

**NOTICE OF REVIEW UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL  
DEVELOPMENTS**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW  
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013**

**THE CONSTRUCTION OF A SINGLE STOREY DWELLINGHOUSE INCLUDING ASSOCIATED  
INFRASTRUCTURE, LANDSCAPING, ACCESS AND PARKING**

**AT LAND TO THE EAST OF EDINGTON MAINS BUNGALOW, EDINGTON HILL, DUNS,  
BERWICKSHIRE, TD113LE**

**STATEMENT OF APPEAL**

**SUBMITTED ON BEHALF OF MR MANVIR SINGH**

**APRIL 2021**

## 1.0 Introduction

### Background

Felsham Planning & Development (FPD) is planning adviser to Mr M Singh. We are instructed to submit an appeal following Scottish Borders Council's decision to refuse a detailed application for:

*'the construction of a single storey dwellinghouse including associated infrastructure, landscaping, access and parking'*

at land to the east of Edington Mains Bungalow, Edington Hill, Duns, Berwickshire, TD11 3LE.

The decision notice dated 9<sup>th</sup> March 2021 identifies the following reason for refusal:

1. *The development would be contrary to policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not 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 and would comprise sporadic development in a prominent countryside location. In addition no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the Local Development Plan is not overridden by any other material considerations.*

The case for the Appellants' is set out in the appeal papers (Productions 2 and 3). The following Productions are submitted with this appeal:

- Production 1 – decision notice
- Production 2 – application submission
  - Design Statement (CD Architects);
  - Drawing numbers (CD Architects):
    - Existing & Proposed Location Plan 20101\_PL01;
    - Proposed Site Plan 20101\_PL02;
    - Proposed Floor Plan 20101\_PL003;
    - Proposed Elevations 20101\_PL004;
    - Proposed Elevations 20101\_PL005;
    - Proposed Sections 20101\_PL006;
  - Transportation Statement (Dec 2020) by Modus Transport Solutions Ltd; and
  - Ecological Assessment (Dec 2020) by GLM Ecology
- Production 3 – application supporting statement October 2020
- Production 4 – location of relevant buildings within the building group

The Town and Country Planning (Scotland) Act requires full disclosure of an appeal case at the outset. The reasons for refusal cannot be added to or amended. Having regard to the above, we consider the main determining issues to be:

- Whether the proposed development is unusual and out of keeping in this location
- Whether there would be an unacceptably adverse impact on the character and appearance of the local area
- The policy test, both national and local, dealing with such impact
- The assessment made by the planning officer and whether it took into account and properly assessed all matters pertinent to the application

### The Appeal Proposals

The site extends to 4,477 sq.m or 0.45 hectares and is located on land to the east of Edington Mains Bungalow. The site is bound to the north by the A6105, and Brae House Bed and Breakfast beyond; to the east by a U-Class Road and agricultural land beyond; the Edington Mains access road and agricultural land to the south with a farm beyond which has 4 dwellings formed around and adjacent to the agricultural buildings; and Edington Mains Bungalow to the west. The proposed site has an existing established access onto the Edington Mains access road/ U Class Road .

The site lies approximately 2 miles east of Chirside with its existing services and facilities. The site is within 100m of a bus stop (unofficial but named “Edington Mill End Road Stop”) on the A6105 going east to Berwick, and west to Chirside, Duns, Gavinton, Greenlaw, Gordon, Earlston, Claymires, Melrose, and Galashiels.



**Figure 1: Proposed Site Plan**

### Site History

The site has been a place of residence across many centuries and the appeal proposal is restoring a long established residential use not seeking to introduce a land use that has not existed on this site before.

Edrington Castle is in the parish of Mordington and the county of Berwickshire. It is a ruined fortalice in Mordington parish, Berwickshire. Crowning a steep rock on the left bank of Whitadder Water, 5 miles W by N of Berwick, it seems to have been a solid substantial strength, well fitted to check incursions and depredations from the English side of the Tweed, on the W being totally inaccessible. It figures frequently in Border wars and treaties; and, having for some time been held by the English,

was restored in 1534 by Henry VIII. to James V. Down to the close of the nineteenth century it continued to be four stories high, but is now reduced to a small fragment.

Historic records state that during the crisis of 1481 the Border barons and those whose estates lay near the sea were commanded to put into a posture of defence their various castles, one of which was Edrington.

