



**APPEAL STATEMENT IN RELATION TO SCOTTISH
BORDERS COUNCIL'S REFUSAL OF: PLANNING
APPLICATION IN PRINCIPLE FOR RESIDENTIAL
DWELLINGS WITH ASSOCIATED AMENITY, PARKING,
INFRASTRUCTURE AND ACCESS.**

**NORTH OF CAKEMUIR COTTAGE, NENTHORN,
KELSO, TD5 7RY**

APPLICANT: MR AND MRS FORSTER

OCTOBER 2021

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Appendix 1: Core Documents

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Approved	Date
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1. Introduction

- 1.1 This statement is submitted on behalf of Mr and Mrs Forster ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application 21/00999/PPP and 21/01000/PPP by delegated decision on 3rd September 2021.
- 1.2 The two Planning Permission in Principle (PPiP) applications sought consent for the '**residential dwellings with associated amenity, parking, infrastructure and access**' on plots 1 and 2 North of Cakemuir Cottage, Nenthorn, Kelso, TD5 7RY.
- 1.3 SBC's three reasons for the refusal of the PPiP applications LPA ref 21/00999/PPP and 21/01000/PPP as set out in the decision notices was:
1. The proposal is contrary to policy HD2 of the Scottish Borders Local Development Plan 2016, and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance 2008, in that the site is not within or well related to a building group and would unacceptably adversely impact the landscape and visual amenity of the surrounding area.
 2. The proposal is contrary to policy PMD1 of the Local Development Plan 2016 in that it would present itself as ribbon development contrary to the sustainable use and management of land.
 3. The proposal is contrary to Policy PMD2 of the Local Development Plan 2016, in that the site is not compatible with or respects the character of the surrounding area or building group.
- 1.4 Other than the reasons for refusal above, the other technical consultees have raised **no objection** to the proposed development, as summarised in the table below:

Table 1: Summary of Technical Consultee Comments

Consultee	Comment
Scottish Water	No Objection
Community Council	No Objection
Archaeology Officer	No Objection
Roads Planning	No Objection
Ecology Officer	No Objection

1.5 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2).
- A summary of the appeal proposals (Section 3).
- A summary of relevant development plan policy and other material considerations (Section 4).
- Response to the Council's reasons for refusal and our grounds for appeal (Section 5).
- Summary of the appellant's case and conclusion in respect of the appeal proposal (Section 6).

Supporting Documents

1.6 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application listed below.

Table 2: Original Planning Submission Documents

Document	Consultant
Planning Statement	Ferguson Planning Ltd
Preliminary Ecology Appraisal	Ellendale Environmental

Table 3: Architectural Drawings

Document	Consultant
Site Location Plan	Aidan Hume Design Ltd
Indicative Site Plan	Aidan Hume Design Ltd

The planning officer's report and decision notices relating to the refused applications are also included.

Application process

- 1.7 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.
- 1.8 This statement demonstrates that SBC does have a shortfall in their effective five-year housing land supply, the proposed development would represent a logical location for the extension of the existing building group and will provide much needed

housing within a sustainable location that would have no adverse impact on the character of the surrounding area.

- 1.9 On that basis, we respectfully request that this appeal is allowed to enable planning permission in principle to be granted for the proposed development at Plots 1 and 2, North of Cakemuir Cottage, Nenthorn, Kelso, TD5 7RY.

2. Site Context and Key Planning History

- 2.1 This Planning Permission in Principle (PPP) application relates to the development of two detached residential dwellings north of Cakemuir Cottage, Nenthorn, Kelso, TD5 7RY. The plots directly relate and adjoin an existing building group at Nenthorn which has 17 dwellings in the immediate building group with a further 14 dwellings within the disperse building group creating a total of 31 dwellings.
- 2.2 The site is 0.39ha in size and is currently agricultural land and is positioned to the north of Cakemuir Cottage and House, to the west of the A6089, Nenthorn. The plot therefore adjacent to existing properties and well related within the Building Group. Adjoining the site to the east is a plot that has recently obtained planning consent for a single dwelling house (LPA ref: 20/01275/PPP), adjoining the eastern boundary are the two recently completed dwelling (LPA ref: 19/00147/FUL and 18/01222/FUL) with further dwellings within the Nenthorn Building Group beyond. Bordering the site to the north and west is agricultural land. Access is to be obtained to the south of the site off the existing access road towards the A6089.
- 2.3 It should be noted that were four dwellings approved on the land to the east. These were not developed by the applicant.

