

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00624/PPP

APPLICANT : Aver Chartered Accountants

AGENT : Bidwells

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land East Of Renton Bush
Reston
Scottish Borders

TYPE : PPP Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
004	Proposed Site Plan	Refused
003	Proposed Site Plan	Refused
A.55,196	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

CONSULTATIONS

SBC Education: No response at the time of writing.

SBC Landscape: No response at the time of writing.

SBC Roads Planning: Raised a concern as to the remoteness of the site and how isolated it is from public transport provision, but did not object to the application, provided a condition to secure parking is attached to any consent issued.

Community Council: The proposed development is not part of an existing group and is on land that should be replanted with trees.

Scottish Forestry: Object to the application.

Noted that the site is largely occupied by what appears to be recent intensive agricultural related development (building, hard standing and earthworks) that followed unauthorised clearance of this part of Greenwood Ancient Woodland Site. Prior to the unauthorised clearance the site consisted of mostly broadleaved trees and woodland vegetation at varying stages of development in this part of the larger Greenwood Ancient Woodland Site. The trees and woodland vegetation were the result of sensitive, long-term woodland management carried out by the Forestry Commission (FC) to gradually restore the native semi-natural woodland character across the wider Greenwood Ancient Woodland Site. The FC's ancient woodland restoration management regime ran from at least the 1990s up to about 5 years ago when management unexpectedly changed hands and direction.

Scottish Forestry object to this application as it would contravene the Control of Woodland Removal policy and may hinder the restoration of this ancient woodland site that should be required following earlier unauthorised development. The proposed development may also impinge on restocking of the wider Greenwood site which is subject to a legal remedial notice (ref SFRN001) issued following the significant conditional felling and subsequent lack of conditioned restocking at the site in recent years.

To accommodate the proposed plot would necessitate the permanent loss of more ancient and native woodland habitat, both of which are identified as priority habitats in the Scottish Borders Woodland Strategy and Local Biodiversity Action Plan (LBAP) and afforded a presumption in favour of retention. Furthermore, Scottish Forestry consider that development at this location is likely to put pressure on the existing ancient woodland and future woodland cover in the wider Greenwood area.

Scottish Water: There is capacity in the public water treatment works, however there is no public foul sewer infrastructure close to the site and private treatment options will need to be pursued.

Transport Scotland: No objection.

REPRESENTATIONS

The Woodland Trust Scotland lodged an objection to the application on the basis of potential further damage to Greenwood, which the Trust noted is an ancient woodland of Semi-Natural Origin (ASNO) designated on the Ancient Woodland Inventory (AWI). The Trust provided the following additional comments:

- The removal of woodland is contrary to Scottish Planning Policy (SPP) and the Control of Woodland Removal Policy.
- The Scottish Biodiversity Strategy (SBS), "It's in Your Hands" includes the following target and action: "Target 3.3 Minimise losses of biodiversity occurring through fragmentation and loss of woodland due to development and other land uses.
- In February 2019 the Scottish Government published its Forestry Strategy 2019-2029 which states that unnecessary loss of woodland, particularly ancient woodland, should be avoided.
- Given the site's important biodiversity value, the ancient woodland area should be allowed to regenerate and/or be re-stocked with local provenance trees, rather than permanent loss of habitat through the development of a residential dwelling at this location.
- Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Trust objects to this proposal due to impact to Green Wood.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP7: Listed Building
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS

Other Considerations:

Affordable Housing Supplementary Planning Guidance 2015
Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2020)
Local Biodiversity Action Plan Supplementary Planning Guidance 2001

New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Scottish Borders Woodland Strategy Supplementary Planning Guidance 2005
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2008
Waste Management Supplementary Guidance 2015

Scottish Planning Policy (SPP)
The Control of Woodland Removal Policy

Recommendation by - Paul Duncan (Assistant Planning Officer) on 24th June 2021

BACKGROUND

This application seeks planning permission in principle for the erection of a dwellinghouse in the Houndwood area of Berwickshire.

