



PLANNING STATEMENT

PLOT TO THE EAST OF SOUTH LAWS, DUNS,

TD11 3HZ

**PLANNING APPLICATION IN PRINCIPLE FOR A
RESIDENTIAL DWELLING WITH ASSOCIATED
AMENITY, PARKING, INFRASTRUCTURE AND ACCESS**

APPLICANT: JERRY AND SHONA PONDER

OCOTBER

2021

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Approved	Date
Tim Ferguson	07/10/2021

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1. Introduction

- 1.1 This Planning Statement has been prepared by Ferguson Planning Ltd in support of an application for Planning Permission in Principle (PPP) submitted on behalf of Jerry and Shona Ponder (the applicant) for one residential dwelling, located to the east of South Laws, Duns, TD11 3HZ. A site / location plan can be found within **Appendix 1**.
- 1.2 The proposal will provide much needed residential homes within the Scottish Borders and represents the most suitable and sustainable form of development within a rural setting, approximately five miles south of Duns, representing a natural extension to the existing building group, enabling the proposal to contribute to the vitality and viability of local services and facilities within Duns.
- 1.3 This statement has been prepared to consider the site context and relevant planning policy, before explaining the compliance with the development plan and related material planning considerations.

Submission Documents

- 1.4 The following documents and drawings (Table 1.1 and Table 1.2) have been prepared by the consultant team and are submitted in support of this planning application. Notably, the submission documents are in accordance with the Scottish Borders Council (SBC) Validation Requirements for planning applications of this nature.

Table 1.1 Planning Application Submission Documents

Document	Consultant
Planning Application Fee	The Applicant
Application Form, Ownership Certificates	Ferguson Planning Ltd
Planning Statement	Ferguson Planning Ltd

Table 1.2 Drawings

Document	Consultant
Site Location Plan	Green Fields Design
Ground Floor Plan and South and East Elevations	Green Fields Design
First Floor Plan and North and West Elevations	Green Fields Design
Location Plan	Green Fields Design

Structure of Planning Statement

- 1.5 The purpose of this Planning Statement is to provide SBC with details of the existing site and surroundings; the relevant planning history of the site; details of the proposed development and

reasoned justification in the context of the local area and relevant planning policies. This Planning Statement is structured as follows:

- Section 2 - Site Context and Planning History.
- Section 3 – The Development.
- Section 4 - Planning Policy.
- Section 5- Development Consideration; and
- Sections 6 - Conclusions.

2. Site Context and Planning History

- 2.1 This Planning Permission in Principle (PPP) application relates to the development of one detached residential dwelling at a Plot to the East of South Laws, Duns, TD11 3HZ.
- 2.2 The site is currently rough pasture bordered to the west by an existing residential dwelling forming part of the building group at South Laws. Adjoining the site to the south and east is agricultural land. To the north are dense trees and hedgerow with the existing access to the northeast. The adopted access road leading to the A6112 adjoins the northern boundary which serves the building group at South Laws, beyond lies Laws North Plantation.
- 2.3 In term of topography, the site itself is relatively flat, with the topography falling slightly beyond the site boundary to the south.
- 2.4 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations.
- 2.5 The proposed dwelling is shown indicatively on the plot with the new access to the northwest, illustrated within Section 3 of this report. The intention being that the proposal relates well to the established building group to the west, not extending beyond the existing building line to the north of the adjoining property, whilst being contained by existing and proposed new planting.
- 2.6 In terms of accessibility, the site is approximately five miles southeast of Duns (24-minutes cycle or 11-minute drive) offering a range of services and facilities, along with onward public transport with the local bus stops to
- 2.7 In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.8 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding as illustrated in Figure 1 below.