Figure 1: Site Location Plan

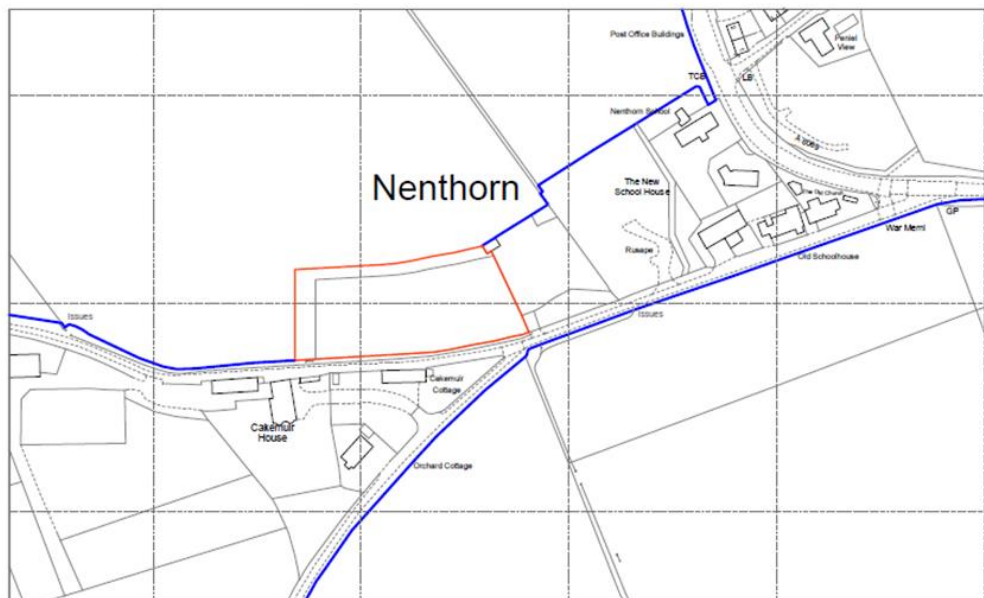
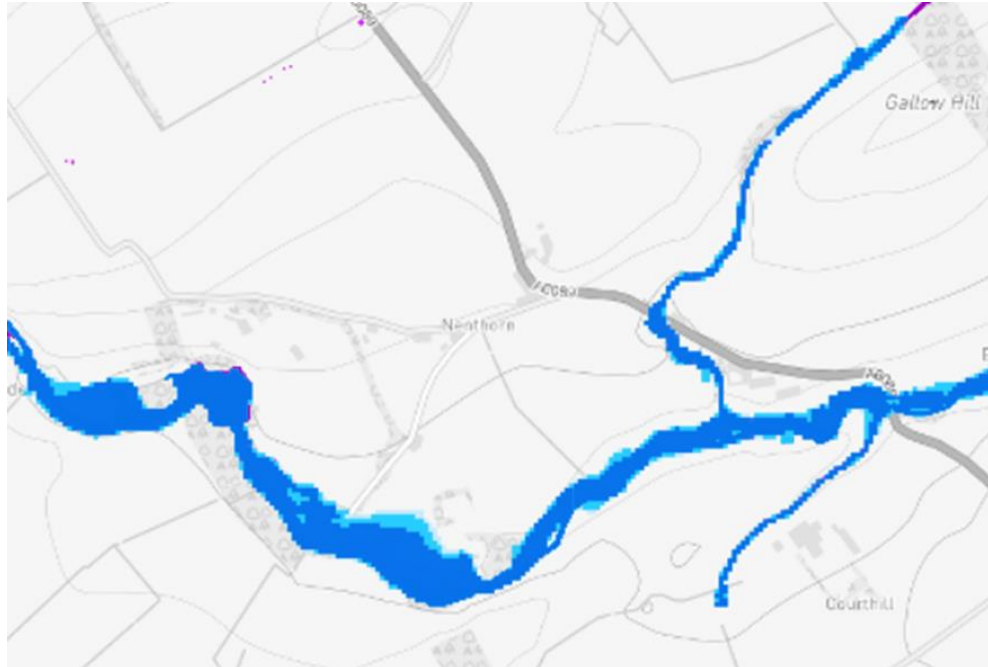


Figure 2: Aerial View of the Site (Google Maps)



