

**SCOTTISH BORDERS COUNCIL**

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

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

**REF:** 21/01639/FUL  
**APPLICANT:** Mr Mark McGlone  
**AGENT:** ACJ Design ACJ Group  
**DEVELOPMENT:** Erection of dwellinghouse  
**LOCATION:** Land West Of Cavers Hillhead  
Cavers  
Hawick  
Scottish Borders

**TYPE:** FUL Application

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
514.1.01	Location Plan	Refused
514.1.02	Proposed Plans & Sections	Refused
514.1.03	Proposed Plans	Refused
514.1.04	Proposed Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

One letter of support was received.

**Consultations**

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 the dwelling to be restricted to a person solely employed by Cavers Hillhead Estate.

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  
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 19th April 2022

#### Site and Proposal

This application proposes planning permission for the erection of a dwellinghouse. The site is located to the west of Hawick, off the A698 road. The site measures 0.53, is triangular in shape and comprises of a current vacant field. It is bounded to its northern and southern edge by a distinctive row of mature trees which encase an access track, and to the east by the mature woodland associated with Cavers Hillhead Estate. To the south and east are the remaining agricultural fields.

#### Planning History

No relevant planning history

#### 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.

The site is not within a defined settlement and so the proposal has to be assessed against the Council's housing in the countryside policies. There is one dwelling (Cavers Hillhead) in close proximity, however, I do not consider this meets the requirements of a building group as stated by policy HD2. This property is relatively isolated with the Arbourlaw Plantation to the north forming a natural boundary. Even if a building group did exist, the proposed house would break into an undeveloped field and would encourage sporadic uncontrolled development. This is discouraged by our policy guidance, as siting a house here would not comprise a sympathetic, organic addition to the area, and there is no justification for it here.

During the processing of this application the applicant submitted a business case to account for the requirements of policy HD2 (F). This refers to the economic case for the development in relation to the management of the estate, the income for which is based on timber harvesting. From this information provided I considered that there was no reason to change my assessment of the application that would override the conflict with policy. This is because the information provided is insufficient to demonstrate there is a necessity for this dwellinghouse to be sited at this location to support the operational needs of a viable business.

#### 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 single storey house would have a simple rectangular form with a pitched roof. 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 the dwelling to be constructed on this site in compliance with the relevant standards in the SPG. The nearest other dwelling at Cavers Hillhead is sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of this property. 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 property at Cavers Hillhead. Should the application be approved the RPO recommends a condition relating to the occupancy of the property.

#### 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.

#### Ecology

With respect to ecology, given the current use of the site as an open field it is considered that the proposal will have a limited impact on ecology and biodiversity of the surrounding area.

#### 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 public 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.

#### 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 be unrelated to a 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”.**