SITE DESCRIPTION

The proposed site is situated on a south-facing hillside between the villages of Grantshouse and Reston, around 400m west of the Houndwood building group. The site has been the subject of previous unauthorised development which the Council's Planning Enforcement Service is pursuing. The legacy of this remains visible on the ground, including extensive groundworks and a largely completed building which was intended for agricultural use. The concrete slab of a further building also remains in situ outwith the proposed site.

The site is served by a private road which connects Greenwood Farm with Houndwood. The site forms part of a larger area of land that is recorded within the Inventory of Ancient Woodland as semi-natural ancient native woodland and has been the subject of extensive felling in recent years. The nearest dwellinghouses are at Houndwood, around 400m to the east, and Greenwood Farm, around 400m to the north. The A1 trunk road passes Houndwood around 100m metres to the south of the application site. The Eye Water follows the approximate route of the A1 in this vicinity, further to the south again.

PLANNING HISTORY

Planning history at the site is limited to a single partially retrospective application for planning permission to erect cattle and hydroponics buildings and associated groundworks (reference 18/00518/FUL). This formed part of wider proposals that sought to deliver new low-carbon farming technologies at three demonstration farms within the Berwickshire area. The application was refused planning permission earlier this year.

PROPOSED DEVELOPMENT

Planning permission in principle is sought for the erection of a single dwellinghouse.

A proposed site plan drawing has been provided showing the potential layout for the site. This shows the footprint of a single detached dwellinghouse set back from the entrance to the plot, which is located to the north. The application supporting statement indicates that the proposed dwellinghouse would be 1.5 storey and of a traditional design, with a similar character to houses at Houndwood.

Vehicular access is shown taken from the private road to Greenwood Farm. The supporting statement indicates that two parking spaces would be provided.

The supporting statement indicates that a landscaping plan would form part of the detailed design to enhance the setting of the proposed house in the landscape.

KEY PLANNING ISSUES

The key consideration for this application is whether the principle of erecting a dwellinghouse at this location satisfies the Council's housing in the countryside policy.

ASSESSMENT

Principle

The proposed site is located in a countryside location, outwith any settlement. The Council aims to encourage a sustainable pattern of development focused on defined settlements, however Local Development Plan policy HD2 (Housing in the Countryside) provides a policy basis for the consideration of housing proposals outwith settlements.

In the absence of any specific economic justification for the new dwellinghouse, the application falls to be assessed against Policy HD2(A) - Building Groups. This states that housing in the countryside may be approved provided the Council is satisfied that the site is well related to an existing group of at least three houses or buildings currently in residential use.

The application supporting statement acknowledges that the site would not be sufficiently related to an existing building group.

The nearest dwellinghouses to the site are located at Greenwood Farm and Houndwood building group. Greenwood Farm is situated on higher ground around 400m to the north of the proposed site. The sense of place of Greenwood Farm is well contained and does not extend to the proposed site. A whole undeveloped arable field and woodland strip lie between the farm's complex of buildings and the proposed site. Similarly, given the distance involved, as well as topography and intervening natural and man-made boundaries, the proposed site is far from being well-related to buildings at Houndwood building group, which is located around 400m to the east.

In summary, the proposed site does not relate well to any existing dwellinghouses and accordingly, the proposals do not satisfy LDP Policy HD2(A).

Redevelopment of Brownfield Land

The proposed site has brownfield characteristics following the unauthorised development which has previously taken place on the site. The supporting statement submitted with the application refers to this. It states that the proposal provides an opportunity to significantly improve the uncontrolled adverse impact of previous unauthorised development.

It should be noted that the Council's Planning Enforcement Service is pursuing the previous unauthorised development of the site. Furthermore, Scottish Forestry have served a Remedial Notice to require the re-stocking of woodland in the area, though it is not clear whether this extends into the proposed site. There are therefore controls in place to secure the remediation of the unauthorised development of the site and unauthorised felling in the wider locale. It is not considered appropriate or necessary to give weight to the possibility that approving the site for housing may support this objective. On the contrary, this may ensure a permanent legacy for the unauthorised works which took place at the site. Furthermore, it is important to distinguish between the granting of planning permission in principle, and the delivery of a development which may secure the amelioration of previous harmful development. There is little information or basis upon which it can be concluded this outcome would in fact materialise. For these reasons, the status of the site is not considered to represent a material consideration of significant weight.

