

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 21/00244/FUL

**APPLICANT :** AB Wight Engineering Ltd

**AGENT :** Murray Land & Buildings

**DEVELOPMENT :** Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

**LOCATION:** Slaters Yard Off Charlesfield Road  
St Boswells  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused
	Proposed Block Plan	Refused
NO.01B	Proposed Plans	Refused

**NUMBER OF REPRESENTATIONS: 5**  
**SUMMARY OF REPRESENTATIONS:**

Five objections have been received raising the following planning issues:

- o The Borders countryside and rural communities are unique and sensitive to visual erosion from a multitude of activities. This proposal degrades the attractiveness of the area to highly mobile visitors, inward-investment interests and to local communities.
- o The use should be located within Charlesfield Industrial Estate.
- o Travelling north on the A68 affords views of the Eildons and an open and rural aspect to the southern approach into the Conservation Area of St Boswells. Travelling south, the Charlesfield Industrial Estate is effectively screened by existing and newly planted edge trees and shrubs along and within its own boundaries. This site is separate from Charlesfield and unrelated to any other business development.
- o No details of roofing colours for the building are included, which would be visible from the Eildon Hills National Scenic Area. Permitted development rights may further alter the building.
- o All vegetation on the boundaries of the site has been removed to display tractors and lay a gravel surface. Trees and hedgerow planting is proposed but no planting has taken place on the north/east boundary, which will remain open when viewed from St Boswells and the Kelso junction.

- o It is difficult to reconcile the objective of openly displaying new sales items with the alleged intent to entirely screen the development from external views by planting a 2m high boundary hedge. The long term retention of such planting, beyond the maintenance period required, is questionable.
- o The inevitable requirement for advertisements would conflict with aims to achieve an uninterrupted hedgerow boundary, an uncluttered development appearance and simple building lines.
- o Future proposals for change of use or expansion could occur on this site or the expansion of business activity along the road to Charlesfield.
- o The applicant claims that other suitable sites do not exist and that this development should be an exception. Other available sites do appear to exist within many other business sites across the Borders and if land supply for the proposed expansion of Charlesfield Industrial Estate under policy zEL19 remains constrained, this can be addressed by the Council.
- o Long term planning should not be based on recently purchased sites. The application suggests that the current business activities will be relocated here but this could include repairs and storage, on a site that is sensitive to clutter and such development would be intrusive.
- o The expansion of Charlesfield has had a negative impact on the occupants of Merrick but the businesses are screened by planting. The proposal would sandwich the property between industrial uses and this could set a precedent for further such uses.
- o Potential noise and vibration nuisance, increased traffic and light pollution.
- o The proposal is contrary to planning policies PMD4 (Development outwith Development Boundaries) and EP6 (Countryside Around Towns). There are no exceptional circumstances that suggest that these policies should not be robustly upheld.
- o The site is on the corner of a busy and already dangerous junction, adding to the risk of accidents on this stretch of the A68 through an increase in traffic and of distraction.
- o The site will be an eyesore on the edge of St Boswells, detracting from its ambience. Alternative brownfield sites exist where the development would be in keeping.
- o The site will generate industrial waste in the workshop, potentially polluting the burn that runs alongside the site and into the St Boswells community woodland. The applicant's disregard of planning consent by erecting the fence and the removal of trees along the site's boundary does not bode well for a rigorous application of environmental regulations and any commitment to restore the planting seems disingenuous as the site will be used for sales.
- o The removal of trees has impacted on wildlife and habitat.
- o Rather than a comprehensive package of proposals the existing planting has been removed, fencing that is industrial in nature has been erected, flood lighting erected and then removed and then this current application has been submitted.
- o The condition attached to planning permission 20/00115/FUL requires screen planting to be carried out and despite reminders by the Planning Authority, this has not been done.
- o No evidence of the applicants discussing their need for a larger site with SBC, whose provision at Charlesfield is substantial, has been provided. The Council would be happy to engage with the applicants regarding the provision of an appropriately located and sized site.
- o The impact on visual amenity is even greater than the original fencing, with the shed being enormous.

