

SUPPLEMENTARY STATEMENT

Application Ref: 20/01327/FUL

Erection of dwellinghouse

**Land adjacent Carnlea, Main Street,
Heiton, Scottish Borders**



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PROJECT NO. V.1

OUR REF. JN/HEITON/1.1

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DOCUMENT REVIEW

Issue/Revision	Report	Revision 1	Revision 2	Revision 3
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1. INTRODUCTION

Background

- 1.1. This Supplementary Statement is prepared by Joe Nugent MRTPI of Brownshore Management ("the Agent") against the refusal by Scottish Borders Council ("the LPA") of an application for the erection of a dwelling house ("the development") on land adjacent Carnlea, Main Street, Heiton, Scottish Borders ("the Appeal site").
- 1.2. The Statement of Case has been submitted with the planning appeal. This document is submitted in response to additional representations made to the Council.

2. SUPPLEMENTARY STATEMENT

Background

- 2.1 The Council notified the Client and their Agent on 14 September 2021 that additional representations had been received relating to the planning appeal.
- 2.2 The additional representations have been received from Gill Harrop on 3 September 2021.

Rebuttal Statement – Site Layout

- 2.3 In terms of the comments submitted by Gill Harrop a rebuttal statement is considered necessary.
- 2.4 The revisions to the design of proposed development were undertaken with the Case Officer in the Planning Dept. The revisions were amended and agreed with the Case Officer to be acceptable in principle.
- 2.5 The amendments were reconsulted, the additional response from the Highways Officer states their objection can be addressed. Their advice is that: *A solution to this would be to move the turning area East to approximately the midpoint of the site frontage, space could be freed up within the site by removing the internal turning area and simply having two nose-in parking spaces either side by side or nose to tail.*
- 2.6 The comments from Gill Harrop that the vehicle space is of insufficient size are considered technically incorrect as the Highway Officer has confirmed the method to address their objection and mitigate any issues.
- 2.7 The requirements advised by the Highways Officer are invited to be attached as a planning condition as part of the planning appeal assessment.

Rebuttal Statement – Dwelling Type

- 2.8 Comments submitted by Gill Harrop refer to the dwelling type. The proposal on the planning application form is for the “*erection of 3 bed bungalow*”. Therefore, the scale, mass and design of the property relate to a bungalow.
- 2.9 The designs forming part of the planning application were discussed and agreed with the Case Officer of the Planning Dept, the designs were agreed as acceptable.
- 2.10 The comments from Gill Harrop in this instance are inaccurate.

Rebuttal Statement – Highway

- 2.11 The comments from Gill Harrop refer to the suitability of the highway access. This matter has previously been set out and clarified within the Statement of Case.
- 2.12 The planning application relates to the Red Line Boundary and this boundary only relates to the site of the residential dwelling.
- 2.13 The planning application is solely for the erection of a residential dwelling (replacing the previous dwelling).
- 2.14 The planning application, as illustrated on the Red Line Boundary, does not relate to the access road from the site to the A698, the planning application does not relate to a new or revised access from the A698.
- 2.15 Access and egress from the site are provided by the existing right of access from the A698 to the site and these were established by the previous residential dwelling at the site.
- 2.16 This right of vehicular access and egress is established in the Title Deeds for the land and the development site, and these form the legal land rights to the site.
- 2.17 Notwithstanding the decision of the planning application, the right of vehicular access and egress to the site will remain established and extant.

3. CONCLUSION

- 3.1 To provide a conclusion and having considered the appropriate national and local planning policies and guidance the proposed development accords with each of the policies assessed and with planning guidance.
- 3.2 On balance, the Case Officer in their officer report identify one reason for refusal and this relates to highways.
- 3.3 There are several material considerations set out within the planning application and this Statement of Case that demonstrate material consideration weighing in support of the development.
- 3.4 It has been demonstrated in the planning application, and within this Statement of Case, that the site has accommodated a residential dwelling and the redevelopment of the site is to deliver a replacement dwelling.
- 3.5 The replacement dwelling will utilise the existing site and curtilage. It will use the established vehicular access and egress used by the previous residential dwelling, and this access is granted in perpetuity in the Land Registry Deeds.
- 3.6 The planning application relates to the site of the residential dwelling and does not project onto the access road or to the A698. The existing highways use at the site would directly accord with the lawful use set out in the Land Registry Deeds.
- 3.7 It has also been demonstrated that the 2004 planning permission, and the 2005 reserved matters, was commenced by the drainage, demolition, and clearance operations carried out at site, therefore constituting development.
- 3.8 In terms of a conclusion, the development of a replacement dwelling has previously been positively supported by the Council and the LPA. The evidence demonstrating the residential dwelling at the site, planning history, commencement of development, and the lawful use of the access in the Land Registry Deeds, is considered to weigh the planning balance in favour of the development.
- 3.9 It is therefore kindly requested that the application / appeal be approved.