

Local Review Body Appeal – Land east of Dogcraig Cottage, Scotsmill, Kailzie

Grounds of Appeal

Introduction

This Statement has been prepared on behalf of **Lady Angela Buchan Hepburn** in support of her appeal to the Council's Local Review Body (LRB) against the refusal of planning permission in principle for the erection of a single dwellinghouse on land east of Dogcraig Cottage, Scotsmill (Ref. 20/01350/PPP).

The application was refused under delegated procedures on **15th January 2021** for the following two reasons:

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 would comprise sporadic development in a linear manner alongside the public road in a countryside location 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";* and
2. *"The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access. This conflict with the development plan is not overridden by other material considerations."*

Background

At the time of submission of the application to the Council, Lady Hepburn resided at Garden House. Since her arrival in the 1960s, she has been instrumental in the re-establishment and subsequent management of the extensive gardens at Kailzie. The gardens have and will continue to play an important role in the tourism offering in the local area.

Lady Hepburn has recently handed over the day-to-day management of the Estate to new owners and is currently living in rented accommodation in Peebles. Given her long-standing personal connections with the Kailzie area, she wishes to construct a modest 'retirement' property on land under her ownership at Scotsmill.

The application for planning permission in principle was submitted to the Council in early November 2020. It was accompanied by an indicative site layout, an indicative house design, an indicative visualisation from the B road, a Supporting Planning Statement and a Preliminary Ecological Appraisal.

The planning officer comments in his Delegated Report that, in his view, the proposed house lacks connection with the existing 'building group' at Scotsmill in terms of its design and aesthetic. As the application sought planning permission in principle, the submitted house design was for indicative purposes only. To confirm, should the LRB be minded to grant approval, the appellant would be delighted to work with the Council's planning and design officers to progress an acceptable design solution.

In response to comments made by statutory consultees in respect of the site's proximity to the River Tweed and associated ecology and flood risk matters, a revised indicative site layout (Drawing 102 Rev A) and an indicative site section (Drawing 105) were submitted to the Council in December 2020.

It is noted that the Council's roads officer objected to the application. In response, Lady Hepburn appointed ECS Transport to liaise with the roads officer and to address his concerns. The planning officer was advised in writing of ECS Transport's appointment, but the application was determined before the discussions with the roads officer were concluded. In response to the second reason for refusal therefore, ECS Transport has produced an access arrangement and visibility splay drawing and an accompanying Technical Note summarising the

discussions with the roads officer. On the basis of said discussions, ECS Transport is of the opinion that the second reason for refusal in terms of site access and road safety has been satisfactorily addressed.

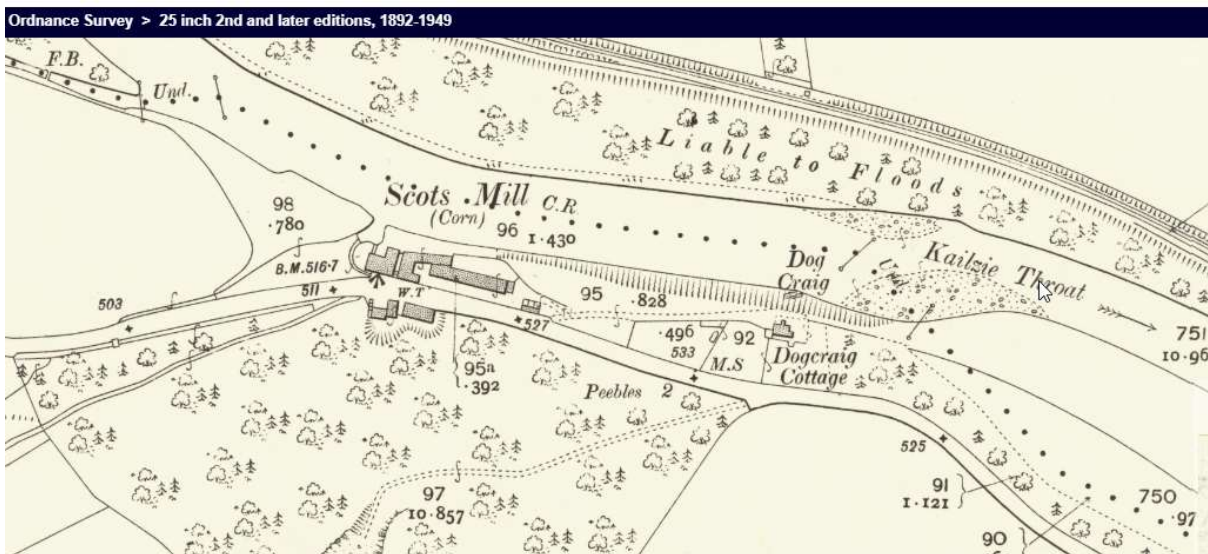
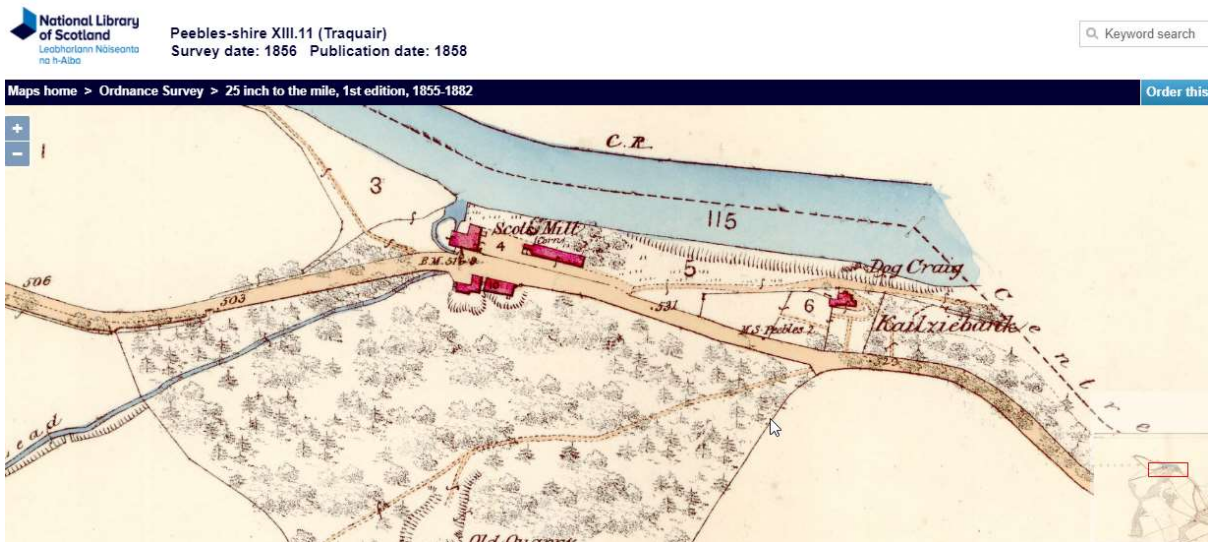
As summarised in the planning officer's Delegated Report, subject to detail and the imposition of suitably worded conditions, there are no objections from the Council's flood risk and ecology officers, SEPA or NatureScot.

