

F E R G U S O N
P L A N N I N G

Land West of 1 The Wellnage Station Road, Duns, Scottish Borders

C&V Development

August 2022

CONTENTS

INTRODUCTION.....	03
SITE CONTEXT.....	05
THE PROPOSAL.....	08
GROUND OF APPEAL...	11
CONCLUSION.....	19

F E R G U S O N
P L A N N I N G

Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders.

INTRODUCTION

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1.1 This Appeal Statement is submitted on behalf of C&V Developments (‘the appellant’) and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application LPA ref: 22/00081/FUL by delegated decision on 06/06/2022.

1.2 The Planning Permission in Principle Application sought consent for the *“Erection of two dwellinghouses with access and associated works at Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders.”*

1.3 The reason for the refusal of the application as set out below.

- The proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create a vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

1.4 The table below provides a summary of the technical consultee responses:

Consultee	Comment
Flood and Coastal Management	No Objection
Scottish Water	No Objection
Community Council	No Objection
Archaeology Officer	No Objection
Ecology Officer	No Objection
Landscape Officer	No Objection
Roads Planning	No Objection
Heritage and Design Officer	Requested additional information which the applicant provided prior to determination and can be found within the Core Documents

1.5 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2)
- A summary of the appeal proposals (Section 3)
- Ground of Appeal (Section 4)
- Summary of the appellant’s case and conclusion (Section 5).

Supporting Documents

1.6 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application.

Application Process

- 1.7 This appeal is made to the Local Review Body on the basis it was a local application, and which was determined under delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.

F E R G U S O N
P L A N N I N G

Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders.

APPLICATION SITE AND CONTEXT

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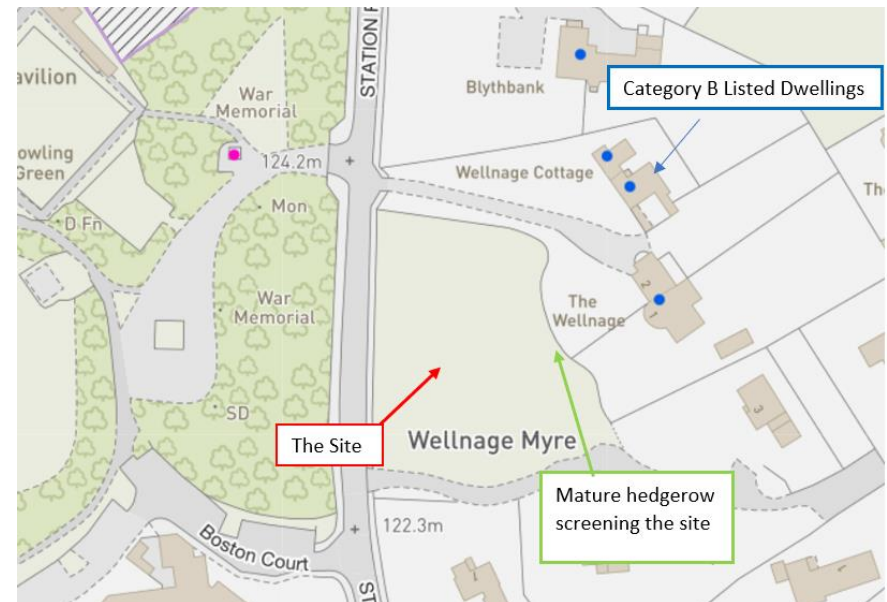
- 2.1 The site is located to the east of Station Road, 0.3 miles to the south of Duns High Street, within the Settlement Boundary. The site is accessed from Station Road, through an opening in the wall. At present, the site laid to overgrown vegetation, bordered by a mature dense tall hedgerow to the east, tree line to the north, wall adjoining Station Road to the west, and the access track with residential properties beyond to the south.
- 2.2 In terms of topography, the site appears to be relatively flat with a slight rise to the east. The properties beyond the site boundary sit on a much higher level.