CONSULTATIONS:

Roads Planning Service: I have no objections to this principle of this proposal. The access to the site is in very close proximity to the A68 Trunk Road and I note Transport Scotland have already commented on the proposal. With regards the internal layout, I will require a more detailed plan highlighting the following issues:

- o Drainage: There are no levels on the submitted plan and I shall require levels to confirm where the surface water will flow. This is to ensure there is no detrimental impact on the drainage associated with the adjacent public road.
- o Details of any lighting shall be required to ensure the levels do not exceed those stipulated by the Trunk Road Authority and to ensure any lighting does not distract passing motorists due to its positioning.
- o A parking layout will be required to ensure adequate visitor and staff parking is provided within the site.
- o Details of the access arrangement should be provided to ensure the access is of an adequate construction where it is immediately adjacent to the existing public road and appropriate visibility is provided.

Landscape Architect: The site is outwith the Newtown St Boswells Development Boundary and does not form part of the Strategic Business and Industrial site at Charlesfield (zEL3) and Extension to Charlesfield (zEL19) as defined by policy ED1. The current Business and Industrial Estate further along Charlesfield Road, although close to the site, is well screened and barely perceptible in views to and from the site.

The development consists of a large shed, 48.3m long by 20m wide with a shallow pitched roof 5.1m high at the eaves rising to a ridge height of 7m. It is located towards the 'frontage' of the site and is built on a gravel and type 1 surface with access road and parking area of tarmac surfacing. A hedge is suggested but not annotated on the block plan on the north west boundary and an area in the western part of the site identified as a 'green space with hedging and biodiversity creation'. No detail is given in the documentation although a wetland area is mentioned in the Planning Statement. A length of Leylandii hedge is proposed for the south western corner on the boundary with the neighbouring residential property.

This site is in a prominent position just off the A68 at the corner of the junction with Charlesfield Road and in the foreground of views of the Eildon Hills when approaching from the south. The concerns are that the development will be highly visible from the popular A68 tourist route, with the building at 7m height rising up above the existing 2m high chain link fence in contrast to the rural boundary treatments of hedges, fields, woodland and undeveloped road sides. Despite the proposal for tree and hedge planting on the south east side of the plot, the building is likely to remain highly visible and intrusive in views. It appears from the visualisations submitted that this is the intention particularly on the approach from the north.

The cricket ground and green form part of St. Boswells Conservation Area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills' (LDP Settlement Profiles - St Boswells). From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and, in my opinion, have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the shed are likely to be highly visible from the A68 and across St. Boswells Green and Cricket Ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.

The applicants planning statement under Sustainability states that 'Screen planting is to be provided as per the previous application to aid the proposed building assimilation into its surroundings'. It should be noted that this screen planting proposal was approved for the screening of a fence, yard and its contents rather than a building 7m high projecting above the fence line.

In my opinion this development is contrary to policies PMD4 and EP6. It will be visually intrusive and will erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. For these reasons I am unable to support this application.

Community Council: Objects. The Community Council has always believed that such a poorly-conceived scheme would be revealed as standing at the back of the unauthorised fence development and the equally unauthorised change of use. Such a scheme has no place in the rural hinterland to our or indeed any other village in the Borders. It flies in the face of many of the Council's own policies as far as the environmental aspects of planning are concerned, which would be bad enough. But it is doubly to be resisted because such the Council's own economic development policies locate such new uses firmly within industrial estates, carefully landscaped, which the Council itself promotes. Indeed, one of the relatively few proposals for St Boswells in the draft Local Development Plan is an extension of the nearby Charlesfield Industrial Estate, although other sites will no doubt also be available.

