

LOCAL REVIEW STATEMENT

REF: 21/00710/PPP

**ERECTION OF DWELLINGHOUSE WITH
ACCESS, LANDSCAPING, AND ASSOCIATED
WORKS**

**LAND SOUTH AND WEST OF GREYWALLS,
FRIARSHAUGH, SCOTTISH BORDERS**

ON BEHALF OF: MR & MRS N & C CAMERON

DECEMBER 2021



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Ref: B-CAM20

Council Ref: 21/00710/PPP

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Date of Issue: December 2021

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EXECUTIVE SUMMARY

This Statement is submitted on behalf of Mr & Mrs Cameron “the Appellants” against the decision of Scottish Borders Council to refuse Planning Permission in Principle for the erection of a dwellinghouse with access, landscaping, and associated works on land south and west of Greywalls, Friarshaugh on 12th November 2021 (reference 21/00710/PPP). All Core Documents (CD) are referenced in Appendix 1.

The Appellants propose to build a new dwelling on land within their ownership adjacent to the south of the existing dwelling ‘Greywalls’. It is agreed between the Planning Authority and the Appellant that there is a Building Group comprising eight existing dwellings at Friarshaugh. Disagreement centres on whether the appeal site is well related to the existing Building Group.

The appeal site lies together with the existing dwellings within the Building Group to the south of the B6360, sandwiched between large agricultural fields which are actively-cultivated in arable production. The appeal site, together with the rest of the Building Group, lies fully beyond the boundaries of the fields and nestles into a swathe of land a short distance outside the further extent of the River Tweed’s flood plain, which is set with a border to the west planted with semi-mature hawthorn and three ash trees.

During the course of the Application’s determination, the following consultee responses were received from Council Officers and partners:

- **Archaeology – No objection.**
- **Community Council – No objection.**
- **Ecology – No objection.**
- **Flood Protection team – No objection.**
- **Roads Planning team – No objection.**
- **Scottish Water – No objection.**

Reason for Refusal

One reason was cited for the refusal of the Application.

The first stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as the appeal site “is not well related to the building group”. The appointed Planning Officer considers that “the site would have no relationship” with the “two existing accesses from the public road” which serve the existing dwellings within the Building Group.

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F E R G U S O N P L A N N I N G



It is the position of the Appellants that the application site lies in a swathe of land which sits between the large agricultural fields which define its setting. The site itself lies in a disused area of land which juts out to the north of one of the large, actively-cultivated arable fields into the Building Group. The site is functionally disjointed and isolated from the rest of the field and has not been used for agriculture for numerous decades. The site sits as the only infill plot left to the south of Friarshaugh and represents completion of the local built environment, in line with the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.

It is considered that the proposed development is well related to the existing Building Group lying within the local setting and defined sense of place enclosed by the surrounding large agricultural fields. The impact of the proposal on the landscape character would be limited and a detailed design which reflects and respects the local built character can be secured by condition. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group. Therefore the appeal proposal is considered to accord with adopted policy and to be acceptable in planning terms.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Notice of Review and grant Planning Permission in Principle.

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1.0 INTRODUCTION AND PROPOSAL SUMMARY

- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission in Principle for the erection of a dwellinghouse with access, landscaping, and associated works on land south and west of Greywalls, Friarshaugh near Gattonside.
- 1.2 The site lies within a swathe of land flanked by the B6360 to the north and the flood plain of the River Tweed to the south. This swathe of land is defined by Friars Hall, a Category B Listed Building (HES ref: LB28833) around which a cluster of existing dwellings coalesce. Four large fields to the south, east, and west define the landscape pattern and local sense of place.
- 1.3 Friars Hall is one of 8 no. existing dwellings sitting within the setting of the site. Together they form a small settlement (“Friarshaugh”) beyond the east of Gattonside.
- 1.4 The site comprises grassland which is not actively cultivated sitting south of Greywalls and north of the large agricultural field which defines the south boundary to the cluster of dwellings at Friarshaugh and historically the boundary to the policies of Friars Hall. The site is set with a border to the west planted with semi-mature hawthorn and three ash trees.
- 1.5 The application site does not lie in the area at risk of fluvial (river) flooding and has significant potential for management of surface (rain) water flooding present in the local area by means of SuDS to stop exacerbation of fluvial flooding, which will become increasingly necessary in the years and decades to come. The Flood Zone which extends around the banks of the River Tweed dominates the land beyond the south of the site without extending over the site’s boundary.
- 1.6 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordence of the appeal proposal with the Local Development Plan and other material considerations.