About 1546 Edrington Castle was captured by the English and in that year the Scots demanded that "their house of Edrington" should be immediately restored to them; and in accordance with a Treaty concluded in the church at Norham, Edward VI vacated it.

Edrington Castle as a residence was eventually superseded by the Pele Tower at Nether Mordington, today Edrington House, probably when it was rebuilt about 1750. [See: Timothy Pont's map of Mercia in Blaeu's Atlas]. The Parish of Mordington says of Edrington castle that "at the close of the eighteenth century the tower and battlements were substantially intact"; and H.Drummond Gauld (Brave Borderland, London 1934) states "towards the close of the 18th century Edrington Castle was still four storeys in height, a commanding ruin perched on the pinnacle of a crag clothed with trees.

In 1885 the Ordnance Gazetteer (Edinburgh) was still referring to Edrington castle as "a ruined fortalice". But The Castellated & Domestic Architecture of Scotland from the 12th to the 18th Century, (vol.IV, Edinburgh, 1892) says that it was by then "a mere fragment of an ancient castle; a place of some importance in the Border wars." By 1892, the new owner, had completed a new country house nearby called Cawderstanes, with some cottages also adjoining the castle incorporating parts of it. Almost certainly his builders have been responsible for quarrying the stone from the castle for the big house.

By 1909, Sir Herbert Maxwell, notes: "Edrington Castle, opposite Paxton, once a place of great strength and importance, has been quarried away to near ground level." The Sixth Report & Inventory of Monuments & Constructions in the County of Berwick (HMSO, Edinburgh, 1915,) states "this castle is situated about three and a half miles west of Berwick, on a rocky bank above the Whitadder. A mere fragment remains, adjoining and incorporated in the farm buildings."

In 1892 the castle was described as 'A mere fragment of an ancient castle on the rocky bank of the Whitadder, 5 miles N.W. of Berwick. A place of some importance in the Border wars, it continued, till the close of the 18th century, four stories in height.' ('The Castellated & Domestic Architecture of Scotland from the 12th to the 18th Century', David MacGibbon & Thomas Ross, 1892). The castle passed through the hands of various owners in the 17th century and was probably not in the best state of repair by the 1660's.

The lands of Edrington were sold off in the 1830's and are now known as Cawderstanes, after a house of that name built near the castle ruins in 1892, probably using stone from the castle. Thus Nether Mordington became Edrington and Edrington became Cawderstanes.

Therefore, it is clear that the appeal proposal is not seeking to introduce a new land use. This is a site with a history of being a residence over many centuries and the evidence of that occupation remains.

## 2.0 Proposed Development

The proposal is for a single storey dwelling of 317 sqm with associated infrastructure, landscaping and parking.

The house will provide 4 bedrooms, an open plan living space, games room and ancillary rooms such as a utility room and WC's. A rear patio acts as an extension of the open plan living space.

The proposal is set back from the road line, located towards the rear of the site and is split into smaller massing to reduce its impact on the site. A new point of access will be formed to allow safe entry and exit to the site for vehicles.

The design draws from traditional, rural forms and details with a contemporary twist. Use of sustainable energy sources and high levels of thermal performance minimises the impact of the house on its environment.

Three car parking spaces will be provided on the development. One accessible space and accessible route is provided with access to the ramped entrance.

The house is set back from the main road line of the A6105 road reducing its overall presence on the site. Its siting reflects that of the nearby Edington Mains Bungalow. A new access is taken from the road which runs south towards Edington Mill. The design aims to reduce the overall appearance of the large footprint by breaking this into smaller elements. A large area of natural landscaping to the front of the house will remain.

Site area breakdown:

- Site Area - 4477sqm
- House Footprint - 317sqm
- Pedestrian Paving Area - 157sqm
- Vehicular Hardstanding Area - 324sqm
- Grass Area - 3659sqm
- Build to Plot Ratio - 7%

## 3.0 Policy Context

### *Scottish Planning Policy*

SPP is a statement of the Scottish Government's policy on how nationally important land use planning matters should be addressed across the country.

The Scottish Government is committed to integrating the following principles in its policy agenda:

- **Social Equality:** Considering the diverse needs of local communities and ensuring accessibility for all.
- **Sustainability:** The measure of the likely impact of development on the social, economic and environmental conditions of people in the future and in other places.
- **Environmental Quality:** Guiding the location and design of development, the management of land use, energy efficiency and the need to travel.