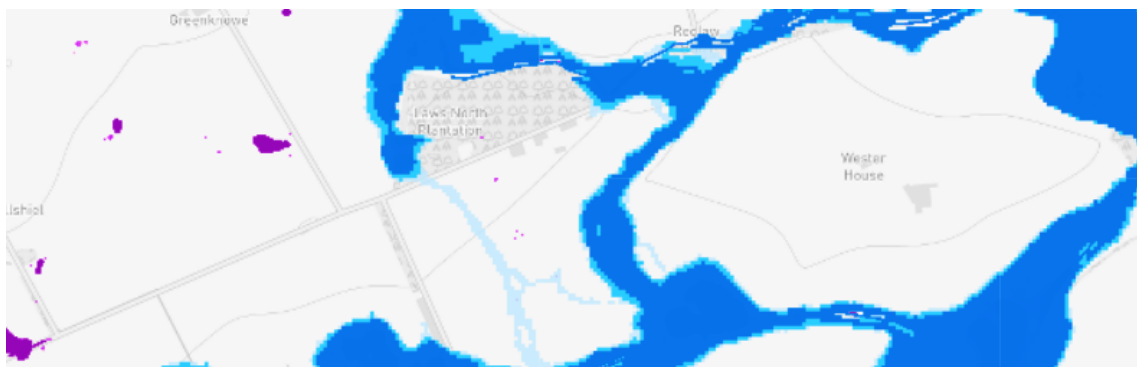


Figure 1: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.

Planning History

2.9 Referring to the Scottish Borders planning application portal, there have been no historic planning applications to date on the site. There has been a neighbouring application for residential development within the South Laws Building Group which is referenced in the table below:

LPA Ref	Address	Proposal	Status
18/00249/FUL	Land East Of South Laws House Swinton Duns Scottish Borders	Erection of dwelling house	Approved 3 rd August 2018. 20/01594/AMC application is awaiting determination (registered 17 th December 2020)

3. The Development

3.1 This section sets out details of the proposed development. The description of which is as follows:

“Planning Application in Principle for a Residential Dwelling with associated Amenity, Parking, Infrastructure and Access at the Plot to the East of South Laws, Duns”.

3.2 The proposed development involves the provision of one detached residential dwelling with associated infrastructure at the Plot to the East of South Laws, Duns, which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 2 below:

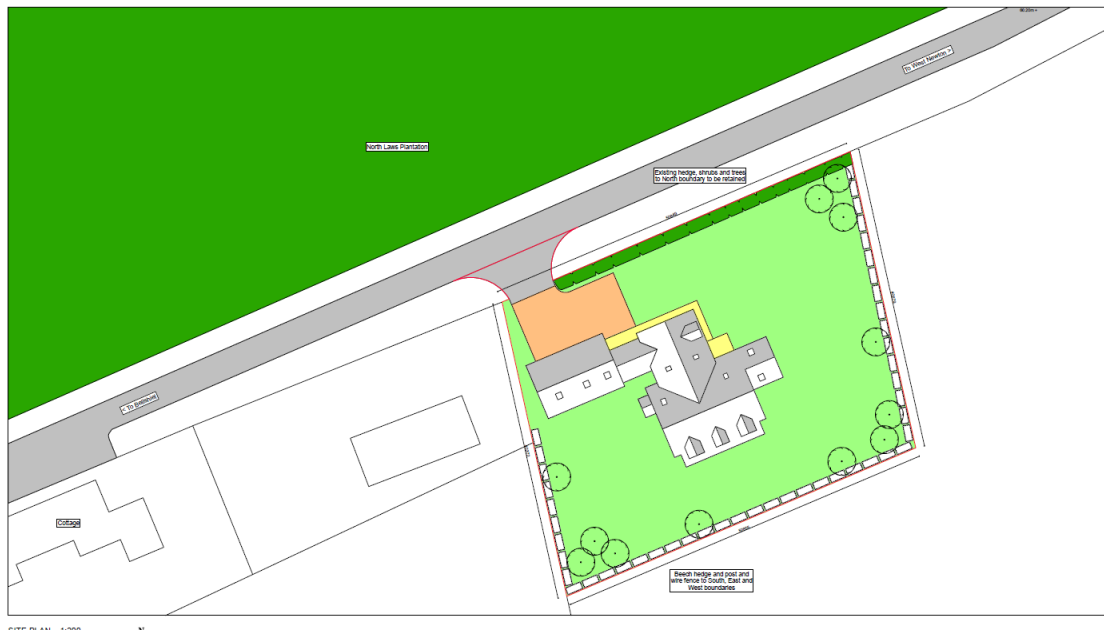


Figure 2: Proposed Layout Plan

3.3 In terms of layout, it is proposed to incorporate a new site access to the northwest, as it is thought to relate well to the adjoining the building group to the west.

3.4 Careful consideration has been taken in the positioning of the proposed dwelling within the site ensuring there is reasonable separation distances to the existing dwelling adjoining the western borders, safeguarding the daylight and sunlight provision and privacy of residents.