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Fig 1: Aerial image of Friarshaugh with natural boundary (in orange) of the Building Group lying between the large agricultural field to the south, east, and west.



2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 Planning Application 21/00710/PPP was refused on 12th November 2021. The Decision Notice cited one reason for refusal, set out below:

“1. The development is contrary to Policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, within a previously undeveloped field, outwith the sense of place, out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area. This conflict with the development plan is not overridden by other material considerations.”

Local Development Plan

2.2 Policy HD2 contains six sections, each of which details circumstances in which new houses will be considered acceptable. Section (A) which addresses development relating to Building Groups is considered to represent the pertinent material consideration in the determination of the appeal proposal.

2.3 Section (A) of Policy is replicated 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.”

2.4 Policy EP6 establishes that *“within the area defined as Countryside Around Towns, proposals will only be considered for approval if they meet the following considerations:*

- a) *there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or*
- b) *it involves the rehabilitation, conversion, limited extension, or an appropriate Change of Use of an existing traditional building of character, or*
- c) *in the case of new build housing it must be located within the confines of an existing Building Group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or*
- d) *it enhances the existing landscape, trees, woodland, natural and man-made heritage, access and recreational facilities, or*
- e) *subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable” .*



Supplementary Guidance

- 2.5 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:
- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
 - Satisfactory access and other road requirements;
 - Satisfactory public or private water supply and drainage facilities;
 - No adverse effect on countryside amenity, landscape or nature conservation;
 - No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
 - Appropriate siting, design and materials in accordance with relevant Local Plan policies.
 - The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.
- 2.6 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
 - b) the suitability of that group to absorb new development.
- 2.7 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 2.8 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
 - New development should be limited to the area contained by that sense of place;
 - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
 - Ribbon development along public roads will not normally be permitted.

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3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Ground of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.
- 3.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:
- **Archaeology – No objection.**
 - **Community Council – No objection.**
 - **Ecology – No objection.**
 - **Flood Protection team – No objection.**
 - **Roads Planning team – No objection.**
 - **Scottish Water – No objection.**

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO AN EXISTING BUILDING GROUP AT FRIARSHAUGH AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.

- 3.3 It is the Appellants' position that the appeal site lies within the setting and forms part of an existing Building Group at Friarshaugh and defined by natural boundaries and that the proposed dwelling would enhance the defined sense of place.
- 3.4 It is common ground between the Appellants and the Planning Authority that a Building Group exists at Friarshaugh and that capacity does exist for expansion by another 2 no. dwellings. However, Report of Handling 21/00710/PPP states "it is considered that the proposed development is not well related to the building group". The appointed Planning Officer considers that "the site would have no relationship" with the "two existing accesses from the public road" which serve the existing dwellings within the Building Group.
- 3.5 Disagreement centres on the landscape feature which defines the Building Group's sense of place. The Appellants do not agree with the appointed Planning Officer that it is the two existing access tracks which define the sense of place. Rather the Appellants

consider that it is the field pattern of the surrounding area which defines the sense of place and setting of Friarshaugh.

- 3.6 The Appellants' position is that the application site lies on a disused area of land which juts out to the north of a large, actively-cultivated arable field into the Building Group and is functionally disjointed and isolated from the rest of the field. It is considered that the application site is the only infill plot left to the south of Friarshaugh and represents completion of the local built environment. The large arable fields representing a distinct landscape feature enclosing the Building Group to the south of the B6360 together with a border to the west planted with semi-mature hawthorn and three ash trees is in line with the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.

