

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

10 JANUARY 2022

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 21/01491/PPP
OFFICER:	Cameron Kirk
WARD:	Mid Berwickshire
PROPOSAL:	Erection of dwellinghouse
SITE:	Land South East of Oaklands, 7 Houndslow Road, Westruther
APPLICANT:	Mr Donald McLeod
AGENT:	Les McCaskey Architectural Design Services

PLANNING PROCESSING AGREEMENT: Planning processing agreement in place until 10 January 2022.

SITE DESCRIPTION

The application site relates to agricultural land approximately 200 metres south of the development boundary for the settlement of Westruther. It is understood that agricultural buildings were once location on the application site although these have since been removed and the application site has naturalised over time. The application site is fairly level and there are mature trees that lie within and adjacent to the application site. The application site is delineated by post and wire and post and rail fencing. It is accessed via an existing gate that flanks the public road (C98) to the west boundary. The land surrounding the application site is characterised as agricultural land.

PROPOSED DEVELOPMENT

Planning permission in principle is sought for the erection of a dwellinghouse. Vehicular access to the application site would be taken from the public road (C86) that flanks the west boundary of the application site. The proposed dwellinghouse would be connected to the public water supply network. Foul water would be dealt with by a private septic tank and soakaway, while surface water would be dealt with by a soakaway.

PLANNING HISTORY

There is no planning history for the application site.

REPRESENTATION SUMMARY

No third party representations have been received by the Planning Authority.

APPLICANTS' SUPPORTING INFORMATION

- Supporting Statement

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Out with Development Boundaries

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP13: Trees, Woodland and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Developer Contributions 2015 (updated 2021)

Landscape and Development 2008

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Trees and Development 2008

Waste Management 2015

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Education and Lifelong Learning: No response.

Roads Planning Service: Objection. The application site is out with the settlement boundary for Westruther but close enough to the village that people would be inclined to walk to and from it. However, there is no infrastructure in place to support these pedestrian movements, such as, a footway or street lighting. Therefore, the proposed development fails to comply with Policy PMD2 of Local Development Plan as it would adversely impact upon pedestrian safety.

Statutory Consultees

Community Council: No response.

Scottish Water: No objection. They advise that there is currently sufficient capacity in the Howden Water Treatment Works to service the proposed development. They advise that there is no waste water infrastructure within the vicinity of the proposed development and private treatment options should be investigated instead.

KEY PLANNING ISSUES:

- Principle of development;
- Layout, design and materials;
- Residential amenity and privacy;
- Road safety.

ASSESSMENT OF APPLICATION:

Principle

Planning permission in principle is sought for the erection of a dwellinghouse. The applicant and their family currently reside within the settlement of Westruther. The applicants supporting statement, a copy of which is available for Members to view on Public Access states that the proposed, purpose built dwelling, is required to “provide integrated family living accommodation, whilst ensuring the provision of specialist facilities to accommodate the specific health and welfare needs” of the applicants children.

It is understood that the applicant’s current house does not provide the specialist facilities that are required to care for their children and it is not suitable for adaptation. The applicant therefore intends to build a dwellinghouse that would provide the facilities required to care for their children. Whilst the Planning Authority sympathise with the applicant’s personal circumstances, Members must be aware that the health of the occupants is not a material planning consideration in the assessment and determination of the application. Members cannot take into account personal circumstances when assessing the acceptability, or otherwise, of the proposed development.

No detailed information has been provided by the applicant that demonstrates there are no other suitable sites within the development boundary that can accommodate the proposed dwelling. A sequential assessment of other dwellings in the village (or surrounding area) that would be suitable for their needs or vacant sites that could accommodate the proposed dwelling has not been submitted. Whilst the supporting statement justifies the need for improved accommodation to suit the family’s needs, it fails to demonstrate the requirement for a house in this particular countryside location, out with the development boundary.

The application site located some 200 metres south of the development boundary of Westruther. The intervening land between the development boundary and the application site is agricultural in nature. Therefore, Policy PMD4: Development out with Development Boundaries would be applicable in determining the principle of development. Policy PMD4 states that where development boundaries are defined on proposal maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Development Plan period. Development should be contained within the development boundary and proposals for new development out with this boundary, and not on allocated site identified on the proposals map, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the development boundary.

