



## APPEAL STATEMENT

# ERECTION OF RESIDENTIAL HOLIDAY LET WITH ASSOCIATED FACILITIES

## TOWNFOOT HILL, JEDBURGH

SEPTEMBER 2022

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## EXECUTIVE SUMMARY

- The appellant is seeking a review of the officer's decision to refuse application 22/00464/FUL at Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh which sought permission for the *'Erection of residential holiday let with associated facilities'*.
- The appellant seeks a review of this decision, as the appellants disagree with the conclusions reached by officers in relation to their policy assessment of the proposals. It is considered that sufficient weight has not been applied to significant material considerations, in support of this application.
- Swinside farm is owned and run by the appellant, Peter Hedley and his wife, Vicki Hedley and their two young boys. It is a family farm breeding North Country Cheviot Sheep, with approximately 1,000 ewes, recently recognised as finalists in the Scottish Sheep Farm of the Year Awards 2022.
- The appeal proposal is aimed as a farm diversification project to help keep the farm sustainable due to the increasing uncertainty of farming and volatility of costs following the pandemic.
- The appellants will run the holiday cottage themselves and have extensive experience of running their own catering business (in addition to the farm) to date. The Business Plan provides a substantial case that the initial infrastructure costs can be met and will provide a viable business from year 1 of operations.
- It will make a valuable contribution to Scotland's tourist economy which generated over 14.5 million visitors in 2015, and £5 billion in overnight visitor spend.
- The proposal will deliver a luxury holiday let unit set within a former stone quarry designed to blend into the existing natural surroundings, offering a unique holiday experience without making an impact on the surrounding area.
- The proposed location has been specifically chosen to offer stunning views and privacy that the high-end staycation target market is looking for, allowing guests to completely unwind and escape from the pressures of modern life.
- The sequential assessment demonstrates there are no other suitable buildings for reuse or adaption. Other locations on the farm would also conflict with the day-to-day workings of a busy commercial operation and

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could severely weaken the business case as guests looking for a luxurious and quiet relaxing retreat do not want to be woken up by farm noise and traffic.

- There are no landscape designations on the site and therefore it is not considered to have high visual sensitivity. The focus of the design is to create a forced earth structure sub-terranean structure, that is entirely set back into the existing banking and leaves little trace of its existence. The building will have a natural green roof so it will blend seamlessly into its natural surroundings and appear as part of the natural ridge line.
- A visual assessment has been undertaken by the architect to support this appeal. It shows that views to the site are screened by intervening topography and landscape and tree planting. The development is for one holiday cottage and is small scale and the assessment indicates there would be little impact upon the existing landscape character and rural visual amenity in the key views identified. It would be in-keeping with the surrounding context which is comprised of other remote individual dwellings, smallholdings and farms.
- In contrast to the officer's report, we consider the proposal are compliant with Policy ED7 and PMD2 and that there are several material planning considerations that weigh in its favour. Not least the environmental benefits of re-using an existing quarry, and the significant contribution that the proposal can make to both the farm income and local tourist economy, by providing luxury tourist accommodation in the Borders - strongly supported at a national policy level by both SPP and Draft NPF4.

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## 1. INTRODUCTION

- 1.1 This statement is submitted on behalf of Mr Peter Hedley (the appellant) and sets out the grounds of appeal against the decision of the Scottish Borders Council (SBC) to refuse planning application LPA ref: 22/00464/FUL by delegated decision on 27 June 2022.
- 1.2 The detailed planning application sought the “Erection of residential holiday let with associated facilities” at Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh, land which is owned by the appellant.
- 1.3 The SBC had two reasons for refusal of the application:

1. The development would be contrary to **Policy ED7** of the Local Development Plan 2016 in that insufficient information has been submitted to demonstrate that the proposal is capable of being developed and operated as a viable holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape. The need to site the development in this rural location has not been adequately justified.

Furthermore, the proposal has not fully assessed the requirement of Policy ED7 to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings. The proposed development would appear divorced from the operation of Swinside Townfoot Farm and within a previously undeveloped field.

As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

2. The development would be contrary to **Policy PMD2** of the Local Development Plan 2016 in that its siting and design would not respect and be compatible with the character of the surrounding area and would result in a significantly adverse impact upon existing landscape character and rural visual amenity.

- 1.4 Other technical consultees commented as follows:

Consultee	Response
Roads Planning	Further details requested to demonstrate size of parking area is sufficient for turning vehicles, and design of junction (addressed in



	Section 4 of this statement and updated drawings at Appendix 4).
Access Officer	Clarification on how public access would be managed on BR191 (addressed in Section 4 of this statement and updated drawings at Appendix 4)
Landscape Architect	Concerns about impact on character of area and visibility of glazed front elevation (addressed in Section 4 of this statement)
Ecology and Environment Officer	No objection

- 1.5 There was no opportunity afforded to the appellant or their agent to address any of these concerns or queries during the determination period. The application was refused without any discussion or request for further information, despite the agent requesting correspondence during the determination period by email and phone.
- 1.6 The appellant has now provided the additional information as part of this appeal submission which addresses these concerns. This could have all been made available to the officer during the determination period if communication had been forthcoming. We therefore request that the LRB accept the following documents as part of their review.