3.5 The proposed frontage of the property has been aligned to match the neighbouring properties.

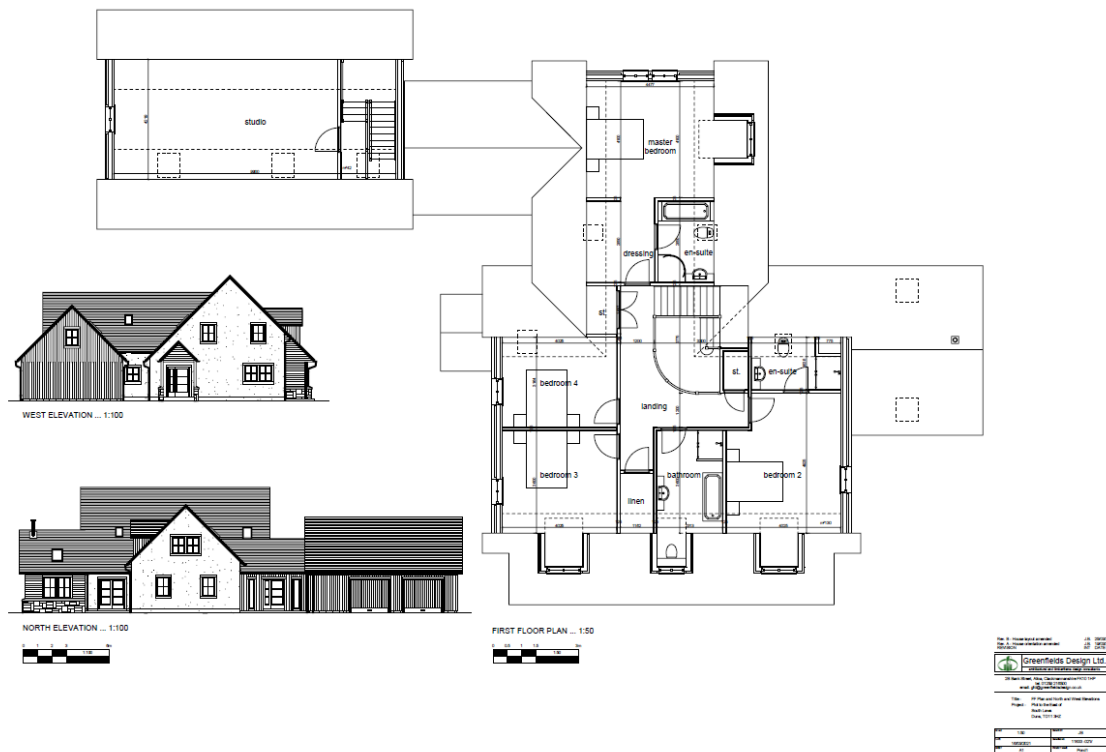


Figure 3: Elevations and First Floor Plan of Proposed Development

- 3.6 The proposed built form does not extend beyond the building line of the neighbouring properties to the west, ensuring they are set back from the access road and do not impinge upon the streetscape of the area within its Countryside Setting. This is further supported by the height of the proposal, forming a 1.5 storey dwelling, stepping down to a single storey replicating the character of dwellings within the building group.
- 3.7 The private outdoor amenity provision for the proposed dwelling would compliment the natural rural environment in which it surrounds. The site benefits from being bordered by existing trees and vegetation which will be retained where possible.
- 3.8 As the application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

4. Planning Policy

4.1 This section outlines the principle planning policy considerations which have informed the emerging development proposals, and which provide the context for the consideration of the proposed scheme.

Scottish Planning Policy (SPP) 2020

4.2 SPP creates a presumption in favour of sustainable development and establishes that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit.
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies.
- supporting good design and the six qualities of successful places.
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities.
- supporting delivery of accessible housing, business, retailing and leisure development.
- supporting delivery of infrastructure, for example transport, education, energy, digital and water.
- supporting climate change mitigation and adaptation including taking account of flood risk.
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.
- having regard to the principles for sustainable land use set out in the Land Use Strategy.
- protecting, enhancing and promoting access to cultural heritage, including the historic environment.
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

4.3 SPP sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from

pressurised areas of countryside around towns and cities to more remote and sparsely populated areas.