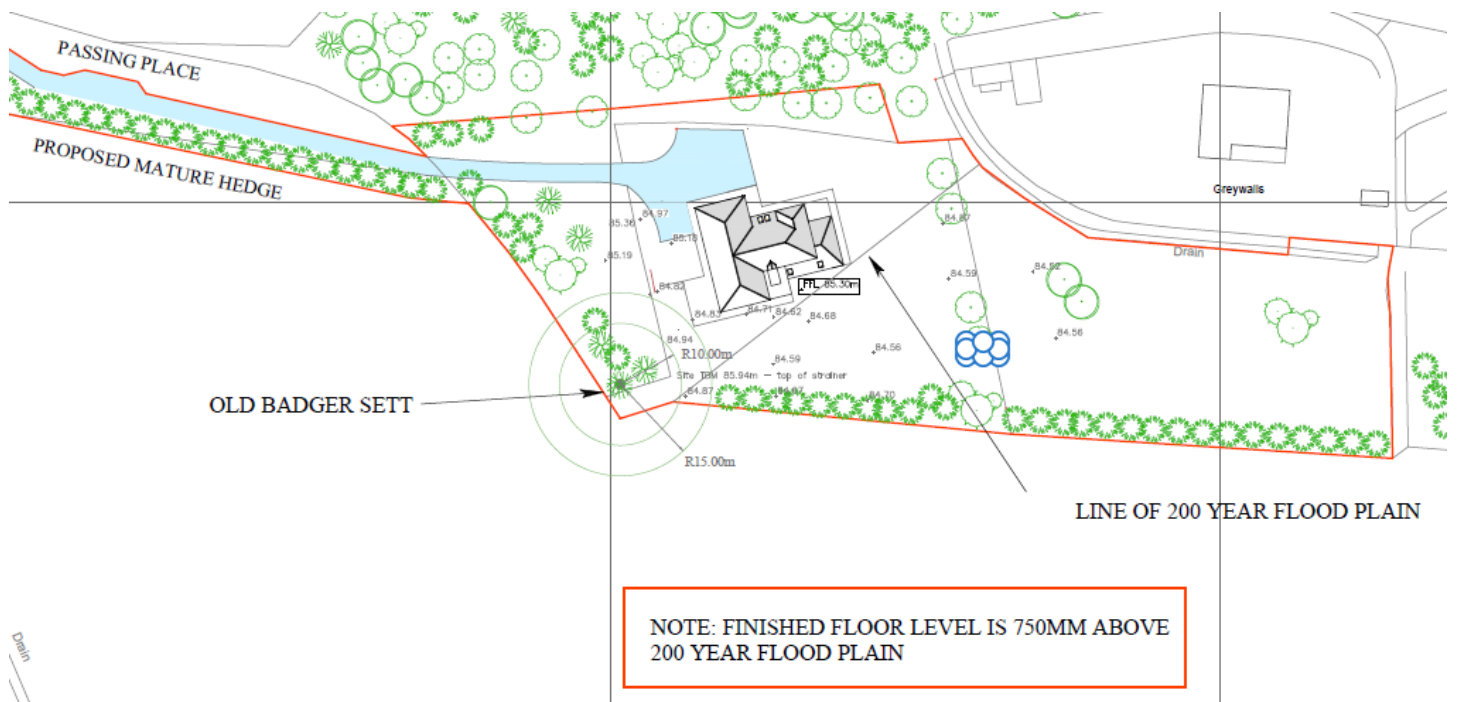


Fig 2: Extract from AH129-P01-B2 Site Location Plan (comparison plan) (Source: Aidan Hume Design).

- 3.7 It is agreed by the Appellants and the Planning Authority that Friars Hall is the original and dominant component of the local built environment at Friarshaugh. The existing dwelling is a Category B Listed Building (HES ref: LB28833) which Report of Handling 21/00710/PPP describes as “the main house ... surrounded by a number of houses”.