Appendix	Appeal Document Description
1	Business Plan - Confidential
2	Sequential Site Assessment and Photos
3	Map of Neighbouring Development (Publicly Available)
4	Drawing P726-PL-002 Parking Block Plan Drawing P726-PL-003 - Access / BR191 Plan
5	SDA Visual Impact Study
6	Appeal Precedent (Rink Hill) - Publicly Available Information (see Section 5 of this statement)

- 1.7 The remaining sections in this appeal statement comprise:
- A description of the appeal site and surrounding context (Section 2).
  - A description of the proposed development (Section 3)



- The appellant’s grounds for appeal (Section 4)
- Material considerations in favour of the appeal proposals (Section 5)
- Summary of the appellant’s case (Section 6)

1.8 This appeal statement should be read in the context of all supporting evidence documents submitted as appendices to this appeal statement above, and all those from the previous planning application which are listed below:

Document from Original Planning Application	Author
SBC Decision Notice and Officers Report	SBC
Architectural Drawings <ul style="list-style-type: none"> <li>▪ Location Plan</li> <li>▪ Proposed Site Plan</li> <li>▪ Proposed Plans</li> </ul>	Stuart Davidson Architecture
Supporting Design Statement and Visuals	Stuart Davidson Architecture
Feasibility Study and Appendices	Bright Lights Marketing

1.9 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by 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. On that basis, we respectfully request that this appeal is allowed.

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## 2. SITE LOCATION AND CONTEXT

- 2.1 Swinside farm is owned and run by the appellant, Peter Hedley and his wife, Vicki Hedley and their two young boys. It is a family farm breeding North Country Cheviot Sheep, with approximately 1,000 ewes.
- 2.2 The Hedley family have been working the farm as tenants since 2012, and latterly becoming owners. In February this year, they were finalists in the Scottish Sheep Farm of the Year 2022, recognised for their commitment to constantly looking for ways to improve productivity and efficiency.
- 2.3 The appellant's farm is predominantly grass hill, and long and thin in shape. It extends across 423 acres, between the unnamed road to the south, from which the existing farm buildings are accessed, to Dere Street to the north, as shown in Figure 1 below.

