



SCOTTISH EXECUTIVE

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Your ref: IB/201
Our ref: P/PPA/140/197

26 February 2004

Ian Borthwick
Tullibardine
Haystoun Terrace
Peebles
EH45 9EA

Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4

PLANNING APPEAL BY GEORGE CHARTERS: ERECTION OF DWELLINGHOUSE AT SITE EAST OF DOGCRAIG COTTAGE, SCOTSMILL, PEEBLES

1. I refer to your client's appeal, which I have been appointed to determine, against the refusal of outline planning permission by The Scottish Borders Council for the above development. I have considered the written submissions and made an accompanied inspection of the appeal site and the surrounding area on 14 January 2004. The written submissions were concluded with the receipt of the location plan showing the adjoining site with planning permission submitted by the council on 16 February 2004.
2. The appeal site comprises an area of disused land on the south bank of the River Tweed. It is 0.1 hectares in extent and is located to the north of the B7062 road leading from Peebles, approximately 1 kilometre to the north west, to Traquair, some 7 kilometres to the south east. The site is located to the east of former mill buildings, now in residential use, known as Scotsmill. The Mill House is 2 storeys in height. There is a one and a half storey cottage known as Dogcraig Cottage to the east of the Mill House. To the south of The Mill House and Dogcraig Cottage, on the opposite side of the B7062, is a one and a half storey house known as The Miller's House. All the existing buildings in the area are of traditional construction with stone walls and slate roofs.
3. The appeal site has a road frontage of approximately 55 metres and extends northwards for approximately 35 metres from the road to the river. That part of the site which is nearest the road is level with it and slopes gently northwards to a sharp break of slope, which is roughly halfway between the road and the river. The northern part of the site is at a much lower level and forms the southern river bank. There are stone walls along the road frontage and forming the eastern and western site boundaries. There is a ruined building on the lower level to the east of the site boundary and the remains of walls in the middle of the site at the higher level. There are mature trees on the

both the western and eastern boundaries, including a large tree very close to the road at the south eastern corner of the site. The site is separated from the buildings to the west by a slightly smaller area of land, similar in character to the appeal site. There is planning permission for one house on that area of land.

4. Your client applied for outline planning permission to erect one house on the site. The planning application form indicates that the intention was to form a new access to the site and that 3 parking spaces would be formed. Foul drainage would be discharged to a septic tank and surface water to a watercourse/soakaway.

5. Planning permission was refused for the following reason:

"The proposal would be contrary to policy H5 of the Scottish Borders Approved Structure Plan 2001-2011 and policies 7 and 57 of the Tweeddale Local Plan in that the site is poorly related to and detached from the form of the existing building group and that the proposal would constitute ribbon development along the B7062."

DEVELOPMENT PLAN POLICIES

6. The following policy of the Scottish Borders Structure Plan 2001 was referred to:

*"Policy H5
New Housing in the Countryside – Building Groups*

Proposals for new housing in the countryside outwith defined settlements but associated with existing building groups will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (i) are readily accessible to the strategic public transport network,*
- (ii) employ energy efficient or innovative design principles'*
- (iii) incorporate employment generating uses appropriate to a countryside setting."*

7. The following policies of the Tweeddale Local Plan 1996 were referred to and are summarised below:

"Policy 7 Outwith the settlements identified in policies 2, 3 and 6, limited new housing development will be encouraged within or adjacent to recognised building groups. All development should meet the following 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....*
- 6. Appropriate siting, design and materials in accordance with Policy 57 and 58;*
- 7. The safeguarding of known mineral resources.....*

Policy 57 The Regional Council will ensure that any new building in the countryside is of sympathetic design and materials. Particular attention will also be paid to the location and landscape setting of any development. Skyline locations and ribbon development will not normally be permitted."

SUMMARY OF CASES

8. **The council** accepts that there is a building group at Scotsmill and considers that structure plan policy H5 and local plan policy 7 are relevant. Scotsmill is a small compact group comprising traditional buildings with a clearly defined sense of place. Any additions to this group must successfully blend in with and complement the character of the group. Outline planning permission for a house on the adjacent site to the east was granted in 1998, followed by approval of reserved matters in 1999. That site was considered to be an appropriate addition, well related to the building group and constituting a rounding off and completion of the group. The proposed development would extend the building group further to the east.

