

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00956/PPP
APPLICANT : Mr D J Irvine
AGENT : RM Architecture Ltd
DEVELOPMENT : Erection of dwellinghouse with integral garage
LOCATION: Land North East Of Balcladach
Easter Ulston
Jedburgh
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 5
SUMMARY OF REPRESENTATIONS:

There were two neighbour notification letters sent and adverts placed in The Southern Reporter and on tellmescotland.gov.uk.

There were five representations received.

Two neutral comments highlighted concerns for:

- Loss of outlook.
- Potential water pressure concerns.
- The Planning Statement is factually incorrect- Accommodation at Easter Ulston Farm house, 10/001125/FUL 13/00125/FUL, is ancillary.

Three objections cite:

- A tree on the site boundary was removed 7yrs ago.
- Easter Ulston Farm no longer carries stock.
- Impractical to add 30% to a building group.
- Boundaries historically defined as Cluny Cottage and Balcladach were built on the site of the old sheepfolds of Easter Ulston between 1995 and 1999.
- The site, being part of Wester Ulston lands, is subject to the Section 75 affecting the whole of Wester Ulston, but makes no justification as to why this site should be released from it.
- Another field/farm access would be needed - undesirable on a single track road.
- Increased traffic - 17 new houses over a period of 20 years plus 4 with consent, yet to be built. Road safety and design concerns.

-There is no need nor any desire to have a "balanced" and "bookended gateway" to the Easter Ulston. No requirement for the proposed dwelling to have a north west boundary which extends beyond the boundaries of the existing houses.

Consultations:

Community Council: Object. Serious concerns raised. There was no designation of further housing development at Easter Ulston in the MIR for LDP2. The size of the plot would potentially lend itself to further development. Narrow roads and poor communications. Any further modification of the S.75 should adequately address infrastructure issues at this hamlet.

Roads Planning: No objection subject to conditions requiring a service layby (DC-3) entrance, construction of a passing place on the minor road leading to Jedburgh, two in-curtilage parking spaces and turning to be provided.

There is a 30mph speed limit at Easter Ulston (currently reduced to 20mph for a trial period). Considerable development at Ulston in recent years has resulted in a fairly sizable community. There is now significantly more movements by private car which increases the strain on the minor road. This road network is also used by the pedestrians, without appropriate infrastructure being in place. Support of this proposal is conditional on an additional passing place being provided on the minor road between the site and Jedburgh. It is unlikely that any further residential development could be served by this minor road, in view of the constrained road capacity both in terms of pedestrian and vehicular road safety/ standards.

No response from Scottish Water, Education or the Access Officer were received.

PLANNING CONSIDERATIONS AND POLICIES:

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

PMD1: Sustainability
PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

Placemaking and Design (2010)
Development Contributions (Revised 2020)
New Housing in the Borders Countryside (2008)
Trees and Development (2008)
Landscape and Development (2008)
Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Euan Calvert (Assistant Planning Officer) on 17th November 2020

This report of handling considers Planning Permission in Principle for erection of a dwellinghouse on agricultural land immediately adjacent to Balcladach, East Ulston, Jedburgh.

Site and Proposal

Easter Ulston is a community formed around a former traditional steading complex. This farm was converted to housing in around 2006. It is a hill top site located 1 mile north east of Jedburgh. The minor

road passes through the settlement leading eventually to Crailing Village. Wester Ulston is situated in close proximity (1/4 mile west) and it too was a former agricultural complex, now converted to housing since 2006. Wester Ulston is accessed from a drive from the minor road. At this road junction (250m south west of Easter Ulston) there has been construction of a significantly sized modern agricultural complex and recent permission for a farm workers house on-site.

Both Easter and Wester Ulston have seen significant expansion in dwelling numbers since the advent of the Housing in the Countryside Policy cir. 2005.