The proposed development would not result in a job-generating development. It would not result in an affordable housing development. It would not provide additional

housing through an identified shortfall through the housing land audit. The proposed development would result in the addition of a dwellinghouse that would not offer significant benefits to the wider community. In considering the proposed development against the criteria listed under PMD4, the proposed development would be contrary to policy.

As the site is not located within the defined development boundary of a settlement and would equate to development in the countryside the proposals must also be considered against Policy HD2: Housing in the Countryside. It is clear that an existing building group of three or more dwellings within the locality of the site does not exist at this location. At present, the site is currently agricultural land and the proposal would not result in the conversion of existing buildings 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 particular location. The proposed development would lead to sporadic, isolated housing in the countryside and would fail to comply with the relevant criteria set out under Policy HD2.

In consideration of the above, the proposed development at the location identified would have a significant adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Westruther. It would not represent a logical extension of the built-up area and it would result in an isolated dwellinghouse within the countryside, given the intervening land and trees between the application site and settlement. Accepting a dwellinghouse in this location would set an undesirable precedent which would erode the integrity of the development boundary for the settlement of Westruther.

Whilst acknowledging the applicant's personal circumstances, there are no material planning considerations that would support the erection of a dwelling in this particular location, and there are no known extenuating circumstances or other material considerations, which indicate support for this development as an exception from the Local Development Plan. Regrettably, the principle of development is not considered acceptable in this location.

Layout, design and materials

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 dwellinghouse. An indicative site plan and floor plans have been provided for the proposed dwellinghouse which demonstrate this. However, as the application is for planning permission in principle only at this stage, comprehensive details of the layout, siting and design of the proposed dwellinghouse have not been provided. The precise details of layout, design and materials would be assessed on receipt of a subsequent detailed 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 could be attached to any consent that may be 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 detailed 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 whilst some indicative drawings have been provided at this stage to show the layout, siting and design of the proposed dwellinghouse, the impact the proposed development would have on the residential amenity and privacy of neighbouring properties cannot be fully assessed at this stage.

Further consideration would be given to the impact the proposed development on neighbouring properties when assessing a detailed planning application that may be submitted. However, it is not anticipated that a dwellinghouse in this location would adversely impact on the amenity or privacy of neighbouring properties as the application site lies some 200 metres from the nearest dwellinghouse.

Access and parking

The Council's Roads Planning Service (RPS) was consulted as part of the application process. Members will be aware that RPS object to the application. They advise that the application site is out with the settlement boundary for Westruther but close enough to the village that would encourage people to walk to and from the site. However, there is no infrastructure, such as footpaths or street lighting, in place to support these pedestrian movements. The proposed development would therefore fail to comply with Policy PMD2 of Local Development Plan in that it would adversely impact upon pedestrian safety. RPS is unable to support the application.

Indicative details show that vehicular access would be taken from the public road (C98) to the west boundary of the application site. Roads Planning Service has not raised any concerns relating to the proposed access. Precise details of the vehicular access can be covered by suitably worded conditions and assessed in full at the detailed application stage.

Similarly, parking for two vehicles must be provided within the curtilage of the dwellinghouse, and this can be assessed during a detailed application. It is expected that this requirement could be achieved to ensure compliance with Policy IS7,

Trees

Policy EP13 aims to give protection to the woodland resource and in turn, to the character and amenity of settlements and the countryside, maintain habitats and provide an important recreational asset. There are large mature trees that lie to the south and east boundaries of the application site. In addition, there are other trees located along the south and north boundaries of the application site. The existing trees are an important feature within the landscape and they should be retained. No details have been provided at this stage to demonstrate the impact the proposed development would have on the existing trees and any potential mitigation that may be required.