The Community Council is not opposed to economic development but it must be delivered in a way which also provides social and environmental benefits. That is the principal purpose of the statutory planning system, and without such an overview system providing effective development planning, development management, and planning enforcement, communities are at the mercy of opportunistic developers who see only the undoubted benefits to themselves as driving their activities. A Community Council has no right of planning appeal against a one-dimensional, poor, planning decision, but must rely on the Planning Authority to get it right. The SBC cannot do that by approving every application made to it, but must apply its policies with care and diligence.

In the Community Council's judgement this proposal has no legitimacy because its use is not established by prior industrial activity here. The SBC has so far not dealt with the matter of change of use in a satisfactory manner. This is by no stretch of the imagination 'the right development in the right place at the right time'. Indeed, it is a site with significant practical drawbacks and should not be developed in this way. There have already been considerable environmental losses incurred through the removal of site screening, and the Community Council is not convinced that any landscape conditions suitably applied can remedy the creation of what is already widely held to be a new and unnecessary eyesore which has appeared in the parish of St Boswells.

Economic Development: No response.

Forward Planning: The site is located outwith a settlement boundary, to the immediate west of the A68 between St Boswells and Charlesfield. It is understood the site previously operated as a slaters yard although, until recently, it appeared relatively overgrown and perhaps disused. The site has more recently been cleared and a security fence erected and appears to be used for the storage/display of tractors. The application seeks full planning consent for the erection of an agricultural machinery dealership premises which would incorporate a workshop, show space, office and associated works.

This proposal must be assessed predominantly against Policy ED7: Business, Tourism and Leisure Development in the Countryside of the Local Development Plan (LDP) 2016.

The aim of Policy ED7 is to allow for appropriate employment generating development in the countryside whilst protecting the environment and it seeks to ensure that business, tourism and leisure related developments are appropriate to their location. This policy is applied to any applications that involve economic diversification in rural areas. The policy states that proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside

location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In respect of criteria a), whilst the proposal is related to agriculture by its nature, it is not related to agricultural operations which require to be at this location per se. Criteria b) is not relevant to this case. Criteria c) requires that the Council is satisfied that there is an economic and/or operational need for this particular countryside location and that it cannot be accommodated within the Development Boundary of a settlement. The application submission notes that the business currently operates from nearby Charlesfield but that the existing premises are restricted in size, problematic in terms of layout and do not enable the desired expansion of the business. First and foremost, industrial uses such as this should be located within business and industrial sites as defined by the Scottish Borders LDP 2016. The supporting statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced however. The Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactory accommodated within the nearby business and industrial site.

Whilst it is accepted that the site has established use rights as a storage yard, if this was a greenfield site it is unlikely consent would be issued for such a use at this prominent and remote location.

There is no doubt that the agricultural machinery dealership building would considerably change the character and appearance of the area. Any visual impact of the proposal must be carefully assessed given the prominent location of the site on the A68. Policy ED7 requires that development must respect the amenity and character of the surrounding area. It is recommended that the Development Management process takes cognisance of these matters and considers whether the proposal, regardless of any established use rights, is appropriate at this location.

Flooding is an issue at this location. This matter would require to be considered by the Council's Flood Protection Officer and SEPA in line with Policy IS8: Flooding of the LDP 2016.

With an existing residential property to the west, impact upon residential amenity must also be considered.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from either a fluvial or pluvial flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The applicant has submitted a Flood Risk Assessment produced by Kaya for the development site which indicates that the south-western half of the site is within the 1:200 year flood envelope for the St Boswells Burn. The flood envelope encompasses parts of the proposed new building.

The 1:200 year flood level for the site is indicated to be 85.5mAOD. The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

Some SUDS cells for water runoff from the parking area and building are shown on the Block Plan but no details on the design are given.

Also, the current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as 'Least Vulnerable Land Use'. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

Therefore, this application is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. I would strongly suggest compensation for the displacement of flood waters be considered by the applicant. This could be achieved increasing the greenspace area or increasing/changing the type of SUDS used.

