

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/00595/PPP  
**APPLICANT :** Buccleuch Estates Ltd  
**AGENT :** Ferguson Planning  
**DEVELOPMENT :** Erection of dwellinghouse with access and associated works  
**LOCATION:** Land East Of Deuchar Mill House  
Yarrow  
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>
10059-0-01	Location Plan	Refused
10059-0-02A	Proposed Site Plan	Refused
10059-0-03	3D View	Refused

**NUMBER OF REPRESENTATIONS: 5**

**SUMMARY OF REPRESENTATIONS:**

**Representations**

Five representations were received in respect of the application. The main points raised include: access, road safety, impact on the rural character, site history and impact on the environment.

**Consultations**

Contaminated Land Officer: No objections subject to a condition requiring further information relating to potential land contamination.

Ecology Officer: Has not responded at the time of writing this report.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Ettrick & Yarrow Community Council: The community council in principle supported an additional house but had concerns as to the access, lack of information and design of the new houses built in the locality in recent years.

Roads Officer: Objects on the grounds of road safety. The use of the existing access together with the generation of additional conflicting traffic movements, resulting from the proposed development, would be prejudicial to road safety. The proposed splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development.

Nature Scot: No objections subject the development being a minimum of 10m from the boundary of the SAC/SSSI and the submission of a Construction Environment Management Plan (CEMP) for a future full planning application.

Scottish Water: No objection to the application.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability  
PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP1: International Nature Conservation Sites  
IS2: Developer Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and Sustainable Urban Drainage

Supplementary Planning Guidance

- Placemaking and Design (2010)
- Development Contributions (Revised 2018)
- New Housing in the Borders Countryside (2008)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

**Recommendation by** - Brett Taylor (Planning Officer) on 20th October 2021

Site description

The site is located to the east of Yarrow within the Yarrow Valley of Selkirk. The application site is an area of agricultural land containing an agricultural shed. To the west lies a small building group comprising three dwellings. To the north, west and south the site is surrounded by agricultural fields. The A708 bounds the northern boundary of the site. The Tweedsmuir Uplands Special Landscape Area lies to the north of the road. The land slopes down from the roadside to the Yarrow Water (tributary to the River Tweed (SAC) to the south, and also slopes down from the application site to the west.

Proposed development

The application seeks Planning Permission in Principle for the erection of a single detached dwellinghouse and formation of a new driveway at the existing field access. It is intended to remove the existing shed which is set back from the main road.

The application has been amended to block up the existing site access and to utilise an existing field entrance approximately 120m eastwards along the A708. A 3.5m wide road will provide access to the entrance and service layby have also been incorporated into the revised plans.

Planning History

01 June 2018 - Planning permission refused for the demolition of agricultural building and erection of dwellinghouse (18/00355/PPP).

Key Planning Policies

The key policies against which this application is assessed are PMD2 - quality standards and HD2 - housing in the countryside.

In terms of policy HD2: The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) Sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area, and;
- 3) In dispersed communities in the Southern Borders housing market area.

The policy sets out 6 further main criteria against which applications are assessed. Those are:

- A) Building groups;
- B) dispersed building groups;
- C) conversions of buildings to a house;
- D) restoration of houses;
- E) replacement dwellings;
- F) economic requirement.

Therefore, it is considered that review of the proposals is limited to an assessment against criteria (a) Building Groups and (b) Dispersed Building Groups.

Under criteria (a) Building Groups, the initial consideration for new housing is to establish the presence of a building group (comprising at least three dwellings), with a review of whether the proposed site would have an appropriate relationship to the group, taking into account the requirements of supplementary planning guidance New Housing in the Borders Countryside. The policy states that any consent 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

Under criteria (b) Dispersed Building groups, there is an allowance to accept a lower threshold when establishing the presence of a building group within the Southern Housing Market, with the prime consideration remaining the sense of place of the group.

#### Applicant's Supporting Statement

The application is accompanied by a Supporting Statement, setting out the applicant's position, and seeking to provide justification why this site should be approved. The statement refers to the location of the application site being within an area where criteria (b) Dispersed Building groups would apply and where a more dispersed pattern of development is the norm. The main argument put forward is that the application site is well related to the existing building group at this location, made up of the three dwellings, and that a new dwelling located within the site would share a sense of place with these houses and that a proposed tree belt along the eastern boundary would form a distinct landscape feature. The argument also points to the site not being greenfield as it includes an existing agricultural barn with an element of inter visibility existing between the site and the house located to the west, asserting that there is no robust boundary (such as woodland) creating a visual separation, with only a dyke separating the two and it considers that the relationship may be acceptable taken into account the location within the Southern Housing Market area.

#### Building group

The application site lies with the Southern Housing Market Area. The need to consider whether a lower threshold may be applicable when establishing the presence of a building group at this location is not necessary in this instance, given the presence of a group of three dwellings located to the west of the site. Numerically, the group has capacity to accommodate a dwelling within the current plan period. However, policy HD2 and supplementary guidance (New Housing in the Scottish Borders) require that all new developments relate well to the group.

