

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW  
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Planning Application No:** 21/01421/PPP  
**Local Review Body No:** 22/00016/RREF  
**Applicant:** Mr John and Mrs Louise Seed

**Agent:** Ferguson Planning  
**Proposal:** Erection of dwellinghouse  
**Location:** Land North East of Woodend Farmhouse Duns

Comments of the Planning Officer in Respect of New Information

The Local Review Body determined to proceed with the review of the above application with further procedure. In this instance, the Local Review Body requires comments from the Council's Planning Officer in response to the following new information that was submitted with the Notice of Review documents:

Soil Fertility Report

Policy ED10 states that development, except for proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or carbon rich soils will not be permitted unless:

- a) The site is otherwise allocated in the Local Development Plan 2016;
- b) The development meets an established need and no other site is available;
- c) The development is small scale and directly related to a rural business.

Prime quality agricultural land is defined as Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system and is a valuable and finite resource, which needs to be retained for farming and food production. This policy seeks to prevent the permanent loss of such land.

The report states that soil samples taken from the site indicate that nutrient deficiencies and poor soil structure contribute to poor yields and crop growth.

However, the report does not assess possible mitigation measures that could improve the quality of the soil and soil structure that could increase crop yields, such as manure/compost, crop rotation, drainage improvements and soil management.

The argument that the soil is of poor quality does not comply with the criteria listed in policy ED10 and so the proposal fails to comply with this policy. As there are other potential sites on which to site the proposed house within the building group, it does not appear necessary to develop this land and take this prime quality agricultural land out of crop production.

3D image of Proposed New House in relation to Existing House

As this is a Planning Permission in Principle application, the exact details of the siting, scale, design and materials of the proposed dwellinghouse would be considered at the Approval of Matters Specified in Conditions application stage. This current application deals with

whether the principle of the development on this site complies with the Council's housing in the countryside policy HD2.

The farmhouse is a category B Listed Building and policy ED7 seeks to protect the setting of Listed Buildings. The proposed development could potentially have an adverse impact on the setting of the Listed Building due to its siting, scale and design.

The 3D image shows that the proposed house would be a large two storey building with a sizable wing forward of the front elevation.

As stated in the Report of Handling, the farmhouse was clearly sited to be the focal feature when approaching the farm from the road. A house of the scale and design proposed would clearly draw the eye away from the listed farmhouse due to its prominence, competing for attention and thereby undermining the importance of the Listed Building and therefore, harming its setting.

#### Revised Site Plan Indicating a Reduced Site/Development Boundary

The application site area as originally submitted was 0.33 hectares but a revised site plan has been submitted as part of this appeal reducing the site area, though no exact size is given.

It is accepted that this smaller site for the proposed house would reduce the amount of prime quality agricultural land lost. However, it is still considered that the site is poorly related to the building group outwith the sense of place within a previously undeveloped field and so the proposal is contrary to policy HD2 and alternative, more appropriate sites within the building group should be investigated.

Therefore, in conclusion, it is respectfully requested that the review is dismissed and the application refused.