This description is considered to be accurate as it is likely that all other existing dwellings have been constructed around Friars Hall within the land parcel fitting between the large surrounding agricultural fields. This context is given significant credence by the editions of the Ordnance Survey Map published in 1859 and 1897. In this context the two access tracks which exist in the local area today are considered to be tertiary features which have been laid to service desire lines – movement of people and vehicles, both before and after motorisation.

- 3.8 The 19th Century Ordnance Survey Maps (copied in Appendix 2) substantiate the provenance of the land parcel fitting between the large surrounding agricultural fields. The parcel can be clearly made out in the mapping with Friars Hall and the Old Farmhouse both visible together with their outbuildings and the steading of the latter. Erection of new houses enlarging the Building Group have always been kept within the boundaries of the parcel of land. It is notable however that a new access track has been constructed for the use of Greywalls in the intervening period – likely to be in the mid to late 20th Century.
- 3.9 Therefore it is considered that the field pattern defining local land use represents the distinct landscape feature defining the existing Building Group at Friarshaugh.
- 3.10 Given the location of the site within the land parcel which sits between the large agricultural fields at Friarshaugh to the south of the B6360 and adjacent relationship with the existing dwelling 'Greywalls', the site is considered to be contained within the sense of place of the existing Building Group at Friarshaugh and well related to other existing dwellings including both Friars Hall and Greywalls. The proposed development is therefore considered to accord with criteria a) of section (A) of Policy HD2.
- 3.11 The appeal proposal is for the erection of a single detached dwelling in a relatively large plot – 0.71ha (1.75ac). The density of proposed development is considered to be broadly representative of the existing pattern of development at Friarshaugh and commensurate with a 'rounding-off' opportunity which completes the south portion the Building Group.
- 3.12 Views of the site from the west are screened by the existing tree and shrub planting which would be reinforced as part of the proposal. Views from the east are screened by a number of existing buildings, including the Walled Garden of Friars Hall, and an established, mature tree belt beyond. Views from the north are essentially precluded by a small body of woodland together with the sloping topography. Existing views from

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the south are defined by five existing dwellings – Greywalls, Friars Hall, Friarshaugh View, Old Farm House, and Sunny Brae House. It is considered that the addition of a single dwelling to this vista represents a negligible landscape impact. Given the limited landscape impacts associated with the proposed development, it is considered that an “*unacceptable adverse impact*” would not be created and that the proposal accords with criteria b) of section (A).

- 3.13 The Building Group at Friarshaugh comprises eight existing dwellings, extension by two additional dwellings is allowed for by the Policy. The proposal is considered to accord with criteria c) of section (A) as no new dwellings have been consented within the current LDP period and one new dwelling is proposed.
- 3.14 The Planning Authority and Appellants agree that there is an existing Building Group at Friarshaugh as defined in section (A) of Policy HD2. It is considered that the proposed development is well related to the existing Building Group lying within the local setting and defined sense of place, fully beyond the large agricultural field adjacent to the south. There have been no new dwellings consented within the current LDP period and it is considered that there are no significant cumulative impacts associated with the proposed development. Therefore, the appeal proposal is considered to accord with section (A) of Policy HD2.
- 3.15 The cited reason for refusal also claims contradiction between the proposed development and Policy EP6 which protects “*Countryside Around Towns*” – essentially the Council’s local greenbelt designation protecting against coalescence of Galashiels with the towns and villages surrounding it, including Melrose, Gattonside, and Newstead. The extent of land designation by the Policy can be seen in Fig.4.
- 3.16 Report of Handling 21/00710/PPP outlines the risk of “the opportunity for further housing development” from the proposed access track extending westward towards Gattonside. It is not accepted that this assessment is accurate.

