

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/00706/FUL

APPLICANT: Mr Drew Glendinning

AGENT: Aitken Turnbull Architects

DEVELOPMENT: Erection of dwellinghouse

LOCATION: Land South Of Stable Cottage (Plot 4)
Westcote
Hawick
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
L(-1) 101 Rev A	Location Plan	Refused
L(-1) 102	Proposed Site Plan	Refused
L(-1) 103	Existing Site Plan	Refused
L(-1) 104	Proposed Plans & Elevations	Refused
L(-1) 105	Proposed Plans & Sections	Refused
L(-1) 107 Rev B	Landscaping Plan	Refused

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Five representations were received in respect of the application. The main points raised include: Outside building group, maintenance of track, access, road safety, impact on the rural character, design, privacy/overlooking/outlook and impact on the environment.

Consultations

Access Officer: No objections subject to a conditions maintaining access for the adjacent Core Path 128.

Denholm & District Community Council: Have not responded at the time of writing this report.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Roads Officer: No objections subject to conditions requiring a scheme of details relating to access.

Scottish Water: No objection to the application.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan - Adopted Scottish Borders Local Development Plan (2016)

PMD2 - Quality Standards
HD2 - Housing in the Countryside
HD3- Protection of Residential Amenity
EP1: International Nature Conservation and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3 - Local Biodiversity
EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS5: Protection of Access Routes
IS7 - Parking Provision and Standards
IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2021
Householder Development (Privacy and Sunlight) 2006
Landscape and Development 2008
New Housing in the Borders Countryside 2008
Placemaking and Design 2010
Trees and Development 2008
Waste Management 2015

Scottish Planning Policy 2014

Recommendation by - Brett Taylor (Planning Officer) on 18th April 2022

Site and Proposal

This application proposes planning permission for the erection of a dwellinghouse. The site forms part of the converted steading of Westcote Farm, lying around 600m from the A698 travelling along a private way. Multiple dwellings (seven in total) have been developed in the former farmyard all of which take vehicle access from the private way. The group is surrounded by agricultural fields.

Planning History

09 July 2018 - Planning permission granted for the erection of a dwellinghouse (Plot 3) (17/00857/FUL).

07 November 2016 - Planning permission principle application for the erection of two dwellinghouses on Plots 3 & 4 withdrawn (16/01124/PPP).

01 July 2013 - Modification of planning obligation 07/00074/OUT approved (13/00660/MOD75).

Key Planning Policies

The key policy against which this application is assessed is HD2, housing in the countryside.

The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area and;
- 3) sites in dispersed communities in the southern Borders Housing Market Area (HMA).

The policy sets out 6 further main criteria against which applications are assessed. Those are:

- A) Building groups;
- B) dispersed building groups;
- C) conversions of buildings to a house;
- D) restoration of houses;
- E) replacement dwellings;
- F) economic requirement.

In terms of the above, the only possible criterion against which the proposals could be assessed is A, building group, to which there are three further tests. Those are: a) the application site must relate well to an existing group of three houses; 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 and; c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

Of the above, the application falls into the second criterion. Although the site is not within a defined settlement, it is associated with a building group of seven houses (Hillcrest, The Court Yard, Minto View, Westcote Farm House, The Bothy, Stable Cottage and The Auld Byre). The building group has been expanded during the local development plan period by the granting of planning permission for Plot 3.

Nevertheless, our SPG cautions against developing beyond established building group boundaries into undeveloped fields - to do so opens up the potential of expanding the group away from the sense of place which justifies a house in the first place. In this case, the proposed site is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the private track. As such, this proposal would encourage sporadic development along this section of track into an undeveloped field, out of character with the clustered compact form of the group. This does not comply with Policy HD2 or our SPG as a result, since it will not sympathetically relate to its character or sense of place. Siting a house here would not comprise a sympathetic, organic addition to the area, and planting (as proposed by the applicant) would be insufficient to overcome the adverse impact of expanding the group beyond its established extent.

I note that no supporting economic case was submitted by the applicant to justify that the house is required in this location that would override the conflict with policy.

Placemaking and design

Policy PMD2 sets out the council's strategy towards design. It states, amongst other things, that: "All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with...its landscape surroundings". The policy sets out the standards which will apply to all development."

Notwithstanding the above fundamental matters regarding the principle of development, the proposed house would have a 'T-plan' form and will be 1.75m storeys in height with a pitched roof. The design and choice of materials would be domestic in character but will closely reflect the designs of the houses for plots 1, 2 and 3. As such and only in design terms, I am content that the appearance would not be unacceptable in the context of the surrounding area.

Neighbouring amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. It would be possible for a dwelling to be constructed on this site in compliance with the relevant standards in the SPG. 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. I am satisfied that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan.

Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policy IS7. In terms of the access, the site is proposed to be accessed via the same track which currently serves the group. Should the application be approved the RPO recommends similar conditions relating to the upgrading of this track.

Developer contribution

A contribution would be required for education provision were the application to be granted.

Impact on SLA

The proposal will not have a significant adverse impact on the Teviot Valleys SLA.

Access & Rights of Way.

The Outdoor Access Officer advises that Core Path 128 runs along the track adjacent to the proposed site, and anticipates that the development has implications for the ability of the public to exercise rights of access along this path, in that it is possible that boundary fencing, if constructed, and depending on the location and design etc., may affect path users. Should the application be approved, the need for planning conditions should be considered having regard to the risk and the existing legal protection of the route.

Trees, Woodlands and Hedgerows

No trees or hedgerows would be affected by the proposals. Should the application be approved I consider the proposed development can be considered to comply with the requirements of policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan, and the adopted SPG on Trees and Development.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to a private water supply and foul drainage would be to a new sewage treatment plant with SUDS for dealing with surface water. The exact details would be agreed by condition and through the Building Warrant process.

Letters of representation

I note the objections raised by third parties and would agree with their concerns that a house would be inappropriate in this location.

Reason for Decision

It is recommended that the application is refused for the reasons given above.

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 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.

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 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.

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