

SCOTTISH BORDERS COUNCIL

TEVIOT & LIDDESDALE AREA COMMITTEE

15 FEBRUARY 2005

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 04/02195/OUT

OFFICER: Mr C Miller
LOCAL MEMBER: Councillor J H Wight
PROPOSAL: Erection of two dwellinghouses
SITE: Land south east of Windrush, Highend, Bonchester Bridge
APPLICANT: Miss Caja Darling
AGENT: None

SITE AND APPLICATION DESCRIPTION:

The site is located to the south-west of Bonchester Bridge on the minor road linking the Blacklee Brae area with Hawthornside. It consists of a two acre paddock attached to an existing dwellinghouse and stables. The ground slopes slightly to the south and is bordered by some tree cover and open fields beyond. The existing access to the stables and paddock will be improved to accommodate the development.

PLANNING HISTORY:

None.

DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements¹ and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Roxburgh Local Plan 1995

Policy 7

Outwith the settlements identified in policies 2, 3 and 6, new housing development will be encouraged within or adjacent to the preferred building groups listed below. In addition, limited

development may also be permitted within or adjacent to other building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 63 and 64.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Preferred Building Groups

Appletreehall, Craik, Hownam, Newmill, Nisbet, Robertson, Teviothead.

Policy 8

Within the remoter valleys of the District defined on the Proposals Map, there will be a presumption in favour of sensitively designed and well sited isolated housing in the countryside. Elsewhere, there will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 63 and 64.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Scottish Borders Local Plan – Consultative Draft

POLICY D2 – HOUSING IN THE COUNTRYSIDE

Housing in the countryside will be approved provided that:

EITHER

(Building Group)

The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) 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 conversion has been implemented.

Any consents granted under this part of this policy will not normally exceed 100% of the existing number of housing units in the group within the 5-year plan period. Units constructed under this policy will not count towards the size of the group until the following plan period.

OR

(Anchor point)

The Council is satisfied that the site lies within a recognised "dispersed community" where the nucleus of buildings is less closely related compared with a building group as defined within the Council's Policy and Guidance Note on 'New Housing in the Scottish Borders Countryside'. Such a "dispersed community" functions effectively as an anchor point in the remoter parts of the area.

OR

(Economic Requirement)

The Council is satisfied that:

1. a new house is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
2. no appropriate site exists within a building group, and
3. there is no suitable existing house or other building capable of conversion for the required residential use, and EITHER
4. it is for a worker predominantly employed in an enterprise which is itself appropriate to the countryside, and
5. the presence of that worker on-site is essential to the efficient operation of the enterprise, OR
6. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and
7. the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority: to tie the proposed house (or, in the case of 7. above, any existing house) to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants.

OR

(Conversion)

The proposed development is a change of use of a building to a house, provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use; and
2. the building stands substantially intact (normally at least to wallhead height and with a distinguishable roof or roof shape) and the existing structure requires no significant demolition. The applicant may therefore be required to provide evidence of its structural stability; and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

OR

(Rebuilding)

The proposed development is the rebuilding or restoration of a house, provided that either:

1. the walls of the former residential property stand substantially intact (normally at least to wallhead height), and
2. the roof, or roof shape, is distinguishable, and
3. the remains of any cultivated garden and its boundary features are identifiable, and
4. no significant demolition is required (the applicant may therefore require to provide evidence of its structural stability); and
5. the restoration and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building, and
6. the existing building makes a positive contribution to the landscape.

or:

7. the proposal relates to an established policy/parkland setting, not normally comprising part of a designed landscape, and
8. there is evidence of the existence of the building in terms of criteria 1-3 above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
9. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
10. the extent of new building does not exceed what is to be replaced.

In **ALL** instances there shall be compliance with the Council's Policy and Guidance Note on 'New Housing in the Scottish Borders Countryside'.

OTHER PLANNING CONSIDERATIONS:

"New Housing in the Borders Countryside" Policy and Guidance Note as amended April 2000 and August 2004.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Roads) : No objections. The access to be positioned to obtain the best visibility to the north-west and incorporate a service lay-by/passing place, minimum 3.7m width and a permanent surface and turning head to cater for fire appliances.

Other Consultees

Scottish Water : Response awaited.