This proposed plot is north of the minor road and is immediately adjacent to Balcladach. It and Cluny Cottage are modern detached villas which were constructed in the late 1990s. On the opposite side of the road from this plot there is a large detached villa, Fairfields, which was constructed cir. 2007. It has a wide roadside plot (~75m) and features a large stables building at the north eastern end of the plot. The stables are adjacent to, but back onto, the roadside hedge and these are accessed from their own private drive, separate from the dwellinghouse.

This application site is arable land and features a track which leads to a copse of woodland, Mountulston Strips. There is no record of public right of way or public access on this route.

The minor road to Ulston from Jedburgh is characterised by large and tall beech hedging interspersed by mature specimen trees. The road to Crailing retains the hedge character but trees are more intermittent in placing.

Proposal

The application seeks to establish the principle of erecting a dwellinghouse on a site almost 50m wide x almost 100m long. Helpfully an indicative site plan has been provided to lead discussions. A block plan has been provided to demonstrate the footprint of a dwellinghouse central to a plot. The building would be roughly aligned with the neighbouring building line in terms of setback and orientation. A vehicular access would be formed at the current field access. There would be a turning and parking court forward of a multi-winged building, which would be Z-plan bungalow.

Indicative hedge and tree planting would enclose the north and east boundaries, to separate it from the agricultural field. The length of plot is proposed to be dictated by "The Ashes" at the opposite (western) end of Easter Ulston group. The length of plot would marry with the paddock boundary which encircles the neighbouring rear gardens.

Planning Statement

-The site lies within the speed limit signs of the settlement. There is a mature mutual boundary with the immediate neighbour, Balcladach. The development proposal is to construct a detached single storey house with an integral double garage. The settlement has expanded in a linear pattern either side of the core group of buildings over a period of 25 years with approximately 9 further detached dwellings constructed around the original building group.

-Planning history illustrated by Appendix 1 confirms that Easter Ulston is, with the appropriate design considerations, capable of expansion by a further 5 dwellings.

-The properties to the north side of the public road are constrained by Section 75 Agreement, which prohibits any further development. Any further erosion of this boundary would effectively join Easter & West Ulston together. Therefore, the assumption would be that there are no opportunities to expand the settlement at this end. Fairfields has created a staggered and perhaps unbalanced development boundary to the north eastern end of Easter Ulston.

- This proposal creates a natural addition to the settlement by establishing balance and a stronger development boundary - creating a "book-end" with Fairfields and extent of the plot would correspond with "The Ashes", which forms the corresponding gateway to the settlement from the south-west.

-The roadside hedge would be retained.

- A preliminary ecological assessment will be considered at reserved matters.

Policy Considerations

The Local Development Plan 2016 does not identify a Development Boundary (Policy PMD4) for Easter Ulston.

Policy HD2 sets criteria for siting and locating housing in the countryside. The policy identifies preference for housing within villages/ settlements and clustering with existing building groups in order to manage services and infrastructure and to protect the surrounding landscapes.

I will consider whether or not this is an acceptable component within this rural setting with regard to landscape and visual impacts. Thereafter material considerations of this application are given due regard.

Planning History

16/00072/MOD75 This land is subject to a legal agreement which was recently modified to allow for a farm workers house, which is to be situated at the modern farm complex of Wester Ulston. This agreement precludes further development of dwellinghouses on this title.

ASSESSMENT:

The Section 75 Agreement

There is a legal restriction on this land which must first be resolved prior to any consideration of a house on this site. No application has been submitted seeking a modification or discharge of the agreement. The restriction on this land is a material consideration in this decision.

There is no Development Boundary in the LDP or the emerging LDP for Ulston therefore it is not appropriate to consider this application against Policy PMD4 or PMD5. The Planning Statement makes a comprehensive case for a settlement boundary at Easter Ulston. The agent does so to justify development of a dwellinghouse on the size of the proposed site. The Planning Authority has not considered this hamlet a strategic location for future development and, despite the roadside name signs and recent speed restrictions, it is not a settlement identified in the LDP. I can place little weight on arguments advanced in the application that development on this site will somehow balance or complement the pattern of development in the surroundings. The site appears as the corner of a field with no natural or man-made boundaries to enclose it. It would not make a cohesive addition and would not assimilate with the group.