The Root Protection Area (RPA) of existing trees should be established in accordance with BS 5837:2012 and marked accurately on a topographic survey (to include the house layout, driveway access, services routes - including septic tanks and soakaway systems) and associated works to establish if the site can accommodate the proposed house without risk to the existing trees. A condition of any consent that may be granted could ensure that the RPA's are clearly shown on detailed plans and that no works are

carried out to the existing trees without the prior written consent of the Planning Authority.

Services

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

Foul drainage would be dealt with by private drainage arrangements in the form of a septic tank which would discharge to a soakaway. Surface water would discharge to a soakaway. Drainage would be subject to further consideration at the building warrant stage. Conditions could be attached to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

Waste

There would be sufficient room for a dedicated bin storage area within the application site to serve the proposed dwellinghouse. The bin storage area should be located in a discreet position within application site. The precise details would be sought by way of condition.

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 are sought towards education and lifelong learning, specifically Westruther Primary School and Earlston High School. This would be secured by way of a legal agreement.

CONCLUSION

In light of the above, the Planning Authority understand the applicant's circumstances and need to find alternative, fit for purpose family accommodation that meets their very specific needs. Unfortunately, their very specific personal circumstances are not material to the assessment of this application and cannot be taken into account when determining the acceptability, or otherwise, of the proposed development.

The proposed development would fail to comply with Policy PMD4 and Policy HD2 of the LDP as it would be located out with the development boundary of Westruther and would result in an isolated house in the countryside. The site is not within or adjacent to an established building group and the need for a dwelling in this particular location has not been adequately justified. The proposal would have a significant adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Westruther, given the intervening land and trees between the application site and settlement. A dwellinghouse in this location would set an undesirable precedent which would erode the integrity of the development boundary for the settlement of Westruther.

Furthermore, the proposed development would fail to comply with Policy PMD2 as there is no infrastructure, such as a footway or street lighting, to support pedestrian movements between the application site and the settlement of Westruther. This would unduly impact upon pedestrian safety.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances or other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend that the application is refused for the following reasons:

1. The proposed development is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that house would be located out with the defined development boundary of Westruther and would not represent a logical extension of the built up area. The erection of a house on this site would be visually detached from the settlement and would have a significant adverse impact upon the composition and quality of the landscape character. The proposed development would set an undesirable precedent that would erode the integrity of the development boundary for the settlement of Westruther.
2. The proposed development is contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 in that it would result in an isolated dwellinghouse in the countryside out with a recognised building group. Furthermore, it has not been adequately demonstrated that there is an economic, or other exceptional need, for a house to be located on this particular site. The erection of a house on this site would result in sporadic isolated housing in the countryside.
3. The proposed development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that there is no infrastructure on the adjacent public road (C68) to support pedestrian movements between the application site and the settlement of Westruther. The erection of a house on this site would have a significant adverse impact upon pedestrian safety.

DRAWING NUMBERS

Drawing type Drawing no.
Location Plan W-02

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

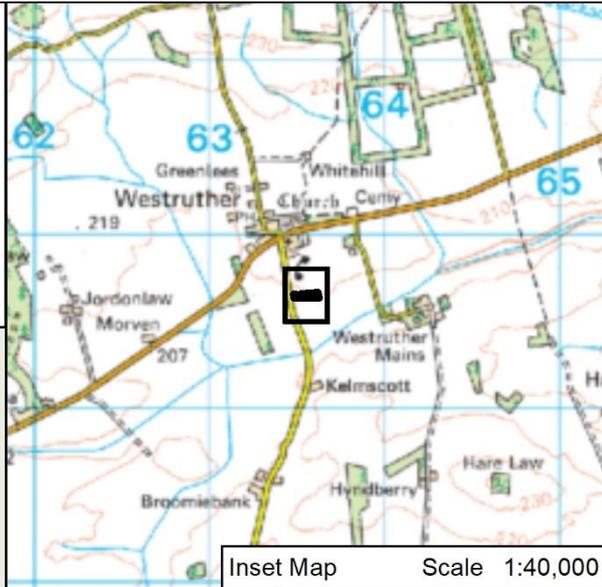
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Land South East Of Oaklands
7 Houndslow Road
Westruther



Scale 1:1,500