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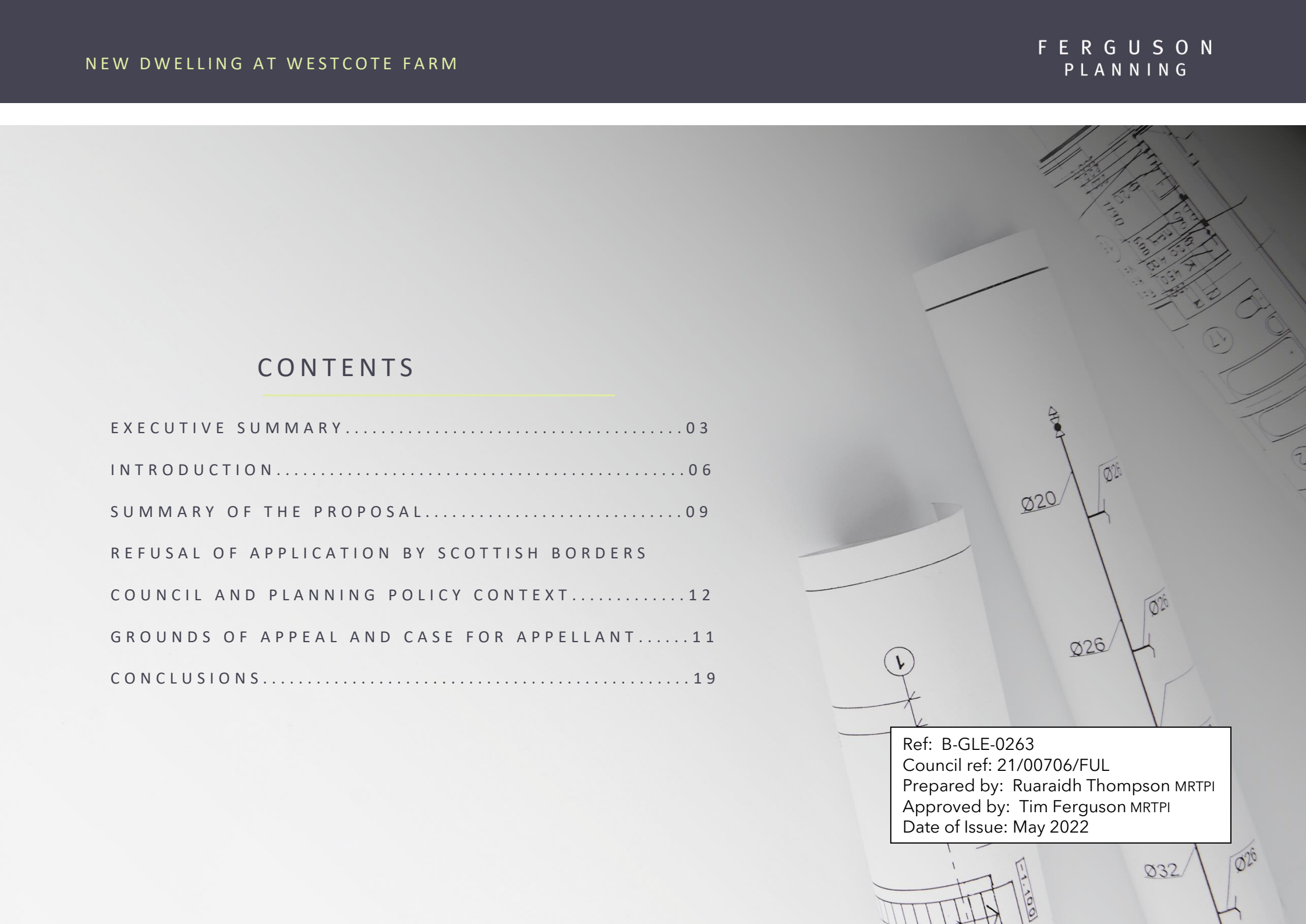
NEW DWELLING AT WESTCOTE FARM

MR GLENDINNING

MAY 2022

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Approved by: Tim Ferguson MRTPI
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EXECUTIVE SUMMARY

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This Statement is submitted on behalf of Drew Glendinning “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission for the erection of a dwellinghouse on Plot 4 at Westcote Farm, Westcote, Hawick. All Core Documents (CD) are referenced in Appendix 1.

The Appellant proposes to build a new dwelling on land within his ownership at Westcote Farm. It is agreed between the Planning Authority and the Appellant that there is a Building Group comprising seven existing dwellings in the Building Group at Westcote. Disagreement centres on whether the appeal site is well related to the existing Building Group.