Policy HD2 Part A (building groups) is the appropriate policy to consider development of a dwellinghouse in this instance. Criterion A seeks for the site to be well related to an existing building group of at least three houses or buildings currently in residential use or capable of conversion to residential use.

Certainly, in terms of proximity and relationship to the neighbouring buildings, this proposal relates to immediate neighbours of Fairfields and Balcladach. However, significant weight must be apportioned to Supplementary Planning Guidance on Placemaking and Design and New Housing in the Borders Countryside in drawing a conclusion whether housing in the countryside is appropriate at this location.

Location

The SPG on Housing in the Countryside states that the existence of a building group will be identifiable by a sense of place which would be contributed to by natural and man-made boundaries; sites should not normally break into previously undeveloped fields particularly where there exists a definable natural boundary between the existing building group and field. The scale and siting of new development should reflect and respect the character and amenity of the building group and any new development should be located within a reasonable distance of properties within the building group.

The agent argues that the proposal would reflect and respect the spacing, character and amenity of the building group of Easter Ulston, however I find the site to be in stark contrast to the advice within the SPG. This is undisputedly an undeveloped arable field where there is already a mature hedgerow (natural boundary) enveloping the group and making a clear distinction. The hedgerow defines the edge of the

building group and introducing a plot on this site would disturb and break into the regular field pattern. The proposal would not therefore be in accordance with the SPG and would set an undesirable precedent.

I acknowledge that there are certain merits to the indicative layout. The proposal is to cluster housing development and this is welcomed however, the site is not an appropriate addition to the building group or in compliance with the housing in the countryside policies.

Future development on this site would appear visually prominent and would feature hard manmade boundaries. Even with a robust landscape and implementation scheme, the site would introduce a hard urban edge. The agent's proposal to introduce a bungalow would do little to soften potential adverse impact on the character and amenity of the wider countryside. The roadside hedgerow would again need to be severed to replace the field access if this application were to be approved. Again this would make the site more, not less prominent on the approach.

The fact remains that the site, unlike the neighbouring dwellinghouse plots, has historically been part-and-parcel of the large wider field system. Severing this regular shape would introduce discordance to the visual appearance to the group not "balancing" and not "book ending" it. The proposal is best termed as roadside ribbon development and is best avoided in this location.

Strong, tall and mature hedgerows are a defining feature of the roads approaching Ulston. Unduly prominent and dominant visual impacts would be created by this proposal. This happened at Wester Ulston and will take significant time for natural landscape features to grow to an appropriate size and scale to mitigate the visual impacts of new dwellinghouses. In this instance, I see no overriding reason to sever/ break or leapfrog the containment of this hedgerow which is an important visual feature enclosing the group to the east.

Sense of Place

Without natural or man-made boundaries it is difficult to conclude that this development will be well related to the sense of place of the building group. This is the corner of a field devoid of landcover. The northern boundary would arbitrarily adhere to the extent of the surrounding grass paddock rather than neighbouring gardens. Development would read as an awkward extension which would further erode the character and amenity of Easter Ulston. The agent has undertaken a sequential assessment to deduce that coalescence with Wester Ulston is best avoided. They note that the east end of Easter Ulston is a better location for development. However any permission for this proposal would set precedent. The agent calculates that up to five dwellings would be permissible within the current LDP. The size of plot I am asked to consider is large enough to accommodate more than one house. This is something to be aware of but not a valid reason for refusal.