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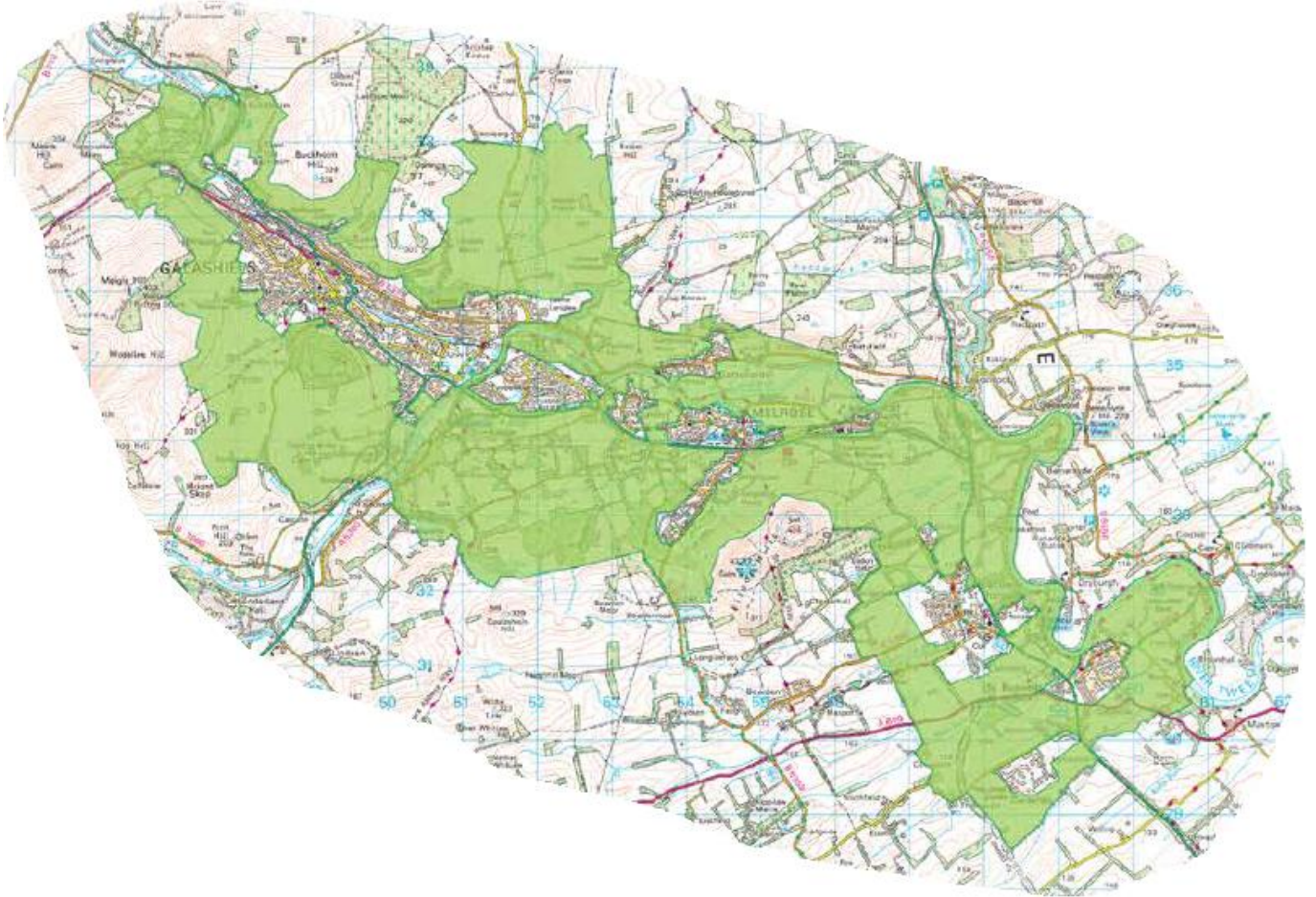


Fig 3: Countryside Around Towns designated by Policy EP6. Galashiels and Melrose are both visible fully enveloped by the designation which continues out towards other villages to the east of Melrose (Source: Scottish Borders Local Development Plan (2016)).