#### Characteristics of the building group

The building group comprises three dwellings of traditional design, construction and materials (stone/slate). The buildings are accessed off one driveway taken from the A708 which slopes down in a curve from the main road positioned to the north. The position, orientation and height of each property vary, taking into account the slope of the land. The house to the east end of the group sits at a higher ground level than the others. The building group is screened from the roadway by mature vegetation. However, there is a glimpse of the house to the east from traffic negotiating a bend in the A708.

Taking into account the topography of the area and the context of the surroundings, to include mature vegetation there is a sense of enclosure of the building group, both as you arrive by the private access, and within the wider landscape.

#### Relationship to building group

The application site lies adjacent to the boundary of the building group. The applicant has provided an indicative layout to illustrate a dwelling with an L-shaped footprint sitting in a central position within the site. The application was amended to include a new 3.5m wide road to use an existing field access approximately 120m eastwards along A 708 with the existing site access stopped up. Landscape planting is suggested on the eastern boundary of the field in order to provide an element of enclosure to the site.

Consideration has been given to any relationship the dwelling may have to the adjacent building group. The application site lies at a higher ground level than the building group as the land slopes both west and south, and the development of a house here would result in a building sitting in a more elevated and prominent position within the landscape, in comparison to the secluded building group. It would be more exposed from the road to the north.

For the 2018 application consideration was given to the defined boundary between the field and the house forming the eastern stop to the group. This boundary consists of a stone wall and mature vegetation. Whilst the roof and upper part of the gable of the dwelling is visible from the site behind the dyke, there is a strong boundary edge to the group with the line of the walling and vegetation providing a clear demarcation of the building group from the field. The open nature of the application site itself, and weak boundary (post/wire fence) to the east of the site results in the area proposed for development being viewed, and considered, as part of the wider field network.

I agree with the assessment (for the 2018 application) that a dwelling situated within this area would be viewed as a more detached development outwith the sense of place created by the context of the group, rather than a logical extension to the existing building group. It would extend the group along the public road. While there is an existing barn, a dwellinghouse would have a much more pronounced visual impact. It is acknowledged that the applicant could provide planting but that would take years to establish and the same layout and planting arrangement could be repeated with further houses along the road. The existence of the existing barn, which is open framed, and associated hardstandings do provide weight in favour of the proposal, but are insufficient in themselves to justify what would be a comparatively large plot beyond the more contained sense of place of the residential group. The fact a road is also proposed would add to concerns since this will increase the prospect of further houses being developed in a ribbon pattern alongside it. On balance, therefore, the development of the brownfield site is outweighed by the risk of ribbon development that would result and the resulting stray from the existing group's contained character.

Overall, it is not considered that this development would respect the sense of place of the group, and therefore would be contrary to policy HD2 and related supplementary guidance, New Housing in the Borders countryside.

#### Residential amenity

Neighbouring amenity is afforded protection by policy HD3 of the Scottish Borders Local Development Plan 2016. This is enhanced upon by privacy and amenity standards set out in the adopted Supplementary Planning Guidance on Householder Development. In the case of these proposals there are no significant amenity concerns. The site is of a sufficient size that amenity standards could be achieved through sensitive siting and design considerations.

#### Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policy IS7. In terms of the access, following initial concerns the access was moved approximately 120m eastwards along the A 708 to utilise an existing field entrance. Nevertheless, The RPO continues to maintain his objection to the proposals on road safety grounds. Specific concerns relate to the intensification of this access for residential use and the number of accesses onto A and B class roads. Further issues relate to the agricultural vehicles requiring access to the local field network system. Accounting for his comments, the concerns raised do not appear to be capable of being addressed by planning condition, and the existing field access does not provide justification in itself for a residential access.

Overall, the proposal would fail to ensure there is no adverse impact on road safety and as such, does not comply with Policy PMD2.

#### Land contamination

There is no indication of any land contamination issues on the site and no mitigation is sought in this instance.

#### Ecology

Policy EP1 requires an assessment of the development in terms of any potential impact on Special Areas of Nature Conservation and European Protected Species. In this case, the application site lies at a distance away from the River Tweed SAC/SSSI. The proposal does not raise concerns in respect of impact on the integrity of the designate habitat and there is no requirement for surveys.

It is proposed to remove the existing open agricultural barn on site. The design of this building is not considered to be suitable in respect of bat or bird presence and this was confirmed by the submitted Preliminary Ecological Assessment which do not identify natural habitat of protected species on-site.

#### Developer Contributions

No developer contributions are required in respect of Education/Lifelong Learning and Affordable Housing.

#### Trees, Woodlands and Hedgerows

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value. Given the size of site it is considered that should the application be approved the proposed development would comply with the requirements of policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan, and the adopted SPG on Trees and Development.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to a private water supply and foul drainage would be to a new sewage treatment plant with SUDS for dealing with surface water. The exact details would be agreed by condition and through the Building Warrant process.

#### Conclusion

It is recommended that the application is refused for the reasons given above.

## **REASON FOR DECISION :**

The proposed development at this site would be 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 Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road. Furthermore, the application would fail to ensure there is no adverse impact on road safety, including but not limited to site access, contrary to Policy PMD2 and supplementary guidance New Housing in the Borders Countryside.

## **Recommendation:** Refused

- 1 The proposed development at this site would be 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 Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road.
- 2 The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety

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