

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/00045/FUL

**APPLICANT :** Mr M Singh

**AGENT :** Felsham Planning And Development

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land East Of The Bungalow Edington  
Chirnside  
Scottish Borders

**TYPE :** FUL Application

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
20101_PL01	Location Plan	Refused
20101_PL01	Location Plan	Refused
20101_PL02	Proposed Site Plan	Refused
20101_PL03	Proposed Plans	Refused
20101_PL04	Proposed Elevations	Refused
20101_PL05	Proposed Elevations	Refused
20101_PL06	Proposed Sections	Refused

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

**CONSULTATIONS**

SBC Archaeology Officer: The proposed site lies in the surroundings of a number of significant sites dating from the prehistoric (likely Bronze Age) period onwards to the Medieval castle. The exact sites of all are not known, but if encountered would certainly be of regional if not national significance.

The construction of a house in this area is of some note and it has to be said some concern also. There are a number of features that are recorded in the immediate area of the area proposed for the construction of the house, though the archaeological implications would also extend to other aspects of the development proposed. The sites recorded by the HER in the surroundings of the application site include the nearby Edington Castle (Canmore ID 59687) which remains as ruins, the dovecote (Canmore ID 96929) as a standing monument, and the Medieval village of Edington (Canmore ID 59661) which lies somewhere in the area, together with further buildings - both standing (Canmore ID 59669) and demolished (Canmore ID 342538) as well as the site of a cist grave and mound of prehistoric date (Canmore ID 59640). In addition there are a number of earthworks clearly observable in the general aerial photography of the area which clearly once extended beyond into the now arable fields of cultivation, though this does not show much for evidence of the associated village likely nearby originally.

Both for the village site and the cist site, their exact locations are unclear from the available map and descriptive evidence. Whilst comparatively recent agricultural activities may have removed some of

their evidence, it is possible that below-ground evidence may yet be found and be of some value in recording. It is likely the Medieval village would have been in proximity to the site of the castle.

The construction of the house in this area has the potential for ground disturbance through its construction through the excavation for foundation trenches, as well as service trenches, and to a lesser depth but more extensive associated driveway access and car parking. These have immediate below-ground impacts into what shown in aerial photography as an arable field. There is the potential for archaeological remains to impacted upon by any house groundworks, but also the knowledge of such remains would also be imperfectly and incompletely known in the overall intention to make other than the house, car parking and driveway, access, grassed grounds with some trees and hedges planted, thus precluding the formation of cropmarks into the future.

There is the potential for archaeological remains in the area, particularly relating to the castle and village which would be of significance. It would be recommended that some evaluation be undertaken prior to the determination of this application. It is acknowledged that the submitted details include the acceptance of a watching brief condition to accommodate for the presence of archaeological remains, but given the whole impact across the whole plot it may be necessary to afford more time and weight to such observations, recovery and recording and in particular if remains of significance are encountered, which may necessitate further works again. There are a number of possible evaluation methods which need not be confined to trenching alone. A larger strip, map and sample approach is favoured in the area of the proposed house, whilst elsewhere more formalised trenching may be preferred.

However, should the application be granted planning permission, a condition requiring archaeological evaluation of the site prior to the commencement of development is recommended.

SBC Education and Lifelong Learning: No response received at the time of writing.

SBC Roads Planning: No objections in principle, however there are concerns that the proposal removes the existing field access at the south east corner of the site and Roads Planning would like to know how the applicant intends to access the remainder of the field not included within the housing plot. Roads Planning would not be in a position to support a field access directly from the A6105 at this location. Roads Planning also have concerns with regards the proposal for landscaping along the northern boundary of the site. This area is essential for junction visibility when entering the A6105 from the minor public road. Roads Planning would look for the existing hedges/shrubbery and foliage to be removed from this area to improve the existing visibility with only the existing roadside wall to be provided within the 4.5m by 140m junction visibility envelope.

In terms of the details of the site, the access will have to be formed by way of a service layby and two parking spaces and turning be provided within the curtilage of the site.

Chirnside Community Council: Support the application.

Scottish Water: For water supply, there is currently sufficient capacity at the Rawburn Water Treatment Works to service the development. For foul waste, there is no public waste water infrastructure in the vicinity of the proposed development and we advice the applicant to investigate private treatment options.

## REPRESENTATIONS

None received at the time of writing.

## PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

ED9: Renewable Energy Development

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP8: Archaeology  
EP10: Gardens and Designed Landscapes  
EP13: Trees, Woodlands and Hedgerows  
IS2: Development Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and SUDS

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005  
Development Contributions Supplementary Planning Guidance 2011 (Updated 2020)  
Landscape and Development Supplementary Planning Guidance 2008  
Local Biodiversity Action Plan Supplementary Planning Guidance 2001  
New Housing in the Borders Countryside Supplementary Planning Guidance 2008  
Privacy and Amenity Supplementary Planning Guidance 2006  
Placemaking and Design Supplementary Planning Guidance 2010  
Renewable Energy Supplementary Guidance 2018  
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020  
Trees and Development Supplementary Planning Guidance 2008  
Waste Management Supplementary Guidance 2015

HES: Managing Change in the Historic Environment: Setting 2016 (updated 2020)  
Scottish Planning Policy 2014

**Recommendation by** - Paul Duncan (Assistant Planning Officer) on 8th March 2021

## BACKGROUND

This application seeks full planning permission for the erection of a dwellinghouse. The proposed site lies close to the remains of the former Edington Castle, in a countryside location situated between the villages of Chirnside and Foulden.

The application follows a recent pre-application advice enquiry. The applicant was advised new rural housing would not be supported at this location as there is no existing building group.

## SITE DESCRIPTION

The proposed site is D-shaped and forms part of a fairly flat grass field. It is enclosed to the north by a low stone wall, which separates the site from the A6105 road beyond. To the east, the site is bounded by a post and wire fence, intermittent hedging and several mature trees. The minor road to Edington Mill passes the site to the east. The southern boundary is marked by timber ranch style fencing.

The western boundary is less clearly defined. Mature trees separate the site from one of two nearby dwellinghouses, The Bungalow (referred to in submissions as Edington House/ Edington Mains Bungalow). The Bungalow is a C-shaped single storey dwellinghouse and is enclosed on three sides by mature trees. A static caravan lies within the curtilage of the property.

To the north of The Bungalow lie the ruins of the former Edington Castle. The Castle is thought to date back to at least 1654. The Castle and its surroundings are designated by the Council as a Designed Landscape, however there is very little remaining of the former Castle. Further to the north of the Bungalow, on the far side of the A6105 road, lies the second of the two nearby dwellinghouses, Brae House. Land beyond the properties and roads described above mainly comprises arable farmland.

## PLANNING HISTORY

There is no planning history at the proposed site.

Planning history associated with Brae House is limited to two applications in the 2000s (00/00472/FUL and 06/02062/FUL). The approval granted in 2000 was as a replacement to an existing former smiddy cottage.

There is no available planning history for The Bungalow (aka Edington House), nor the static caravan currently sitting within its curtilage.

## PROPOSED DEVELOPMENT

The application proposes to erect a single detached dwellinghouse to the south of the plot. Vehicular access would be taken directly from the minor road to Edington Mill.

The dwellinghouse would comprise of two single-storey pitched-roof ranges, connected by a flat-roofed link. Externally, the proposed materials would be white rendered/ porcelain stone clad walls, concrete roof tiles and UPVC windows. PV panels would be fitted to the roof.

A single mature tree would be felled close to the vehicular entrance to the plot.

## KEY PLANNING ISSUES

The key consideration for this application is whether the principle of erecting a dwellinghouse at this location satisfies the Council's housing in the countryside policy.

## ASSESSMENT

### Principle

The proposed site is located in a countryside location, outwith any settlement. The Council aims to encourage a sustainable pattern of development focused on defined settlements, however Local Development Plan policy HD2 (Housing in the Countryside) provides a policy basis for the consideration of housing proposals outwith settlements.

In the absence of any specific economic justification for the new dwellinghouse, the application falls to be assessed against Policy HD2(A) - Building Groups. This states that housing in the countryside may be approved provided the Council is satisfied that the site is well related to an existing group of at least three houses or buildings currently in residential use. Further allowances are made for proposals which include a conversion, but are not relevant here as no conversion is proposed.

The New Housing in the Borders Countryside Supplementary Planning Guidance states that normally a building group will consist of residential buildings comprising at least three dwelling units. The exceptions are where conversion is proposed, and in the Southern Housing Market Area, neither of which are relevant here. To satisfy HD2(A), a building group of three units is therefore required.

Two dwellinghouses are located with relatively close proximity to the proposed site, The Bungalow to the west, and Brae House to the north. The next nearest dwellinghouse is located over 300m to the south of the proposed site at Edington Mains Farm Cottages. This is well beyond what could be considered to be within the site's sense of place. Therefore, the maximum size of any building group that could be recognised at this location is considered to be two.