Figure 1: Site Location (Annotated Pass Maps)



- 2.3 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations and is considered to be 'white land'.
- 2.4 In terms of accessibility, as previously discussed, the site is approximately 0.3 miles (5- minute walk to the Town Center of Duns, offering a range of services and facilities, along with ongoing public transport with the local bus stops to Kelso, Melrose, Galashiels, Berwick Upon Tweed and Tweedbank for rail services to Edinburgh City Centre.
- 2.5 In terms of Heritage, the site is not within a Conservation Area, however, it is important to note there are Category B listed properties adjoining the site to the east as illustrated in Figure 2 below, which are screened by an existing mature high hedgerow bordering the site as shown within Figures 9 and 10.

Figure 2: Environmental Scotland



2.6 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 within an area at risk of river flooding.

Land West of 1 The Wellnage, Station Road, Duns, Scottish Border.

THE PROPOSAL

THE PROPOSAL

3.1 This section set out the details of the proposal. The description of which is as follows:

“The Erection of Two Dwellinghouses with Access and Associated works at Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders”.

3.2 The proposed development involves the provision of two detached residential properties within associated infrastructure, located at Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders. The site location is identified within Core Document 3, accompanying this report and proposed Site Plan in Figure 3 below.

Figure 3: Proposed Site Plan



3.3 In terms of layout, the dwellings are proposed to be positioned within the lower lying ground towards the southwestern corner of the site, accessed off Station Road to the west. Careful consideration has been taken in the positioning of the proposed dwellings within the site to ensure they are set back from the adjoining road, whilst being within the existing and proposed landscape containment, reducing the visual impact from public receptor points to the west. The accompanying design statement and CGI visuals show how the proposal would sit well into the local landscape.

3.4 The proposal has also considered the orientation of the property, maximising the daylight and sunlight provision and privacy of residents.

3.5 The private outdoor amenity provision will be substantial, complimenting the sites surroundings. There are a number of mature trees bordering the site which will be retained. The site plan has indicated the tree root protection together with the proposed wider landscape plans implemented as part of a previous consent (16/0161/FUL).

3.6 There is considered to be adequate spacing between the existing landscaping and the proposed built form to ensure no significant landscape impact is caused. The proposal also seeks to replicate the style and spacing of the neighbouring dwellings along Station Road.

3.7 The design and materials chosen has taken a similar approach to the surroundings, with materials such as timber, natural stone and slate. It is again intended that the house would be well insulated, triple glazed and renewable energy technologies would be implemented.

3.8 As previously discussed, an existing site access would be utilised and upgraded to meet any associated road safety standards, adequate parking is provided within each plot, able to accommodate two cars with the capability of exiting in forward gear.

Figure 4: Proposed Visual looking onto the site from Station Road



Figures 5-8: Proposed Visual looking onto the site from Station Road



Figure 5- taken from W of the site from Station Road looking E



Figure 7- Taken from W of the site from Station Road looking SE



Figure 6- taken from the NW of the site from Station Road looking SE



Figure 8- Taken from SW of the site from Station Road looking N

F E R G U S O N
P L A N N I N G

Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders.

Grounds of Appeal

Grounds of Appeal

- 4.1 The Local Authority's decision to refuse the application is challenged on the basis of one reason for refusal and to which a response has been split into two grounds set out below. It is asserted that the Proposal accords with the relevant policies and intentions of the Local Development Plan and Supplementary Planning Guidance and is why we consider the application should be approved.
- 4.2 The Appellant sets out the following four Grounds of Appeal (GOA).
- **GOA 1:** The proposed development complies with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would not have a significant adverse impact upon the setting of The Wellnage, a category B listed building.
 - **GOA 2:** There are no other material considerations which warrant refusal of the application. Wider material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

4.3 **GOA 1:** The proposed development complies with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would not have a significant adverse impact upon the setting of The Wellnage, a category B listed building.

4.4 *LDP Policy EP7: Listed Buildings states the Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.*

Appellant's Case

4.5 We have set out below the circumstances for why this development should proceed in line with policy, setting out how the proposal complies with Policy EP7 in that the proposal respects the setting and character of the neighbouring listed building.

