

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/00030/PPP

**APPLICANT :** Mr J Warnock

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse with outbuildings and associated work including new access

**LOCATION:** Land South West Of Rachan Woodlands  
Broughton  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
0001-C	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 13**  
**SUMMARY OF REPRESENTATIONS:**

13 representations were received from 12 individual addresses. Two were general comments which, although not noted as an objection, stated that the access drive was intrusive and that it would have been better to take an access from the existing track rather than across the field. Of the other representations: 1 stated simply that they had no objection; 3 simply that they supported the application; 3 commented on the design, despite the application being only in principle and; 4 were blank emails submitted without any comment.

Consultation responses were received from:

Roads - no objection, subject to conditions;

Landscape Architect - Objection. The indicative design is not complimentary. The access is not sustainable and would have an unacceptable visual impact. Any development in this location would have to appear as part of a building group which has a woodland character and a more robust structure planting scheme would be required. The proposal would not enhance the scenic qualities of the immediate area;

Scottish Water - No objection. There is capacity at the Roseberry Water Treatment Works. There is no Scottish Water waste water infrastructure in the vicinity so the applicant is advised to investigate private treatment options.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD2 - Quality standards  
HD2 - Housing in the countryside  
HD3 - Protection of residential amenity  
EP4 - National scenic areas  
EP10 - Gardens and designed landscapes  
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;  
Local landscape designations;  
New housing in the Borders countryside;  
Placemaking and design;  
Privacy and sunlight guide;  
Sustainable urban drainage systems;  
Trees and development  
Waste management.

**Recommendation by** - Randal Dods (Planning Officer) on 4th March 2021

The applicant has submitted a supporting statement and I have had account of that in my consideration of the application. The application is not supported by a design statement assessing the impact on designated landscapes.

**Site**

The site is an undeveloped field, 600m to the south west of Rachan Home Farm, some 2.5km south south east of Broughton. It lies within the Upper Tweeddale national scenic area (NSA) and is within the locally designated Rachan designed landscape.

**Proposal**

The application is made for planning permission in principle for a new house. The applicant's supporting statement states that this would be for a retiring farmer.

**Policy**

The key policy against which this proposal must be assessed is HD2, housing in the countryside. That policy sets out 6 broad criteria of rural housing. 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 applicant has stated that the house would be for the owner of Rachan Home Farm and would be for his retirement, although no evidence has been provided by the applicant to substantiate the case. As such, the application should be considered in terms of criterion F) economic requirement, which makes provision for houses for a person last employed in agriculture etc. The spirit of the policy is to allow retiring farmers, for example, to have a house close to the farm building group where they spent the last years of their working life. In relation to this application, however, the applicant relies principally on criterion A), as set out in the supporting statement and we are therefore obliged to assess the application against that. That criterion is for general, open market housing rather than the very specific policy exemptions in terms of economic requirement. The other criteria are also not relevant to this proposal, including reference in the applicant's supporting statement to B) dispersed building groups.

Criterion F) states that housing with a location essential for business needs may be acceptable, if the council is satisfied that:

a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and it is for a worker predominantly employed

- in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or;
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and also employed on the unit that is the subject of the application and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and;
  - c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing and;
  - d) no appropriate site exists within a building group and;
  - e) there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant has stated the house would allow the current proprietor of Rachan Home Farm to retire, thereby passing the farm to the next generation. As such, sub-criterion a) is not relevant. Instead, the application has to be assessed in terms of sub-criteria b) - e). It is essential to note that the word "and" at the end of b) is critical. That makes it clear that where b) is met, all of the tests in c), d) and e) must also be complied with. If the retirement case could be substantiated, b) and arguably c) may be complied with. In terms of the subsequent sub-criteria, however, it is clear that the proposal is non-compliant.

Looking at each of those in turn: d) the applicant has not demonstrated that there are no appropriate sites within a building group and no evidence has been provided as to why sites adjacent to or, at the very least, much closer to Rachan Home Farm were not selected, and; e) the applicant has not provided any evidence to demonstrate that there is no suitable house available within the area or other building capable of conversion within the existing group of farm buildings. Since both those tests have not been met, the proposal cannot comply with policy HD2.

With regard to siting and assessing the application against criterion A), the site is not considered to be part of or even well related to the group of 4 houses, formed from the converted former stables and the late 20th century house of no architectural merit known as The Norlands, which lies to the north west. Rather it is some 100m distant with no physical or visual tie to that group. The SPG on New Housing in the Borders Countryside, which reinforces the terms of policy HD2, states that the existence of a group will be identifiable by a sense of place which will be contributed to by: natural boundaries such as water courses, trees or enclosing landform or; man-made boundaries such as existing buildings, roads, plantations or means of enclosure. The SPG also makes it clear that sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field.

That is exactly the situation which is found with this site. It is an undeveloped field with a strong definition of the edge of the site to the north, north east and the south west, formed by a mature forest - which the applicant himself notes defines the character and setting of the site - and an existing access track, beech hedging and stockproof fencing. Those strong features serve only to emphasise the isolation of the site from the buildings which exist to the north west. The isolation would be further emphasised by the formation of a new track, 150m in length, through the field. Even were an access to be achieved from the existing access track, the fundamental issue of the site's perceived isolation would not be overcome.

Taking the above factors together, this proposal remains wholly inconsistent with policy HD2 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. Structure planting around the site would assist with the development's integration, but would take many years to achieve the desired effect and it is not considered that a condition addressing this would overcome the poor relationship the development would initially have with the group. The principle of the development is therefore not accepted.

