Your ref: 20/01620/PPP

Ms Louise McGeoch
Clerk to the Local Review Body
Scottish Borders Council

13th October 2021

BY EMAIL ONLY

Dear Ms McGeoch,

NOTICE OF REVIEW 21/00018/RREF: APPELLANT'S RESPONSE TO SUBSEQUENT COMMENTS OF FORWARD PLANNING TEAM

Thank you for your correspondence of 7th October and passing on the comments of the Forward Planning team (dated 6th October) who provided consultee advice. We are grateful for the opportunity to respond to those comments.

It is important to note that although PAN 1/2020 and Scottish Planning Policy (SPP) 2020 have been quashed; SPP 2014 remains extant and is no longer superseded. Paragraph 110 of SPP makes clear that "a generous supply of land for each housing market area within the plan area" should be identified in order to "support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times".

This provision was also included in SPP 2020.

Therefore, it is correct to assess whether a five year Supply of Housing Land is existent in the determination of a planning application.

SESPlan1 establishes the Housing Land Requirement for the Borders as 12,930 no. in the period 2009-24. This equates to an annual requirement of 862 no. per annum. The Scottish Borders Local Development Plan 2016 sits in this context – not as an exception to it. The legal context herein was confirmed by the Government's Reporter in Appeal Decision PPA-140-2088 (Venlaw, Peebles).

Completed units in the Borders have not exceeded 345 no. units since 2015. Annual completions are detailed in Table 1 below, replicated from the Council Housing Land Audit 2019 (most recent edition).

Table 1

Year	2015	2016	2017	2018	2019	Total	Target	Shortfall
Units completed	272	373	250	222	345	1,462	4,310	2,848

Appeal Decision PPA-14-2088 established firmly that the Borders is not served with a five year Supply of Housing Land. Indeed, the Reporter concluded that a "significant five-year effective land shortfall" was existent. The Reporters of the DPEA (Directorate of Planning and Environmental Appeals) are the ultimate independent adjudicators of planning disputes in Scotland. It is not credible to argue that a Reporter is mistaken in his/her assessment of the fundamental issue determining the outcome of an appeal.

The Appellant's position remains that the below table accurately sets out Housing Land Supply in the Borders.

Table 2

Description		Figure	Calculation
Scottish Borders Housing Land Requirement (2009-2024)[1]	(a)	12,930	
Length of period (years)	(b)	15	
Annual housing requirement	(c)	862	(a)/(b)
Annual housing requirement (2009-2019)[2]	(d)	965	9,650/10
All tenure completion 2009-2019[3]	(e)	3,959	
Completed years	(f)	10	
Remaining residential requirement	(g)	8,971	(a)-(e)
Years remaining[4]	(h)	5	
Revised Annual housing requirement	(i)	1,794	(g)/(h)
5 year requirement	(j)	8,971	(i) x 5
SBC-claimed effective supply	(k)	3,679	
Audited effective supply[5]	(l)	2,351	
SBC-claimed number of years supply	(m)	2.05	(k)/(i)
Audited number of years supply	(n)	1.31	(l)/(i)
Audited housing shortfall	(o)	6,620	(j)-(l)

a) Please see Appendix 1 for footnotes to table.

However, even if it were to be accepted that annual Housing Land Requirement (HLR) for the Borders was 492 no. units per annum (per Table 4 of Appendix 2 of the LDP 2016) a Housing Land Requirement of 2,460 no. units would still be accrued in each five year period. On these figures, a **delivery shortfall of 998 no. units** has been recorded over the most recent five year period – 2,460 homes required, 1,462 homes delivered.

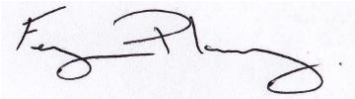
As a shortfall in the Housing Land Supply has been proven, the proposal is considered to accord with Policy PMD4 as principal criterion c) is satisfied. The proposal is also considered to represent discrete development which would form a logical and contained extension to Stow's existing built environment without prejudicing local character, the local landscape quality, or residential development of further land. As the appeal proposal accords with Policy PMD4 it is considered that the principle of development is acceptable and to represent sustainable development.

Moreover, the fact remains that development of 2 no. of the 4 no. allocated sites in Stow remain constrained. While development of the other allocated site (ESO22) is accepted to be deliverable; development of the fourth and final site – while not identified as constrained – remains some distance off. The main review of the Housing Land position in the Borders was conducted by Ferguson Planning in January 2021, as of the time of writing (October 2021) the final allocated site in Stow (ESO38) remains unconsented with the Application for Planning Permission still undetermined. While deliverable, the potential of this site is for delivery of new homes in the later stages of the Proposed Local Development Plan currently under review by the DPEA.

The Appellant is grateful for this opportunity to address the comments of the Forward Planning team and thank the Local Review Officer, the Clerk to the Local Review Body, and her staff accordingly.

It is our hope that members of the LRB find these comments to be clear and helpful in completing their determination of the matter at hand.

Yours Sincerely



Ferguson Planning

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APPENDIX 1

Footnotes from Housing Land Supply table

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Footnotes

1. Figure from Table 3.1 of SESPlan: Housing Land Supplementary Guidance November 2014.
2. Figure from Table 3.1 of SESPlan: Housing Land Supplementary Guidance November 2014.
3. Completion figures sourced as follows:
    - 2016-19 copied from SBC's Housing Land Audit 2019.
    - 2010-15 copied from Table 7.1 (second column) SESPlan2: Housing Background Paper October 2019.
    - 2009 extrapolated from Table 7.1 (third column) SESPlan2: Housing Background Paper October 2019.
4. Years remaining as per PLDP under examination (to 2026) as opposed to adopted SESPlan date (to 2024).
5. Large sites included within the Effective Supply by the Planning Authority have been assessed for deliverability; analysis supplied in Excel Spreadsheet. SBC figure for small sites has been accepted and is not included in analysis (Excel Spreadsheet).

