

**Notice of Review Statement**  
**Aver Chartered Accountants**  
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July 2021



**NOTICE OF REVIEW  
STATEMENT  
PROPOSED DWELLINGHOUSE,  
LAND EAST OF RENTON BUSH,  
RESTON, GREENWOOD**

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## 1.0 Introduction

- 1.1 This Notice of Review Statement sets out Aver Chartered Accountants (“the Applicants”) reasons for requiring a review against the delegated refusal by the appointed planning officer at Scottish Borders Council (planning authority) against the proposed erection of a dwellinghouse and garage on land east of Renton Bush, Reston, Greenwood (ref: 21/00624/PPP) on 28th June 2021
- 1.2 The Notice of Review Statement should be read in conjunction with page 3 of the Notice of Review Form.

## 2.0 Background

- 2.1 Major groundworks have been carried out at the site as part of the development of a detached 40m by 50m agricultural building intended to house cattle and a separate 40m by 10m hydroponics unit building to produce feed for the cattle.
- 2.2 Construction of the buildings commenced prior to a detailed planning application being submitted to SBC and ceased midway after the applicant went into administration. Consequently, the site has undergone significant groundworks and is left with large unfinished agricultural scale buildings and a 6m wide access track and gate off the unclassified road.
- 2.3 The Planning Officer refused the proposal by use of delegated powers on the following ground:
- *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.*

## 3.0 Grounds for Appeal

- 3.1 It is understood SBC are progressing enforcement action against the previous landowner / developer. Two key questions posed to the LRB as part of this appeal are:
- 1) How effectively can enforcement action be carried out against a party in administration?
- Even if SBC is successful in securing the legal authority to pursue the previous landowner, if the party pursued has no means to make the necessary restitution then this would be a pyrrhic victory. There will quite literally be no economic or physical improvement / benefit for the people of the Scottish Borders to follow such a course of action. All it would achieve is additional cost and delay in arriving at the only logical outcome, which is that nothing will happen with the site and it will continue to be a blight on the area and divert valuable resources. The ultimate result will be detrimental.

2) What are the realistic timescales/outcomes associated with such an approach compared with a planning consent which permits a development that could overcome the blight on the landscape caused by the unlawful and incomplete building works?

3.2 Our appeal is based on the following grounds:

### Housing in the Countryside

3.3 The proposed house does not fit within a building group and contrary to Policy HD2 Housing in the Countryside of the LDP 2016 and the New Housing in the Borders Countryside SPG 2008. However, this is an exceptional circumstance where an unlawful and unfinished development including engineering works of a significant scale have taken place on an elevated position within the Scottish Border countryside by Houndwood and Greenwood. Evidence of these works are provided in Table 1 below.

TABLE 1: PHOTOGRAPHS OF THE UNLAWFUL AGRICULTURAL DEVELOPMENT	
 <p>Photograph 1: Existing agricultural building</p>	 <p>Photograph 2: Existing entrance off unnamed road connecting Houndwood and Greenwood Farm</p>
 <p>Photograph 3: Existing Site Entrance looking northwards</p>	

3.4 Our reasons for why the benefits of the proposal are considered to justify a departure from Policy HD2 of the LDP and the New Housing in the Borders Countryside SPG are set out below:

- The proposed development presents a credible opportunity to largely cure the significant environmental and visual impact on the countryside with a positive, short term resolution which would also capture the investment previously put into the site.
- The Report of Handling for the planning refusal notes that it is important to distinguish between the granting of planning permission in principle (PiP), 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. This point is contested on the grounds that the PiP application allows SBC far greater opportunity to control the development which meets their requirements through the use of planning conditions. In addition, to the selling agents on instruction from the administrator, to potentially insert additional obligations via the sales particulars the missives and disposition to follow in due course.
- Construction of the buildings commenced prior to a detailed planning application being submitted SBC and ceased midway after the applicant went into administration.
- The proposed dwellinghouse is not associated with a farming unit or business and would not conflict with the operations of a working farm but would potentially enable the establishment of new business which might generate additional employment. . It comprises land owned by the applicants.
- The site benefits from an existing 6m wide access directly off the unnamed road which connects Houndwood to Greenwood Farm.
- The proposed house would be serviced by private water supply and drainage facilities.
- The site is not covered by landscape designations. It has been severely blighted by an unfinished agricultural development of significant scale. The proposed dwellinghouse presents an opportunity to sensitively improve the landscape setting and countryside amenity. Having a new owner on site with a vested interest in improving the situation and visual impact as quickly and comprehensively as possible should not be overlooked.
- The site was subject to sensitive, long-term woodland management by the Forestry Commission to gradually restore the native semi-natural woodland character across the wider Greenwood Ancient Woodland which was unlawfully felled. Additionally, it is probable that the subsequent and significant scale of the agricultural development which took place could have seriously impacted the ancient woodland soils thus further affecting the likelihood of any future successful woodland regeneration programme.

The proposed development includes a proposal to compensate the loss of ancient woodland with additional tree planting of native species (or at least in part) and landscaping. This would support regeneration of biodiversity on the site as well as be of public benefit and could be secured by conditions on any planning permission granted by the LRB.

- Whilst not part of a building group the site has previously been developed. It constitutes brownfield land in effect. The proposed house could provide an Anchor Point associated with the Houndwood building group.
- The New Housing in the Borders Countryside SPG is 14 years old and does not reflect the current Scottish Government policy guidance on promoting rural development set out in Scottish Planning Policy (paragraphs 74-83) as well as the Government's stated aim of increasing rural population as set out in the Planning (Scotland) Act 2019. This could become a quasi-small landholding supporting a mixed agri/forestry and leisure enterprise.
- Conditions can be imposed by the LRB to ensure that the proposed dwellinghouse would be of a traditional design in character with the surrounding houses of Houndwood and Greenwood.

## 4.0 Conclusions

- 4.1 The main issues raised with this proposal are whether or not the application can be justified as a departure from the LDP housing in the countryside policy and whether a strong case has been presented for a dwellinghouse at the proposed location.
- 4.2 For the reasons set out in section 3 above, it is considered that the location of the proposed dwellinghouse demonstrates a strong case as to why a departure from the Development Plan should be accepted by SBC on this occasion.
- 4.3 The proposed dwellinghouse presents a credible, the most credible development opportunity which would improve the significant environmental and visual impact on the countryside from existing unsightly, unlawful sporadic agricultural development in the short term as well as capture the investment previously put into the site and almost certainly ongoing investment from the eventual purchaser.
- 4.4 The proposal is also consistent with the policy guidance on promoting rural development set out in Scottish Planning Policy as well as the Government's stated aim of increasing rural population as set out in the Planning (Scotland) Act 2019.
- 4.5 In light of the background circumstances to this case it is respectfully requested that the LRB allow this appeal subject to any conditions considered necessary as being an exception to accordance with of Policy HD2 from the LDP and the associated SPG. If this opportunity is missed then the site will likely remain in its current state for a significant time.



BIDWELLS