4.6 The original Planning Application was supported by a Heritage Statement as illustrated within Core Document 5, prepared by The Hurd Rolland Partnership, who have acted as built heritage consultants, advising on a large number of heritage-sensitive development projects throughout Scotland.

4.7 The Heritage Statement has provided an objective assessment of the potential impact of the proposal to erect two dwelling houses on the land to the west of the Category B Listed the Wellnage, in terms of the key relevant statutory requirement and national and local policy and guidance.

4.8 The statement concluded that whilst it is acknowledged the site is located within the wider setting of the Wellnage, it will have little impact upon the primary setting of the listed building as it has evolved over the past 70 years. It is considered the proposed development site is effectively separated and screened from the garden ground in front of the garden elevation of the house by the tall hedgerow planted along the upper slope in the mid-twentieth century, and mature trees beyond as illustrated in Figures 9 and 10 below.

4.9 The primary outlook from the Wellnage garden elevation is from the screened garden ground, not station road.

Figure 9: Image taken within the garden of the Wellnage, noting the tall hedgerow boarding the dwelling



Figure 10: Image taken from the site, looking toward the Wellnage, noting the tall hedgerow and trees shielding the view of the dwelling boarding the Listed Building



- 4.10 It is acknowledged the proposed development will be visible in glimpsed views through the tree line in the original approach from Station Road from the north-west corner of the site along the tree-lined driveway but will not be intervisible with the Wellnage.
- 4.11 It is considered the primary setting of the garden elevation will be unaffected by the proposed development. Similar to neighbouring listed buildings, the primary setting of the Wellnage is the private garden, as previously discussed separated from Station Road by mature planting, in this instance by planting and a substantial hedgerow.
- 4.12 Station Road is part of the wider setting of the listed building, providing glimpsed views towards the upper levels. The glimpsed views, that are by nature accidental, will not be affected such that the relationship between the house and Station Road will be eroded to any great degree. In this regard, the changes in the existing relationship will be mitigated by the improved character and appearance of what is presently redundant scrubland, within the context of Station Road.
- 4.13 The present character and appearance of the proposed development site within the context of Station Road is one of redundancy and poorly maintained scrubland and not considered to be open space. The proposed development, and in particular the addition of trees and improved management planting provides an opportunity to improve the quality of the site, and in doing so, the wider setting of the Wellnage and the character and appearance of Station Road.
- 4.14 In conclusion, it is considered that how the Wellnage is experienced and understood within its surroundings will not be substantially affected by the proposed development. The proposal is therefore considered to have a Negligible/ Minor impact on the setting of the Wellnage in compliance with policy EP7.

GOA 2: *There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further housing and investment.*

- 4.15 Whilst it is a modest development site, analysis shows that that a significant proportion of houses built in the Scottish Borders range between 1-4 units and that many are non-allocated / windfall sites. The importance of smaller sites in delivering housing in the Scottish Borders should therefore not be overlooked and this site in question can help meet the housing land targets.
- 4.16 Our clients' aspirations are for this site to provide two new properties, representing an opportunity to invest in the rural town of Duns, to help address the current housing shortfall. The proposal would be built by the applicant who is committed to deliver the development as soon as possible and is therefore effective and deliverable.
- 4.17 It is also important to note the site is situated within the settlement boundary, where housing development is encouraged to be focused within.
- 4.18 The proposed development supports the ethos of the Draft NPF4 through the 20-minute neighbourhood concept. The draft NPF4 seeks to encourage housing proposals within a 20-minute walk from local shops and services, encouraging development to contribute to the viability, sustainability and diversity of rural economies and communities.
- 4.19 SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the cost 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. This means that policies and decisions should be guided by the following principles in Paragraph 29 which we address in turn within the table below.