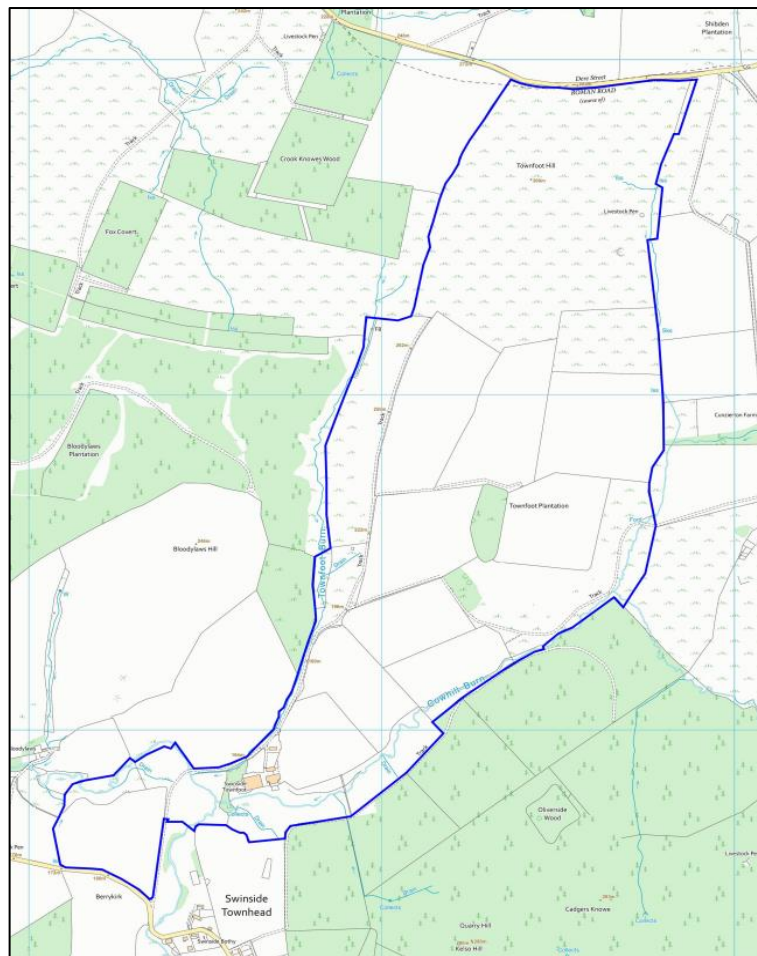


Figure 1: OS map of appellant's existing farm holding

- 2.4 The appeal proposal is aimed as a farm diversification project to help keep the farm sustainable due to the uncertainty of farming and significant increases in cost following the pandemic.
- 2.5 The proposal seeks full planning permission for the erection of a holiday let within a former burrow pit/quarry working on the western side of Townfoot Hill, to the far north of the appellant's land holding, as shown in Figure 2 and 3 below.
- 2.6 The location on the farm has been chosen for its unique location with panoramic 360-degree views looking south to England and the Cheviots and north towards the Scottish Borders.
- 2.7 The proposed property would benefit from its own access and be completely private, and given its location, off grid. The appellants are keen to use green building techniques, technology, and practices to make it as environmentally responsible as possible.

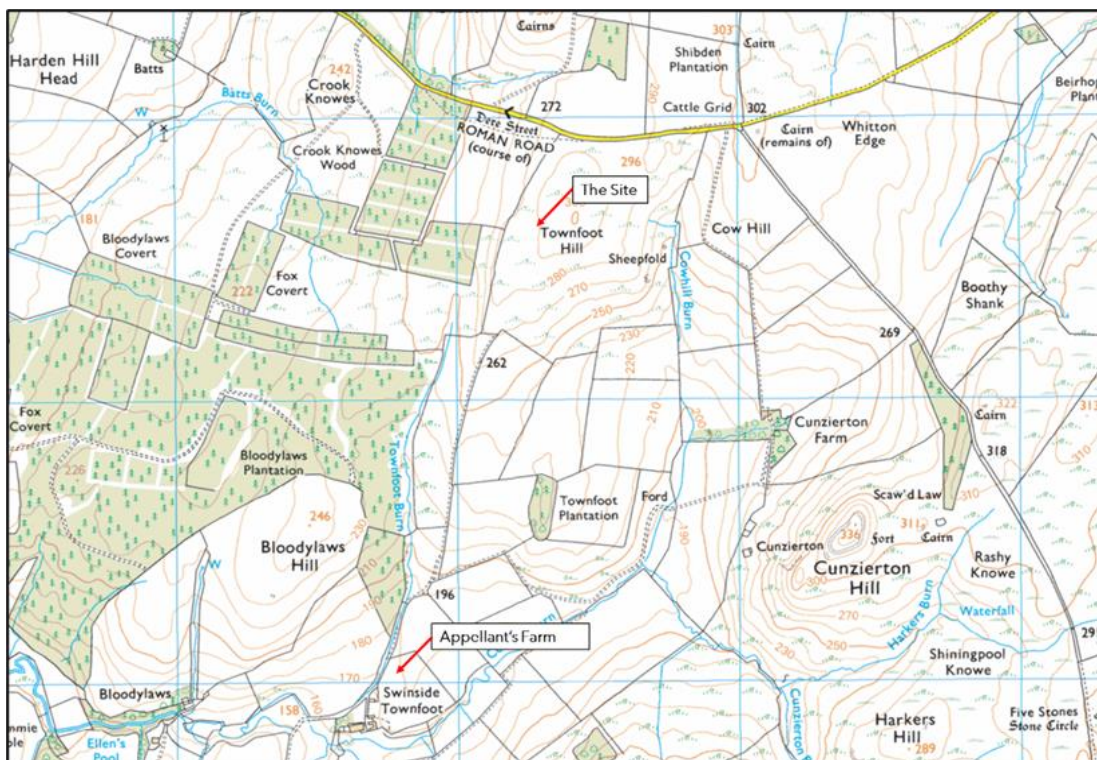


Figure 2: OS Map showing appeal site location within the farm land holding

- 2.8 In planning terms, the site is within the countryside. It is not within a designated 'Special Landscape Area'.



# FERGUSON PLANNING



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Figure 3: Photographs of Existing Site

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### 3. PROPOSED DEVELOPMENT

3.1 The proposals seek planning permission for the following:

*“Erection of residential holiday let with associated facilities”*

3.2 The proposal will deliver a luxury holiday let unit set within a former stone quarry designed to blend into the existing natural surroundings, offering a unique holiday experience without making an impact on the surrounding area. The proposed design and elevation of the property is set out below (Figure 3).