9. The council's 'New Housing in the Borders Countryside Policy and Guidance Note 1993' as amended in April 2000 defines a building group as comprising at least 3 dwellings, not including ruins. The ruins of the building on the site and those to the east do not form part of the building group. In addition the ruins to the east do not relate well to the building group at Scotsmill. The council does not consider that this ruined building forms the eastern boundary of the building group or that the appeal site could be considered an infill site. The appeal site is detached from the building group both physically and visually due to the topography. It is difficult to envisage how the development of this site would successfully blend in with and complement the character of the group.

10. The proposal would constitute ribbon development along the B7062, contrary to policy 57 of the local plan. Ribbon development is defined in the plan as a: "*linear form of development especially along roads, which is resisted because of the planning and access problems it creates*". The policy resists visually intrusive development along roads, which is not well related to building groups or settlements. The requirement to fell the mature tree near at the south eastern corner of the site to create reasonable visibility splays at the vehicular access would affect visual amenity in the area.

11. **In support of your client's case**, you point out that Scotsmill was at one time a more extensive group of buildings which would have included the appeal site. The site is part of the historic sense of place at Scotsmill, which extends to and is closed by the trees on the eastern boundary. The ruins on the site and to the east of it contribute to the sense of place which provides the physical definition of the building group. To the east of the site the visual character of the area changes to the open estate landscape of the Kailzie estate. There is therefore a defensible boundary which would remove the risk of precedent. In any event the owner of the appeal site also owns the land to the east and does not intend to permit any other development in this part of the estate.

12. The definition of a sense of place "*will be contributed to by natural boundaries such as water courses, trees or enclosing landforms or man-made boundaries such as existing buildings, roads plantations or means of enclosure*". The quotation is taken from the council's policy guidance, which recognises there is no simple formula to define the limits of a building group and each case will depend on local factors. The historical factor at Scotsmill has to be taken into account. With approval of planning permission on the adjacent plot, the most appropriate and

readily definable boundary for Scotsmill in visual terms is the eastern boundary of the appeal site. The site is the only remaining infill opportunity at Scotsmill and approval would accord with the council's policies.

13. You consider that ribbon development is used indiscriminately for any proposal which extends development beside a road. The phrase once related only to the strings of houses which extend along arterial roads leading from towns and cities. Approval of a house on the appeal site would not set a precedent for ribbon development along the road. In answer to criticisms from the resident at Dogcraig Cottage, you disagree that many new houses have been built next to the Tweed as there are very few sites adjoining the river which are safe from flooding. It is not possible to undo the council's past decision to grant planning permission for a house adjacent to the appeal site. In any event an application to renew that consent has recently been lodged.

14. **Peebles and District Community Council** has no objections to the proposed development provided that the house would match the existing buildings of the group both in style and materials. **The resident at Dogcraig Cottage** objects to the proposal as there is a lack of information on where the house would be built and what size it would be. She obtained planning permission for a house on the adjacent site. Her architect ensured that that application was sympathetic to the area. Development on the proposed site would be linear development, which local residents and the council are against. Many new houses have been built alongside the Tweed, detracting from its natural woodlands and beauty. She is willing to withdraw her planning permission if that would mean no further house could be built on the appeal site. A house on the appeal site would change the character of this small hamlet.