In correspondence, the applicant's agent argues that the building group includes Brae House's garage, The Bungalow's static caravan, and the ruins of the former Edington Castle. (It should be noted that whilst the agent's list is numbered 1-6, one of the numbered items is simply a photo of the static caravan.)

Brae House's garage is not a separate dwellinghouse. It does not count as a separate building in residential use as a dwelling unit, as the SPG requires.

The planning status of the static caravan is unclear. No planning application has been lodged to site a static caravan at this location. In any event, the caravan does not count as a building in residential use as a separate dwelling unit.

As noted above, for a building to count towards a building group it must be in current residential use. The ruins of the castle are not in residential use, nor are they capable of being occupied in any sense.

In summary, there are considered to be a maximum of two buildings in residential use as a dwelling unit which could conceivably comprise a building group at this location. As there is no building group of three, and there are no conversion proposals, the proposals cannot satisfy LDP Policy HD2(A).

Furthermore, notwithstanding the above, it is noted that The Bungalow is well contained by mature trees on three sides. The house is barely visible from the public road. The ruins of Edington Castle and the A6105 road further separate it from Brae House. The two buildings are not considered to be suitably related to achieve a singular sense of place. Therefore there is not considered to be a building group at this location of even two units.

In addition, the proposed site is separated from The Bungalow by mature trees. The site does not secure a strong relationship with The Bungalow or sense of place. Brae House is located at a greater distance again, separated by the A6105 road. The proposed site does not secure a suitable relationship with that dwellinghouse either. Therefore in siting, as well as in the absence of a building group, the proposals fails to comply with LDP policy HD2(A) - Building Groups. Instead, as The Bungalow is barely visible to most public receptors, the proposed dwellinghouse would appear as an isolated dwellinghouse, or else extending development from Brae House across the A6105 without any obvious rationale. This would result in the type of inappropriate, sporadic development our Local Development Plan policies seek to avoid.

The application's supporting information also argued that the proposed dwellinghouse may satisfy Policy HD2(B) - Dispersed Building Groups. However, this policy is clear. It only applies to the Southern Housing Market Area (SHMA) to the south and west of Hawick and Selkirk. The related policy provisions of HD2(B) are not relevant to this application.

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 economic benefits of erecting a single dwellinghouse would be minimal, short-lived and would not justify a departure from policy HD2.

In summary, the proposed development is considered to be in 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.

### Placemaking and Design

The Bungalow and Brae House exhibit very different architectural styles. The former is of suburban character, with shallow roof pitches and a horizontal emphasis. The latter is two storey, with more traditional 45 degree roof pitches producing a clear vertical emphasis.

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.

The proposed external materials of concrete tiles and porcelain render system are not considered to be of sufficient quality or suitability for a new dwellinghouse at such a prominent location and will detract from the character of the area. Whilst The Bungalow features concrete roof tiles, this dwellinghouse is not readily seen from the main road and where seen from the minor road, is viewed at a distance.

The proposed dwellinghouse would have not relate particularly well to either of the existing dwellinghouses nearby but is broadly acceptable in scale, form and massing. The proposed materials would detract from the character of the area. This issue could likely have been addressed through discussions, but given the principle of the dwellinghouse cannot be supported, it has not been appropriate to enter into such discussions.

## Roads Access and Parking

The proposed site would be served by a new vehicular access from the unclassified road which in turn connects to the A6105 road via an existing junction to the north-west of the proposed site. The Roads Planning Service (RPS) are satisfied by these proposed access arrangements. However, they do note two concerns. Firstly, regarding the loss of what is thought to be the sole vehicular access to the existing field, which extends beyond the proposed site. This is likely to require a new vehicular access to be formed, and the RPS would not support a new direct vehicular field access from the A6105. Secondly, existing foliage and proposed landscaping are in conflict with visibility at the junction with the A6105. The agent is content for these matters to be addressed by appropriately worded planning conditions. Discussions with the RPS confirm that this should be feasible had the application been supportable. Further conditions would have been required to secure a service layby access and parking and turning prior to occupation.

## Impacts on Edington Designed Landscape

Policy EP10 of the Local Development Plan seeks to safeguard the landscape features, character and setting of sites listed in the Inventory of Gardens and Designed Landscapes or the Council's record of gardens and designed landscapes.

The proposed site lies within Edington Designed Landscape, which is associated with the former castle. 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. The study judged the designed landscape to be of some local significance, but there is little remaining of the site other than the castle ruins. Further development so close to the Designed Landscape would be harmful, though this would not be considered sufficient justification to form the basis of a refusal. It does however reinforce the overall assessment that the proposed development is unsuitable.