Figure 4: Elevation of Property (SDA)

#### Design, Appearance and Materials

- 3.3 The focus of the design is to create a forced earth structure, that is entirely set back into the existing banking. The building will have a natural green roof so it will blend seamlessly into its natural surroundings and appear as part of the natural ridge line.
- 3.4 The main structure will be formed utilising 90% natural materials including a highly insulated timber structure utilising high performance ecologically sound sheep wool insulation. The external pallet of materials proposed reflects the traditional materials of the area including natural whinstone walling and larch cladding.

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- 3.5 The overall structure with roof terrace tucked behind a naturally finished grass bank hides all evidence of development and creates a contemporary individual holiday let property as shown in Figure 4 below.

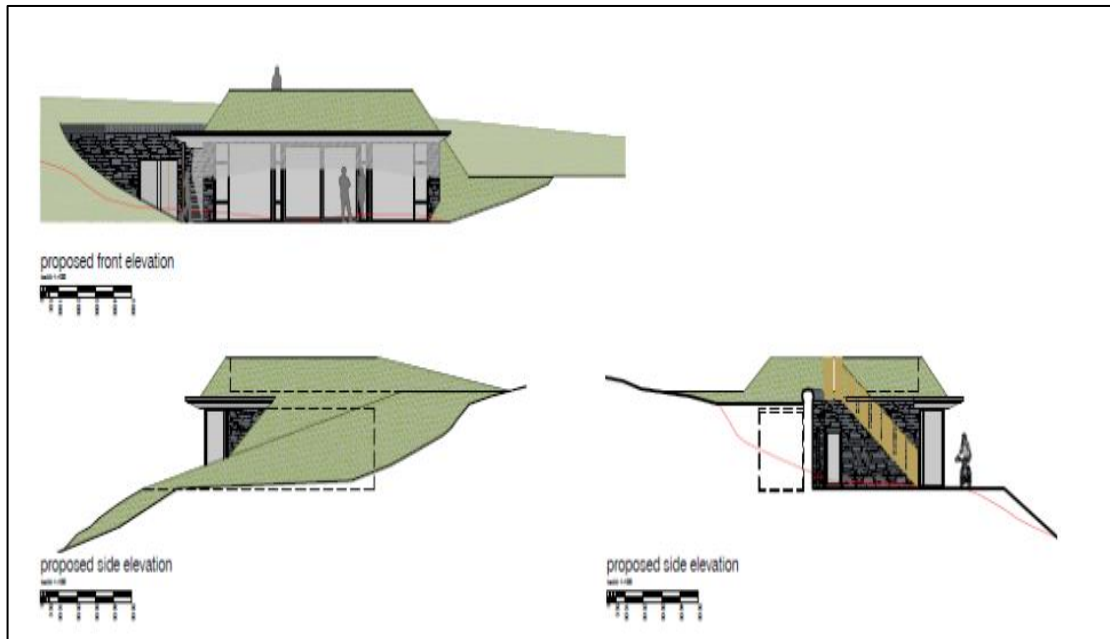


Figure 5: Proposed West (facing No 10) and North Elevation (facing No 12)

### Sustainability

- 3.6 The building will be constructed from low VOC, sustainable materials taking advantage of modern methods creating a highly insulated airtight construction, which in turn will reduce the energy needs of the building. It is proposed that the building will be served by a low energy ground source heating system supporting the central multi fuel stove.
- 3.7 All foul water drainage will be made to a new water treatment unit serving the dwelling with outfall to SEPA approval. All surface water drainage will be sustainably disposed via land drainage in a controlled manner. The site will be served by borehole providing water to serve heating and hot water.

### Access

- 3.8 It is proposed to access the site from an improved existing gated field access point from the public carriageway. This will access a new recessed parking area, accommodating 3 parking spaces. The new access driveway will be finished in a fully permeable surface.

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#### 4. GROUNDS OF APPEAL

##### SBC'S REASON FOR REFUSAL #1

- 4.1 *The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient information has been submitted to demonstrate that the proposal is capable of being developed and operated as a viable holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape. The need to site the development in this particular rural location has not been adequately justified.*
- 4.2 *Furthermore, the proposal has not fully assessed the requirement of Policy ED7 to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings. The proposed development would appear divorced from the operation of Swinside Townfoot Farm and within a previously undeveloped field.*
- 4.3 *As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.*

##### APPELLANT'S RESPONSE

- 4.4 Proposals are required to satisfy only one criteria of Policy ED7 Part 1 (criteria a), b) or c)) and all criteria of Policy ED7 Part 2 (criteria a) to f)). We assess each of the relevant criteria in turn below.

Policy ED7 - Part 1 - Criteria b) requires that "the development is to be used directly for leisure, recreation, or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan". "Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process".

- 4.5 The applicant submitted a Feasibility Study with the original application, which the officer reviewed and said, "I have considered the Feasibility Study. I am content that a tourist development in the countryside could be possible in the correct location".
- 4.6 The appellant's agent was not given the opportunity to provide a Business Plan as part of the determination process, as there was no communication from the case officer. The appellant has now provided a Business Plan with this appeal.