- **Design:** Signalling the importance of achieving improvements in the design and quality of new developments and bringing long term benefits to the urban and rural environment.

The SPP states that:

*'The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight.'*

And that:

*'Planning should take a positive approach to enabling high quality development and making efficient use of land to deliver long term benefits for the public while protecting and enhancing natural and cultural resources.'*

The first principle policy of the SPP 'introduces a presumption in favour of development that contributes to sustainable development'. The SPP notes that:

*'The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through creating sustainable economic growth.'*

SPP states that policies and decision should be guided by the following principles *inter alia*:

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings and infrastructure;
- Support the delivery of infrastructure, for example transport, education, energy, digital and water; and,
- Avoiding overdevelopment protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

SPP states that planning should direct the right development to the right place and should consider the re-use or re-development of brownfield land before new development takes place on greenfield sites; as well as locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

SPP promotes sustainable transport and active travel and states that planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy. The planning system should support patterns of development which *inter alia* optimises the use of existing infrastructure, reduce the need to travel, and, provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport.

The planning policy statement "*Designing Places*" argues that "*good design is an integral part of a confident, competitive and compassionate Scotland*". It recognises that as well as improving design quality, a joined up approach can provide a clear basis for communication, establishing and maintaining identity, create better connections and ultimately, bridge the gap between vision and reality.

The principles contained within *Designing Places* the following PAN's have been taken into account in the Design Statement:

- PAN81: Community Engagement
- PAN78: Inclusive Design
- PAN77: Designing Safer Places
- PAN68: Design Statements
- PAN67: Housing Quality
- PAN65: Planning & Open Space
- PAN44: Fitting Housing Into The Landscape

The importance of creating high quality new development and sustainable communities is established at the top of both the UK and Scottish Government agenda. Scottish Government guidance contained within Scottish Planning Policy (SPP) and PAN68 – Design Statements and PAN67 – Housing Quality, note that the success or failure of a place is ultimately determined by the quality of its buildings, streets and spaces. PAN 68 notes that well-designed places share common qualities, including:

- Transport and connectivity.
- Access to local services.
- Environmental benefits.
- Equity.
- Vibrant local economy.
- High quality buildings.
- Social and cultural activities.
- Atmosphere.

The six qualities that make a successful place, identified in PAN68 and PAN67 are as follows:

1. Distinctive.
2. Welcoming.
3. Safe and Pleasant.
4. Adaptable.
5. Easy to Get To And Move Around.
6. Resource Efficient.

The Design Statement submitted with the application shows how the proposal will contribute to the fulfilment of these objectives.

### ***Scottish Borders Local Development Plan (2016)***

The relevant policy of the Scottish Borders Local Development Plan 2016 is HD2 Housing in the Countryside. Paragraph 1.1 encourages '*housing development in appropriate location in the countryside*' and that '*the policy sets the basis for the consideration of small scale appropriate additions to existing identifiable building groups*'. The policy states that the preference is for development within a village, rather than open countryside, and for development associated with existing building groups where it does not adversely affect their character or that of the surrounding area.

Policy HD2 Housing in the Countryside, states *inter alia*:

*'The Council wishes to promote appropriate rural housing development:*

- a) *in village locations in preference to the countryside where permission will only be granted in special circumstances on appropriate sites,*

- b) *associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and*
- c) *in dispersed communities in the Southern Borders housing market area.*

*These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance/Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.*

#### *(A) Building Groups*

*Housing of up to a total of 2 additional dwellings or a 30% increase in the building group, whichever is the greater, associated with existing building groups will be approved provided that:*

- a) *the council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,*
- a) *the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,*
- b) *Any consent for new build granted under this part of the policy should not exceed two housing dwellings or 30% increase in addition to the building group in the plan period. No further development above this threshold will be permitted.*

*In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.*

*The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.*

*In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance were it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact'.*

The justification/Aims of the policy are:

- To create a long term sustainable pattern of appropriate rural housing that restricts development outside defined settlements
- To allow small scale appropriate additions to existing identifiable building groups
- To protect the environment from inappropriate and sporadic new housing

We have also had regard to the following development plan policies:

- PMD1 Sustainability;



- PMD2 Quality Standards;
- PMD4 Development Outwith Development Boundaries;
- EP3 Local Biodiversity;
- EP8 Archaeology;
- EP13 Trees, Woodland and Hedgerows;
- EP15 Development Affecting the Water Environment; and,
- IS9 Waste Water Treatment Standards and Sustainable Urban Drainage.