The appeal site fronts onto the courtyard in this part of the Building Group from the south-east. Three existing dwellings already front onto the courtyard, with a fourth sitting adjacent to the north. Three other existing dwellings at Westcote lie slightly further north-west. Land lying beyond the courtyard comprises countryside and is separate and distinct from the appeal site and Building Group at Westcote.

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

- **Outdoor Access 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 stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as the appeal site “is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the private track”. The appointed Planning Officer considered that the proposed dwelling facing into the courtyard from the south-east is not acceptable.

It is the position of the Appellant that the appeal site shares a strong relationship with the existing dwellings within the Building Group. The spatial relationship between the proposed dwelling and the four existing dwellings arranged around the courtyard is particularly strong. The proposed dwelling represents the final new house completing the Building Group at Westcote Farm. The courtyard adjacent to the site is fronted by existing dwellings to the north-east (The Bothy), north-west (The Auld Byre), and south-west (Stable House). The proposed dwelling shall front the courtyard to the south-east and create a perfectly symmetrical relationship between all dwellings.

As the proposed dwelling would ‘round-off’ the Building Group and complete the local built form, it is considered that the proposal would have a positive impact on local character. Additionally the proposed development would also effectively preclude further development into the countryside.

It is considered that the appeal site lies within the sense of place of the existing Building Group, facing directly onto the courtyard around which other existing dwellings are orientated. There has been one new dwelling consented within the current LDP period, leaving capacity for one more before adoption of the next LDP. 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.

This approach is directly encouraged and supported by Policy 31 of the draft National Planning Framework 4 which extends support to “proposals for new homes in rural areas outwith existing rural settlements”. Although there is an existing Building Group at Westcote, the settlement is not defined with a Development Boundary and comprises part of the rural area.

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.

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INTRODUCTION

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- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission for the erection of a dwellinghouse on Plot 4 at Westcote Farm, Westcote, Hawick.
- 1.2 The site forms part of the converted steading of Westcote Farm, lying around 900 metres east of Hawick (point-to-point displacement). The converted steading lies approximately 600 metres from the A698 travelling along a private way. Multiple dwellings have been developed in the former farmyard all of which take vehicle access from the private way.
- 1.3 In total the former farmyard comprises 7 no. existing dwellings which share three access points onto the private way. Very large agricultural fields surround Westcote Farm on all sides except the south-east. Fig.1. provides greater detail on the context of the existing Building Group.
- 1.4 The site comprises little-used grazing which bounds an existing track across its north-west boundary. The site is dominated by pasture grass with little in the way of other vegetation or landscaping. A field access onto the existing track sits into the north boundary of the site. The existing dwellings Westcote Farm House, Stable Cottage, Auld Byre, and The Bothy all sit opposite the site across the track from which access is taken.
- 1.5 The proposed dwelling is intended as the final dwelling comprising the existing Building Group at Westcote Farm which will 'round-off' and complete the cluster. The site lies between the courtyard and any other potential house plot, precluding erection of another dwelling on any subsequent site.
- 1.6 It is proposed that the new house would be served by a privately held septic tank and soakaways within the Applicant's control. The Applicant proposes to connect to the mains water network which serves the existing dwellings at Westcote Farm. The Appellant is content to secure servicing details via condition.



Fig 1: Extract from AT3514-L(-1)101(B) Location Plan, showing the relationship of the site with the rest of Westcote Farm (Source: Aitken Turnbull Architects).

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SUMMARY OF THE PROPOSAL

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- 2.1 The proposed development comprises the erection of a new dwelling and formation of residential curtilage. The proposed dwelling will share a close-knit and regular relationship with four of the other existing dwellings at Westcote Farm in a courtyard arrangement.
- 2.2 The proposal includes a new dwelling placed relatively centrally within the site. The new dwelling is proposed in 'T-plan' form with orientation taken from the existing building line of Stable Cottage and Auld Byre to the north-west. A new drive with space for carparking and turning is proposed from the existing track to the north-west.
- 2.3 The boundaries of the broadly rectangular site would be planted with hedgerow and native tree species. The proposed layout would fulfil the development potential of the Building Group's south-east edge and round-off this part of the cluster. This approach is in accordance with 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 2.4 The elevations of the new house are to be finished in render with base course and quoins of reconstituted stone. The 'T-plan' form of the building will preclude a domineering mass from emerging and retain the primacy of larger dwellings in the core of the existing Building Group. The roof is proposed in natural slate. The roof shall be gabled at each end, reflective of the rural location and character.
- 2.5 The proposed dwelling shall stand 1.75 storeys tall, with the roofline broken by dormers protruding from the external walls. The north-west elevation is proposed as principal, accommodating both the primary entrance and the integral garage. PV roof panels are proposed on the roof of the south-east elevation. Windows and doors are both proposed in uPVC frames.
- 2.6 The proposed dwelling represents the final new house completing the Building Group at Westcote Farm. The courtyard adjacent to the site is fronted by existing dwellings to the north-east (The Bothy), north-west (The Auld Byre), and south-west (Stable House). The proposed dwelling shall front the courtyard to the south-east and create a perfectly symmetrical relationship between all dwellings.
- 2.7 It is intended that a hedgerow set with trees would be planted to provide new boundary landscaping. Native species of tree and hedge plant would be used in order to create a natural appearance which lends itself to bird nesting and habitation by other wildlife. The Appellant is willing to accept conditioning of this detail.
- 2.8 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.