Environmental Health: Environmental Health has the following comments to make.

## Impact on residential amenity

Within the supporting information the agent states that a change of use from Class 6: Storage and Distribution to Class 4: Business does not require planning permission, and that Class 4 will be the predominant use. We have concerns that noise from the workshop element of the proposed development could impact on the amenity of the adjacent dwelling, known as Midburn. A Class 4 use is one which can be carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, no information has been submitted with the application to demonstrate this. In the absence of this information we are unable to support the application at this time.

## Workplace health, safety and welfare

The Workplace, Health, Safety and Welfare Approved Code of Practice states that sufficient toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable delay, and includes the minimum number of toilets and washbasins that should be provided. It is noted that the floor plan accompanying the application shows there to be one toilet cubicle for potentially up to 15 employees, which is not in accordance with the minimum numbers provided in the Approved Code of Practice. Advice on the number of facilities needed per number of people at work is provided. The toilet provision should therefore be reviewed by the applicant.

Transport Scotland: No objections subject to a condition controlling external lighting, to ensure the safety of traffic on the trunk road is not diminished.

SEPA: No response.

## APPLICANT'S SUPPORTING INFORMATION:

- o Supporting Information
- o Planning Statement
- o Flood Risk Assessment
- o Visualisations

## PLANNING CONSIDERATIONS AND POLICIES:

### Local Development Plan 2016

- PMD1: Sustainability
- PMD2: Quality Standards
- PMD3: Land Use Allocations
- PMD4: Development Outwith Development Boundaries
- ED1: Protection of Business and Industrial Land
- ED2: Employment Uses Outwith Business and Industrial Land
- ED7: Business, Tourism and Leisure Development in the Countryside
- HD3: Protection of Residential Amenity
- EP3: Local Biodiversity
- EP4: National Scenic Areas
- EP5: Special Landscape Area
- EP6: Countryside Around Towns
- EP9: Conservation Areas
- EP12: Green Networks
- EP13: Trees, Woodland and Hedgerows
- IS7: Parking Provisions and Standards
- IS8: Flooding
- IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
- IS16: Advertisements

Supplementary Planning Guidance:

Placemaking and Design 2010  
Householder Development (Privacy and Sunlight) 2006  
Trees and Development 2008  
Landscape and Development 2008  
Biodiversity 2005  
Countryside Around Towns 2011  
Local Landscape Designations 2012

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 4th May 2021

#### Site and Proposal

The site is situated to the south west of St Boswells on the corner of the A68 and the public road that serves Charlesfield Industrial Estate. The site was formally a slater's yard. When the site was visited in April 2019 it was slightly overgrown, with skips and piles of rubbish visible and surrounded by mature hedges and trees. There was a high metal mesh gate at the entrance from the Charlesfield road and a short section of high timber fencing. The trees, hedges and other vegetation were removed in 2020 and replaced with a 2.2m high galvanised mesh fence with barb wire on top along the south eastern boundary to the A68, 2.2m high galvanised mesh and barb wire gates at the site entrance and a 1.8m vertical timber fence with barb wire along the south eastern boundary to the Charlesfield road, all without the benefit of planning permission. The site has been part-surfaced and tractors are now parked on the site.

There are open fields to the north and west and tree belts across the road to the south and A68 to the east. The A68 forms the western boundary of the Tweed Lowlands Special Landscape Area designated for its contribution to the high scenic qualities and character of the landscape. The St Boswells Burn runs along the south western boundary of the site and a stretch of disused railway line, mostly covered with natural regeneration and some forestry belts, runs close to the south west corner of the site from the north west to south east.

There are three residential properties (Merrick Farmhouse, Ferniehirst and Merrick Vale) to the north west and the closest property is Midburn, to the south west.