### ***New Housing in the Borders Countryside Supplementary Planning Guidance (2008)***

The SPG seeks a long term sustainable pattern of rural housing development that reduces the development of inappropriate isolated housing in the countryside, and directs development to the identified building groups or to remote rural anchor points.

The housing in the countryside policy encourages new housing development in appropriate locations. Any development that takes place under the Housing in the Countryside Policy should meet the following standard criteria:

1. *No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;*
2. *Satisfactory access and other road requirements;*
3. *Satisfactory public or private water supply and drainage facilities;*
4. *No adverse effect on countryside amenity, landscape or nature conservation;*
5. *No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;*
6. *Appropriate siting, design and materials in accordance with the relevant Local Plan policies;*
7. *The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.*

PAN 36 indicates that in addition to new housing development in settlements there is scope for adding to, or creating, small groups of housing in the countryside provided that they are sympathetic in terms of scale, proportion and materials to other buildings in the locality.

The Scottish Borders Council's policy is that in the countryside new housing will be encouraged to locate within or adjacent to building groups.

The existence of a group will be identifiable by a sense of place which will be contributed to by:

1. natural boundaries such as water courses, trees or enclosing landform, or
2. man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group.

Normally a group will consist of residential buildings comprising at least three dwelling units.

## 5.0 Assessment of the Reason for Refusal

The decision notice identified only one reason for refusal.

### Reason 1:

***The development would be contrary to policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not 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 and would comprise sporadic development in a prominent countryside location. In addition no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the Local Development Plan is not overridden by any other material considerations.***

The Town & Country Planning Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that:

*'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'*

In assessing this proposal we believe that it is also relevant to refer to have regard to Tesco Stores v. Dundee [2012] PTSR 983 case. Paragraph 18 of the Dundee decision states:

*The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority...the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.*

Paragraph 19 continues:

*The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.*

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

In considering the question of flexibility we note that the Supplementary Guidance (SG) dealing with development states that *normally a group will consist of residential buildings comprising at least three dwelling units*. Therefore, the starting point for assessment is that the Council's SPG provides inbuilt flexibility and there is no absolute requirement for there to be three houses in a building group for further development to be acceptable.



**Figure 2:** Defined cluster of the existing residential units (numbers 1-8), and the application site (outlined in red). Policy HD2 requires development to be associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and, the council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use.

Policy HD2 contains a positive statement that the Council wishes to promote appropriate rural development. It then specifies criteria to judge that appropriateness, based on the number of buildings in the existing group; their residential use or the ability to convert them to residential. If a proposal satisfies these considerations it follows that it is, in principle, appropriate rural development and therefore meets the aims and objectives of the development plan.

The SPG states that building groups will normally comprise of 3 existing dwellings but that is not an absolute requirement. Figure 2 above clearly shows that the existing cluster of dwellings in the countryside accessed from the A6105 and the U Class Road. Further south there are 6 dwellings at and around Edington Mains Farm and further afield but not shown on Figure 2 there are a number of dwellings leading up to Edington Mill at the Whiteadder Water. The area has a clear character of residential development on it where historically people would have lived in close proximity to Edington Mill as their employer. The presence of castle ruins adjacent to the site demonstrates a long history of this site being a residence.

The Report of Handling states:

*The Council's 2009 study "Borders Designed Landscapes Survey: Schedule of Identified Sites" notes that this site appears on maps dating back to 1654, which identify a house of high status set within a wooded park setting.*

This reinforces our argument that this is a location where people have historically lived. That historical connection together with the presence of at least two dwellings in the building group is a material consideration. It shows that this is not an isolated location but a site where people have lived for centuries. No objection has been raised by Historic Environment Scotland to the application and the siting of this house should be considered acceptable within the context of the castle.

In summary, the principle of use is acceptable because the proposed development:

1. Sits beside a clear cluster of dwellings and is located at the top of a road that leads to a distinct building group associated with the farm;
2. Will utilise existing local infrastructure;
3. Can make direct access onto the U Class Road;
4. Takes advantage of and can be set within clearly defined boundaries;

5. Meets the SPG objective of siting within man made boundaries and not breaking into open countryside
6. Sits adjacent to the ruined castle where people lived for centuries
7. The development of a small site does not adversely affect the aims and objectives of the wider blanket countryside policy that the LDP seeks to achieve; and,
8. The small scale nature of the proposal does not reduce the openness of the area and is considered a sympathetic linear extension to the existing built fabric in this countryside location which will not adversely affect the local rural character.

