

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**6 SEPTEMBER 2021**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 21/00442/FUL

**OFFICER:** Mr Scott Shearer  
**WARD:** Hawick And Hermitage  
**PROPOSAL:** Siting of 3 mobile shepherds huts, formation of car parking area and access track  
**SITE:** Land South West Of Branxholm Park House, Hawick  
**APPLICANT:** Deb Knaggs  
**AGENT:** Aitken Turnbull Architects

**PLANNING PROCESSING AGREEMENT:**

A PPA has been agreed for the application to be determined at the 6<sup>th</sup> September 2021 P&BS Committee.

**SITE DESCRIPTION**

The application site is located in a wooded area within the grounds of Branxholm Park House, to the south west of Hawick. Branxholm Park is a residential property which also operates as a commercial events venue primarily hosting weddings and wedding receptions. The site is accessed via a private track from the A7, which serves Branxholm Park and other properties beyond. The site is bound to the south west by a dwelling house known as Bonny Bank. Branxholm Park Steading lies to the north of the site which is an operational farm.

**PROPOSED DEVELOPMENT**

Consent is sought for the siting of three mobile shepherds huts, which would offer additional visitor accommodation at Branxholm Park. The huts are set on wheels upon a compacted hard standing. They would be positioned along the eastern boundary of the site. The structures are set under a rounded roof with single window and door opening. A new access is proposed from the private track from the south. Eight parking spaces would be provided along the north western site boundary. Foul drainage is to be handled via a septic tank which is located immediately to the north of the site.

**PLANNING HISTORY**

There is no planning history associated with this particular site, however, application 21/00383/FUL was lodged (and subsequently withdrawn) for change of use of Branxholm Park to form a wedding venue. It was previously established by the planning authority that the operation of the site as an events and leisure venue under Class 11 of the General Permitted Development Order was a lawful.

Members should note that a related planning application for the erection of a holiday cabin (ref 21/00340/FUL) directly to the north east of the application site is currently

under the consideration by the planning authority. This application will be determined under the Scheme of Delegation to officers.

## **REPRESENTATION SUMMARY**

Five objection comments from five different addresses have been received. These comments are available in full on Public Access. Grounds of objection are summarised as follows:

- Density of site
- Detrimental to environment
- Overdevelopment of rural area
- Poor design
- Inadequate gravel site access road which will deteriorate with additional traffic
- Inadequate Boundary/Fencing
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- No sufficient parking provision
- Noise nuisance and antisocial behaviour
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Insufficient Water Supply
- Increased Litter
- Insufficient digital connectivity
- Detrimental impact on local biodiversity
- Conflict with operations, activities and traffic at neighbouring farm
- Fire safety

## **APPLICANTS' SUPPORTING INFORMATION**

- Transport Statement

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Council Local Development Plan 2016**

- PMD1 Sustainability
- PMD2 Quality Standards for New Development
- ED7 Business, Tourism and Leisure Developments in the Countryside
- HD3 Protection of Residential Amenity
- EP3 Local Biodiversity
- EP13 Trees, Woodlands and Hedgerows
- EP15 Development Affecting the Water Environment
- IS7 Parking Provision and Standards
- IS9 Waste Water Treatments Standards and Sustainable Urban Drainage

## **OTHER PLANNING CONSIDERATIONS:**

Scottish Planning Policy (SPP) 2014

Supplementary Planning Guidance:

- Waste Management 2015
- Placemaking and Design 2010
- Use of Timber in Sustainable Construction 2009
- Trees and Development 2008
- Privacy and Sunlight Guide 2006
- Biodiversity 2005
- Local Biodiversity Action Plan: Biodiversity in the Scottish Borders 2001

Scottish Borders Tourism Strategy (SBTS) 2013-2020

## **CONSULTATION RESPONSES:**

**Access Ranger:** No objection. Informatives are recommended to ensure the applicants are aware of responsible access responsibilities and promote the use of the Scottish Outdoor Access Code.

**Environmental Health:** No objection in principle. Private drainage is to be provided by a new septic tank which appears to be located on the applicant's land which will ensure it is their duty to maintain the infrastructure accordingly. Further information can be provided to ensure that the site is adequately serviced by a wholesome supply of water that does not adversely affect other users.

**Roads Planning:** Following the submission of additional information, no objection. Traffic generated by the development should not clash with peak am/pm traffic movements. Satisfied that the proposal includes sufficient additional parking provision and upgrades to access track via the formalisation of an existing passing place on the private access track. Recommend that further details about how the passing places is to be upgraded are required.

Transport Scotland: No objection.