The current application seeks planning permission for an agricultural machinery dealership premises. A building incorporating a workshop, show space and office would be sited on the north east section of the site. This would be 48.3m by 20m, 5.1m in height to the eaves and 7m to the ridge clad in composite cladding, with five loading bay doors in the north elevation and large areas of glazing in the east and south elevations.

An area would be hard surfaced for parking accessed from the Charlesfield road, the yard would be surfaced in gravel/Type 1 and an area in the south west corner would become an area of green space with hedging and biodiversity creation. A mixed hedge and row of lime trees would be planted along the boundary with the A68 and a leylandii hedge planted along the south west boundary.

Surface water would be to a SUDS, with the treatment plant outwith the flood risk area, discharging to a tail drain/soakaway.

#### Supporting Statement

The Supporting Statement advises that AB Wight Engineering Ltd was formed in 2012 by Andrew Wight and his brother Garry Wight. In the early years, welding and fabrication made up the main body of work alongside some general agricultural engineering & servicing. From there the business has steadily and sustainably grown through hard work, being flexible, providing good customer service and value for money. The business has now grown into a leading agricultural machinery dealership in the Scottish Borders. AB Wight wish to continue expanding and growing to meet with demand and to satisfy their customers' needs. Their current premises do not allow them to operate efficiently at present, or offer them the ability to expand. They occupy three rented units within Charlesfield Industrial Estate and this proposal would enable them to locate their business on one site.

Long term investment in new premises is therefore a main objective for AB Wight, without which they cannot operate at the levels required by themselves, their franchisor and their customer base, be competitive and provide a first-class service from modern, bespoke designed premises.

The business employs 10 members of staff and the proposal would result in 5 new jobs

#### Planning History

90/01641/OUT: Erection of dwellinghouse. Refused 27th March 1990.

04/01443/OUT: Erection of two dwellinghouses. Refused 20th September 2004.

06/02331/OUT: Erection of child care residence. Withdrawn 9th February 2016.

06/02332/OUT: Erection of office and storage shed. Withdrawn 21st February 2014.

10/00242/PPP: Erection of child care residence. Withdrawn 18th March 2015.

10/00243/PPP: Erection of office and storage shed. Withdrawn 21st February 2014.

20/00115/FUL: Erection of boundary fencing and gates. Approved 14th August 2020.

21/00495/FUL: Extension of time to Condition 1 of planning permission 20/00115/FUL pertaining to landscaping. Pending consideration.

#### Planning Policy

Policy PMD4 of the Local Development Plan states that where Development Boundaries are defined, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary and not on allocated sites will normally be refused. Exceptional approvals may be granted provided that:

- o It is a job generating development in the countryside that has an economic justification under policy ED7.
- o It is an affordable housing development.
- o There is a shortfall identified in housing land.
- o The development offers significant community benefits that outweigh the need to protect the Development Boundary.

The development should:

- o Represent a logical extension of the built-up area.
- o Be of an appropriate scale in relation to the size of the settlement.
- o Not prejudice the character and visual cohesion or natural built up edge of the settlement.
- o Not cause significant adverse effect on the landscape setting or natural heritage of the surrounding area.

The application site is outwith the Development Boundary of St Boswells and the proposal is not for housing. Assessment in respect of policy ED7 and of landscape impacts are set out below. The site is some distance from St Boswells and Charlesfield Industrial Estate and is seen as an isolated countryside location rather than an extension to the settlement. There are no significant community benefits of the proposal that justify development outwith development boundaries.

Policy ED2 advises that within settlements there will be a general presumption against industrial or business uses outwith business and industrial land, mixed use or redevelopment sites (as allocated in policies ED1: Protection of Business and Industrial Land, and PMD3: Land Use Allocations) unless the need for that



location can be justified, a significant economic or employment benefit can be demonstrated and that it can co-exist with adjoining uses.

The aim of policy ED1 is to ensure that adequate supplies of business and industrial land are retained for such uses and the policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation. The policy therefore seeks to protect resources in the long term and complements the Council's economic strategy.

