

**SCOTTISH BORDERS COUNCIL**

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

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

**REF:** 21/01588/FUL

**APPLICANT:** Mr Hamad Aloswadain

**AGENT:** Amy Knowles-Brown

**DEVELOPMENT:** Erection of dwellinghouse

**LOCATION:** Land South West Of Windrush Highend  
Hawick  
Scottish Borders

**TYPE:** FUL Application

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused
AL(0)001	Proposed Site Plan	Refused
AL(0)004	Proposed Elevations	Refused
AL(0)003	Proposed Plans	Refused
AL(0)002	Proposed Plans	Refused
AL(0)007	Proposed Roof Plan	Refused
AL(0)006	Proposed Sections	Refused
South Elevation 3D	3D View	Refused
AL(0)101	Proposed Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning Service: No objection. The existing access can accommodate the development.

Scottish Water: No objection. Confirm there is mains water supply capacity to serve the proposal but there is not mains waste drainage infrastructure in the locality which can serve the development.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016:

PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2021  
Privacy and Sunlight Guide 2006  
New Housing in the Borders Countryside 2008  
Placemaking and Design 2010  
Waste Management 2015  
Sustainable Urban Drainage Systems 2020

**Recommendation by** - Scott Shearer (Planning Officer) on 10th February 2022

#### Site Description

The site is situated on former paddock ground associated with the property of Windrush which is located off a minor road approximately 1.7km to the south-west of Bonchester Bridge. Consent is sought for a detached dwellinghouse which is intended to provide accommodation for persons involved with falcon breeding and rearing activity which takes place at the land holding.

#### Planning History

Consent 15/00115/FUL granted approval for two falcon breeding pens, a storage building and a circular hack pen, all of which, apart from the storage building, have been built. Consent 19/00456/FUL approved an extension to one of the breeding pen buildings, and a separate rearing building. This permission was subsequently varied under consent 20/00160/FUL. These structures are still to be erected.

Consent for the erection of two houses ground adjacent to the track which has now been developed as part of the falcon operation was refused under 04/02195/OUT as it conflicted with the then area LDP as being on a site out with a settlement or group with no acceptable need.

#### Policy Principle

The proposal is located outside of a settlement and is required to be considered against the Council's Housing in the Countryside Policy HD2. Item A of this Policy requires that new housing sites are well related to an existing group of at least three houses. The applicant's property of Windrush is located directly to the north west of the site. Other than this property no other residential properties exist in the surrounding area which would form part of a recognised group of three houses. The absence of a recognisable building group of at least three houses concludes that the development fails to comply with building group expansion criteria under item A of Policy HD2.

Item F (Economic Requirement) of Policy HD2 may permit housing development out with building groups where it is demonstrated that there is an essential business need for the development. Proposals must meet one of two scenarios where it would a) provide on-site accommodation which is essential to a suitable rural enterprise or b) provide accommodation for a person retiring from rural employment which would release an existing property for occupation for an essential worker.

The Supporting Statement confirmed the proposal would provide accommodation for employees of the Falcon and Hack Pen operation. Currently the persons who look after this operation reside at Windrush however it is claimed that the property is getting over crowded. The bird of prey facility is already established at this site and recent consents have suggested that the operation was expanding. A falconry operation would be an enterprise which is appropriate to this countryside location. To substantiate that the falconry operation was a sustainable rural enterprise which could support a house a Business Plan was requested. This request is normal practice for applications made under this guise and is supported by recommendations within the SPG on New Housing in the Borders Countryside.

At this point it was confirmed by the agent (in correspondence dated 11th Jan 2022) that the falconry operation is not a business and instead in a family hobby which is personally financed and does not appear to operate for profit. Therefore the applicants were not in a position to provide a suitably accredited business plan. The applicant's ability to finance this development and continue to support their falconry interests are not disputed but Item F of Policy HD2 only exists to enable a house to be developed to serve specific rural business needs which require an employee of a the rural business to reside on site to allow it to operate successfully. Plainly, because the falconry activity at Windrush is not operated as a business there are no

economic reasons for its operation to justify a house on business grounds against criteria a) of the Economic Requirement allowance of Policy HD2.

The development does not provide accommodation for a retiring farmer so it can't be considered against criteria b) of Item F of Policy HD2. The proposal does not meet any other of the development criteria for supporting residential development in the countryside under Policy HD2. This concludes that the development fails to comply with housing in the countryside policy requirements as it would represent a sporadic form of development within the countryside which does not relate to a building group and there is no established economic need to justify a house in this isolated location.

#### Placemaking and Design

Discussions about the siting of the proposal took place through the course of the application. The applicant's preference remains for the original location shown in Drawing No AL(0)001. This is the location which has been assessed this determination. Other options were provided (see drawings; Site Plan Option 1 and Site Plan Option 2). Repositioning the house closer to Windrush and along the lines of the location shown in 'Site Plan Option 2' would help to better consolidate the positioning of residential properties at Windrush and limit this proposal appearing slightly detached.

Although harbouring some reservations about the preferred location, the presence of existing buildings adjacent to the chosen site ensures that it does not appear to be visually segregated from other buildings at Windrush and nor does its location appear to be particularly sensitive in the surrounding landscape. Once the other consented falconry buildings consented under 20/00160/FUL were developed this would further help the chosen site to integrate in its surroundings. The proposed location would not impact on any adjacent tree cover and protective measures could be covered by condition for those access works alongside a mature tree at the entrance. On balance I would not oppose the siting of the development on visual grounds.

The house is modestly scaled and set on an L shape with a traditional frontage and a more contemporary rear projection. Issues surrounding its fenestration and gable detail have been resolved. The frontage of the proposal now appears suitably balanced and set under a slate roof. The walls are to be finished with a splitface white panted block, this would not be a material finish which would be appropriate for residential development in the countryside and would not be supportable however this could be remedied by condition if the application were to be approved to agree a more suitable wall material. If this were the case the development would not appear to conflict with the character of the rural area.

No means of landscaping or enclosures are detailed. These would be necessary to define the boundary of the plot, including its curtilage and further soften view of the development in the landscape. These matters could be handled via planning condition.

#### Access

Roads planning are satisfied that the existing access could serve this development without causing any road safety issues. The proposal does provide suitable space for parking and turning. If the development were to be approved, agreement of suitable works to form the access and completion of parking and turning before occupation of the dwelling could be handled via planning condition.

#### Services

Scottish water confirmed that there is capacity for the public water network to supply this development. A planning condition could cover connection to the infrastructure before the house is occupied.

The applicant indicated that no means of foul drainage was required within application form. The site plan shows connection to an existing septic tank. A condition would be necessary to ensure this means of foul drainage is suitable.

Surface water drainage is to an existing soakaway. This means of discharge would be SUDS compliant.

#### Amenity

The development would not pose any residential amenity issues and would comply with the requirements of Policy HD3 of the LDP.

#### Developer Contributions

The development of a single dwellinghouse in this location would only trigger developer contributions towards local schools. A financial contribution is currently being sought towards Denholm Primary School of £2,709 to manage capacity issues. No contributions are being sought towards the Jedburgh Grammar School. Through the course of the application the applicant has not opposed the need for a developer contribution. If the development were to be approved the required contribution towards the primary school would require to be settled via a legal agreement. This would allow the development to accord with the requirements of Policy IS2.

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

The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposal is not well related to an existing building group of at least three houses and no overriding economic case has been made that a house is required in this isolated location for essential rural business purposes.

#### **Recommendation:** Refused

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposal is not well related to an existing building group of at least three houses and no overriding economic case has been made that a house is required in this isolated location for essential rural business purposes.

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