## **KEY PLANNING ISSUES:**

The main determining issues are whether the proposal:

- represents a business, tourism or leisure development which is of the highest quality and in keeping with the rural environment
- provides safe vehicular and pedestrian access
- does not detract from the amenity of surrounding area or neighbouring agricultural operations
- can be served by an appropriate water supply and means of foul and surface water drainage.

## **ASSESSMENT OF APPLICATION:**

### **Policy Principle**

The application site is located out with a settlement boundary within the countryside. Policy ED7 aims to allow appropriate employment generating development in the countryside whilst protecting the environment and ensuring such developments are appropriate for their location.

The application has been accompanied by a Business Plan. The Business Plan outlines that between 85 and 100 small weddings are hosted at the venue each year with the business providing employment for up to 17 members of staff. Branxholm Park House currently has 8 guest bedrooms and there is demand for further onsite accommodation where bridal parties/family/friends can stay for 2 or 3 nights.

The development offers a form of glamping accommodation that is generally acceptable to a countryside location. In this case, the proposal would complement the existing rural enterprise by providing three further self-contained units that can accommodate up to six guests. The development of further accommodation at Branxholm would enhance the existing business and increase the volume of overnight visitor expenditure within the region. The proposal provides a different type of accommodation to that currently on offer within the house and the surrounding area. It is recognised that there is currently a market demand for self-contained accommodation. This modest proposal would help facilitate the growth of an existing successful rural enterprise in a manner that is judged to align with aims of the Scottish Borders Tourism Strategy (SBTS).

As regards ED7, the relevant criterion for the development type is (b) and this allows for tourism, recreation and leisure developments that are appropriate to a countryside location and are in accordance with the Scottish Borders Tourism Strategy and Action Plan. Other criteria in ED7 governing impacts on character, amenity and nearby uses, as well as accessibility and siting/design matters are considered further below.

It is normal practice to seek to control the period of occupancy for this type of holiday accommodation by planning condition to ensure it is not used for any permanent residential purposes. The anticipated use of the proposal is for short stays associated with wedding events however it may be that some slightly longer stays are sought this would also comply with the aims of the SBTS. If Members are minded to approve the development, it is recommended that a standard condition be attached to ensure that development is only used for holiday purposes over short periods of time, which ensures that the development is not to be used as a permanent dwelling unit. The recommended condition is not considered to pose any barriers for applicant's specified use of this development.

### **Design, visual and tree impacts**

The development is required to be assessed against relevant landscape and visual amenity requirements of LDP Policies ED7 and PMD2, ensuring successful integration into their local environment. The impact of the development on the surrounding trees is considered against Policy EP13 which seeks to minimise the impact of the development on woodland resources.

The proposal not located within a designated landscape area. The site is completely screened from the A7 by mature trees to the south and west. From the minor public road to the north at Cowladyhall, the development sits on lower ground and is screened

by intervening farm buildings at Branxholm. The proposal is not visible from public areas within the surrounding landscape. Visibility of this development is only limited to its immediate setting at Branxholm Park.

The proposal is of a modest scale with the huts being ancillary to Branxholm Park House. Other ancillary buildings have been previously developed within this part of the grounds with the ceremony room lying directly to the north east. The layout of the development appears logical and does not represent overdevelopment of the land.

The site is within a wooded area and from images submitted by the applicants, the site appears to have been previously cleared. The Site Plan suggest that there are no trees located wholly within the application site but there are trees of various sizes surrounding the site. A preservation order does not protect these trees but they do contribute to the setting of the house and development site. The trees to the southwest of the site also provide some containment from the adjacent residential property. The huts themselves are set on wheels with no foundations so should not impact on the integrity of any trees. The formation of the access track and any levelling works to lay hard core may however affect trees. The Site Plan does not detail that any trees are to be removed and ideally this should be the default position. It is recommended that final landscape works can be agreed by planning condition. This should include details of trees to be retained and those proposed for removal. There is also scope to undertake further planting to the southwest. This is on land which is out with the application site but under the control of the applicant and will help to enhance its woodland setting and further enclose the development from the neighbouring residential property at Bonny Bank. The trees which are to be retained can be protected for any unplanned removal via planning condition.

The huts have a simple design. No precise information is provided about the pallet of materials or colours. Imagery in the brochure information suggests they are externally clad with a corrugated sheet with timber door and window openings. Ensuring the huts are finished externally in dark colours, similar to the supplied images, will be essential to ensure that the appearance of the development integrates with the sites rural, woodland setting.