It is noted that the local Community Council objected to the application. The points raised in its response are addressed below.

Site Description

The site is situated to the east of an established 'building group' known as Scotsmill. Several of the properties associated with previous milling activity at this location are Category B listed.

The site itself is bound by the River Tweed to the north, by mature tree cover to the east and by the B7062 road and a stone wall to the south. The ruins of a former cottage lie within the eastern portion of the site. The mapping extracts below (dating from the 1850s onwards) illustrate the location of this property and show that the site was historically garden ground.



Planning History

The majority of the site was previously subject to an outline planning application for the erection of a single dwellinghouse in 2003 (Ref. 03/00876/OUT). This application was refused planning permission and a subsequent appeal to the Directorate of Planning & Environmental Appeals (DPEA) was dismissed.

However, land immediately adjoining the site to the west has a history of planning permission for residential use, most recently granted in 2004.

Rebuttal of the Reasons for Refusal

Reason for Refusal 1

Contrary to the conclusions of the planning officer, the appellant maintains that the proposals sit comfortably with the aims and objectives of adopted Policy HD2 and the 'New Housing in the Borders Countryside Supplementary Planning Guidance' insofar as they relate to additions to building groups.

At the outset, the fact that there is an established 'building group' at Scotsmill is not in dispute.

However, contrary to the first reason for refusal, it is considered that development on the subject land would extend the existing 'building group' into a readily definable site that is physically well-contained through a combination of mature trees and hedgerows, stone boundary walls and the River Tweed.

Subject to sensitive siting and high quality design, the appellant's modestly sized 'retirement' property proposals could be successfully accommodated at this location without detriment to the immediate and wider landscape setting.

In order to reinforce the site's physical and visual relationship with the 'building group' and its contribution to Scotsmill's 'sense of place', the submitted indicative site plan shows that the house would be located within the western portion of the subject land. A suitably worded condition could be applied to any future planning permission in principle to secure this.

It is acknowledged that the nucleus of the 'building group' at Scotsmill is centred on the historic former mill buildings (some of which are listed). However, as illustrated by the historic mapping extracts above, there has been a property with associated garden ground at this location in the past. It is also important to recognise that there has been more recent development at Scotsmill which contributes to the 'building group' and the Council previously granted planning permission for a single house on land immediately adjoining the site in 1998 and again in 2004.

In this respect, the appellant considers that site forms an integral part of Scotsmill's 'sense of place' and the existing tree cover on its eastern boundary, proposed to be supplemented with new planting, provides a landscape and visual 'stop' to the 'building group'. In this latter regard, concerns in respect of 'ribbon' development along the B road are not considered to be justified.

Reason for Refusal 2

The submitted indicative site layout shows that vehicular access would be provided from the B road that forms the southern boundary of the site. A service layby as per the Council's standards is included to allow refuse collection without disrupting traffic flow on the public road. There is sufficient capacity within the site boundary to accommodate the required parking provision and associated manoeuvring space to allow vehicles to enter and exit the site in a forward gear.

As detailed in the accompanying Technical Note prepared by ECS Transport, following a site visit, the roads officer agreed that traffic speeds on the B road are likely to be in the region of 40mph. On this basis, minimum visibility splays of 2.4m x 120m are required in both directions. The access arrangement and visibility splay drawing prepared as part of the Technical Note demonstrates that this can be achieved.

ECS Transport is therefore of the opinion that the second reason for refusal in terms of site access and road safety has been satisfactorily addressed.

Conclusions

Overall, it is concluded that a sensitively designed dwellinghouse at this location would make a positive contribution to the existing 'building group' in terms of its established character and landscape setting and, supported by ECS Transport's Technical Note, there are no insurmountable technical issues in terms of access and road safety, parking and site servicing.

The proposal therefore compares favourably with the aims and objectives of the adopted Scottish Borders Local Development Plan (specifically Policies HD2 and PMD2) and associated Supplementary Planning Guidance.

Galbraith
April 2021