4.4 In rural areas the Government intends the planning system to:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces.
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

The Scottish Borders Local Development Plan

4.5 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.

4.6 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period is between 2nd November 2020 and 25th January 2021. As the plan is nearing adoption, it should be considered a material consideration.

4.7 With reference to the adopted Scottish Borders Proposals Map (2016), the site is classed as 'White Land' with no allocations or designations.

4.8 The key policies under which the development will be assessed include:

- LDP Policy PMD1: Sustainability
- LDP Policy PMD2: Quality Standards
- LDP Policy HD2: Housing in the Countryside
- LDP Policy HD3: Protection of Residential Amenity
- LDP Policy HD 4: Meeting the Housing Land Requirement / Further Housing Land Safeguarding

4.9 **Policy PMD1: Sustainability:** The preparation of the Local Development Plan was heavily informed by the acknowledged "*need for action on climate change*" and the Council's Environmental Strategy, which sit behind the 'support and encouragement of sustainable development' across the Borders. Policy PMD1 sets out the "*sustainability principles which underpin all the Plan's policies*" and that the Council expects to inform development proposals and planning decisions:

- a) the long-term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources

- f) the minimisation of waste, including wastewater and encouragement to its sustainable management.
- g) the encouragement of walking, cycling, and public transport in preference to the private car.
- h) the minimisation of light pollution
- i) the protection public health and safety
- j) the support of community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management, and improvement of their environment.

4.10 **Policy PMD2: Quality Standards:** The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply.
- Make provision for sustainable drainage.
- Incorporate appropriate measures for separate storage of waste and recycling.
- Incorporate appropriate landscaping to help integration with the surroundings.
- Create a sense of place, based on a clear understanding of context.
- Be of a scale, massing and height appropriate to the surroundings.
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality.
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form.
- Be able to be satisfactorily accommodated within the site.
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings.
- Incorporate access for those with mobility difficulties.
- Not have an adverse impact on road safety in terms of the site access.
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

4.11 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied 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.”

4.12 **Policy HD3: Protection of Residential Amenity:** The Policy states that “development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - i. the scale, form, and type of development in terms of its fit within a residential area,
 - ii. the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions. These considerations apply especially in relation to garden ground or ‘back land’ development,
 - iii. the generation of traffic or noise,
 - iv. the level of visual impact.”

Material Considerations

New Housing in the Borders Countryside Supplementary Planning Guidance (SPG)

- 4.13 The Supplementary Planning Guidance provides “advice and assistance with the siting and design of new housing in the Borders countryside”. Pertinent sections of the Guidance have been identified below.
- 4.14 The Guidance accepts that “the Borders area is not uniform in its landscape character” and that for “new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover”.
- 4.15 The Guidance continues to establish that the development of “new housing in harmony with its immediate and wider surroundings” is possible by “respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover”.

4.16 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.”

4.17 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on-site facilities for vehicle movement and parking.”

Case Law

4.18 The recent appeal decision (LPA ref: PPA-14-2088) published 18th May 2021 in relation to the erection of 22 dwellings at 54 Edinburgh Road, Peebles, the reporter concludes that there is a “Significant five-year effective land shortfall” alluding there is c.631 housing shortfall in terms of 5-year housing land supply. The proposals of this nature can assist in addressing the identified shortfall.

Precedented Schemes

4.19 The following applications represent schemes that have been approved by Scottish Borders Council that have formed ribbon development, setting a precedent for the acceptance of the proposed development this application relates to.

LPA ref	Address	Proposal	Decision
19/01432/PPP	Land North West Of Quarry Bank Hume	Erection of two dwelling houses	Approved at Appeal 2 nd March 2020. The Local Review Body concluded that the proposed development was considered to be an appropriate addition to an existing building group within its sense of place and enclosed by planting.
19/00132/FUL	Land South West Of The Ashes Wester Ulston Jedburgh	Erection of dwelling house	Approved 10 th April 2019. It was deemed the development accords with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.
5/01191/PPP	Land East Of East Boonraw Cottage Hawick	Erection of two dwellinghouses	Approved 22 nd January 2016. It was concluded the proposal complies with LDP policies and the site is well related to the existing building group.

