

**SCOTTISH BORDERS COUNCIL**

**TWEEDDALE AREA COMMITTEE**

**28 MARCH 2005**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 04/02222/FUL

**OFFICER:** Mr Barry Fotheringham  
**LOCAL MEMBER:** Councillor Norman  
**PROPOSAL:** Erection of dwellinghouse  
**SITE:** Site At Former Railway Line Adjacent to Tomb  
Plantation, Rachan, Broughton  
**APPLICANT:** Kate Pearson and Ian Maxwell  
**AGENT:** John R Harris and Partners

**SITE AND APPLICATION DESCRIPTION:**

The site is located within the former Rachan Estate Policies near Broughton and consists of a stretch of former railway line. The site has been re-graded and an access track taken from the road to the south, the northern end of the site has been re-graded and a flat area formed where a workshop/storage building has partly been erected. The site which is currently used for grazing is bound to the north and south by roads, whilst to the west is mature woodland and to the east a field.

It is proposed to erect a 1½ storey, chalet style dwellinghouse to the south of the part built workshop/storage building. It would be finished using rendered masonry and stained timber cladding on the walls and natural slate on the roof. It would have a first floor balcony on the south east facing elevation.

**CONSIDERATION BY TWEEDDALE AREA COMMITTEE:**

The application was considered by the Tweeddale Area Committee on 28 February where Members were minded to continue the application in order to carry out a Committee Site Visit.

**PLANNING HISTORY:**

99/00491/FUL – Full planning consent was granted for the erection of a workshop/storage building and formation of access road. As yet the building has not been erected although the access road has been formed and works to grade the site have been undertaken.

02/01247/FUL – Full planning consent was refused on 23 September 2002 for the erection of a dwellinghouse on the same site. It was refused on the grounds that the proposal would be contrary to Policies 7 and 8, of the Tweeddale Local Plan and H5 and H6 of the Approved Structure Plan in that the proposed site is not part of a recognised building group and there has not been adequate justification to allow approval contrary to policy.

**DEVELOPMENT PLAN POLICIES:**

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## **Approved Structure Plan 2001-2011**

### **POLICY N10 - National Scenic Areas**

Development in National Scenic Areas will only be permitted where

- (i) the objectives of designation and the overall landscape value of the site will not be compromised, or,
- (ii) any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

### **POLICY N11 - Areas of Great Landscape Value**

In assessing proposals for development in Areas of Great Landscape Value, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals which have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.

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

Proposals for new housing in the countryside outwith defined settlements 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 and/or innovative design principles.
- (iii) incorporate employment-generating uses appropriate to a countryside setting.

### **POLICY H6 - New Housing in the Countryside - Isolated Housing**

Proposals for new housing in the countryside, outwith defined settlements<sup>2</sup> and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

## **Scottish Borders Local Plan: Consultative Draft 2004**

### **POLICY EP1 – NATIONAL SCENIC AREAS**

Where development proposals impact on a National Scenic Area, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policy N10.

### **POLICY EP2 – AREAS OF GREAT LANDSCAPE VALUE**

Where development proposals impact on an Area of Great Landscape Value, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policy N11.

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<sup>2</sup> Defined settlements are those identified in Local Plans and Village Plans

## **POLICY D2 – HOUSING IN THE COUNTRYSIDE**

Housing in the countryside will be approved provided that:

EITHER

### (Building Group)

The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) 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.

Any consents granted under this part of this policy will not normally exceed 100% of the existing number of housing units in the group within the 5-year plan period. Units constructed under this policy will not count towards the size of the group until the following plan period.

OR

### (Anchor point)

The Council is satisfied that the site lies within a recognised “dispersed community” where the nucleus of buildings is less closely related compared with a building group as defined within the Council’s Policy and Guidance Note on ‘New Housing in the Scottish Borders Countryside’. Such a “dispersed community” functions effectively as an anchor point in the remoter parts of the area.

OR

### (Economic Requirement)

The Council is satisfied that:

1. a new house is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
2. no appropriate site exists within a building group, and
3. there is no suitable existing house or other building capable of conversion for the required residential use, and EITHER
4. it is for a worker predominantly employed in an enterprise which is itself appropriate to the countryside, and
5. the presence of that worker on-site is essential to the efficient operation of the enterprise, OR
6. 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
7. the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority: to tie the proposed house (or, in the case of 7. above, any existing house) to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants.

OR

### (Conversion)

The proposed development is a change of use of a building to a house, provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use; and
2. the building stands substantially intact (normally at least to wallhead height and with a distinguishable roof or roof shape) and the existing structure requires no significant demolition. The applicant may therefore be required to provide evidence of its structural stability; and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

OR

(Rebuilding)

The proposed development is the rebuilding or restoration of a house, provided that either:

1. the walls of the former residential property stand substantially intact (normally at least to wallhead height), and
  2. the roof, or roof shape, is distinguishable, and
  3. the remains of any cultivated garden and its boundary features are identifiable, and
  4. no significant demolition is required (the applicant may therefore require to provide evidence of its structural stability); and
  5. the restoration and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building, and
  6. the existing building makes a positive contribution to the landscape.
- or:
7. the proposal relates to an established policy/parkland setting, not normally comprising part of a designed landscape, and
  8. there is evidence of the existence of the building in terms of criteria 1-3 above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
  9. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
  10. the extent of new building does not exceed what is to be replaced.