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- 4.7 The Business Plan clearly outlines costs of the development against projected income. It provides a substantial business case that the initial infrastructure costs can be met and will provide a viable business from year 1 of operations.
- 4.8 The appellant Peter Hedley and his wife Vicki have already been successfully running their own business for the past 20 years (farm) and 15 years respectively (catering business). It shows that the appellant's wife, can draw upon extensive experience of running her own separate business (alongside the farm). Vicki has been running her own outside catering business for 15 years and has experience in all aspects of hospitality, book keeping, record keeping, cleaning, food hygiene and marketing.
- 4.9 All costs for income for the holiday let relate to the pricing and occupancy rates from the Feasibility Study provided by Bright Light Marketing. Bright Light Marketing consider that guest demand for bespoke properties in stunning locations, such as that proposed, allows operators to charge a premium and enjoy high occupancy levels.
- 4.10 The project is entirely aimed as farm diversification to help keep the farm sustainable due to the uncertainty of farming and significant increases in cost following the pandemic. It would not promote the establishment of a permanent residential unit, as this land form part of the appellant's farm holding and there is no intention to do this. As the officer confirms in his report, planning conditions can be imposed to ensure that this use is regulated.
- 4.11 The Bright Lights Feasibility Study identifies several key benefits of this proposal and its location:
- The location is unique with its 360-degree views of both countries. It will be sought after for this alone, but the view and the location also will give visitors the 'wellness factor' that is identified in the research.
  - The downturn in overseas holiday travel and staycation boom has brought more premium spenders into the domestic rental property market, looking for bespoke properties in stunning locations. High end properties such as this can charge a premium and enjoy high occupancy. There is demand for self-catering in the Scottish Borders and there are less properties here than other parts of the country
  - This property will sell on its eco-credentials and the space, nature and wildlife on its doorstep. Tourism accommodation with green credentials is seen as a



major asset and are more likely to be chosen by consumers looking to reduce their carbon footprint.

- This is a property that will have high occupancy levels all year round which will not only benefit this business but also the local economy. The property will be ideal for promoting winter breaks and Visit Scotland's concept of 'Coorie in'.
- The appellant has experience running a successful catering business and will take these skills into this self-catering business.

4.12 The appeal proposal therefore clearly fits with the Scottish Borders Tourism Strategy (2013) and meets all five strategic targets:

- Increasing volume of overnight visitors
- Increasing level of visits to visitor attractions and activity venues
- Increasing level of spend across visitor attractions
- Increased visitor demand through extension of season
- Increasing overnight visitor spend,

4.13 It also meets the strategies action plan for accommodation which seeks to:

- Ensure a relevant range of types of accommodation is available across the region to meet evolving market demand and expectations. Identify opportunities where better quality and new products can 'lead' and generate new demand and continue to raise average quality quotient across all forms of accommodation.

4.14 The officer has already acknowledged the diversification aims and potential fit with the Tourism Strategy. With the addition of a Business Plan, the appellants have now provided complete reassurance on the viability of the proposals and its support to the wider family farm business. The proposals are therefore compliant with Part 1 (b).

4.15 Policy ED7 – Part 2 – Criteria a) *requires that development respects the amenity and character of the surrounding area.*

4.16 The architect has prepared a visual impact assessment, which has been provided at **Appendix 5**. It provides seven different viewpoints, both short- and long-range views. It clearly shows that the proposal will not be visible from any neighbouring sensitive receptors or within the wider landscape. The amenity and character of the

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surrounding area will therefore not be impacted by the proposals and is compliant with criteria a).

4.17 Policy ED7 – Part 2 – *Criteria b) the development must have no significant adverse impact on nearby uses, particularly housing.*

4.18 There are no immediately neighbouring uses or neighbouring housing, which would be affected by the proposed development. The development will therefore have no adverse impact and is considered compliant with Criteria b).

4.19 Policy ED7 – Part 2 – *Criteria c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available.*

2.9 A sequential site analysis has been provided with this appeal. Please refer to **Appendix 2**. This shows that there are no suitable existing buildings or brownfield sites available within or near Swinside Farm.

2.10 The existing farm to the south, is busy with the day-to-day workings of the farm itself. The current yard is an enclosed (and particularly tight) working farm yard, where dangerous machinery operates (see site photographs in **Appendix 2**).

2.11 During the winter months, the current track through the farm yard up to the hill gate is used to feed the sheep, which means that machinery travels through this area at all times of day and night depending on the weather.

2.12 The proposed location has been chosen to ensure that guests are not affected by the day to day, working practices on the farm, which can be both dangerous and when dealing with animals, unpredictable.