- 2.4 In terms of topography, the site itself is relatively flat without any significant landscape variations. There is however a slight gradient from the north to south.
- 2.5 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations.
- 2.6 The proposed dwellings are shown indicatively on two individual plots, illustrated within Section 3 of this report. The intention being that the proposed development forms a natural extension to the existing building group, relating well to the properties to the south and west. In addition, the building plots will be contained by existing and proposed landscaping.
- 2.7 In terms of accessibility, the site is approximately 3.8 miles northwest of Kelso offering a range of services and facilities, along with onward public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.8 In terms of Heritage, there are no listed buildings on or within close proximity to the Site and the fall outside the floodplain.
- 2.9 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding which is identified in Figure 3 below.

Figure 3: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.



Planning History

2.10 Referring to the Scottish Borders planning application search, there have been no planning applications associated with the site to date however there has been a number of neighbouring applications to note which are detailed below.

Table 4: Summary of Planning History

LPA ref	Address	Proposal	Status
20/01275/PPP	Land Northeast of Cakemuir Cottage Nenthorn Scottish Borders	Erection of dwelling house	Approved 23 rd July 2021
21/00686/FUL	Land Southeast of Post Office Buildings Nenthorn Scottish Borders	Change of house design and orientation pertaining to planning permission 10/01726/AMC	Approved 16 th July 2021.

21/00686/FUL	Land South East Of Post Office Buildings Nenthorn Scottish Borders	Change of house design and orientation pertaining to planning permission 10/01726/AMC	Validated 28 th April 2021 Awaiting Decision.
10/01726/AMC	Land Southeast of Post Office Buildings Nenthorn Scottish Borders	Erection of two dwelling houses	Approved 8 th September 2011
05/01624/OUT	Land At Smiddy Corner Nenthorn Kelso Scottish Borders	Erection of two dwelling houses	Approved 17 th January 2008
19/00147/FUL	Land Northwest of Rusape Nenthorn Scottish Borders	Erection of dwelling house with integral garage	Approved 10 th April 2019
18/01470/FUL	Outbuildings West of Cakemuir Nenthorn Scottish Borders	Change of use from outbuilding and alterations to form dwelling house for holiday let	Approved 16 th January 2019
18/01222/FUL	Land West of Rusape Nenthorn Scottish Borders	Erection of dwelling house	Approved 7 th November 2018
15/00279/FUL	Land West of Cakemuir Cottage Nenthorn Scottish Borders	Erection of dwelling house	Approved 27 th July 2015
07/01848/OUT	Land Northwest of Nenthorn Primary School Kelso Scottish Borders	Erection of four dwelling houses	Approved November 2007

2.11 It should be noted, however, the applicant did receive planning consent for four residential plots within Nenthorn (LPA ref: 07/01848/OUT) and is a strong material consideration in this case.

2.12 The principle for further homes has been accepted in the adjoining field. Those homes approved by the 2007 application did not get constructed and the intention being that the proposal would now substitute 50% of those units.

3. The Appeal Proposal

3.1 This section sets out details of the appeal proposal. The description of which is as follows:

“Planning Application in Principle for Residential Dwellings with associated Amenity, Parking, Infrastructure and Access north of Cakemuir Cottage, Nenthorn, Kelso, TD5 7RY.”

3.2 The proposed development involves the provision two detached residential dwellings with associated infrastructure North of Cakemuir House and Cottage, Nenthorn, Kelso which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 4 below.

Figure 4: Proposed Layout Plan



3.3 In terms of layout, it is proposed the body of the site will be split in half, with the dwellings situated on individual plots. This replicates neighbouring and nearby plots in the area, in particular those that have been recently constructed to the east.

3.4 Careful consideration has been taken in the position of the proposed dwellings within the site, ensuring there is reasonable separation distances to the neighbouring

dwellings, safeguarding the daylight and sunlight provision and privacy of residents. The proposed landscaping to the north, west and in the centre of the site, along with the existing hedgerow to the south will further enhance the privacy of future residents whilst maintaining the privacy of existing residents at Cakemuir Cottage, in accordance with the New Housing in the Borders Countryside SPG.

