

Recommendation: Refused

- 1 The proposed development is contrary to policy HD2 of the Local Development Plan 2016 and the adopted supplementary planning guidance on New Housing in the Borders Countryside, in that the site is outwith any recognised settlement or building group and the need for the house has not been adequately substantiated. Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside which would set an undesirable precedent for similar unjustified proposals.

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