2.13 The proposed site has direct access to the nearby public highway. Any land between the appeal site and the farm would require access from the farm side, through the working farm yard. There is currently only a short section of track, and the rest of the land is clear grazing land, as shown in the site photographs in **Appendix 2**. Any site that could potentially be accessed from Swinside Farm would also require a new 3.7m wide road to be formed. As the land is steep in this area, the access road would require the formation of cuttings and scar the landscape.

2.14 One of the most important selling points of this proposal is the views, and tranquil setting that is on offer. Placing a holiday cottage next to farm operations, existing buildings and/or closer to the road would significantly diminish the value of this cottage.

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- 2.15 The location of the proposal offers unrivalled views of the surrounding countryside. The location and the view are key to the entire ethos of the development. The appellants are seeking to provide guests with the ultimate escape, in complete privacy where they can unwind and escape.
- 2.16 Policy ED7 recognises that some tourism developments may not be able to be easily accommodated within settlements and may be satisfactorily located in certain countryside locations. The appellant has ruled out all potentially more suitable alternatives. The proposals are therefore considered compliant with criteria c. There are no opportunities to reuse existing buildings, brownfield sites or locate the proposal adjacent to existing buildings at the far of Swinside.
- 4.20 **Policy ED7 – Part 2 – Criteria d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area.**
- 4.21 The scale of the proposal is designed to specifically blend seamlessly into its surroundings, without impact on the local landscape.
- 4.22 The officer had concerns that the proposal would not be appropriate the character of the area which is defined by agricultural husbandry practices, afforestation, and natural landscape features, and that it would conflict with the isolated and remote characteristics of the setting.
- 4.23 We note that the Landscape Architect and Officer did agree that the “*contemporary design of the building is responsive in minimising the visual impact*”.
- 4.24 As noted above, and shown in the Visual Impact Study by SDA, the chosen location of the proposed development would ensure that the modest scale development will be largely hidden from most view points in the wider area. This will further be assisted by the proposed design, which seeks to bury the new accommodation within the hillside, ensuring it would be a discreet addition and appears part of the existing and natural ridge line.
- 4.25 We also consider the officers has mischaracterised the area, as their description neglects the reality that there are already several dispersed farms, small holding, and private dwellings across the wider area. We have prepared and annotated an aerial image of the site within the wider context to demonstrate this at **Appendix 3**. Whilst we agree that the area is remote, which is one of the key attractions for the proposed development, we disagree that it would be out of character with the predominant pattern of development in the wider area on this basis. The proposals are therefore compliant with criteria d).



- 4.26 Policy ED7 – Part 2 – *Criteria e) The development meets all other siting and design criteria in accordance with Policy PMD2, and*
- 4.27 Please refer to the response under the second reason for refusal below.
- 4.28 Policy ED7 – Part 2 – *Criteria f) the development must take account of accessibility considerations in accordance with Policy IS4.*
- 4.29 In principle, the proposed junction location (a new vehicular access through the dyke at the existing passing place) was considered acceptable to the Roads Planning Service. The Officer requested further details of the location and specification of the access. The appellant would be happy to accept a standard planning condition to this effect.
- 4.30 The Roads Planning Service queried whether the parking and turning proposals are too restrictive. We have provided a new drawing at **Appendix 4**, which clearly shows that the size of hardstanding would be more than sufficient to accommodate parking and turning.
- 4.31 The Access Officer queried whether the proposal may affect a public right of way (BR191). This has now been added to Drawing P726-PL-003 and confirms that there will be no impacts to public access arising from these proposals.
- 4.32 The development is therefore compliant with criteria f) and Policy IS5.

#### SBC'S REASON FOR REFUSAL #2

- 4.33 *The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that its siting and design would not respect and be compatible with the character of the surrounding area and would result in a significantly adverse impact upon existing landscape character and rural visual amenity.*

#### APPELLANT'S RESPONSE

- 4.34 The Council's Landscape Architect confirms that there are no landscape related designations on the site, therefore it is not considered to have high visual sensitivity.
- 4.35 We consider that some of the comments do not represent a full understanding of the proposal and its overall design within the wider landscape.
- 4.36 A visual assessment has been undertaken by the architect to support this appeal. It shows that views to the site are screened by intervening topography and landscape and tree planting. The development is for one holiday cottage and is small scale. The visual impact assessment provided by the architect clearly shows how limited

viewpoints are of the proposed development site, and that there will be a low visual impact.

- 4.37 The building and particularly the roofline has been designed to be dug into the hillside, not rising above it. The roof will be a green roof, and therefore will appear as an extension of the natural ridge line. It will therefore not appear to breach the skyline and mitigate any visual impact.
- 4.38 The Landscape Architect raised concerns about the glazed front elevation drawing attention in distant views, (as it shimmers) during the day and when lit at night, appearing incongruous in the landscape. The area of glazing to the west facing front of the property will be very modest, as shown in Figure 5 below. It will also be finished with solar glare reducing glass, which will ensure there is no impact from sun reflection. Light for the property will be available through the flat rooflights set into the recessed roof terrace providing a high of high-quality light throughout the day.