	Scottish Borders		Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.
19/01000/PPP	Land East Of Auburn Cottage Ashkirk	Erection of dwelling house and garage	Application Approved at Appeal 8 th October 2019. The LRB concluded the development was considered to be an appropriate addition to an existing building group within its sense of place and enclosed by proposed planting.
18/00929/PPP	Land North East Of Ladywood Lower Greenhill	Erection of dwelling house	Application Approved at Appeal 10 th December 2018. It was concluded the development was considered to be an appropriate addition to the building group, well related to, and in keeping with the character of the group.
20/00024/FUL	Site Of Derelict Farm Cottages North West Of Townhead Farmhouse Yarrowfues Yarrow	Demolition of existing steading and erection of dwelling house	Application Approved 19 th November 2020. The Officers concluded the proposal accords with the relevant provisions of the LDP 2016 and there are no material considerations that would justify a departure from these provisions.

5. Development Considerations

- 5.1 This section of the statement sets out the key planning considerations arising from the proposal setting out a reasoned justification for the development in the context of the adopted planning policy and the specifics of the site and its surroundings.

Principle of Development

- 5.2 The site in question is positioned within and adjacent to the setting of the existing Building Group at South Laws. The Building Group comprises seven dwellings to the west of the site, all to the south of the access road.
- 5.3 A review of the Council's online planning records has indicated that no new or existing dwellings have been consented at South Laws within the current Local Development Plan period. The proposal is for the erection of one dwelling within the setting and enlargement of an existing Building Group comprising seven dwellings. While the details of the appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered acceptable on the site. Landscape boundary treatment will contain the plot, restricting the visual impact in accordance with New Housing in the Borders Countryside SPG.
- 5.4 Section 4 of this Planning Statement outlines precedented schemes which represent a similar form of development that that been approved elsewhere in Building Groups within the Scottish Borders. Within the Planning Officers and the Local Review Body's conclusions to the schemes identified suggest that 'ribbon' development is considered acceptable subject to relating well to the existing building group in which we consider this application does.
- 5.5 The principle of development is considered to be acceptable as the proposal comprises the erection of one dwelling together with access, landscaping and associated works within the setting of an existing building group at South Laws, in accordance with section (A) of Policy HD2 which would enable up to two new dwellings to be consented within the LDP period under the 30% ruling. The proposal will also contribute to the Scottish Borders Housing Land Supply supported by policy HD4 of the LDP.

Residential Amenity

- 5.6 The proposal has been prepared to provide a good level of amenity for future occupiers of the proposed dwelling whilst safeguarding the amenity of residents within existing neighbouring properties. Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of residents.
- 5.7 It is considered the indicative scale of the proposed one and half storey dwellings are appropriate to the site and the local area. The building heights do not extend beyond those within the adjoining building group. Figure 2 and 3 above illustrates the proposed dwelling is set back and does not

extend beyond the building line of the Building Group sitting well within the rural setting, enclosed within the landscape in its rural settlement location.

- 5.8 Views of the site from public receptor points are primarily from the road adjoining the north of the site, noting the site will only be visible from short distance views due the site being enclosed within the landscape by trees and vegetation and as the road runs east to west. Existing hedgerow bordering the site further enhances the aesthetics, screening views from the north. Overall, the visual impact of the proposal on the local area is considered to be minimal.
- 5.9 As the proposal provides for good amenity on-site and safeguards the amenity of the surrounding area, it is considered to be in accordance with Policy HD3.

Design and Materiality

- 5.10 In accordance with policy PMD2 'Quality Standards' the indicative illustrations indicate a similar height to the existing properties within the building group to the west, whilst not extending beyond the building line, respecting the setting of the surroundings. Maintaining and enhancing the landscape boundary bordering the site to the north further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwelling. The proposed landscaping to the south, bordering the site, also safeguards to the visual impact from the adjoining agricultural fields.
- 5.11 Whilst this is a Planning Permission in Principle application, it is intended to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

Sustainability

- 5.12 While this application is for Planning Permission in Principle, the proposal intends to support a sustainable form of development through renewables such as solar panels, air source heat pumps and electrical charging points in accordance with policy PMD1.

Access and Parking

- 5.13 The proposal includes a new single access point to the northwest, off the existing adopted road to the north of the site which serves the Building Group at South Laws.
- 5.14 The proposed dwellings include a private driveway and car parking space deemed adequate for a proposal of this nature.