It may be argued that the distinct character of this locality has already been eroded by the introduction of hard residential site boundaries in neighbouring sites. This argument cannot be used to justify the same approach in this instance. There is no planning requirement to "book end" Easter Ulston. There is order and inherent character to the neighbouring sites, which were once home to farm buildings and sheep pens contiguous with the operation of the former farm. This site does not lend itself to development owing to the hilltop location. There is no natural relief in the landform therefore any scheme, bungalow or not, would be visually prominent. "Balancing" development with the opposite end of Ulston is unnecessary. Doing so would compound to the visual prominence of the group, not reconcile it.

Residential Amenity: Policy HD3.

I do not identify any residential amenity concerns at this stage. Loss of neighbouring outlook is not a planning consideration. Visual impact concerns are highlighted above.

My conclusion is that development would unacceptably adversely impact the landscape and amenity of the surrounding area (policy HD2, Criterion B).

Introduction of entrance signs and residential speed restrictions all give Easter Ulston an elevated sense of order. Ulston has no Development Boundary in the LDP or the emerging LDP therefore services and infrastructure provision has not been considered at scale. Pavements; streetlights; communal waste water and surface water drainage systems; public open space; or community facilities have not been considered at

a strategic level and are notably absent for this size of group. Policy HD2 specifically requires consideration to village (or town) locations first for this strategic reason. Expansion of this group is now, in my mind, at odds with PMD1, Sustainability.

Further expansion at Ulston has raised objections by neighbours on the basis of roads safety standards and capacities but the Roads Planning Officer has no objections to the proposal.

Layout, Access and Parking Provision

The proposals for parking provision would be acceptable. Access to the public road would be required to be by a service layby. Owing to the increased burden, the Roads Planning Officer would also require a further passing place to be constructed on the public road between the site and Jedburgh.

I am in agreement with the Roads Planning Officer that this additional dwelling would not significantly adversely impact road safety and standards providing these mitigating conditions are attached to any planning permission.

Concerns are stated by the Roads Planning Service that it is unlikely any further residential development could be served by this minor road. Private car and shared use by pedestrians has resulted in this part of the network approaching capacity in terms of safety and sufficiency to reach Jedburgh.

Policy IS7 can be satisfied in this instance by imposition of suspensive planning conditions on any subsequent application. Road safety can be resolved subject to provision of satisfactory design submissions and undertakings.

No responses have been received from Scottish Water, Education or the Access Officer.

Developer Contributions: Policy IS2

There was no response from Education however I can confirm that no education contributions are sought for the Jedburgh Catchment.

Other Issues

I note the objections and concerns raised. In the event of an approval there would be requirement for a condition to ensure public water or other means of supply were demonstrated not to adversely impact neighbours (policies PMD1 and PMD2).

REASON FOR DECISION :

The proposed development is on land subject to a Section 75 agreement which specifically prohibits further development of dwellinghouses.

The proposal is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance (2008), in that it would unacceptably adversely impact the landscape and visual amenity of the surrounding area (policy HD2, Criterion B).

The proposal is contrary to Policy PMD1, Sustainability, in that it would present itself as ribbon development contrary to the sustainable use and management of land.

The proposal is contrary to Policy PMD2, Placemaking and Design, in that the site is not compatible with or respect the character of the surrounding area or building group.

There are no material considerations or conditions which would otherwise support development on this site.

Recommendation: Refused

- 1 The proposed development is on land subject to a Section 75 agreement which specifically prohibits further development of dwellinghouses on the land and no application to modify this agreement has been submitted or approved.
- 2 The proposal is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would be within a previously undeveloped field, beyond the natural and man-made boundaries of the Easter Ulston building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.
- 3 The proposal is contrary to Policy PMD1, Sustainability of the Scottish Borders Local Development Plan (2016), in that it would present itself as ribbon development contrary to the sustainable use and management of land.
- 4 The proposal is contrary to Policy PMD2, Quality Standards of the Scottish Borders Local Development Plan (2016), in that the site is not compatible with or respects the character of the surrounding area.

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