- 3.5 There is a single access point to the south off the road leading to the A6089 towards Kelso. The access adjoins the existing residential properties at Cakemuir Cottage to the south and is formed as approved by Scottish Borders Council Roads Department Guidelines. Each plot will then have their own individual access leading off the primary access.
- 3.6 The proposed built form does not extend beyond the building line of the neighbouring properties to the east and south, ensuring they do not impinge upon the open landscape to the north and west. This is further supported by the height of the proposal, forming up to 1.5 storey dwellings, stepping down to a single storey not exceeding beyond the height of the neighbouring dwellings.
- 3.7 There will be private outdoor amenity provision for each proposed dwelling. The site benefits from being bordered by existing trees and vegetation to the south which will be retained where possible, with proposed landscaping along the northern and western border and within the site, enhancing the natural environment in which it surrounds and in accordance with New Housing in the Borders Countryside SPG guidance.
- 3.8 As the appeal is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design will be for the next stage of the Planning process.

4. Planning Policy Context

- 4.1 This section outlines the principal planning policy and material considerations which provide the context for the consideration of this appeal.
- 4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 The Development Plan in this case, comprises the Southeast Scotland Strategic Development Plan, SESplan, (2013) and the Scottish Borders Local Development Plan (2016).
- 4.4 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period on the Proposed Plan ended on 25th January 2021. Adoption is anticipated early 2022.
- 4.5 Other documents relevant to the planning policy context and consideration of this appeal, forming 'material considerations' comprise:
- Scottish Planning Policy (2014)

Development Plan

SESplan Strategic Development Plan (2013)

- 4.6 The SESplan seeks to prepare and maintain an up-to-date Strategic Development Plan for the Southeast Scotland Area. The vision for the Scottish Borders in the Strategic Development Plan (SDP) is that development will be focussed on the Borders Rail and A701 corridor with up to 5,900 new homes and new economic development proposed in this area.

Scottish Borders Local Development Plan (2016)

- 4.7 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.
- 4.8 With reference to the adopted LDP Proposals Map (2016), the site is classed as White Land, holding no specific allocations or designations.
- 4.9 The key policies under which the development will be assessed were fully appraised within the Planning Statement submitted with the application and this document should be read in conjunction with this appeal statement (**Core Document 4**).

4.10 This appeal statement therefore only focuses upon the key policies upon which the Council based their refusal of the planning permission. In this case, LDP Policy HD2 PMD1 and PMD2, as set out below.

4.11 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,
- b) 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 new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.”

4.12 **Policy PMD1: Sustainability:** The preparation of the Local Development Plan was heavily informed by the acknowledged “*need for action on climate change*” and the Council’s Environmental Strategy, which sit behind the ‘support and encouragement of sustainable development’ across the Borders. Policy PMD1 sets out the “*sustainability principles which underpin all the Plan’s policies*” and that the Council expects to inform development proposals and planning decisions:

- a) the long-term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including wastewater and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car

- h) the minimisation of light pollution
- i) the protection public health and safety
- j) the support of community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management, and improvement of their environment.

4.13 **Policy PMD2: Quality Standards:** The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

Material Considerations

Scottish Planning Policy (2014)

4.14 Scottish Planning Policy (SPP) was adopted in 2014 and is a statement of the Scottish Government's policy on how nationally important land use planning matters should be addressed across the country.

4.15 The content of SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposal accord with this SPP, their progress through the planning system should be smoother.

- 4.16 With regards to specific housing policy, Paragraph 110 of SPP establishes 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*”.
- 4.17 Paragraph 123 of SPP states that, “*Planning Authorities should actively manage the housing land supply*”. Further it is established that “*a site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing*”.
- 4.18 Paragraph 125 of SPP requires that: “*Planning Authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where there is a shortfall in the 5-year land supply, development plan policies for the supply of housing will not be considered up-to-date and paragraphs 32-35 will be relevant*”.
- 4.19 Paragraph 33 of SPP states that, “*where relevant policies in a development plan are out of date...then the presumption in favour of development that contributes to sustainable development will be a significant material consideration*”.

Recent Case Law

- 4.20 Significantly, the shortfall in the Council’s five-year land supply, has been confirmed by an important recent appeal decision with reference PPA-140-2088 published 18th May 2021. The Reporter concluded that there is a “significant five-year effective land shortfall” with a c.631 housing shortfall in terms of 5-year housing land supply. This is the latest government opinion on this case and therefore a significant material consideration in this appeal.

