

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 10/00038/PPP  
**APPLICANT :** Tony Huggins-Haig  
**AGENT :**  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land West Of Hardens Hall  
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>
	Site Plan	Approved

**NUMBER OF REPRESENTATIONS:** 0  
**SUMMARY OF REPRESENTATIONS:**

None

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Plan 2008

Policy G5  
Policy G8  
Policy D2

Scottish Borders Structure Plan 2001-2018

Policy H7

**Recommendation by** - Scott Shearer (Planning Officer) on 10th March 2010

**APPLICATION AND SITE DESCRIPTION**

This application seeks outline planning consent for the erection of a dwellinghouse on land to the west of Hardens Hall, Duns. The application site is relatively flat and is currently vacant land/unused paddock associated with the development of three individual plots on the south/west side of Hardens Road near Duns. The site is defined by a post and rail fence on the north west and south east boundaries with a post and wire fence defining the south east boundary. The north east boundary is currently undefined. To the south west and north east of the site lies Duns golf course. A small copse of semi mature trees associated with the golf course further defines the south west boundary of the site. It is proposed to access the site via new vehicular access from Hardens Road immediately adjacent to the north west boundary of Hardens Hall.

## PLANNING HISTORY

There is a considerable amount of planning history associated with this site and the adjacent land. It can be summarised as follows:

07/02215/OUT - Proposed Erection of Dwellinghouse on land to north west of application site. Refused 25.03.2008 but allowed on appeal 15.05.2009.

10/00407/PPP - Proposed Erection of Two Dwellings. Plot 1. Currently under consideration.

### Plot 1

99/01113/OUT - Proposed Erection of Dwellinghouse. Approved 21.10.99

07/00033/OUT - Proposed Erection of Dwellinghouse. Approved 07.12.09

### Plot 2

99/01114/OUT - Proposed Erection of Dwellinghouse. Approved 21.10.99

01/00929/REM - Detailed consent for the erection of dwelling and garage. Approved 25.09.01. Dwelling and garage constructed and occupied.

### Plot 3

99/01115/OUT - Proposed Erection of Dwellinghouse. Approved 21.10.99

02/01566/REM - Detailed consent for the erection of dwelling and garage. Approved 20.12.02. Dwelling and garage constructed and occupied.

Plots one to three were approved as part of the Duns Golf Club expansion project which included the erection of 18 dwellinghouses. 15 of the 18 dwellings permitted in conjunction with the golf course extension were constructed on land adjacent to Duns Rugby Club with the balance of 3 dwellings being approved on land adjacent to the current application site. Plot 1 has not been developed but plots 2 and 3 have been developed and are known as Langton Field and Hardens Hall respectively.

Planning consent for the erection of a dwellinghouse on land to the east of Langton Field was refused in accordance with officer recommendation by the Berwickshire Area Committee on 25.03.2008 but the subsequent appeal was upheld on 15.05.2009. This is appeal and the subsequent grant of outline planning consent is material considerations in the assessment of this application.

## CONSULTATION RESPONSES

DTS (Roads): The section of new private road which would run parallel to the existing public road will potentially result in driver confusion during periods of darkness when vehicles on the private road are going against the flow of traffic on the public road. Normally this could be resolved by insisting on some form of screening between the two roads, however in this case it would have an adverse impact on the visibility splays at the existing junction. Given the above, the plot must be served by an independent access, located at the eastern corner of the paddock, with the access road constructed along the eastern boundary. This will provide a safer alternative to the current proposal.

DE&LL: A contribution of £3,124 is sought for Duns Primary School and £4,386 for Berwickshire High School, making a total contribution sought for education infrastructure of £7,510.

CC: No objections

## ASSESSMENT

It is clear that the application site is outwith the settlement boundary identified in the Local Plan and Local Plan Amendment, and the straightforward application of policies for new housing in the countryside would normally lead to a conclusion that development of this kind should not be permitted. Notwithstanding the current number of extant outline consents in place (2 at present) the buildings which exist at this location outwith the settlement boundary do not constitute a building group as defined in the local plan as there are only 2 properties in existence. The extant permissions do not count towards the building group threshold of 3 dwellings although if either of these consents were implemented then a group might emerge which could be consolidated.

The decision to grant consent for 18 dwellings on the back of a golf course expansion project was taken on the sound adopted policies for new housing in the countryside, but these policies no longer exist in the current development plan. The existing dwellings and 2 extant consents are located within an 'enclave' surrounded by the golf course and opportunities for further development are constrained by the extended golf course. The Reporter, however, in reaching his decision to approve outline consent on land to the east of Langton Field states that "...while there may be merit in a policy distinction from the more intense pattern of development within the settlement, it appears to me that there is justification in this instance for departing from local plan provisions about new housing in the countryside and consolidation of existing groups. Normally, one of the two extant consents would have to be implemented before additional units could be supported within the group of buildings. In this case the Reporter does not conclude that 'isolated' housing in the 'open' countryside are appropriate terms to use in relation to this site and feels that the local plan case against granting consent is weak and having regard to the planning history there is no adequate reason for refusing planning permission.

The two dwellings constructed are more substantial dwellings and lie within much larger plots than the 15 other dwellings approved as part of the golf course development and the subdivision of these plots to include additional dwellings would not conflict with the general pattern of development in the area.

Although not counting towards the minimum threshold for dwellings constituting a building group, the extant consents do count towards the 100% rule for additions to existing groups as defined in the local plan and housing in the countryside SPG. The existing dwellings and 2 extant consents would total 4 residential units, therefore the current application for the erection of one dwelling would not represent an increase in the size of the group by more than 100%.

Following discussions with the applicant over the comments submitted by the Director Of Technical Services, amended drawings were submitted showing revised access arrangements. The Director confirmed that this location would be acceptable provided his specifications were included in the design at the detailed application stage. This can be covered by condition.

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

Taking into account the protracted history associated with this site and the earlier approvals to development of the golf course and 18 dwellings it is felt that this application can be supported. The Reporter's earlier decision to approve a dwelling on land to the east of Langton Field is clearly a determining factor and in this case there are material considerations for departing from the provisions of the development plan. Provided the applicant enters into a legal agreement to secure development contributions towards education it is considered that this proposal is acceptable subject to the listed conditions and informatives.

**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 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
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 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):  
i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration  
ii. location of new trees, shrubs, hedges and grassed areas  
iii. schedule of plants to comprise species, plant sizes and proposed numbers/density  
iv. programme for completion and subsequent maintenance.  
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 5 Prior to the occupation of the dwellinghouse hereby approved, the proposed access to the site shall be constructed to the following specifications:  
  
(i) Access shall be constructed as per approved specification DC-3 (attached) and by a contractor on the Council's approved list.  
(ii) Visibility splays of 2.4 by 120 metres to be provided in both directions onto the public road from the private access and retained in perpetuity.  
(iii) The private road/access to be constructed with a well compacted, free draining running surface and maintained in perpetuity.
- 6 Prior to the occupation of the dwellinghouse hereby approved, off-street parking spaces (excluding any garages) for two vehicles and appropriate turning/manoeuvring space shall be provided within the curtilage of the dwellinghouse and retained in perpetuity.  
Reason: To ensure adequate parking and turning facilities are made available within the site and in the interests of road safety.
- 7 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

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