In terms of other policies directly related to the details of development on this site, we comment as follows:

- Policy PMD1 and PMD2 requires development to be carried out in accordance with sustainability and quality principles and to be capable of being satisfactorily accommodated within its site and to retain natural features. The Design Statement submitted as a supporting document shows how these principles are addressed.
- Policy PMD4 provides a cross reference to policy HD2. Development that accords with HD2 therefore satisfies Policy PMD4.
- The proposal will close the existing access and utilise a new access onto the U Class Road. The Transport Assessment submitted as a supporting document shows how this can be utilised safely by road users.
- The Ecology Statement undertaken for the site concludes that there is no impact on the ecology of the site. Therefore, the proposal complies with Policy EP3.
- New trees and hedgerows will be planted and there will be no conflict with policy EP13.
- There will be no adverse impact on the remains of Edington Castle and the applicant would be happy to accept a watching brief condition as required by Policy EP8.
- As shown in Figure 3, there are no flooding or surface water issues on the site and connections will be made into existing infrastructure, adhering to Policies EP15 and IS9.

Therefore, the proposal complies with all elements of Policy HD2 and with other policies dealing with detailed consideration of development on this site. Having regard to the scale of existing building group a single dwelling house in this location will be appropriate development.

Therefore, the proposal complies with all relevant policies and meets the policy assessment requirements of sections 25 and 37 of the Planning Act.

### **Material Considerations**

Having satisfied section 25 of the Planning Act, section 37 requires the proposal to be considered against wider material considerations. The Report of Handling made no attempt to carry out the proper assessment required by the Planning Act. There are a series of material considerations that the Report of Handling failed to address.

The Report of Handling failed to address the point made that policy is not an absolute requirement. Instead it made a bold assertion that there are no material considerations in support of the proposal:

*Finally, it is contended that Policy HD2 sets out general principles and acts as a guide to development not a rule to be followed in all circumstances. There are no material considerations that would outweigh the conflict with Policy HD2, which is the Council's means of establishing whether a rural site is suitable for housing*

The failure to properly consider material considerations means that there is no basis for this conclusion or the assertion that there was:

*fundamental conflict with the spirit, aims and requirements of LDP Policy HD2 and there are no material considerations which would outweigh the harmful, sporadic development proposed.*

There are a number of important material considerations that received no assessment in the Report of Handling and in our submission that undermines its overall conclusion that the application should be refused.

### **Scottish Planning Policy**

SPP and the PANs referred to above are material considerations. The proposal satisfies the criteria identified, as follows:

- It will provide an attractive dwelling in a rural location and will contribute to a diverse housing land supply.
- It is close to the services and community facilities in Chirnside and will help to sustain these.
- The applicant has a commitment to a high quality of design and sustainability, which is demonstrated in the Design Statement submitted with this planning application.

### **Supplementary Planning Guidance**

The proposal complies with the Housing in the Countryside SPG as follows:

1. There will be no adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. There is satisfactory access;
3. There is a water supply and drainage facilities;
4. There will be no adverse effect on countryside amenity, landscape or nature conservation;
5. There will be no adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Siting, design and materials accord with the relevant Local Plan policies;
7. There is no impact on mineral resources

### **Design**

National planning policy reflects the great importance which the Scottish Government attaches to the design of the built environment. The Local Development Plan policies set out the quality of the development that is expected for the Scottish Borders area.

In terms of design, the Report of Handling states:

*The proposed dwellinghouse would introduce a third design style and character at this location. The house would comprise of two single-storey pitched roof ranges, connected by a flat roofed link. The design of the dwellinghouse is largely contemporary in style. In massing and form the large scale of the house would be broken down into two linear ranges with forty degree roof pitches, which would relate well to the traditional built form of the prevailing rural Borders design character.*

Design is a subjective matter. The Design Statement submitted with the application contains a commitment to quality. The site is visually self-contained and we are confident that there will be no impact on landscape and amenity. One additional dwelling will be appropriate in this area given the scale of existing development. The scale of that existing development can be seen very clearly in the photographs in the Design Statement. The proposal satisfies the aims and objectives of development plan policy in terms of the scale of residential development and the effect on the character of the surroundings.