In **ALL** instances there shall be compliance with the Council's Policy and Guidance Note on 'New Housing in the Scottish Borders Countryside'.

**Tweeddale Local Plan 1996:**

Policies 7, 8, 75 & 77 apply which state:

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 in the Inventory of Gardens and Designed Landscapes in Scotland;

6. Appropriate siting, design and materials in accordance with Policies 57 and 58.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### Policy 8

There will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any 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 in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policy 57 and 58.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### Policy 75

Within National Scenic Areas, Areas of Great Landscape Value, and within Heritage Areas in the longer term, the Regional Council, in considering development proposals, will seek to safeguard the heritage significance of the area concerned. The heritage significance may relate to landscape quality or amenity, nature conservation, archaeology or cultural issues, or to a combination of these. The Regional Council proposes that:

1. Where conflict arises between development and conservation, precedence will generally be given to the protection of the particular aspect of heritage significance;
2. Landowners and farmers will be encouraged to balance the need for efficient land management with the need to conserve the essential elements of the landscape;
3. Large scale developments, including mineral workings, overhead power lines and industrial buildings, will not normally be permitted unless such development can be shown to be acceptable following an assessment of the environmental implications;
4. Any developments which are acceptable will be required to meet appropriate standards of siting, design, materials and landscape treatment.

N.B. The particular case of development by telecommunications operators is subject to Policy 104A

#### Policy 77

The Regional Council will ensure that development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;

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2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
  3. Appropriate site services and access available;
  4. Any new building must be of sympathetic design and materials;
  5. Any new building must be well sited in terms of location and landscape setting.
  6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

**OTHER PLANNING CONSIDERATIONS:**

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000.

Planning Advice Note 36 – Siting and Design of New Housing in the Countryside

**CONSULTATION RESPONSES:**

**Scottish Borders Council Consultees:**

**Technical Services:** I would recommend against this application unless there is proven economic justification.

**Other Consultees**

**Upper Tweed Community Council:** No objections.

**Scottish Water:** Views awaited.

**OTHER RESPONSES:**

The applicant has lodged a supporting statement for this application. This has been copied in full with this report for Members' attention.

**PLANNING ISSUES:**

Whether the proposal complies with policy for new housing in the Borders countryside.

**ASSESSMENT OF APPLICATION:**

This application proposes to erect a dwellinghouse on land currently used for grazing. The site is not adjacent to any other buildings and cannot be considered as an addition to a building group. Additionally due to the nature of the surrounding landscape it cannot be considered part of a dispersed building group where dwellings in the area are severed from each other by the disused railway line, fields, mature woodland and roads. Therefore the proposal must be considered under policies H6 of the Approved Structure Plan 2001-2011 and 8 of the Tweeddale Local Plan 1996, which refer to the erection of isolated housing in the countryside.

As mentioned earlier, consent was granted for the erection of a modestly sized workshop/storage building on the site. Work commenced on this building some time ago but it has not been completed. It is the applicant's intention to occupy this building and operate his building company from this location. The applicant is also a member of the Scottish Rare Breeds Society Trust and hopes to breed Castlemilk

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Moorit sheep on the adjacent land. These sheep are indigenous to Southern Scotland and are a critically endangered breed, which need close attention during the breeding/lambing season. The project is not being carried out as a commercial venture but as a private conservation project which will be of benefit to the Borders agricultural heritage.

The construction business is a relatively new venture and it is envisaged that the land and building at Rachan could be used to store building equipment and materials associated with the business. A large amount of equipment is currently stored in rented accommodation, and the applicant has stated that this will require a certain level of security when the business is moved to this location.

With regard to the rare sheep breeding project, the applicant has confirmed that the in order to successfully breed Castlemilk Moorit sheep, only 6 ewe's and one tup are required. The existing paddock area is large enough to accommodate this number and more if required. The applicants, however, are not in a position to start the programme unless they are on site permanently in order to look after the sheep. The programme will not be an economically viable business, but will be a conservation project for the benefit of the breed.

It is considered that the need for the house is purely one of convenience both financially and personally, rather than essential to the running of the business. The applicant would not need to be available on site 24 hours a day especially as stated in a letter from the previous workshop application agent the applicant will spend the majority of time on sites elsewhere. Residing in the vicinity of the workshop is not therefore considered to be essential and the proposal therefore fails to meet the criteria set out in policies 8 and H6. Furthermore, the proposed sheep breeding programme is one of conservation, and is not an established agricultural business at this location. In this instance this also fails to meet the criteria contained within Policies 8 and H6 as the economic need has not been adequately substantiated.

**RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:**

It is recommended that this application is refused for the following reason:

The proposal would be contrary to Policies 7 and 8, of the Tweeddale Local Plan and Policies H5 and H6 of the Approved Structure Plan in that the proposed site is not part of a recognised building group and the need for the house has not been adequately substantiated.

*Original copy of report signed by  
BRIAN FRATER (Head of  
Development Control)*