Trees

The proposed site is located within a larger area of land to the north of the A1 which is recorded as semi-natural ancient native woodland by NatureScot (formerly SNH).

Scottish Planning Policy (SPP) states ancient semi-natural woodland is an irreplaceable resource which should be protected from adverse impacts resulting from development.

Policy EP13 of the Local Development Plan states that the Council will refuse development that would cause the loss or serious damage to the woodland resource unless the public benefits of the development outweigh the loss of its landscape, ecological, recreational, historical or shelter value.

A significant number of mature trees were previously felled to clear the site for development. This took place prior to the submission of any application for planning permission. The felling itself is not a matter for this planning application. Scottish Forestry state that the proposed development may impinge on restocking of the wider Greenwood site which is the subject of a legal remedial notice, however it is not clear whether this extends to the proposed site itself.

The Woodland Trust Scotland and Scottish Forestry both note the special value of ancient woodland in terms of biodiversity and environmental quality. Scottish Planning Policy also recognises this, in defining it as an irreplaceable resource. At the proposed site, much of this resource has been lost due to the unauthorised development which took place. The historical, landscape and recreational value of the ancient woodland could be secured by its natural regeneration or re-stocking, but it is not clear whether this is likely to occur on the proposed site itself. There would be no public benefit arising in losing any further resource, or the opportunity for its regeneration, and it has not been demonstrated that this will not occur, the proposed development is considered contrary to Policy EP13. However, this would not amount to a strong reason for refusal given the harmful impact of previous development, and the very limited nature of the remaining resource.

Placemaking and Design

As this application is for planning permission in principle, there are no detailed design proposals to consider or assess, and the impact of sporadic development within the countryside has been considered above.

Vehicular Access and Road Safety

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access.

The indicative site layout drawing shows vehicular access would be taken from the unadopted private road to the north. Roads Planning raise no concerns with the proposed layout indicated, but do raise a more general concern with the sustainability of the proposed site given its poor connection with public transport options. This underlines the detrimental impact of sporadic development within the countryside.

Parking

Policy IS7 of the Local Development Plan requires that car parking should be provided in accordance with the Council's adopted standards.

No parking arrangements are indicated on the proposed site plan, however there appears to be ample room for the required parking capacity for two vehicles. The supporting statement confirm this is the intention. The Roads Planning Service request this be covered by condition. If the application were supported, such a condition would be appropriate.

Residential Amenity

Policy HD3 (Residential Amenity) of the Local Development Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

Given the distances to neighbouring properties, a dwellinghouse at this location is unlikely to cause any significant adverse residential amenity issues.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out within Local Development Plan policy IS2.

The proposed site is located within the catchment areas of Reston Primary School and Eyemouth High School. The Development Contributions Supplementary Planning Guidance (2021 update) document states the contributions will be sought for new housing development within the catchments areas of both schools.

Had the application been supportable, it would have been appropriate to secure the required contributions via a Section 69 or Section 75 legal agreement prior to the release of consent.

Infrastructure

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The application form states that the development would require a private foul drainage system with discharge within the site via soakaway. Scottish Water confirm there is no public foul waste infrastructure available to serve the development. This matter could be controlled by planning condition.

As regards water supply, the application form states that the dwellinghouse would be served by the public water supply. Scottish Water confirm this is available. Had the application been supported, it would be appropriate to secure such a connection by a planning condition to ensure the dwellinghouse is serviced prior to occupation.

Surface water would drain to the treatment plant soakaway. This satisfies Policy IS9 as regards SUDS requirements.

REASON FOR DECISION :

The development would be contrary to policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that there is no building group at this location and no other case for a dwellinghouse at this location has been presented. The proposed development would comprise sporadic development in a countryside location. This conflict with the Local Development Plan is not overridden by any other material considerations.

Recommendation: Refused

- 1 The development would be contrary to policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that there is no building group at this location and no other case for a dwellinghouse at this location has been presented. The proposed development would comprise sporadic development in a countryside location. This conflict with the Local Development Plan is not overridden by any 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”.