Hobkirk Community Council : Response awaited.

OTHER RESPONSES:

None.

PLANNING ISSUES:

The main determining issue with this application is whether it complies with the Development Plan policies and contents of the Guidance Note on housing in the countryside in either being

located within a building group or representing a justified case for housing on the basis of economic or employment need.

ASSESSMENT OF APPLICATION:

The site comprises of paddock ground closely associated with the applicant's dwellinghouse to the north-west. This dwellinghouse lies some 150 metres away from the next dwellinghouse contained within the cluster of buildings forming Highend Farm. No other dwellinghouses exist within the immediate vicinity, the area being characterised by open countryside and an occasional farm building or small house. No pattern of small scale building groups is established nor any sense of the site being contained within a wider dispersed sense of place.

The steading range at Highend does contain at least one building which may be suitable for conversion to a dwellinghouse – indeed, prior to farming use it may well have been the original farmhouse at one time. The revised Housing in the Countryside Guidance Note makes it clear, however, that in order to be considered for threshold purposes in relation to building groups, the building suitable for conversion must actually be converted to a dwellinghouse first. This building is not within the ownership of the applicant and there has been no information submitted to suggest that its conversion could be controlled or linked to this application.

Even if conversion of the building had been proposed, the applicant's dwellinghouse lies some 150 metres to the south-east of the farm steading range, separated by a pronounced dip in the landform. The site, in turn, lies further distant from this dwellinghouse and could be considered to be poorly related to the group.

In terms of compliance with the policies and guidance on building group additions in the countryside, it is not felt that the proposal complies as there is no building group present. There is no predominant settlement pattern within the immediate vicinity which would allow development of the site to comply even with the more flexible interpretation of building groups as defined in the latest revision of the Guidance Note.

As there is no building group present, the application must then be considered against Structure Plan Policy H6, Local Plan Policy 8 and the relevant part of Policy D2 of the Consultative Draft. These policies allow exceptions for cases justified on the basis of an economic or employment need for a house on the site, when that need can not be accommodated on sites within a village or building group that do comply with policy. The definition of economic justification has also recently been widened to take into account developments which could have a clear social or environmental benefit to the area. Both the Structure and Local Plan policies imply that developments supported by these policies are for single houses only – not developments for two houses or more. As the current application is for two houses, it is not considered to comply with the terms of these policies.

Even if the development was reduced to one dwellinghouse to allow it to comply with the aforementioned policies, no specific economic or employment justification has been advanced to support the applications. It must, therefore, be concluded that the application does not comply with these policies.

Had the principle of the development complied with policy, there would be no other landscape or infrastructural constraints to development. The existing road access would require to be improved with a safer sightline and a lay-by installed which would also serve as a passing place, needed on this narrow stretch of road.

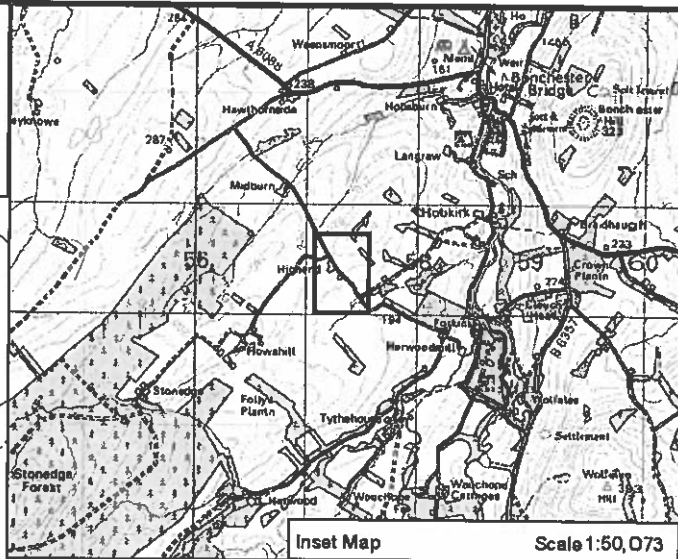
RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

The application is recommended for refusal for the following reason :