The design draws from traditional, rural forms and details with a contemporary twist. Use of sustainable

energy sources and high levels of thermal performance minimises the impact of the house on its environment.

The massing and features echo the rural characteristics along with traditional materials used on the whole with an element of modern materials integrated.

The form and proportion have been greatly considered within the proposal to allow a footprint which meets the space standards necessary for a modern lifestyle, whilst considering the traditional forms of the countryside. The large floor area is broken down into smaller elements, reducing the appearance of mass on the site from the northern & eastern approaches. The design aims to give the appearance of a narrow and short frontage with a feature entrance porch. The aspiration to create a traditional composition is further demonstrated through the use of a 40 degree roof pitch which acknowledges the roof style of older houses in the Borders.

An important aspect of the design strategy is the use of sustainable energy design to minimise the overall carbon footprint and reduce energy consumption.

The dwelling will have enhanced levels of insulation to retain heat and reduce space heating requirements. Rainwater harvesting will be considered for the collection, storage and distribution of recycled rainwater. As an increasingly valuable and sustainable source, rainwater collected from roofs provides high quality water for applications such as toilet flushing.

The south facing site will benefit from the use of PV panels for electricity. These could be positioned and integrated as part of the roof design to reduce electricity consumption.

The primary heating would be supplied by an air / ground source heat pump. A wood burning stove can also be utilised to supplement heating. The integration of wood burning stoves are beneficial for room heating in the houses. These are an efficient way of heating using renewable fuel sources and reducing the overall carbon footprint. A Heat Recovery System could also be considered which would greatly reduce heating demand.

The existing site access is to be closed and a new access formed onto the U Class Road to provide a safe entry/exit from the site. The internal driveway is to be partly screened from the main road by shrubs, a hedge and a stone wall.

The proposal will have minimal visual impact on the surrounding countryside, by retaining and improving traditional boundaries. High standards of site planning, sustainable design have been incorporated within the proposal, as well as a safe access arrangement. Therefore, the dwelling proposed at this location will not significantly impact on the rural character or erode the openness of the countryside at this location.

### **Environment/Amenity**

The proposal will be in keeping with the surrounding area. The proposal is a small scale residential use that meets relevant standards. It will have no adverse effects on neighbouring residential amenity regarding privacy or overshadowing. GLM Ecology undertook a Ecological Assessment which has been submitted as a supporting document with this application which concluded that:-

*The site walkover revealed the presence of a very poor variety of habitats present within the survey area. The proposed site for housing is a small grass field with very little groundcover present. Around the boundary of the site limited hedgerows and a small number of mature deciduous trees are present. There are no buildings or standing or running water within the construction footprint.*

*The survey area has no potential to support any protected species or habitats and species of conservation concern within the construction footprint. All work is predominantly forecast on*

*the grassy area.*

### **Transport**

The existing access will be closed and a new site access created. This has been assessed by Modus Transport Solutions Ltd and the Transportation Statement has been submitted with this application as a supporting document. This is deemed suitable for traffic arising from one additional dwelling.

The standard test applied to consider the transport acceptability of a planning application is no net detriment. Very limited traffic will be generated. The road network can accommodate traffic without concern and the very limited amount of traffic generated by one dwelling.

### **Representations**

Chirnside Community Council has legal status in the determination of a planning application. The Community Council chose not to object to the application. That in itself is a material consideration. There were also no other objections to the application. This is highly unusual. This illustrates the limited impact of the proposal.

## **6.0 Conclusions**

Section 25 and 37(2) of the Planning Act state that permission should be granted for development that satisfies the development plan unless material considerations indicate otherwise. In light of the above assessment, we conclude:

1. the proposal is acceptable in the terms of National, Strategic and Local Development Plan policy;
2. The proposal satisfies the criteria of Local Development Plan policies and will be in accordance with the character and setting of the surrounding area;
3. The proposal meets the aims and objectives of Policy HD2 by providing a *small scale appropriate addition to an existing identifiable building group*; and,
4. the proposal will be in keeping with the surrounding land uses in the area
5. the proposal is situated on a site that has been a place of residence over many centuries. It is reinstating an historic land use not introducing a new land use to this location.

In conclusion, the proposal fully satisfies the requirements of sections 25 and 37 of the Planning Act. In light of the above, we respectfully request that the Local Review Body should dismiss the reason for refusal and grant consent to the appeal proposal.