5. Grounds of Appeal

- 5.1 SBC refused the application for three reasons, as outlined in Section 1, and re-stated below.
- 5.2 To aid clarity in our response to the issues raised in the reason for refusal, we have split it into three parts **[as noted in bold]**, along with our responses to them.
- 5.3 *The proposal is contrary to policy HD2 of the Scottish Borders Local Development Plan 2016, and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance 2008, in that the site is not within or well related to a building group and would unacceptably adversely impact the landscape and visual amenity of the surrounding area. [Part 1]*
- 5.4 *The proposal is contrary to policy PMD1 of the Local Development Plan 2016 in that it would present itself as ribbon development contrary to the sustainable use and management of land. [Part 2]*
- 5.5 *The proposal is contrary to Policy PMD2 of the Local Development Plan 2016, in that the site is not compatible with or respects the character of the surrounding area or building group. [Part 3]*

Reason for Refusal - Part 1

- 5.6 *The proposal is contrary to policy HD2 of the Scottish Borders Local Development Plan 2016, and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance 2008, in that the site is not within or well related to a building group and would unacceptably adversely impact the landscape and visual amenity of the surrounding area.*

Appellant's Response

- 5.7 This site is considered to be within the building group of Nenthorn. Policy HD2 allows for development of up to 2 additional dwellings or a 30% increase of the building group, whichever is greater.
- 5.8 We set out below the circumstances for why this development should proceed in line with the policy. We first demonstrate that the existing building group occupies more than three dwellings and that there are no other buildings capable for conversion into residential use- part A a) of this policy.
- 5.9 We then provide justification for the proposed development of the site in line with criteria b) and c) of this policy, as is necessary to justify development within a building group.

Policy HD2 A Part a)

Criteria a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented.

- 5.10 The building group at Nenthorn comprises a total of 17 residential dwellings with the immediate building group and a further 14 dwelling in the wider disperse building group of Nenthorn to the east and south of the site, creating a total of 31 existing dwellings including two holiday homes. Taking the 30% ruling into account, there is scope for a further seven dwellings within Nenthorn. There are no vacant properties or buildings that could be capable of conversion within the building group.
- 5.11 It is considered the proposed site relates well to the existing building group, and does not constitute ribbon development, being adjacent to the existing residential properties to the south beyond the access road, and properties to the east. It is important to the note, the plot immediately adjoining the site has recently gained planning consent on the 23rd June 2021 (LPA ref: 20/01275/PPP) and construction is anticipated to begin in the near future. The officers' findings appear to not fully acknowledge the existence of the residential properties and thus what we consider a logical location, rather than ribbon development as illustrated in Figure 5 below. Overall, it is considered the site proposal is compliant with Policy HD2 A Part a).

Figure 5: Highlighting adjoining existing and approved residential properties.



5.12 Figure 6 below illustrates the two new dwellings that have been built following consent in 2019 and 2019 (LPA ref: 18/01222/FUL and 19/00147/FUL), with Figure 7 illustrating Cakemuir Cottage to the south of the site.

Figure 6: Neighbouring Properties to the east



Figure 7: Photo taken from the access road to the south of the site of Cakemuir House and Holiday Cottage



Figure 8: Photo taken from the access road to the south of the site towards Cakemuir Cottage on the right-hand side.



Policy HD2 Part b)

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 new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

- 5.13 The proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings and safeguarding the amenity of residents from the adjoining properties.
- 5.14 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape as

illustrated in figures 4 and 5 above. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings which extend up to two storeys in height.

- 5.15 In addition to this, there have been four residential developments approved within the building group within this plan period since 2016, one of which being a conversion, leaving scope for a further three approvals when using the 30% ruling under Policy HD2. As such it is considered the proposal would result in no cumulative impact of new development on the character of the building group.
- 5.16 The proposal will go largely unnoticed in landscape impact terms and from public receptor points (i.e., public roads and footpaths). As illustrated in figure 4 and 8 above, the existing hedgerow bordering the site to the south which adjoins the public road is sought to be retained which will act as a natural shield, restricting the view from passers-by. The proposed landscape boundary to the west and north of the site will further soften the approach from afar, complying with the New Housing in the Countryside SPG. Figure 9 below is an image taken from A6089 from the northeast of the site. Due to the topography and existing built form and vegetation, it is considered the proposed development will be in keeping with the surrounding area.

Figure 9: Image taken from A6089 from the northeast of the site.