## Archaeology

Policy EP8 of the Local Development Plan states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Archaeology Officer considers there to be archaeological potential at this site of regional and possibly national significance. Archaeological interests recorded in the immediate area are not limited to the former Edington Castle, but include a dovecote and a pre-historic cist grave and mound. A medieval village is also thought to be located nearby. The application acknowledges the archaeological significance of the site and offers acceptance of a watching brief condition. Our Archaeology Officer judges the significance of the site to warrant pre-determination evaluation. However, as the proposals are fundamentally at odds in policy principle terms, it has not been appropriate to make such demands of the applicant. Had the application been supportable, it would have been appropriate to explore this point further.

## Residential Amenity

Policy HD3 (Residential Amenity) of the Local Development Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

Given the distances to neighbouring properties, the proposed development would not be considered likely to cause any significant adverse residential amenity issues. The design statement states that heating would be supplied by an air or ground source heat pump. Had the application been supportable, it may be appropriate to attach our standard noise condition to control noise emanating from these systems.

## Trees

Policy EP13 of the Local Development Plan seeks to protect trees from development.

The application states that one tree would be required to be felled to deliver the development. The tree in question is a fine mature specimen and its loss would be regrettable. No clear justification for the need to

remove the tree has been provided. The proposed access into the site also appears to extend into the RPA of a second mature tree. The current proposals are therefore contrary to Policy EP13. Had the principle of the proposed development been acceptable, it would have been appropriate to amend the site layout, if needed, to avoid impacting the trees and to protect all trees and hedges within and close to the site from felling or harm during construction.

## Ecology

Policies EP1 to EP3 seek to protect sites and species afforded international and national protection from adverse forms of development and also aim to safeguard and enhance local biodiversity.

An ecological report was submitted within the application and following a site walkover assessment. This found the presence of a very poor variety of habitats within the survey area: the site mainly comprises a grass field. The assessment found no potential to support any protected species or habitats of species of conservation concern within the construction footprint. The single tree identified was found to have negligible bat roost potential. The report recommended basic mitigation and biodiversity enhancement within the site. I see no reason to question the findings of the report. Had the application been supportable, it would have been appropriate to secure the basic mitigation and biodiversity by planning condition.

## Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out within Local Development Plan policy IS2.

The proposed site is located within the catchment areas of Chirnside Primary School and Berwickshire High School. The Development Contributions Supplementary Planning Guidance (2020 update) document states the contributions will be sought for new housing development within the catchments areas of both schools. The applicant has confirmed acceptance of the required contributions. Had the application been supportable, it would have been appropriate to secure these contributions via a Section 69 or Section 75 legal agreement prior to the release of consent.

## Prime Agricultural Land

The proposed site comprises open, undeveloped land which the James Hutton Institute classify as Prime Quality Agricultural Land.

Local Development Plan policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) seeks to ensure our finite agricultural land resource is retained for farming and food production. The policy states that development which results in the permanent loss of prime agricultural land will not be permitted unless the land is allocated for development; the development meets an established need and no other site is available; or the development is small scale and directly related to a rural business.

None of these criteria are considered to be met. There is no apparent need for the development of this particular site over more appropriate sites within this part of Berwickshire. However, it is also acknowledged that this land is small scale, and it is not thought to be used for agricultural purposes. The conflict with policy ED10 does not amount to a reason to refuse the application, but does reinforce the inappropriateness of the site for rural housing development.

## Services

Policy IS9 of the Local Development Plan states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water.

The application form states that the development would connect to the public drainage network (i.e. the public sewer). Scottish Water state that the public drainage network does not serve this area, therefore

private arrangements will be required. No information has been provided, but it is likely that suitable means could be secured via a planning condition.

The application form states that the dwellinghouse would be served by the public water supply. Scottish Water confirm this is available. Had the application been supportable, it would be appropriate to secure such a connection by a planning condition to ensure the dwellinghouse is serviced prior to occupation.

#### Assessment Summary

The principle of erecting a dwellinghouse at this location is in fundamental conflict with LDP policy HD2 (Housing In the Countryside). This policy requires new rural housing to be well related to existing building groups. There is no building group at this location, therefore the proposal fails the first test of policy HD2(A). None of the other qualifying criteria under HD2 apply. In the absence of any other justification, the principle of the dwellinghouse is contrary to policy HD2 and it is recommended that the application is refused. There are no material considerations which would outweigh this assessment.

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

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.

#### **Recommendation:** Refused

- 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.

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