Charlesfield Industrial Estate is to the south west of the site and is a strategic business and industrial site (zEL3) safeguarded by policy ED1. An area is identified in the Local Development Plan for the extension to Charlesfield (zEL19). It is considered that all industrial and business uses should be located on allocated industrial and business sites.

It is accepted that the application site has a historic use as a builder's yard, falling within Class 6 of the Use Classes Order, but that appears to have ceased some time ago as the site was disused and overgrown when visited in 2019. However, storage use is the established planning use.

Policy ED7 states that proposals for business development in the countryside will be approved provided that the development is to be used directly for agricultural or uses by their nature are appropriate to the rural character of the area, or the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic or operational need for that particular countryside location and that the development cannot be reasonably accommodated within the Development Boundary of a settlement.

The aim of Policy ED7 is to allow for appropriate employment generating development in the countryside whilst protecting the environment and the policy seeks to ensure that business, tourism and leisure related developments are appropriate to their location. This policy is applied to any applications that involve economic diversification in rural areas.

No substantial economic or operational justification has been submitted demonstrating that the existing business has to be located at this particular rural location and it is considered that all businesses of this nature should be located within an allocated business and industrial estate.

Although the business relates to agriculture, it is not related to agricultural operations that require a rural location. The argument for siting the use in this particular location is greatly undermined by its proximity to Charlesfield Industrial Estate and the fact that the business currently operates from there. The application submission notes that the existing premises are restricted in size, problematic in terms of layout and do not enable the desired expansion of the business. The Supporting Statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced. The Forward Planning Section advises that the Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site or other allocated business/industrial sites within settlements.

The Supporting Statement argues that a change of use from Class 6 (Storage and Distribution) to Class 4 (Business) is permitted development. Class 4 use includes office uses and light industrial uses which could be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, the proposal includes a workshop for the repair and servicing of tractors, which is potentially noisy and so classifying the proposed use as Class 4 rather than Class 5 is misleading. Whatever the use class, the proposed building requires planning permission and so the proposal must be assessed on its own merits against the relevant planning policies.

Finally, policy EP6 states that within areas defined as Countryside Around Towns, proposals will only be considered for approval if:

- o There is an essential requirement for a rural location and the use is appropriate to the countryside setting.

- o It involves the rehabilitation, conversion, extension or change of use of a traditional building of character.
- o Any new housing is located within a building group.
- o It enhances the landscape, trees, woodland, natural and man-made heritage, access or recreational facilities.
- o Subject to satisfactory design and setting it has a proven national or strategic need and no alternative is suitable.

The site is within the Countryside Around Towns area and it is considered that the proposal does not meet any of the above criteria. The requirement for a rural location is discussed above and the impact on the landscape is assessed below. The proposal is for the development of an isolated, albeit a brownfield site, resulting in piecemeal and sporadic development in the countryside that would erode the separation between Charlesfield and St Boswells.

Although the proposal would allow an existing local business to expand and would result in job retention and creation, it is considered that the proposal is contrary to policies PMD4, ED2, ED7 and EP6 and the benefits of the development are not sufficient to warrant a departure from these policies.

#### Siting, Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy ED7 requires that the development should respect the amenity and character of the surrounding area.

The A68 forms the western boundary of the Tweed Lowlands Special Landscape Area, to the east of the site. St Boswells and its Conservation Area is to the north.

The proposal is to erect a building on the north east section site, which includes a workshop, show space and office. This would be 48.3m by 20m, 5.1m in height to the eaves and 7m to the ridge clad in composite cladding. Large areas of the site would be hardsurfaced in tarmac and gravel, enclosed by the existing high fencing. No details are provided of the proposed planting or green space/biodiversity area.