5.17 Overall, it is considered the site proposal is compliant with Policy HD2 A Part b).

Policy HD2 Part c)

Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

5.18 Having reviewed the only planning portal, it is acknowledged there have been four new dwellings that have been consented within the building group since 2016 (within the current Local Development Plan period). We therefore consider there is scope for an additional three dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2 Part c.

5.19 As such, we consider the site to be a logical location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2 Part c).

5.20 It is again worth highlighting that the applicant has not brought forward a previous consent for four dwellings and would like to pursue this smaller development in a more logical location. The proposal will assist in the identified housing land supply

shortfall as referred to previously in paragraph 4.21 of this appeal statement and shown within Core Document 4.

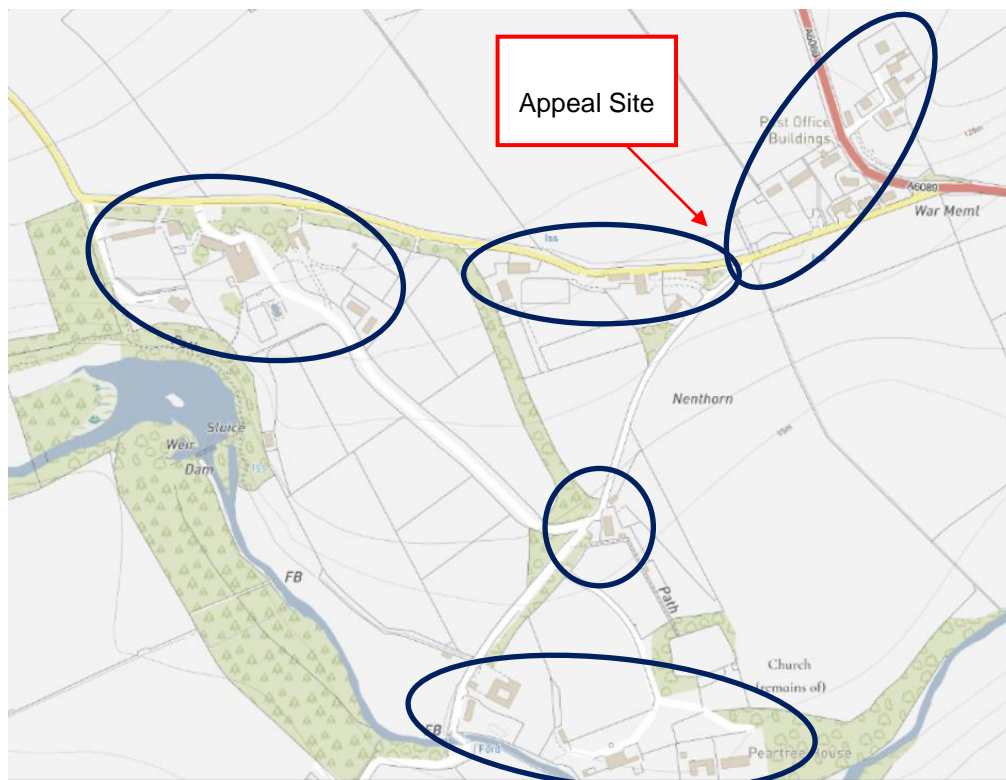
Reason for Refusal – Part 2

- 5.21 *The proposal is contrary to policy PMD1 of the Local Development Plan 2016 in that it would present itself as ribbon development contrary to the sustainable use and management of land.*

Appellant's Response

- 5.22 In response to the above reason for refusal that the proposal would constitute ribbon development, we would strongly disagree as residential properties clearly exist to the east and south of the site as illustrated in figure 5 and again in figure 10 below. It is acknowledged that having a rounded building group is considered preferable to ribbon development. It should be noted the appellant did receive planning consent for four residential plots within Nenthorn (LPA ref: 07/01848/OUT) to the northeast of the building group adjoining the A6089 which did not get built out and is a material consideration. The appellant now considers the site in question is positioned in a location that is well related to the existing built form. Given there is residential properties on either side of the road we do not consider the site to constitute ribbon development.

Figure 10: Residential Properties outlined in blue



- 5.23 While this application is for Planning Permission in Principle, the proposal intends to support a sustainable form of development through renewables such as solar panels, air source heat pumps and electrical charging points in accordance with policy PMD1.

