

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/00727/PPP  
**APPLICANT :** Mrs C Redpath  
**AGENT :** Richard Amos LTD  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Plot 4 Hume Bank Hume Hall Holdings  
Greenlaw  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19/B472/PL04	Location Plan	Refused
19/B472/PL06	Proposed Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 3**

**SUMMARY OF REPRESENTATIONS:**

A total of 3 valid representations have been received by the Planning Authority, all objecting to the application. All issues raised have been considered. The letters raise the following material issues:

- o The proposal does not relate well to an existing building group;
- o Loss of prime quality agricultural land;
- o Impact on visual amenities of area;
- o Impact on natural heritage;
- o Drainage;
- o Roads related issues, such as, road safety, access, parking, visibility, increased traffic, footway provision and street lighting.

Consultations

Community Council objects to the application for the following reasons:

- o It would break into an undeveloped field which is prime agricultural land, therefore there would be a permanent loss of prime agricultural land;
- o It would not relate well to the existing buildings;
- o It will be in close proximity to a working farm;
- o It does not meet an established need and is not directly related to any rural business.

Education and Lifelong Learning has not responded at the time of writing this report.

Roads Planning Service do not object in principle to the proposal. They advise that access to the plot should be by way of a joint service layby with Plot 5. They recommend that standard conditions and an informative are attached to any consent granted.

Scottish Water advises that there is currently sufficient capacity in Robertson Water Treatment Works to service the proposed development.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2019

Householder Development (Privacy and Sunlight) 2006

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 15th July 2021

Site description

The application site relates to part of an agricultural field that is located at Hume Hall Holdings which lies approximately 3 miles south of the settlement of Greenlaw. The public road (U72-5) flanks the north west boundary of the application site. There are residential properties within the surrounding locality to the north and south west of the application site. The site is relatively flat and is identified as being an area of prime quality agricultural land.

Proposed development

Planning permission in principle is sought for the erection of a dwellinghouse. Vehicular access to the site would be taken from the public road to the north. The proposed dwellinghouse would be connected to the public water supply network and would be served by private drainage arrangements.

Supporting information

Planning Statement prepared by Richard Amos Ltd, dated 28 April 2021.

Relevant planning history

04/01610/OUT Erection of dwellinghouse. Refused 23 November 2004.

16/00679/PREAPP Pre-application enquiry.

19/01783/PPP (Plot 4) Erection of dwellinghouse. Refused 01 June 2020.

19/01782/PPP (Plot 5) Erection of dwellinghouse. Refused 01 June 2020.

21/00726/PPP (Plot 5) Erection of dwellinghouse. Pending consideration.

## Assessment

### Principle of development

Planning permission in principle was refused for the erection of a dwellinghouse at this location under application 19/01783/PPP in June 2020 as the proposed development was not considered to relate well to the existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it would result in the permanent loss of prime quality agricultural land. Planning permission in principle is sought under the current application for the erection of a dwellinghouse in the same location. The only change that has been made from the previous application is the application site area. As the previous application 19/01783/PPP was refused the current application must be reassessed.

The application site is not located within the defined development boundary of a settlement and as such would equate to development in the countryside. In order to establish the principle of development it must be assessed against Policy HD2: Housing in the Countryside. The application site is not located in the Southern Housing Market Area. At present, it is agricultural land and the proposal would not result in the conversion of an existing building to a house, the restoration of an existing house or result in the proposed replacement of an existing house. In addition, no justification has been provided to demonstrate that there is an economic requirement for a house to be built in this location. Therefore, sections (B) - (F) of Policy HD2 would not be applicable in establishing the principle of development in this particular location. It would only be appropriate to assess the proposal against section (A) Building Groups of Policy HD2.

Section (A) Building Groups of Policy HD2 advises that additional dwellings should only be permitted where the site relates well to an existing building group of at least three dwellings and will only result in the addition of two dwellings or a 30% increase to the group, whichever is greater, during the period of the Local Development Plan. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining applications.

Additionally, the Council's Supplementary Planning Guidance titled 'New Housing in the Borders Countryside 2008' states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is acknowledged that there is a building group at Hume Hall Holdings and that the dwellinghouses within the locality of the application site contribute to the building group. There is the numerical capacity within the building group to add an additional two dwellinghouses under the current Local Development Plan period. Therefore, the main consideration is whether the proposed development would be an appropriate addition to the existing building group.

Most of the dwellinghouses associated with the building group are situated to the north of the public road, with the exception of two dwellinghouses, Glenholly and Hume Brae which lie to the south west of the application site. Plot 5 (21/00726/PPP, pending consideration) is situated between the application site and the dwellinghouses to the south west. Agricultural land separates Plot 5 from Hume Brae.

The application site and neighbouring application site would not be conterminous with any of the surrounding properties. In light of this, the application site is not considered to relate well to the existing building group as a dwellinghouse in this location would appear visually isolated from the core area of the building group to the north of the public road. Additionally, the development to Plot 5 may never be implemented and this would exacerbate the relationship the application site has with the existing building group as it would be isolated even more. Considering the position and orientation of the application site relative to the existing building group it is not felt that it would positively contribute to the overall sense of place found within the locality.

One of the reasons for refusal for the previous application 19/01783/PPP was size of the application site. It was felt that the application site was disproportionately large, comparatively, with neighbouring properties. The curtilage of Glenholly and Hume Brae extends to approximately 685 square metres and 435 square metres, respectively. The application site under application 19/01783/PPP extended to an area of approximately 2315 square metres, which is significantly larger than the adjacent properties. It was considered that the size of the plot is not commensurate to the curtilage of neighbouring properties and that it would fundamentally change the character of the area.