Table 1: SSP Principles

Policy Principle	How the Proposal Complies
Giving due weight to net economic benefit;	The proposal will deliver much needed investment and delivery of housing within the Settlement Boundary of Duns. The applicant will also seek to appoint local tradesmen during the construction process, contributing to the local economy.
Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;	The proposal supports the growth of the rural community, whilst enabling ensuring there is a generous supply of housing land to cater for the increase in people and families living in the Scottish Borders.
Supporting good design and the six qualities of successful places;	The proposal will deliver two high quality homes, utilising sustainable technologies such as PV panels and air source heat pumps.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;	The proposal will capitalise on the existing investment made in Duns. The additional residents the proposed dwelling will bring to the area will contribute to local services and facilities through having a higher footfall in the local area.
Supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will deliver a much-needed family sized dwelling.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal will make a financial contribution through a s.69 or s.75 agreement, as deemed necessary by SBC.
Supporting climate change mitigation and adaptation including taking account of flood risk.	The future proofing of homes for climate change will be agreed during the detailed planning application stage and will include renewable technologies.

SPP Table Continued...

Policy Principle	How the Proposal Complies
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposed gardens within the sites offer an opportunity for an array of activities as well as nearby walks and cycle routes, with a direct walking route from the proposed dwellings to Duns rugby club, golf club, tennis courts and other sporting clubs.
Having regard to the principles for sustainable land use set out in the Land Use Strategy;	The proposed site is in a sustainable location within the settlement boundary of Duns, within walking distance to shops, services and leisure facilities.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The sensitive approach to the design seeks to safeguard the character of dwellings within its setting within the settlement.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The additional landscaping proposed will provide a level of beneficial effects, such as enhanced biodiversity and additional screening through the introduction of locally appropriate hedgerow and trees within the proposed development.
Reducing waste, facilitating its management and promoting resource recovery; and	Suitable provision for waste collection can be demonstrated.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The low-density scale of development is considered appropriate for a site of this nature.

F E R G U S O N
P L A N N I N G

Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders.

CONCLUSION

CONCLUSION

- 5.1 The submitted appeal, supported by this statement, seeks to overturn the Council's decision to refuse planning permission relating to the residential development at Land West of 1 The Wellnage, Station Road, Duns, Scottish Borders.
- 5.2 In summary:
- The site represents a sustainable location within Duns, located in close proximity to the Town Centre and close to public transport, local shops and services. The proposal supports the 20-minute neighbourhood philosophy set out within the Draft NPF4.
 - The site is within an existing residential area and therefore our proposal will represent a compatible use without impacting upon residential amenity.
 - The proposed dwellings utilises an underutilised site, offering much-needed family housing, it will also contribute to the housing land supply within the borders supported by Policy HD4.
 - The proposed development is considered to be acceptable in transport terms, taking a similar approach to the access arrangements for the neighbouring dwellings off Station Road.
 - The proposal has been carefully positioned and designed ensuring there is a good level of amenity for future occupiers and providing good quality standards using sustainable methods in accordance with Policy PMD1, PMD2 and HD3. It again will be a high-quality building material and supported by renewable technology.
 - The proposed site is within a clearing and required minimal trees to be felled in accordance with Policy EP13.
 - It is considered that how the Wellnage is experienced and understood within its surroundings will not be substantially affected by the proposed development. The proposal is therefore considered to have a Negligible/Minor impact on the setting of the Wellnage in compliance with policy EP7.
- 5.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and in particular LDP Policy EP7 against which the original application was refused.
- 5.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.
- 5.5 In addition to the above, the proposal will deliver local investment in trade employment, whilst expanding purchasing power in the local economy and supporting existing rural services.
- 5.6 The proposal is considered to fall within the guiding principles of the SPP, and we do not consider that there are any impacts which are significant and demonstrably outweigh the presumption in favour of development. We therefore respectfully request that the appeal be allowed.

APPENDICES: Core Documents

Core Doc 1: Decision Notice and Officer Report

Core Doc 2: Location Plan

Core Doc 3: Proposed and Existing Plan

Core Doc 4: Planning Statement

Core Doc 5: Heritage Statement

Core Doc 6: CGI's

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