Fig 2: Annotated aerial image of Building Group at Westcote Farm.

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REFUSAL OF APPLICATION BY SCOTTISH BORDERS
COUNCIL AND PLANNING POLICY CONTEXT

REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

- 3.1 Planning Application 21/00706/FUL was refused on 18th April 2022. The Decision Notice (CD11) cited one reason for refusal, set out below:

“1. The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm.”

Local Development Plan

- 3.2 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.
- 3.3 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.”

Supplementary Guidance

- 3.4 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.
- 3.5 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.

- 3.6 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.”
- 3.7 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.

National Planning Framework 4

- 3.8 A consultation draft of National Planning Framework 4 was published in 2021. The document addresses national planning policy and the Government's approach to achieving a net zero sustainable Scotland by 2045.
- 3.9 Policy 31 Rural Places is the most pertinent policy to this application. The Policy sets out that sustainable development proposals in rural areas should be supported including "proposals for new homes in rural areas outwith existing rural settlements".

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GROUNDS OF APPEAL AND
CASE FOR APPELLANT

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- 4.1 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 Appellant 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.
- 4.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:
- **Outdoor Access 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 WITHIN THE SENSE OF PLACE AND SETTING OF THE EXISTING BUILDING GROUP AT WESTCOTE FARM AND WOULD COMPLETE THE LOCAL DEVELOPMENT PATTERN.

- 4.3 It is the Appellant's position that the appeal site lies within the setting and forms part of an existing Building Group in this part of Westcote (clearly visible in Fig.2.) and that the proposed dwelling would enhance the defined sense of place.
- 4.3 It is common ground between the Appellant and the Planning Authority that there is an existing Building Group at Westcote comprising 7 no. existing dwellings and that capacity does exist for expansion by another 1 no. dwelling. However, Report of Handling 21/00706/FUL (CD10) states that the appeal site represents an "undeveloped field". The appointed Planning Officer considers that the site "would encourage sporadic development along this section of track into an undeveloped field, out of character with the clustered compact form of the group."
- 4.4 Disagreement centres on how the sense of place of the Building Group is defined. It is the Appellant's case that the sense of place comes from the arrangement of dwellings in residential plots around the existing courtyard and that new dwellings must be strongly and directly bound to the courtyard. The Planning Authority do not accept this reasoning and instead insist that the appeal site comprises part of a new field.
- 4.5 The Appellant's position is that the existing Building Group does not have distinctly defined boundaries and that the proposed dwelling sits in close proximity to other existing dwellings and shares a strong spatial relationship with the rest of the Group (as seen on Fig.2.). The site is regular in shape and sits adjacent to the courtyard which defines the sense of place in this part of the Building Group at Westcote Farm, consistent with the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 4.6 The proposed dwelling is considered to represent the south-east frontage of the courtyard, in its entirety, and preclude further development along that axis. Any further development would represent ribbon development and be clearly unacceptable.