- 3.17 It is the Appellants' position that the appeal site represents the furthest west site which is well related to the existing Building Group at Friarshaugh. Any application on a site to the west of the appeal site would certainly lie in the main body of the adjacent agricultural field which is actively cultivated and would also likely sit in an area afflicted by fluvial flood risk from the River Tweed (as forecast by SEPA). The same insurmountable constraints would also apply to any site south of the appeal site. Therefore, it is considered that any additional housing beyond the site would be



demonstrably unacceptable in planning terms and could be easily resisted by the Planning Authority.

- 3.18 It is considered that the appeal site shares a strong relationship with the existing Building Group at Friarshaugh and is functionally disjointed and isolated from the agricultural fields to the south and west. To this end – in addition to fitting with the spirit of Policy EP6 as set out paragraph 3.14 – the proposed development is considered to lie within the sense of place and setting of the existing Building Group at Friarshaugh and therefore accord with criterion c) of Policy EP6.

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4.0 CONCLUSIONS

- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 21/00710/PPP and grant consent for the erection of a dwellinghouse with access, landscaping, and associated works on land south and west of Greywalls, Friarshaugh near Gattonside.
- 4.2 The proposed development is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group. The proposed dwelling both reflects the existing pattern of development and respects the local character of Friarshaugh. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly as the Building Group has capacity to expand by two dwellings over the LDP period and no new development has been approved to date – the Building Group has capacity to expand in line with adopted policy. Therefore the proposal is considered to accord with section (A) of Policy HD2.
- 4.3 The proposed development represents the expansion of the existing Building Group at Friarshaugh by a single dwelling. Further the site sits to the south of existing dwellings at Friarshaugh and does not extend westward towards Gattonside. It is the final suitable plot within the Building Group, along its south and west boundaries and additional future development could be easily resisted. Therefore, the proposed development is considered to retain the physical separation between Friarshaugh and Gattonside, according with Policy EP6.
- 4.4 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.5 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse with access, landscaping, and associated works.

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APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 (Application) Planning Statement;
- CD3 AH129-P01-A Site Location Plan, prepared by Aidan Hume Design;
- CD4 AH129-S01-B Ground Floor & South Elevation Plan, prepared by Aidan Hume Design;
- CD5 AH129-S02-B Indicative Plan and Elevations, prepared by Aidan Hume Design;
- CD6 21/011/01 Access Road Plan, prepared by McKay & Partners Consulting Engineers;
- CD7 21/011/02 Access Road Long Section, prepared by McKay & Partners Consulting Engineers;
- CD8 21/011/03 Access Road Cross Sections 1, prepared by McKay & Partners Consulting Engineers;
- CD9 21/011/04 Access Road Cross Sections 2, prepared by McKay & Partners Consulting Engineers;
- CD10 Preliminary Ecological Appraisal prepared by The Wildlife Partnership;
- CD11 Climb & Inspect Assessment prepared by The Wildlife Partnership;
- CD12 Tree Survey prepared by Caledon Tree Surveys;
- CD13 AH129-P01-B2 Site Location Plan, prepared by Aidan Hume Design;
- CD14 AH129-P01-B2 Site Location Plan (comparison plan), prepared by Aidan Hume Design;
- CD15 Badger Protection Plan prepared by Findlay Ecology Services;
- CD16 Report of Handling 21/00710/PPP; and
- CD17 Decision Notice 21/00710/PPP.

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APPENDIX 2

Historic Ordnance Survey Maps

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Ordnance Survey Map 1859

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Ordnance Survey Map 1897

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Fauhope

Fauhope Mains

Allerty

Friars Hall

Friarshaugh

Gattonside

Craig Latch

Abbotsmeadow

River Tweed

Chain Bridge (Suspension)

Slaughter Houses

C.R. Police Burgh Boundary

Little Battery

Pump

Pump

Cistern

Lodge

Smiley

Wall

Wall

Well

Cistern

Parfield Well

Barrow Burn

Lebridge

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