Reason for Refusal – Part 3

- 5.24 *The proposal is contrary to Policy PMD2 of the Local Development Plan 2016, in that the site is not compatible with or respects the character of the surrounding area or building group.*

Appellant's Response

- 5.25 We set out below why this development should proceed in line with Policy PMD2, demonstrating the proposal does not conflict with the character of the surrounding area or building group.

The policy states that development must be of a scale, massing and height appropriate to the surroundings.

5.26 While the details of the appearance, layout, and scale are deferred for future consideration, the indicative illustrations highlighted in figure 11 below indicate the proposed dwellings do not exceed the height of the neighbouring properties within the building group which are highlighted in figure 6 above and again in figure 11 below, whilst not extending beyond the building line to the north, respecting the setting of the rural surroundings.

Figure 11: Neighbouring Dwellings



Figure 12: Indicative House Type



Policy PMD2 states proposals must provide appropriate boundary treatments to ensure attractive edges, and to help integration within the surroundings.

- 5.27 The proposed landscape boundary bordering the site to the north and west further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings, further complying with Policy PMD2.
- 5.28 In addition, although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of neighbouring residents which is further enhanced by the proposed landscaping across the northern and western boundary. In addition, the existing landscaping to the south and east of the site seeks to be retained and improved where necessary, further safeguarding the residential amenity of future residents.
- 5.29 The proposed design has taken influence from the neighbouring dwellings and this is in keeping with the local built form and context.

Policy PMD2 states the proposal must be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality.

- 5.30 Whilst this appeal is for Planning Permission in Principle, the proposal intends to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

Policy PMD2 states the proposal must not have an adverse impact on road safety in terms of the site access and incorporate adequate access and turning space for vehicles including those used for waste collection purposes.

- 5.31 The Scottish Borders Council Roads Planning Officer raised no objections to the proposal. A detailed site access layout can be agreed through a condition.

Policy PMD2 states the proposal must retain physical or natural features which are important to the amenity of biodiversity of the area.

- 5.32 A preliminary ecology appraisal was undertaken on site which concluded there are no suitable habitats for common reptiles and amphibians. It was noted the hedgerow to the south and overgrown trees to the east of the site provide the most suitable habitat to support protected species, namely nesting bird.

- 5.33 As previously mentioned, the existing hedgerow to the south and east of the site seeks to be retained, safeguarding the existing amenity of the biodiversity of the area.

6. Conclusions

6.1 The submitted appeal, supported by this statement, seeks the Council's decision to refuse planning permission for the '**residential dwellings with associated amenity, parking, infrastructure and access**' at Plots 1 and 2 North of Cakemuir Cottage, Nenthorn, Kelso, TD5 7RY to be overturned and for this appeal to be allowed, for the reasons outlined in this statement and summarised below.

6.2 In summary:

- The proposal represents a logical extension of the Building Group adjoining the existing built-up area, which has the capacity to accommodate three additional dwellings this this local plan period, in accordance with Policy HD2.
- The proposal is sympathetic to the character of the building groups, positioned in a logical location and will have no detrimental impact upon the amenity, ensuring there is adequate separation distances between the existing properties resulting in no overlooking or loss of daylight/ sunlight.
- The site is primarily visible from the adopted road to the south of the site upon approach from the east and west, noting the visibility will be restricted due to the existing hedgerow boarding the site to the south, which is sought to be retained, along with the proposed landscaping running along the western boundary, further enhancing the aesthetics, screening views from the south. Overall, the visual impact of the proposal on the local area is considered to be minimal.
- The proposal will provide two high quality family sized dwellings within this desirable and sustainable location, being within close proximity to Kelso. It will assist in meeting the strong demand for new rural homes in the Scottish Borders.
- There has been no road safety concerns or objections from the Roads Officer.
- The site is free from constraint and would assist with the Council's identified (and recently confirmed by a Scottish Government Reporter) housing shortfall in providing residential homes within a sustainable location.

6.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies HD2, PMD1 and PMD2 against which the original application was refused.

- 6.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.
- 6.5 The proposed development is consistent with the guiding principles of SPP, and we do not consider that there are any impacts which are significant and demonstrably outweigh the presumption in favour of development. We respectfully request that this appeal is allowed.

Appendix 1: Core Document List

Core Doc 1: Decision Notice and Officers Report

Core Doc 2: Location Plan

Core Doc 3: Proposed Plans

Core Doc 4: Planning Statement

Core Doc 5: Preliminary Ecology Report