

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 13/00085/PPP  
**APPLICANT :** Mr Tony Huggins-Haig  
**AGENT :**  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land East Of Langton Field  
Hardens Road  
Duns  
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>
0000557 48-001	Location Plan	Approved

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

Consolidated Local Plan 2009:  
H7, H8, N20, I11, I12, I13, I14, I15

Consolidated Local Plan 2011:  
G1, G4, G5, D2, H1, H1, H2, Inf4, Inf5, Inf6

SPG's on Developer Contributions 2011, Affordable Housing 2011, New Housing in the Borders  
Countryside 2008

**PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Local Plan 2009:  
H7, H8, N20, I11, I12, I13, I14, I15

Consolidated Local Plan 2011:  
G1, G4, G5, D2, H1, H1, H2, Inf4, Inf5, Inf6

SPG's on Developer Contributions 2011, Affordable Housing 2011, New Housing in the Borders  
Countryside 2008

**Recommendation by** - Scott Shearer (Planning Officer) on 25th April 2013

This application seeks consent for the erection of a dwellinghouse on land to the east of Langton Field which is approximately 2.3km to the north west of Duns. The application site is relatively flat and is currently vacant/unused paddock associated with the development of three individual plots on the south/west of Hardens Road. The site is defined by post and wire fencing on the north west and south east boundaries. The north of the site is currently undefined however a hedge separates land in front of the site from Hardens Road. To the south west and north east of the site lies Duns golf course, a new vehicular access is proposed immediately to the boundary with Langton Field. A small copse of semi natural trees associated with the golf course further defines the south west boundary of the site.

The site itself and surrounding land has had an active planning history. Most relevant to this planning application is that this site had a recent consent lapse for the erection of a dwellinghouse in 'outline' terms upon it. This consent was approved following the Reporter decision to overturn a committee refusal, ref: 07/02215/OUT. This appeal was granted on the basis that the Reporter concluded that the application site was not isolated due to its location within an enclosed built enclave. This decision was reflected within a recommendation by the department to approve the development of a house on land immediately to the south east of this application site. This application is awaiting the conclusion of the legal agreement and has been proposed by the same applicant.

Land surrounding this site was first granted planning permission for three houses, two of which have been completed as part of eighteen new build houses permitted on the back of a golf course expansion project which at that point in time aligned with policies for housing in the countryside in tandem with golf course development. These policies no longer exist.

It is clear that the application site remains outwith the settlement boundary identified in the Consolidated Local Plan, meaning that the proposal must be tested as a new house in the countryside. New housing in the Borders Countryside Polices seek to site new development in locations that form part of building groups with a building group being made up of three existing houses. In this case only two houses exist concluding that there is not a building group at this location for this proposal to add to. A further chance is prescribed where there is a justifiable economic requirement for a house, however no info has been submitted to suggest that this is the case. Following the straightforward application of polices for a new house in this location, a conclusion that this kind of development should not be permitted would normally be reached, similar to the departments previous assessment of the last application on this site.

The decision asserted by the Reporter falls to be a material consideration for this proposal and led to the variation of a Section 50 to allow for the development of a house on this previously restricted area of land. While planning policies have evolved since the Reporters decision specifically relating to housing in the countryside polices by way of what constitutes a building group and by what extent it can be extended by, the principle that this site does not relate to a building group remains constant. The conclusions of the Reporter have therefore remained to set a precedent for development at this particular location whereby the site is not considered to be isolated due to its location within the enclave of existing buildings. This decisive factor regarding the context of the site coupled with the department's history of moving to support a development on adjoining land for such reasons in this case provides sufficient justification to permit the departure from the development plan.

Although not counting towards the minimum threshold for dwellings constituting a building group, one of the original golf course development sites has had a consent lapse to the west of Langton Field and no decision has yet been issued for the land in between this site and Hardens Hall. This development will therefore not result in an increase greater than 2 units at this location within the period of this Local Plan.

The applicant has provided a response to the objection comment. In respect of flooding, there is nothing to suggest that the site is located within a flood risk area and would warrant the need for a Flood Risk Assessment. The method of dealing with surface water as a result of this development will be a matter for the AMC submission which will include the avoidance of affecting neighbouring properties. The applicant has suggested what their drainage proposals would be, again this is a detailed matter that will need to be given coverage within the AMC application.

A legal agreement will be required to be entered into in order to secure developer contributions towards education. Turning to the Councils Affordable Housing requirements, on the basis that this application and application 10/00038/PPP have been made by the same applicant and are closely enough related by way of a mutual boundary these developments will provide the developer with 2 closely related new build units

which exceeds the allowance of 1 without contribution to this infrastructure. It is recommended that there is sufficient justification against Local Plan Policy H1 and G5 to seek contributions towards AH in this instance.

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

It is considered that the precedent set by the Reporter's earlier decision to approve a dwelling on this application site due to its context remains a significant determining factor and in this case a material consideration which permits the departure from the provisions of the development plan. It is recommended that this proposal remains acceptable on these grounds, subject to the compliance with the Schedule of Conditions.

#### **Recommendation:** Approved - conditions & Legal Agreement

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:  
(a) the expiration of three years from the date of this permission, or  
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.  
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To ensure that the site is adequately serviced.
- 5 No development shall take place except in strict accordance with a scheme of details for hard and soft landscaping of all parts of the site not covered by buildings, which shall first have been submitted to and approved in writing by the Planning Authority. The scheme of details so approved shall include:
  1. A scaled plan showing vegetation, including trees, to be retained and planted;
  2. Proposed hardstanding and boundary treatment;
  3. A schedule detailing sizes, numbers and densities of all proposed trees and shrubs
  4. Sufficient specification to ensure successful establishment and survival of new planting.Reason: To ensure satisfactory form, layout and assimilation of the development.
- 6 The access constructed or to be constructed shall conform to the requirements of Scottish Borders Council roads authority, and the building(s) hereby permitted shall not be occupied unless such are available for use, namely;
  - i) the access shall be at least 5.5m wide over the first 7.5m length measured from the edge of the carriageway;

ii) visibility splays of 2.4m by 160m in both directions on to the public road shall be provided; and  
iii) off street parking spaces (excluding any garages) for two vehicles and appropriate turning/manoeuvring space shall be provided within the curtilage.  
Reason: In the interest of road safety.

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