Figure 6: Visual of Proposal at Night (SDA)

- 4.39 The Landscape Architect raised concerns about the impact of “overhead services, associated fencing and a change in the maintenance regime of the area” and the resulting adverse landscape and visual impacts. There will be no overhead services, as the cottage is proposed to be effectively ‘off-grid’. Any fencing would be stock fencing around the site only, and therefore consistent with existing fencing seen in



the area already. The appellant also considers that a 'ha-ha' type ditch may be sufficient instead, and the fencing could be removed from the proposals if this remained a concern.

- 4.40 We disagree with the Landscape Architect's comments that the proposals "do not respect the character of the surrounding area, due to the elevated and isolated location of site, relative to surrounding dwellings and buildings. Introduction of any building is liable to be inappropriate in this upland fringe setting".
- 4.41 Owing to the design features outlined elsewhere in this statement, the cottage will largely go unnoticed and bed into the landscape.
- 4.42 The access track will be predominantly formed for a low impact natural farm style SUDS compliant hardcore track, carefully following contour lines so not to scar the landscape to a new parking area. The front edge of the parking area will be banked up with a natural stone dyke along the ridge line to ensure any cars are hidden. Pedestrian pathways to the property will be set below the grass line to ensure no visual impact is created.
- 4.43 The nature of the higher end luxury cottage market means that privacy and isolation for guests is paramount, and this can only be achieved in this location on the farm.
- 4.44 The aim of Policy PMD2 is to ensure that all development is of high quality, in accordance with sustainability principles and respects the environment in which it is contained. Based on the above, and the further justification put forward in the supporting documents to this appeal, we consider the proposals compliant with PMD2.

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## 5. MATERIAL CONSIDERATIONS IN FAVOUR OF THE APPEAL PROPOSALS

### Economic Benefit

- 5.1 Visit Scotland has produced many reports which offer support for this appeal proposal.
- 5.2 Their Visitor Management Strategy for Scotland (2021) identifies that the COVID-19 pandemic has resulted in unprecedented visitor demand in many parts of Scotland, highlighting both the enormous potential of our tourism sector and the significant challenges we face to develop the capacity of our current visitor infrastructure.
- 5.3 Their Tourism Development Framework for Scotland (2016) (a refresh of the 'Role of the Planning System in delivering the Visitor Economy') is referred to as a key document within Scottish Planning Policy (SPP)). It identifies that tourism is a key component of Scotland's economy and is one of Scotland's growth sectors. The country attracted over 14.5 million visitors in 2015, which generated £5 billion in overnight visitor spend. It also notes that the sector is a major economic enabler, supporting over 196,000 jobs (9% of all Scottish employment) in Scotland.
- 5.4 Theme 3 of the Framework refers to 'Accommodation'. The report says that Scotland's tourist accommodation supply, particularly at the higher end of the market, helps support the growth of the visitor economy. It identifies that there are some gaps at the higher quality end of the market in self-catering tourist accommodation in the countryside.
- 5.5 There are very few examples of luxury accommodation like this in the Borders. A similar development at Rink Hill, by the same architect, has won much notoriety for its location and luxury offer and the appellants seek to provide a similar offer.
- 5.6 Rink Hill has had a positive impact for the Scottish Borders, and has been featured in numerous publications, such as The Scotsman. It was also a finalist in The Alan King Award for Excellence in Architectural Technology in 2019, an award recognising excellence in Architectural Technology nationally and internationally.

### Draft National Planning Framework 4 (NPF4)

- 5.7 The Scottish Government, (Pg 90) wants places to inspire people to visit Scotland, and to support sustainable tourism which benefits local people and is consistent with our net zero and nature commitments.

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- 5.8 Draft Policy 17 (Tourism) says that development proposals for new or extended tourist facilities or accommodation, should be supported in locations that can contribute to the viability, sustainability, and diversity of the local economy.
- 5.9 The Scottish Government (Pg 105) also wants our rural places to be vibrant and sustainable. Rural economic activity innovation, and diversification should be encouraged, whilst ensuring that the distinctive character of the rural area, is safeguarded and enhanced.
- 5.10 Draft Policy 31 (Rural Places) (part d) says that development proposal that contribute to the viability, sustainability and diversity of the local economy should be supported, including:
- Diversification of farms, crofts or other land use businesses, where use of good quality land for development is minimised and businesses viability is not adversely affected
  - Diversification of existing businesses
  - Improvement or restoration of the natural environment.
- 5.11 Given the above, it surely therefore must be concluded that the proposals fully support the ambitions of NPF4 by making full use of an existing quarry to create new tourism accommodation.