This site is in a prominent position just off the A68 in the foreground of views of the Eildon Hills when approaching from the south. The proposed development would be highly visible from one of the main tourist routes into the Borders, with the building at 7m height rising above the existing 2m high fence. The site is in a countryside location, surrounded by fields and woodlands and the development would contrast significantly with the rural boundary treatments of hedges, fields, woodland and undeveloped roadsides. Despite the proposal for tree and hedge planting on the south east side of the site, the building is likely to remain highly visible and intrusive in views. This is demonstrated in the visualisations submitted most particularly on the approach from the north looking south.

The Council's Landscape Architect advises that the cricket ground and green form part of St Boswells Conservation Area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills. From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and would have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the building are likely to be highly visible from the A68 and across St. Boswells green and cricket ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.

The size and design of the proposed building are industrial in nature and would be out of keeping with rural character of the area and more in keeping with an industrial estate. Charlesfield Industrial Estate is close to the site but is well screened by mature planting and barely perceptible in views to and from the site and so

there is no visual link with the industrial estate, adding to the impression that this is isolated and sporadic development in the countryside not related to any existing development.

No details of the colour of the composite cladding for the building has been provided. There is also the issue of signage, additional development carried out at a later a date (the visualisation shows a container that is not included in the current application) resulting in clutter and further detrimental impacts on visual amenities.

The proposal would harm views into and out of the Special Landscape Area and Conservation Area.

The existing 2.2m high galvanised square mesh fencing was erected without the benefit of planning permission and the trees, shrubs and hedgerows that screened the site were all removed to erect the fences. A retrospective application (20/00115/FUL) was submitted to rectify this breach of planning control. When the application was assessed it was felt the fencing is in a prominent position adjacent to the A68 to the south of St Boswells. This area is predominantly rural in character, being surrounded by fields. The fencing that has been erected is the type that would be more appropriate for an industrial estate, such as Charlesfield, and is out of keeping with the rural character of the area. The fencing is highly prominent and is considered to be harmful to the visual amenities of the area.

It was considered that the fences are contrary to policies PMD4 and EP6 and the visual harm is significant enough to warrant refusal. However, with the refusal of the application and any subsequent enforcement action to secure the removal of the fencing, there would be no procedure open to the Planning Authority to secure replacement planting. The re-instatement of the hedgerow and trees is highly desirable because of the wildlife habitat it provides and the contribution it makes to enhancing the visual amenities of the area and entrance to the village.

As a result, it is felt that the application could be supported if the boundary planting is reinstated. A planting plan was submitted showing lime trees along the south eastern boundary at 6m centres and a mixed hedgerow (beech, holly, hawthorn and lime between 1750 and 2000cm high). The less prominent south western boundary would be planted with a leylandii hedge. The plants would be of a size to provide a degree of immediate screening and the holly would provide evergreen cover, though it was accepted that it will take several years to fully mature. A condition required the planting will be completed by 31st March 2021.

However, despite sending reminders that the planting had to be completed, it was never carried out. Instead, an application (21/00495/FUL) was submitted to vary the condition to allow the planting to be completed by 31st December 2021.

The fencing was erected without planning permission and the failure to comply with the condition and carry out the proposed planting casts doubt on the willingness of the applicants to ensure that the fence is adequately screened in the future or that any additional planting or the green space/biodiversity creation proposed as part of this application would be implemented either.

Although the agreed planting would partially screen the fence in time, it would not be sufficient to screen the proposed building, which would be 7m high rising above the fence line, as demonstrated by the visualisations submitted with this current application.

The proposed development is therefore considered to be contrary to policy PMD4, in that it would prejudice the character and natural edge of St Boswells and cause significant adverse effect on the landscape setting of the settlement, and policy EP6, as it would not enhance the landscape, and policy ED7, as the development would not respect the amenity and character of the surrounding area.

The proposal would be visually intrusive and would erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. For these reasons this application cannot be supported.

Impact on Residential Amenities

Policy ED7 requires that the development has no significant adverse impact on nearby uses, particularly housing. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The closest residential property is Midburn, to the south west.