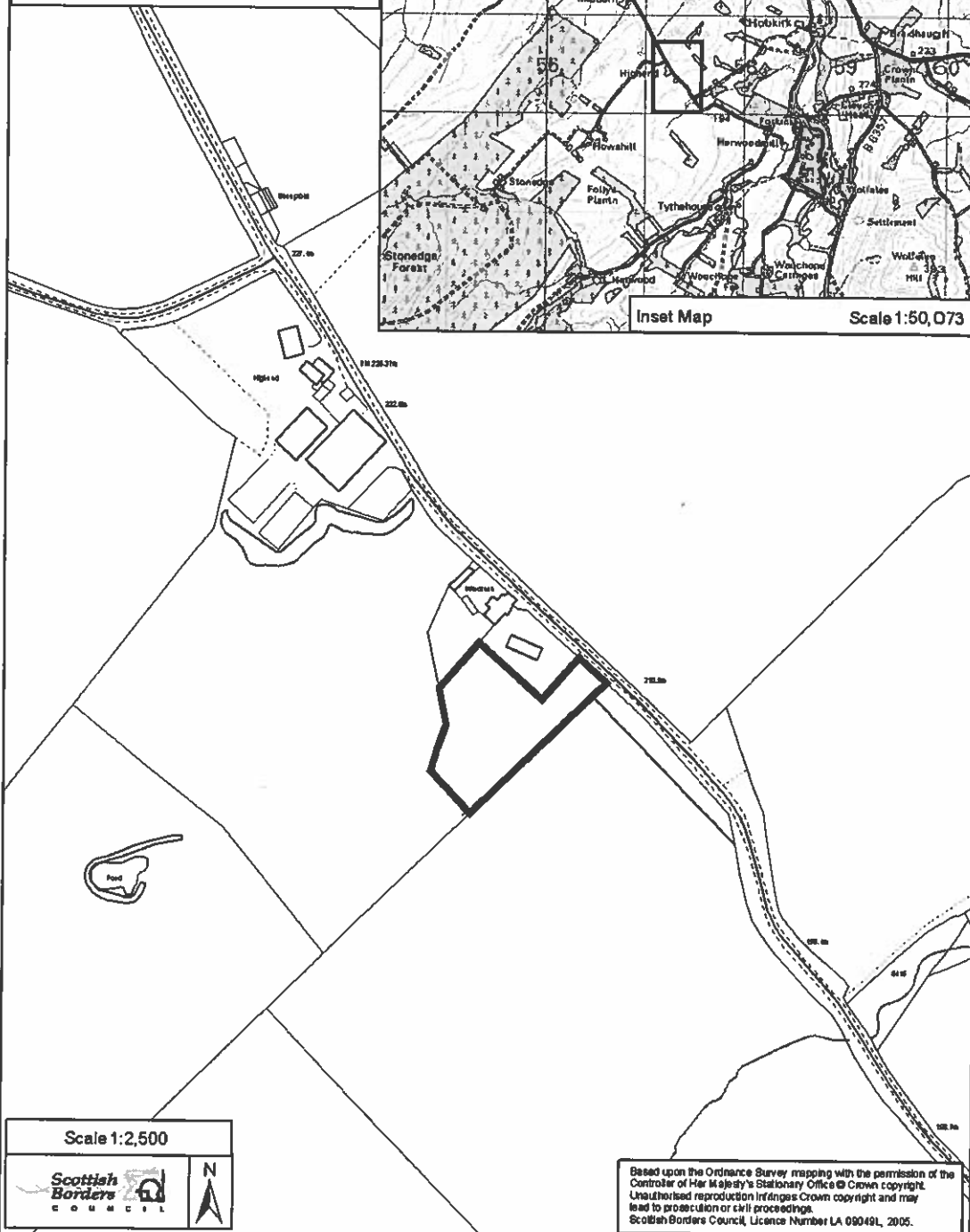
“The proposal would be contrary to Policies 7 and 8 of the Roxburgh Local Plan in that it would constitute housing development in the countryside outwith any recognised settlement or building group and the need for the houses has not been adequately substantiated.”

*Original copy of report signed by
BRIAN FRATER (Head of Development Control)*

04/02195/OUT
Land South East Of Windrush
Highend
Hawick
TD9 9SA



Inset Map Scale 1:50,073



Scale 1:2,500



Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Scottish Borders Council, Licence Number LA 09049L, 2005.