### Existing Precedent



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- 5.12 Similar concerns were raised by the Council's planning and landscape officer in relation to Rink Hill (16/00844/FUL) which was refused, but subsequently overturned by Members of the LRB. Unlike the appeal proposals however, Rink Hill was within a Special Landscape Area, so arguably more sensitive in landscape terms than this appeal proposal.
- 5.13 In this case, Members at LRB considered that the holiday units would have an impact on the landscape but did not accept that this would be so significant to warrant refusing the application. The LRB considered that there would be limited visibility of the buildings, as is the case with this appeal proposal.
- 5.14 The existing topography and tree cover, within this mature landscape, reduced the degree and spread of any visual impact to a limited number of distant viewpoints.
- 5.15 Members considered that a great deal of thought had been put into trying to fit the holiday units into the landscape, cutting them into the hillside, setting them off the skyline and designing them to be modest single storey structures. The use of weathered whin stone for the external walls of the buildings and non-reflective glass was also critical in reducing any visual impact of the new development. Members considered that the units were of an innovative and attractive contemporary design that was compatible with and respected the character of the surrounding area.
- 5.16 Members debated the potential impact of the sun reflecting on the glass façade of the buildings and whether this would draw attention to the buildings. They concluded that the use of non-reflective glass and the design of the roof, with its pronounced overhang, would limit any such impact. However, they felt that there may be glare from vehicles parked this far up the hillside. Members agreed that a wall of similar height and material to the existing field dykes built along the access road adjoining the parking area would help ameliorate any impact.
- 5.17 Whilst in this case, there were other buildings within the farm steading that could have been converted to provide holiday accommodation and other areas within the applicant's land holding that could have accommodated this development, Members were satisfied that, on balance, this was the correct location for this type of venture. The development promotes high quality accommodation that needs a degree of seclusion and takes advantage of the fabulous views down the valley. A development of this nature could not be delivered in the other suggested locations.
- 5.18 The Review Body was firmly of the view that only the two holiday units proposed were acceptable at this location. The erection of further units would have a more significant and harmful impact on the visual and landscape qualities of this sensitive

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landscape and would be at odds with the applicant's development ethos of providing a secluded and tranquil visitor experience.

5.19 Members gave significant weight to the potential economic benefit the development would generate. In their opinion, this would not only help sustain the existing farming operation and allow the applicants to diversify their business interests but would benefit the Borders more generally. The Local Review Body accepted a persuasive case had been made for a viable business and that the development would provide a much-needed high quality tourism offer in the central Borders.

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## 6. CONCLUSIONS

6.1 The submitted appeal, supported by this statement, seeks the Local Review Body's approval for the "Erection of residential holiday let with associated facilities" at at Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh.

6.2 For the reasons outlined in this statement and summarised below we believe the LRB should allow this appeal because:

- The proposed site offers a unique opportunity for the formation of a luxury holiday let in the Scottish Borders, which remain in limited supply, to fulfil and capitalise upon a booming staycation market in the South of Scotland.
- The application is supported by a business plan which confirms the viability of the proposals and its support to the wider family farm business. It provides a substantial business case that the initial infrastructure costs can be met and will provide a viable business from year 1 of operations.
- The appellant has demonstrated that there are no more appropriate sites within the appellant's control, including both existing buildings and brownfield land.
- There is an operational and economic need for the proposal to operate from this specific location. It has been purposefully chosen and deliberately isolated to provide guests with the complete escape and to take advantage of the stunning 360-degree views, without conflict with the day to day workings of the busy sheep farm. The nature of the higher end luxury cottage market means that privacy and isolation for guests is paramount.
- The proposals would repair the scarring of the landscape caused by the former quarry, to match the surrounding land.
- The proposal will not be visible from most short and long-distance views, as it is nestled into the hillside and deliberately designed as a semi-subterranean building to leave little trace of its existence. A visual assessment indicates there would be little impact upon the existing landscape character and rural visual amenity in the key views identified.
- The proposal would not set a precedent as each case is assessed on its merits, and in this case, there are several unique characteristics of the farm land holding that mean it cannot be located elsewhere, the unique design of the scheme afforded by the specific topography which allows the building to be

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largely hidden in the hillside, which could not be used by other applicants coming forward with similar schemes.

- 6.3 In contrast to the officer's report, we consider the proposals are in fact compliant with policies ED7 and PMD2. There are also several material planning considerations that weigh in its favour, not least the environmental benefits of re-using an existing quarry, and the significant contribution that the proposal can make to both the farm income and local tourist economy, by providing luxury tourist accommodation in the Borders. We respectfully request that this appeal is therefore allowed by the Local Review Body on that basis.

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