The size of the application site has been reduced for the current application, measuring approximately 1280 square metres. Whilst the application site has been reduced in size for the current application, it is almost double the size of the curtilage of Glenholly. There are no other properties within the existing building group which have a curtilage as large as the application site. Therefore, the size of the plot continues to be incongruous with the established pattern of development found within the existing building group.

This position is consistent with that taken by the Planning Authority during consideration of applications 04/01610/OUT, 19/01782/PPP and 19/01783/PPP. There are no new material considerations which suggest that housing development in this location would be acceptable now and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

In addition, the application site is identified as being an area of prime quality agricultural land. The principle of development must also be assessed against Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils. Policy ED10 states development which results in the permanent loss of prime quality agricultural land will not be permitted unless:

- a) the site is otherwise allocated within this local plan
- b) the development meets an established need and no other site is available
- c) the development is small scale and directly related to a rural business.

The application site is not allocated within the current Local Development Plan. The proposed development would not be for an established need and while it may be small scale, it would not be directly related to a rural business.

Therefore, the proposed development would be contrary to Policy HD2 and Policy ED10, as well as the Council's adopted supplementary planning guidance 'New Housing in the Borders Countryside 2008'. Therefore, the principle of development could not be established in this location.

#### Layout, siting and design

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. Notwithstanding the matters raised in the previous section of this report in relation to the principle of development, it is acknowledged that the application site is sizable and could comfortably accommodate a dwelling. As the application is for planning permission in principle, precise details of the layout, siting and design of the proposed dwelling have not been provided at this stage and will be assessed on receipt of a subsequent planning application.

The use of certain boundary treatments in this location could have an adverse impact on the surrounding landscape. With this in mind, a condition should be attached if permission is granted removing permitted development rights under class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) to ensure that no means of enclosure are erected other than those agreed in any subsequent application.

#### Impact on residential amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. As previously mentioned, the application is for planning permission in principle and no detailed information has been provided at this stage to show the layout, siting and design of the proposed dwelling. The impact the proposed development would have on the amenity and privacy of neighbouring properties cannot be fully assessed at this stage.

Further consideration would be given to the impact the proposed development would have on neighbouring properties on receipt of a further planning application detailing the layout, siting and design of the proposed dwelling. However, it is not anticipated that a dwellinghouse in this location would adversely impact on the amenity or privacy of neighbouring properties.

#### Roads

Indicative details show that vehicular access to the site would be taken from the public road to the north. Roads Planning Service was consulted as part of the application process. They have no objection to the proposed development provided that the site access is formed as a joint service layby detail with the neighbouring application site (21/00726/PPP), rather than the individual accesses indicated at present.

In accordance with Policy IS7, parking for two vehicles must be provided within the curtilage of the dwellinghouse. It is expected that this requirement could be achieved. Standard conditions and informatives will be attached if permission is granted in relation to access and parking.

Concerns have also been raised in relation to visibility, increase to traffic, street lighting and footway provision. Roads Planning Service has not brought up any of the aforementioned points in their consultation response and the Planning Authority can only assume that they do not pose an issue for the development. It is not anticipated that the proposal would adversely impact on road safety.

#### Water supply and drainage

The proposed development would be connected to the public water supply network - this approach is welcomed. Scottish Water was consulted as part of the application process and they advise that there is currently sufficient capacity in Robertson Water Treatment Works to service the proposed development.

Foul drainage would be dealt with by private drainage arrangements in the form of a septic tank to soakaway. Concerns have been raised over the accuracy of the information provided in the application relating to drainage and the impact the proposed development would have on the drainage arrangements for neighbouring properties. The septic tank for Byreside is located within the neighbouring application site (19/01782/PPP). It is proposed to remove the existing septic tank that serves Byreside and connect the proposed dwellinghouses and Byreside to a new septic tank which would be located to the south of the neighbouring application site (19/01782/PPP).

Indicative details have been provided to demonstrate that Byreside would continue to have a suitable means of foul drainage. No information has been provided to show how the proposed development would impact on any of the other neighbouring properties existing drainage arrangements. Nonetheless, the proposed development must ensure that neighbouring properties can be adequately served by suitable means of drainage and that it does not inhibit the use of existing drainage arrangements. Drainage would be subject to further consideration at the building warrant stage. Conditions will be attached, should permission be granted, to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

#### Natural Heritage

Concerns have been raised over the impact the proposed development would have on the presence of wildlife in the application site which is presently an agricultural field. Considering the nature of the site and the proposed development, it would not warrant an ecological survey being undertaken to support the application.

#### Waste

There would be sufficient room for bin storage within the application site and they should be stored in an unobtrusive location. The precise details would be agreed with a subsequent application.

#### Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions would be secured by means of either a Section 69 or Section 75 Legal Agreement.

#### Conclusion

The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted supplementary planning guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it would result in the permanent loss of prime quality agricultural land. It is therefore recommended that the application be refused.

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

The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it would result in the permanent loss of prime quality agricultural land. It is therefore recommended that the application be refused.

#### **Recommendation:** Refused

- 1 The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field and the application site would be disproportionately large within this context and so the development would be detrimental to the character of the building group. In addition, the development would result in the permanent loss of prime quality agricultural land.

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