

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00285/PPP

APPLICANT : Mr Charles Bruce

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land West Of
The Old Barn Westwater
West Linton
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: 0
SUMMARY OF REPRESENTATIONS:

No representations were received.

Consultation responses were received from:
Roads - no objection, subject to conditions;

Outdoor Access Officer - No objection. There are no claimed rights of way on this area of land. The council, as the access authority, has a duty to protect responsible access rights along the track and on to the wider path network. A request is made that the track remains open and free from obstruction at all times.

Scottish Water - no objection. There is sufficient capacity at Rosebery Water Treatment Works. The proposed development will be serviced by West Linton Waste Water Treatment Works but capacity cannot be confirmed.

Community council - supports the proposal.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016
PMD2 - Quality standards
HD2 - Housing in the countryside
HD3 - Protection of residential amenity
EP13 - Trees, woodlands and hedgerows
IS2 - Developer contributions
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;
Sustainable urban drainage systems;
Trees and development;
Waste management.

Recommendation by - Ranald Dods (Planning Officer) on 23rd April 2021

Site and proposal

The site lies some 900m south of West Linton and is located on a private road to the west of Bogbank Road. It is currently rough grazing with some mature trees located between the properties known as The Old Barn and Westwater Cottage. Although the trees are not protected, they are of high amenity value to the area.

The application is for planning permission in principle to erect a dwellinghouse.

Planning history

There is planning history in the area and that is relevant to the determination of this application. That history can be summarised as follows:

Westwater House

12/00311/FUL - Demolition of existing dwellinghouse and erection of replacement dwellinghouse, granted, 5 Nov 12

15/00003/FUL - Demolition of existing dwellinghouse and erection of replacement dwellinghouse, granted, 9 Mar 15

Land west of Westwater House

16/00459/PPP - Erection of dwellinghouse, granted, 14 Jul 16

18/00432/FUL - Erection of dwellinghouse, withdrawn, 10 May 18

Land north east of Westwater Cottage

12/00298/FUL - Change of use from disused barn, alterations and extension to form dwellinghouse, granted, 18 Jun 14

15/00674/FUL - Change of use from disused barn, alterations and extensions to form dwellinghouse, granted, 7 Feb 16

16/01368/FUL - Erection of dwellinghouse, granted, 8 Feb 19

Land south of Westwater Cottage

03/00202/OUT - erection of dwellinghouse. Refused, 24 Mar 03

Appeal (03/00032/REF) to DPEA upheld, 13 Jan 04

14/01182/FUL - erection of dwellinghouse. Refused, 1 Apr 15

15/00014/RREF LRB granted, 29 Feb 16

A pre-application enquiry was submitted (reference 20/00722/PREAPP), with a response being issued on 18 December 20. Whilst pre-application advice is not binding, it is intended to inform the enquirer of the acceptability or otherwise of their proposals. In that instance, the response indicated that the proposal for future development would be unlikely to gain support during the current plan period.

Principle

The proposal is for a new house in the countryside, covered by policy HD2 of the LDP. That policy sets out 6 broad criteria. Those are: A) building groups; B) dispersed building groups (related to the southern

housing market area); C) conversions; D) restoration; E) replacement dwellings and; F) economic requirement.

In relation to those criteria, the proposed development could be considered possibly in terms of only criterion A) building groups. The other criteria are not relevant to this proposal.

Criterion A) allows for up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups. Three tests are set out, being:

- a) 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 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;
- b) 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;
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In terms of criterion a) set out above, a building group does exist and that has been accepted, as evinced by the planning history above. This site is contained by roads (and trees) to west and south and a sympathetic development should be able to relate well to the existing sense of place of the group.

In terms of criterion b), the application does not contain any detail as this is made to establish the principle. The impact on the character of the building group and the area cannot, therefore, be assessed in any detail. It would appear, however, that through careful siting and design, it may be possible to introduce a new house into this location without significant detriment to the area.

The critical criterion for this application is c). The proposal is for one dwelling. This would now exceed the limit of two dwellings or a 30% increase in addition to the group during the plan period. This is in line with the pre-application advice offered to the applicant in December. There has been no change in material circumstances since that time which would alter that assessment. The current plan period commenced with the publication of the Scottish Borders Local Development Plan 2016. Until the new LDP is approved, there is no capacity for development in this building group. The LDP's 2 house/30% rule supersedes the 100% rule referred to in the New Housing in the Borders Countryside SPG

The proposed development would be premature and the applicant has not advanced a case setting out why there is an overwhelming need for the development of the site to necessitate a departure from the LDP. This proposal remains wholly inconsistent with planning policy and guidance. There are no material considerations of which I am aware that would suggest that policy provisions should be set aside in favour of the development. The principle of the development is therefore not accepted.

Design

No indicative design has been submitted. Although it may be possible to design a building which could integrate well with the surroundings, that would be a matter for further applications. Given the height of the buildings in the immediate vicinity, were the principle to be acceptable, I would envisage that a house of single storey construction would be the most appropriate approach to adopt. I would expect that the primary frontage of the house would address the access track to the south.

Amenity and privacy

The application is for planning permission in principle. Without indicative designs, it is not possible to assess the potential impact of the proposed house on amenity and privacy. Having said that, the size of the plot would indicate that it may be possible to locate a sensibly designed house on the site without a negative effect on the privacy and residential amenity of adjoining properties.

Developer contributions

Contributions would be required for education provision, were the application to be granted. The applicant has indicated those would be secured by means of section 75 agreement were permission to be granted.

Access and parking

There appears to be sufficient space available on the site to provide parking for two vehicles and associated turning space. Roads did not object but suggested conditions relating to access and parking.

Impact on trees

The site has a number of mature and those are of high amenity value and add to the landscape setting. Advice was given at pre-application stage that further submissions should be supported by a tree survey and plan indicating root protection areas. That information was not submitted with this application. Whilst it may be possible to develop a house on the site, the location of the trees to west would indicate that the house would need to be located towards the eastern edge of the site. If permission were granted, any future application would have to be supported by an accurate arboricultural assessment and protection plan. Ideally, however, it would be submitted as part of any new PPP application during the next LDP period so the developable area of the site can be firmly established.

Services

The applicant states that the site will be connected to a private water supply and that foul drainage would be by means of a private system. As noted in Scottish Water's consultation response however, that organisation indicated that the development could be serviced by the local waste water treatment works. In order to comply fully with policy IS9, further applications would have to demonstrate that the site can indeed be serviced adequately in terms of water and drainage. There appears to be sufficient space within the plot to site waste and recycling containers away from the front elevation of the house.

Conclusion

The proposed development is located on an undeveloped greenfield site within the countryside. The proposal is contrary to policy HD2 of the Local Development Plan 2016 in that the development which exceed the limitations of the group during the current LDP period.

REASON FOR DECISION :

The development would be contrary to policy HD2 of the Local Development Plan 2016 in that the development would exceed the limitations of the group during the current Local Development Plan period. No overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Recommendation: Refused

- 1 The development would be contrary to policy HD2 of the Local Development Plan 2016 in that the development would exceed the limitations of the group during the current Local Development Plan period. No overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by 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”.