The site has an established Class 6: Storage and Distribution use, which itself could generate certain levels of traffic and activity.

The proposed building would be located on the north eastern section of the site so would not result in any loss of light or overshadowing or loss of privacy or overlooking to the existing houses.

The proposed building would include workshop space for the service and repair of tractors. Environmental Health has concerns that noise from the workshop element of the proposed development could impact on the amenity of the occupants of Midburn. The Supporting Statement claims that this will fall within Class 4: Business use, which includes office use and any industrial process that can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. All other industrial uses fall within Class 5. No information has been submitted with the application to demonstrate that this proposal falls within Class 4, in terms of the processes carried out, noise levels and mitigation. The applicant has been given the opportunity to provide this information. In the absence of this information, Environmental Health are unable to support the application.

#### Access, Parking and Road Safety

Policy ED7 states that the development must take into account accessibility considerations Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Access would be from the minor road rather than the A68 and an area of hard surfaced parking is proposed, though this is not marked out on the site plan to show how many spaces can be accommodated (the application forms states 20) and whether they are for staff or customers.

Transport Scotland has no objections to the proposal subject to a condition controlling external lighting.

The Roads Planning Service has no objections in principle but require information on levels, drainage, lighting, a parking layout showing customer and staff parking and details of the access. These can be controlled by condition, should the application be approved.

#### Flooding

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The site is at risk from either a fluvial or pluvial flood event with a return period of 1 in 200 years, which is the 0.5% annual risk of a flood occurring in any one year.

A Flood Risk Assessment has been submitted which indicates that the south-western half of the site is within the 1:200 year flood envelope for the St Boswells Burn, which runs along the south west boundary of the site. The flood envelope encompasses parts of the proposed new building. The 1:200 year flood level for the site is indicated to be 85.5mAOD. The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

SUDS cells for water runoff from the parking area and building are shown but no details on the design are given.

The current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as 'Least Vulnerable Land Use'. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

The Flood Protection Officer advises that based on this assessment, this proposal is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. Compensation for the displacement of flood waters should be considered by the applicant; this could be achieved increasing the greenspace area or increasing/changing the type of SUDS used. These issues can be dealt with by a condition.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

Foul drainage would be to a private treatment discharging to a field drain and partial soakaway and surface water to a SUDS, though no specific details have been provided. This can be controlled by a condition.

The water supply would be from the mains.

#### **REASON FOR DECISION :**

The Council supports local businesses in their plans to expand and for job creation and retention but any related development should be in the right locations, guided by Local Development Plan 2016 policies.

It is considered that the proposal in this location fails to comply with a number of Local Development Plan policies.

In respect of policy PMD4, the site is some distance from the Development Boundary for St Boswells and from Charlesfield Industrial Estate and is seen as an isolated countryside location rather than a logical extension to the settlement. There are no significant community benefits of the proposal that justify development outwith the Development Boundary and the development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement.

Policy ED2 requires that all industrial and business uses should be located on allocated industrial and business sites. This is an isolated site within the countryside and it is not considered that sufficient justification has been presented to demonstrate that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site or other allocated business/industrial sites within settlements. The development would not respect the amenity and character of the surrounding area and so the proposal fails to comply with policy ED7.

The site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location and the use is appropriate for a countryside setting in terms of policy EP6. The proposal would result in piecemeal and sporadic development in the countryside that would erode the separation between Charlesfield Industrial Estate and St Boswells. In addition, the development would be visually intrusive and would erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. Despite the proposal for tree and hedge planting on the south east side of the site, the building is likely to remain highly visible and intrusive in views and would not enhance the landscape.

Although the proposal would allow an existing local business to expand and would result in job retention and creation, it is considered that the proposal is contrary to policies PMD4, ED2, ED7 and EP6 and the benefits of the development are not sufficient to warrant a departure from these policies.

**Recommendation:** Refused

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary.
  
- 2 The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area.
  
- 3 The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**