Housing Need and Economic Benefit

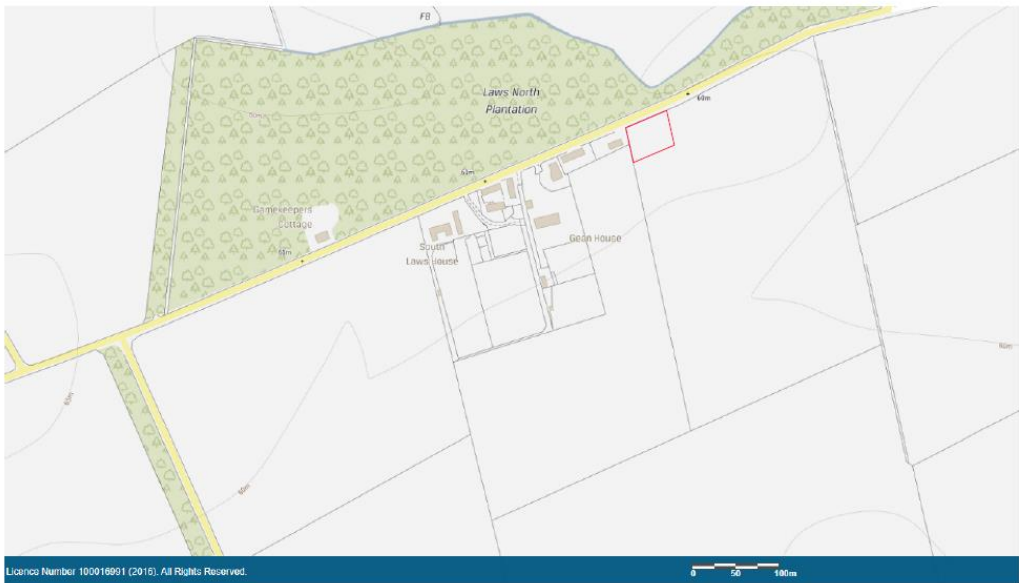
- 5.15 We consider, while modest in scale, will assist in meeting SBC five-year housing land supply to which we consider to be a shortfall. This has been concluded by the recent case law (LPA ref: PPA-14-2088) published 18th May 2021 in relation to the erection of 22 dwellings at 54 Edinburgh Road, Peebles. The reporter concludes that there is a "Significant five-year effective land shortfall" alluding there is c.631 housing shortfall in terms of 5-year housing land supply.

5.16 Again, the proposal will support local jobs creating economic benefits during the construction process.

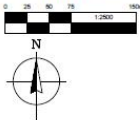
6. Conclusions

- 6.1 Ferguson Planning has been appointed by Jerry and Shona Ponder (the applicant) to submit this Planning Statement in support of a Planning Application in Principle (PPP Application) for one residential dwelling, together with associated infrastructure at Plot to the East of South Laws, Duns, TD11 3HZ.
- 6.2 The proposal represents the enlargement of an existing Building Group by one dwelling upon a site which is considered to be a logical location for residential development, relating well to the existing building group adjoining the site. Therefore, it is considered the erection of the proposed dwelling upon the site is to be acceptable in accordance with Policy HD2(A). Whilst the proposal utilises this sustainable site, enclosed within the landscape, it will also contribute to the housing land supply with the borders supported by Policy HD4.
- 6.3 The proposed dwelling has been carefully positioned and designed ensuring there is a good level of amenity for future occupiers whilst safeguarding the privacy of the neighbouring dwellings and providing good quality standards using sustainable methods in accordance with Policies PMD1, PMD2 and HD3.
- 6.4 It is proposed to create one new vehicle access point off the adjoining road to the northwest to serve the new dwellings. The proposed development is considered to be acceptable in transport terms.
- 6.5 Overall, it is thought that the proposal is in accordance with relevant adopted Planning Policy of the Local Development Plan and wider planning material considerations. It is therefore respectfully requested that planning permission is granted.

Appendix 1: Site Location Plan



LOCATION PLAN... 1:2500



REVISION	INT.	DATE
 Greenfields Design Ltd Architectural and Landscape Design Consultants		
28 Bark Street, Alton, Cambridgeshire FK12 1RP Tel: 01223 219900 www.gfd@greenfieldsdesign.co.uk		
Title: Location Plan Project: Plot to the East of South Lanes Date: 10/11/2012		
REV	1:2500	DATE
INT	16/02/2012	11/02/2012
INT	A2	Panel1