In terms of the ground works, it will be important to ensure that the finished ground levels tie in with the natural contours of the land so the works do not appear overly engineered. Additionally the final surface finish of the ground works will also be important to ensure that the ground covering does not urbanise the otherwise rural setting.

Provided that planning conditions are attached which seek to agree the final landscape treatment (including tree protection), material and colour finishes of both the huts and hard surfaces, this small scale development will not adversely affect the character and visual amenity of the surrounding rural area. Relevant parts of Local Development Plan Policies ED7, PMD2 and EP13 are judged to be satisfied by these proposals.

### **Access and parking**

Policy PMD2 requires safe access to be achieved to the proposed development. The suitability of the access to serve the proposed development is also considered under Policy ED7. These polices are also supported by policy IS7 covering parking.

Transport Scotland do not consider that the proposed development will cause any detrimental impacts on the A7 trunk road. A Transport Statement has been provided

outlining the impact of the development on the private access track serving the site from the A7.

The Councils Roads Planning Service support this application and are satisfied that the volume of parking proposed is sufficient to serve this development. Third party representations suggest that there are existing parking issues at the venue. The number of parking spaces proposed would appear to be in excess of the number of spaces required to serve this development and may address any existing short fall. More spaces also appear to have been developed to the south east of the application site. If there remains a parking issue at the venue, this is not a matter to be addressed under this particular application. The RPS advise that the proposals provide sufficient levels of parking to serve the proposed development and satisfy the terms of Policy IS7.

The Transport Statement details proposed upgrading of the access track to include the formalisation of a passing place and the erection of signage to slow traffic speeds and warn of agricultural traffic using the track. Third party comments have raised concerns about road safety on this route, including the potential for conflicts with agricultural traffic. This development does not result in any new uses using this track as agricultural, residential and traffic associated with the events venue have used this route in excess of 10 years since the events venue was established. It is accepted that the proposed development may add to the volume of traffic on the track but it is likely visitors staying in the proposed huts will be guests at the wedding venue and would be using the access to attend the event. Guests may choose to stay longer but this is unlikely to result in any determinative increase in trips or vehicle numbers that would render the development unacceptable. Provided the passing place and signage improvements are agreed and implemented prior to the development becoming operational, the proposed development will improve existing access arrangements and will not result in any road or pedestrian safety issues. The matters outlined above can be adequately addressed by planning condition to ensure safe access to the site is provided in accordance with access criteria listed in Policy PMD2.

The Councils Access Ranger has not identified any impacts on recognised access routes. The use of the development may promote walking and cycling within the local area and informative notes are recommended to ensure the applicants are aware of responsible access responsibilities and promote the use of the Scottish Outdoor Access Code.

### **Impact on surrounding uses**

Criteria b) of Policy ED7 seeks to ensure that this development must not cause any significant adverse impacts on surrounding uses with Policy HD3 also protecting the residential amenity of nearby residential properties.

The development is adjacent to a residential property to the south west, with agricultural buildings lying to the north. This is a small development and the scale and positioning of the huts will not adversely affect neighbouring properties directly as regards privacy, daylight, sunlight or outlook loss to any determinative degree. Further planting along the south western boundary of the site will help provide additional screening to Bonny Bank and further reduce the impact of this development on the amenity of this neighbour.

In terms of impacts on agricultural operations, the development remains within an existing planning unit, which lawfully operates as an events venue. This established business continues to operate close to a working farm without significant adverse

impacts on the farming operations or the amenity of guests. The huts will remain separate from the farm uses on surrounding land with a clear boundary along the north west of the site. Any potential traffic conflicts with farm vehicles have already been addressed under the section on Access and Parking.

Third party comments raise concerns that this development will add to litter, noise and anti-social behaviour. In terms of litter, no information has been provided or provision made for waste storage serving this development. It would appear that there is sufficient space within the site to accommodate sensitively designed bin storage areas (if they are required) and it is recommended that a planning condition be added to agree suitable facilities for waste storage and collection.

Concerns from residents regarding possible anti-social behaviour are understandable but there is insufficient justification to consider that this development, by being sited in this location and of the small scale proposed, would inevitably lead to conflicts in such regards. The Council's Environmental Health Officers have not considered the development to cause any noise nuisance. That is not to say this development will not generate noise, however it would be the responsibility of the venue's management to ensure that guests are not causing unacceptable levels of noise to the detriment of residential amenity.

Any noise nuisance complaints or those relating to anti-social behaviour and littering, would fall out with the planning system and would be better managed through environmental health legislation.

### **Site Services**

Policy IS9 seeks to ensure that developments adequately deal with waste water and also seek to discharge surface water in a sustainable manner.