#### Landscape designations

The site is within the Upper Tweeddale NSA and the locally designated Rachan designed landscape and, other than a passing mention in the applicant's planning statement, the proposal takes no account of those designations. In objecting to the proposal, the Landscape Architect stated that the wider area is designated for 'its rich diversity, prominent landforms combining with rivers, woods and moorlands, to produce a 'pleasing physiography with varied land use' and 'scenery of great charm and soft beauty'. LDP policy EP4 aims 'to protect and enhance the scenic qualities of the NSA by influencing the nature of development' and

goes on to say 'the scale, siting and design of any development proposed shall be appropriate to its location, with high qualities of associated landscaping.' Rachan (including the site) is identified as a designed landscape in the Borders Designed Landscapes Survey 2008 and is considered as of high regional significance. The proposed house location lies at the north part of a field, close to the building group immediately to the north but largely separate from it by the woodland. Although that encompasses the building group, it does not encompass the proposed development site in the adjacent field.

The Landscape Architect noted concerns about this proposed development on three grounds. Those are: 1) although the application is for planning permission in principle, the indicative house plans and elevations do not complement the existing houses in the immediate area; 2) the proposed access to the site across the field is not as sustainable as bringing an access off the existing shared access drive to the building group to the north. A drive of circa 150m across an agricultural field would have an unacceptable visual impact and; 3) if a development were to be considered in this location, it would have to appear as part of the building group which has a woodland character. A much more robust structure planting scheme encompassing the development site to the south (not so much to hide it as assimilate it into the immediate area) would be necessary. Were permission to be granted, structure planting should be required by condition. As noted above, however, that any such planting would take a considerable period of time to establish and the negative visual harm of developing in the open field is likely to remain for many years. In summary, the Landscape Architect does not consider that the proposal enhances the scenic qualities of the immediate area.

Whilst the proposal would not be detrimental to the overall integrity of the NSA and local landscape designations, it is likely to have a significant adverse effect on the qualities for which the site and its surroundings have been designated and those are not outweighed by social or economic benefits of national importance. The proposed house is not carefully sited and is not informed by and respectful of the historic landscape structure and is not supported by a design statement. As such, the proposal is contrary to policies EP4 and EP10.

#### Indicative design

The indicative design has been submitted. That design is clearly at an advanced stage of preparation and is shown as a single storey house which would have three bedrooms and a garage, which appears to be linked to the house by a car port. That would result in a Y shaped building of approximately 250m square in total. Two sheds, an indicative design of which has not been shown, would be located to the west north west of the house. Although the design shown may be acceptable in many locations, it has no aesthetic or design links with the buildings in the building group to the north west.

#### Amenity and privacy

Based on the indicative site plan, plans and an elevation have been submitted, it is possible to assess the potential impact on amenity and privacy but only of that house design in that location. Being isolated by approximately 100m from other houses, the proposal would not have a negative effect on privacy and residential amenity.

#### Developer contributions

Contributions would be required for education provision, were the application to be granted. Those would be secured by means of either a section 69 or section 75 agreement. A legal agreement would also be required to tie the house to the farm if permission were 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. The applicant proposes a new access from the D54-1 with a 150m driveway through the field to the house. Although Roads did not object and whilst they accept that visibility from a new access would be better than via the existing access, they stated that an access to the site from the existing track would be preferred. Conditions were recommended in the event that permission were to be granted.

#### Impact on trees

The site is bounded by mature woodland (known as Tomb Plantation) to the north and north east. That is of high amenity value and is a key element of the NSA and designed landscape. Most of the development is likely to be outwith the root protection areas of those trees, based on the submitted indicative site plan. Whilst that indicative plan appears to show that it may be possible to develop a house on the site without

affecting the woodland, if permission were granted, any future application would have to be supported by an accurate arboricultural assessment and protection plan.

#### Services

The applicant states that the site will be connected to the public water supply and that foul drainage would be by means of a private system. 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 would not relate sympathetically to an existing building group. The applicant has failed to demonstrate that there exists no appropriate site within a building group and there is no suitable existing house available or other building which is capable of conversion for the required residential use. No account has been taken of the quality of the landscape setting and the proposal is likely to have a significant adverse effect on the qualities of both the NSA and locally designated designed landscape. No overriding case for a dwellinghouse in this location has been substantiated.

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

The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and no overriding case for a dwellinghouse on the site has been substantiated. The applicant has failed to demonstrate that there exists no appropriate site within a building group and there is no suitable existing house or other building capable of conversion for the required residential use and 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.

The development would be contrary to policy EP4 of the Local Development Plan 2016 in that it is likely to have a significant adverse effect on the qualities for which the site and its surroundings have been designated and no overriding case for a dwellinghouse on this site within the Upper Tweeddale National Scenic Area has been substantiated. This conflict with the development plan is not overridden by other material considerations.

The development would be contrary to policy EP10 of the Local Development Plan 2016 in that the proposed house is not carefully sited and is not informed by and respectful of the historic landscape structure. No overriding case for a dwellinghouse on this site within the locally designated Rachan designed landscape 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 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and no overriding case for a dwellinghouse on the site has been substantiated. The applicant has failed to demonstrate that there exists no appropriate site within a building group and there is no suitable existing house or other building capable of conversion for the required residential use and 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.
- 2 The development would be contrary to policy EP4 of the Local Development Plan 2016 in that it is likely to have a significant adverse effect on the qualities for which the site and its surroundings have been designated and no overriding case for a dwellinghouse on this site within the Upper Tweeddale National Scenic Area has been substantiated. This conflict with the development plan is not overridden by other material considerations.

- 3 The development would be contrary to policy EP10 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that proposed house is not carefully sited and is not informed by and respectful of the historic landscape structure. No overriding case for a dwellinghouse on this site within the locally designated Rachan designed landscape 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”.**