- 4.7 It is traditional in the Borders, as it is in other rural areas, for houses and other buildings (e.g. stables, byres, kennels etc.) to be arranged in courtyard (or horseshoe plan). This is widely recognised to represent high quality urban design as streets and squares are addressed holistically rather than sporadic development of the easiest sites to build on. Therefore, it is considered that the proposed dwelling represents an opportunity to improve the quality of the local built environment by holistically addressing the courtyard.
- 4.8 The proposed dwelling is compatible and commensurate with the scale and proportions of the existing Building Group. The proportions of the Building Group, including the site, extend to no greater than 100 metres in length and 65 metres in width. The site sits within these confines and stands c.11 metres from Stable Cottage.
- 4.9 Report of Handling 21/00706/FUL raises no concern with the design of the proposed development and concludes that it is acceptable.
- 4.10 The appeal site occupies the plot in the south-east of the courtyard which defines the sense of place in this part of Westcote (visible on Fig.2). The proposal would serve to complete the courtyard aesthetic and enjoys close proximity with the existing dwellings in the Building Group. Given the position of the site in relation to the nearby existing dwellings and logical position within the courtyard, the site is considered to be well related to the existing Building Group at Westcote Farm and to accord with criteria a) of section (A).
- 4.11 One new dwelling has been consented and subsequently constructed at Westcote Farm within the current LDP period. The dwelling constructed within the current LDP period is Minto View, approved under Planning Permission 17/00857/FUL. Planning Application 16/01124/PPP previously sought consent for two new dwellings although was withdrawn before determination.
- 4.12 The existing Building Group at Westcote Farm dominates the local landscape. Expansion of the Building Group, which already comprises seven dwellings, by one dwelling is considered to have a negligible landscape impact. The proposed dwelling stands off from Stable Cottage, the closest existing dwelling to the site (visible on Fig.3). The proposed dwelling is considered not to give rise to any overlooking issues or other issues of amenity.
- 4.13 The appointed Planning Officer was in agreement with these points. On the question of residential amenity, the Planning Officer assessed, “the nearest other dwellings are sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of these properties.” With regards landscape impact, the Planning Officer concluded “the proposal will not have a significant adverse impact”.
- 4.14 The Appellant and Planning Authority agree that the limited impacts on landscape and amenity associated with the proposed development do not represent an “unacceptable adverse impact” and therefore the proposed development accords with criteria b) of section (A).

- 4.15 The Building Group at Westcote Farm comprises seven existing dwellings and therefore extension by two additional dwellings is allowed for by the Policy. As identified above only one new house (Minto View – 17/00857/FUL) has been approved in the current LDP period. The proposal is considered to accord with criteria c) of section (A) as the existing Building Group has capacity to expand by one more dwelling in the current LDP period and one new dwelling is proposed.
- 4.16 The Planning Authority and Appellant agree that there is an existing Building Group in this part of Westcote as defined in section (A) of Policy HD2. It is considered that the proposed development forms part of the courtyard which defines the sense of place in this part of the Building Group and would preclude further residential development. There has been one new dwelling consented within the current LDP period and capacity for one new dwelling remains. 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.
- 4.17 It should be noted that the Application is for Full Planning Permission and the Appellant and Planning Authority are in agreement on all other matters, including detailed design. Disagreements relates only to whether the appeal site is well related to and forms part of the courtyard in this part of Westcote.



Fig 3: Extract from application plan AT3514-L(-1)107 conceptually proposed site layout of new house, garden, and access (Source: Aitken Turnbull Architects).

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CONCLUSION

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- 5.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 21/00706/FUL and grant consent for the erection of a dwellinghouse at Plot 4, Westcote Farm, Westcote, Hawick.
- 5.2 The proposed development is for the erection of a new dwelling on a site which is within the sense of place of the existing Building Group in this part of Westcote. The proposed dwelling reflects the existing pattern of development and completes the courtyard aesthetic of its surroundings. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly the Building Group has capacity to expand by one more dwelling over the LDP period. Therefore, the proposed development is considered to accord with section (A) of Policy HD2.
- 5.3 The proposed development achieves full accord with section (A) of Policy HD2. There is no dispute between the Appellant and Planning Authority over the acceptability of the design and it does not weigh in determination of this Notice of Review.
- 5.4 The proposed design is symmetrical and regular in orientation and would preclude any further development into the countryside by closing off access to the private way which surfaces the courtyard around which dwellings are proposed. The application is for full planning permission and a complete drawing package has been provided.
- 5.5 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse at Westcote Farm.

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CORE DOCUMENTS

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

- Notice of Review Form;
- CD1 Local Review Statement;
- CD2 (Application) Planning Statement;
- Application Form;
- CD3 AT3514-L(-1)101 Location Plan, prepared by Aitken Turnbull Architects;
- CD4 AT3514-L(-1)101(B) Location Plan, prepared by Aitken Turnbull Architects;
- CD5 AT3514-L(-1)102 Site Plan as Proposed, prepared by Aitken Turnbull Architects;
- CD6 AT3514-L(-1)103 Existing Site Plan, prepared by Aitken Turnbull Architects;
- CD7 AT3514-L(-1)104 Proposed Ground Floor Plan and Elevations, prepared by Aitken Turnbull Architects;
- CD8 AT3514-L(-1)105 First Floor Plan and Site Sections, prepared by Aitken Turnbull Architects;
- CD9 AT3514-L(-1)107(B) Landscape Plan, prepared by Aitken Turnbull Architects;
- CD10 Report of Handling 21/00706/FUL; and
- CD11 Decision Notice 21/00706/FUL.

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