Foul waste is to be discharged to the north of the site to a new septic tank. This is located out with the application site boundary but it is on land which is under the control of the applicants and does not serve any third party properties. Private drainage systems can affect the amenity of neighbouring properties when there is no clear responsibility or access rights to the system but in this case, the system is wholly within the control of the applicants. Environmental Health Officers have not raised any issues with the system proposed. A condition to ensure the septic tank system is installed and operational prior to the occupation of the first shepherd's hut and maintained thereafter can suitably control the means of foul waste disposal.

Local concerns have been raised that the development would adversely affect local water supply services. The applicant has advised that the site is to be served via a private supply. Further information is required to ensure that the development is served by a wholesome water supply and it does not cause any unacceptable impacts upon the amenity of any neighbouring properties, including their supply. If Members are minded to approve this application this matter can be addressed via a suitably worded planning condition where details can be agreed with the Planning Authority in consultation with Environmental Health Officers prior to implementation of this development.

No surface water drainage details have been provided. It is proposed to lay hard core across the site. This should be a porous material, however as its precise detail is yet to be agreed, a planning condition can seek to agree surface water drainage details to ensure surface water is discharged in a sustainable manner in accordance with the requirements of Policy IS9.

## **CONCLUSION**

The proposed development provides further short-term tourist accommodation that would complement an existing rural enterprise operating at Branxholm Park. The proposal would promote further investment into the local economy and its small scale and form would respect the character and amenity of the rural area. Subject to compliance with the schedule of conditions and informatives, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions:

1. The occupation of the shepherds huts hereby approved shall be restricted to genuine holidaymakers for individual periods not exceeding 3 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.  
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area and to retain effective control over the development.
2. No development shall commence until precise details including the colour finish of the external materials of the shepherds huts have been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.  
Reason: To safeguard the visual amenity of the area.
3. No trees within or immediately surrounding the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of Planning Authority.  
Reason: The existing tree(s) represent an important visual feature that the Planning Authority considered should be substantially maintained.
4. No development shall commence until a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. existing landscaping features, walls, hedgerows and trees to be retained, protected and, in the case of damage, restored
  - iii. any trees proposed for removal
  - iv. location and design, including materials, of any walls fences and gates
  - v. soft and hard landscaping works including new tree and hedge planting
  - vi. A programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until a scheme of details outlining improvements to the access road and parking specification have been submitted to and approved in writing with the Planning Authority. Details of the scheme shall include;
  - i. Precise details of the passing place
  - ii. Location and design of signage to be erected along the access track to control the safe movement of vehicles



iii. Precise details of all surfacing materials to be used on all roads, footpaths and parking spaces

Once approved the works shall be completed prior to occupation of the first shepherds hut.

Reason: To ensure the road access network is capable of accommodating the increase in vehicular traffic associated with this development.

6. No development shall commence until a scheme of waste storage for each shepherds hut is submitted to, and approved in writing by the Planning Authority. Once approved, the development then to be operated in accordance with the approved scheme.

Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

7. No development shall commence until precise details of water supply and disposal of surface water at the development has been submitted to and approved in writing by the Planning Authority. Once approved the works shall be completed in accordance with the approved details prior to occupation of the first shepherds hut.

Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

8. The new septic tank private drainage system shall be installed prior to occupation of the first shepherds hut and thereafter the system shall be maintained and managed to ensure it remains within a suitable working condition.

Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

### Informatives

1. Persons using the accommodation may access existing paths and tracks and the proposed tracks for non-vehicular recreational access to nearby roads, farmland and woodland. The public have a right of responsible access to most land and water in Scotland under the Land Reform (Scotland) Act 2003. The Act also confirms responsibilities of landowners. If this development is approved alongside neighbouring application, it should be expected that there will be a proportional increase in the numbers of persons accessing the surrounding tracks and land in this immediate area, by walking, including dog-walking, and also possibly, cycling and horse riding.

2. The Scottish Outdoor Access Code is recommended to be promoted to inform visitors at this accommodation if approved. The code can be seen at [www.outdooraccess-scotland.scot](http://www.outdooraccess-scotland.scot)

### DRAWING NUMBERS

<b>Plan Type</b>	<b>Drawing Number</b>	<b>Date received</b>
Location Plan	P-001	19.03.2021
Site Plan	P-011	19.03.2021
Shepherds Huts Brochure		19.03.2021
Shepherds Huts Elevations	P-010	19.03.2021

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

**Author(s)**

Name	Designation
Scott Shearer	Peripatetic Planning Officer



21/00442/FUL

Land South West Of  
Branxholm Park House  
Branxholm Teviotdale  
Hawick