CONCLUSIONS

15. Section 25 of the Act requires the determination in this case to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan comprises The Scottish Borders Structure Plan 2001-2011 and the Tweeddale Local Plan 1996. I consider, based on my inspection of the appeal site and the written submissions, that the issues to be determined are whether the proposal is consistent with the relevant provisions of the development plan and, if so, whether an exception to these provisions is justified by other material considerations

16. In relation to the first determining issue and policy 7 of the local plan, the proposed house would be adjacent to an existing building group and its development is therefore encouraged by the policy provided it meets certain criteria. I consider that there is no difficulty with criteria 1, 3, 5, and 7. Criterion 6 could be satisfied by appropriate planning conditions. The council's transportation department has advised that the stone wall along the roadside frontage would have to be relocated and the existing tree at the south eastern corner of the site would have to be removed to form satisfactory visibility splays. These matters could be covered by conditions if they were considered desirable. However, in my view these requirements would have a suburbanising effect on this pleasant rural area and an adverse effect on countryside amenity, meaning that the proposed development would be contrary to criterion 4 of policy 7.

17. With reference to policy 57 of the local plan and the definition of ribbon development in that plan, the proposed house would be on the same side of the road as The Mill House, Dogcraig Cottage and the site with planning permission to the east of Dogcraig Cottage. As the proposed house would extend the pattern of development further to the east in a linear fashion alongside the road I have no doubt that it would be ribbon development. This would be contrary to policy 57. I

have some sympathy with your argument that the appeal site is no different to the site with planning permission to the west. Indeed, I do not agree with the council's assertion that that site rounds off the building group at Scotsmill. Nevertheless, notwithstanding the merits of that earlier decision, I believe that a house on the appeal site would further exacerbate ribbon development in this area and that this would be contrary to local plan policy.

18. Policy H5 of the structure plan supports proposals for the development of new housing in the countryside associated with existing building groups if they accord with the policy guidance 'New Housing in the Borders Countryside'. This states that new housing will be encouraged to locate within or adjacent to preferred building groups identified in the local plan, although housing at other groups will also be considered, providing proposals meet the standard criteria of the policy. The policy guidance also requires an analysis of the presence or otherwise of a group and the suitability of the group to absorb new development.

19. With reference to the definition of a building group contained in the policy guidance, there are 3 existing houses at Scotsmill and planning permission for a fourth. I consider the traditional form and materials of the existing buildings and their historical associations as part of the mill buildings contribute to a strong sense of place. For this reason, the 3 existing houses at Scotsmill can therefore be defined as a building group. In addition, I consider that, when it is constructed, the house on the site with planning permission to the east of Dogcraig Cottage would be an addition to that building group and would be adjacent to it. As the appeal site is adjacent to the site with planning permission I consider that a house on this site would be adjacent to an existing building group and would be "associated with" it, which is the phrase used in policy H5.

20. The policy guidance requires an analysis of the suitability of the group to absorb new development. As I have concluded that the formation of a satisfactory access would be detrimental to countryside amenity and that the proposal would constitute ribbon development, I conclude that the building group would not be suitable to absorb new development on the proposed site.

21. I do not consider that the presence of the ruined building to the east of the site defines the eastern edge of the Scotsmill building group and that this means that the appeal site can be regarded as an infill site. The definition of what constitutes a building group in the policy guidance specifies that "a group will consist of residential buildings". Although the ruins to the east of the site may have been in residential use many years ago they are now no more than a collection of incomplete and low walls, invisible in any public view from the roadside. It is even less apparent what the ruins on the appeal site itself were formerly used for and even more difficult to see these ruins as they are so low and almost completely hidden by vegetation. I conclude in relation to policy H5 that although the appeal site is associated with an existing building group, that group would not be suitable to absorb new development on the site.

22. Drawing these threads together I have concluded that the proposed development would be contrary to local plan policies 7 and 57 and, because of the conflict with the policy guidance, to structure plan policy H5. I can find no other material considerations which would allow an exceptional approval contrary to the provisions of the development plan. I have taken account of all the other matters raised but find none that outweigh the considerations on which my decision is based.

23. Accordingly, and in exercise of the powers delegated to me I hereby dismiss your client's appeal and refuse to grant outline planning permission for a dwellinghouse at the site east of Dogcraig Cottage, Scotsmill, Peebles.

24. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

25. A copy of this letter has been sent to The Scottish Borders Council, Peebles and District Community Council and to the resident of Dogcraig Cottage.

Yours faithfully



KAREN HEYWOOD
Reporter