APPENDIX 2

Response from the Appellant of 11/10/2021

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From: Bruce Weir <Bruce@cwproperties.co.uk>
Sent: 01 October 2021 14:22
To: localreview@scotborders.gov.uk
Cc: Lucy Moroney <lucy@fergusonplanning.co.uk>; Tim Ferguson <tim@fergusonplanning.co.uk>
Subject: Land South of Crunzion Cottage, Earlston - FW: 20/01620/PPP and 21/00018/RREF

Good afternoon Fiona,

Thank you for your email dated the 17th of September 2021 to Lucy Moroney at Ferguson Planning, with comments from Mrs Hartswood. I hope you don't mind that I have responded, rather than Ferguson Planning, as I thought the responses would be better from me as the applicant, given the comments made.

I would be grateful if this response can be circulated to the Members of the Local Review Body.

In response to Mrs Hartswood' s email I would comment as follows:

1 The site has been put forward in the past, as part of the local development plan process, but no planning permission in principle application or detailed planning application has ever been submitted. It is important to note that the local development plan process precludes sites being considered that are less than 5 houses, so even if it was considered acceptable it couldn't be allocated through the local development process.

The reason that the planning application has been submitted now is for one principal reason. I believe that the sites that have been put forward in the local development plan for Stow have not and are not going to deliver the housing numbers required for the village and the general principle objectives of the Borders Railway Blueprint. Of the 4 housing sites in Stow that are allocated, one of them, the former Royal Hotel site, has been allocated for 11 units since 2008 and has never been developed despite various interested parties making offers for the site, including me. The owner is making no effort to sell or develop the site so no housing is likely on that site any time soon. One of the other sites, on Lauder Road, has been consented for 6 units and has recently been sold at auction. We believe that the topography of this site will result in the originally planned 6 units being reduced to 1 or 2, as we understand it was an individual that has purchased it rather than a house builder. The site at Craigend Road has delivered 10 units out of 18 allocated, however no further applications have been made and thus a further shortfall of some 8 units. The remaining site at Stagehall seems to be the only one that is progressing, with interest in the site from Hudson homes and a current planning application being progressed.

As such, out of the 4 sites allocated, none have been developed in the 2016-2021 plan period and only one shows any signs of being developed. This provides clear evidence in the lack of housing delivery in Stow and when one considers the opening of the new

railway station we believe more should be done to bring forward deliverable and logical sites to meet the ever increasing demand to live in Stow.

In addition to the lack of sites coming forward in Stow we have also looked at the housing land supply across the Borders. In the past 5 years there has been a shortfall of approximately 100 houses per annum being built throughout the Borders in terms of targeted numbers for between 2016 to 2021. Of those actually built, approximately 43% are from small windfall sites similar to my site, and surely this needs to be recognised when it comes to housing delivery in the Borders. Further information can be found within our planning consultants appeal statement.

There has been no update from the council as to what numbers are still required to meet targets, however if you read the recent appeal decision on the Venlaw site in Peebles it should be noted the Scottish Government's Planning Reporter goes into print saying the council are 631 houses short of their housing numbers in the Scottish Borders in terms of land supply upto 2021.

It is for these reasons that I decided to make a planning application on this field, as I felt the site fits in with similar housing that neighbours it and is on a small scale that can be easily accommodated within Stow, while at the same time meeting the housing shortfall at a local level in the near future. It will bring knock on economic benefits during the construction stage and in supporting local services.

2 i) I do not believe that the overall community have objected in a relatively high number. The majority of objections have come from local residents on Earlston Road and are a small percentage of the village.

ii) The site does currently sit out with the development boundary but that is an arbitrary line drawn to show the boundary of the village. If you look at 3 out of the 4 sites that are currently allocated in the local development plan they are all extensions to the village boundary with a new access created from roads leading out of the village.

Craigend – a new access was created from Craigend road into a culdesac called Burnside way, thus extending the village boundary in a similar way as I propose.

Stagehall – the Wedale View development was created from Station road into a culdesac when it was developed in 2007/08. The current application will extend that road, again extending the village boundary in a similar way as I propose.

Lauder Road – this again is an extension of the village boundary with a new access into a culdesac, again in a similar way as I propose.

If villages like Stow are going to expand, they have to expand up the side of the valley, due to flood risk in the base of the valley. As such it is inevitable that the village

boundaries have to expand over time and the boundary line will move further out. We have sought professional landscape consultants to review our proposals and they have concluded that there would be no significant landscape impacts created by what is proposed given the contained nature of the site.

iii) Traffic safety has been considered in detail and there is **NO objection** to this from the council's transport officer. Speed surveys have been conducted, the access fully designed and all elements of the new bridge considered. In addition to this there have been **NO other statutory objections** to the development proceeding with the exception of the forward planning team.

iv) Amenity of local residents has been considered in detail to ensure that there will be limited impact on the neighbouring properties. A number of layouts have been considered and I am quite happy to consider further landscaping and buffering to ensure there is no overlooking or impact on local residents and therefore no amenity issues.

Finally, although not detailed in Mrs Hartswood's email, one of the other main reasons for objection to the application from some of the neighbouring residents, was loss of a field and the fact that the houses seemed to be family houses and have car ports. Again, I would be happy to look at keeping open space at the bottom of the site, neighbouring these residents, as well as looking at the design of the new housing so it has minimal impact. It would be my intention to build one or two houses for sale, however I am also considering building one or two houses , which may be available to rent.

I hope this response is helpful.

Yours sincerely

Bruce Weir
Torsonce Mains
Stow