

APPEAL STATEMENT

SITE ADDRESS:

Land at Silo Bins, Edington Mill, Chirnside

PROJECT:

Planning Permission in Principle for Two Dwelling
Houses

APPLICANT:

Mr & Mrs O. McLaren

DOCUMENT REFERENCE:

22/B936

DATE:

12/10/22

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1.0 Introduction

1.1 - Richard Amos Ltd have been instructed Mr & Mrs O. McLaren to submit an appeal to the Local Review Body, under Section 43A of the Town and Country Scotland Act 1997, against the Scottish Borders Councils delegated decision to refuse Planning Permission in Principle (PPP) to erect two dwelling houses at the north-east end of the settlement at Edington Mill, Chirnside.

1.2 - The proposal (22/0961/PPP) for the erection of two dwelling houses was lodged on 20th June 2022 with a decision, under delegated powers, to refuse the application dated 25th August 2022.

1.3 - The applicant now seeks to appeal the decision via the Local Review Body.

1.4 - This statement is in response to the reasons for refusal stated in the Decision Notice and will reference the original application documents, Planning Officer's Report and other relevant material considerations.

1.5 - Reasons for refusal:

Two reasons were given for refusal of the applications, as follows –

1: The development is contrary to Policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group and no other supporting justification has been presented. This conflict with the development plan is not overridden by any other material considerations.

2: The proposed development is contrary to Local Development Plan 2016 policies PMD2 (Quality Standards) and HD3 (Protection of Residential Amenity) as the erection of dwellinghouses at this location would be incompatible with neighbouring farm uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units. Other material considerations do not justify a departure from the development plan in this regard.

1.6 - Representations:

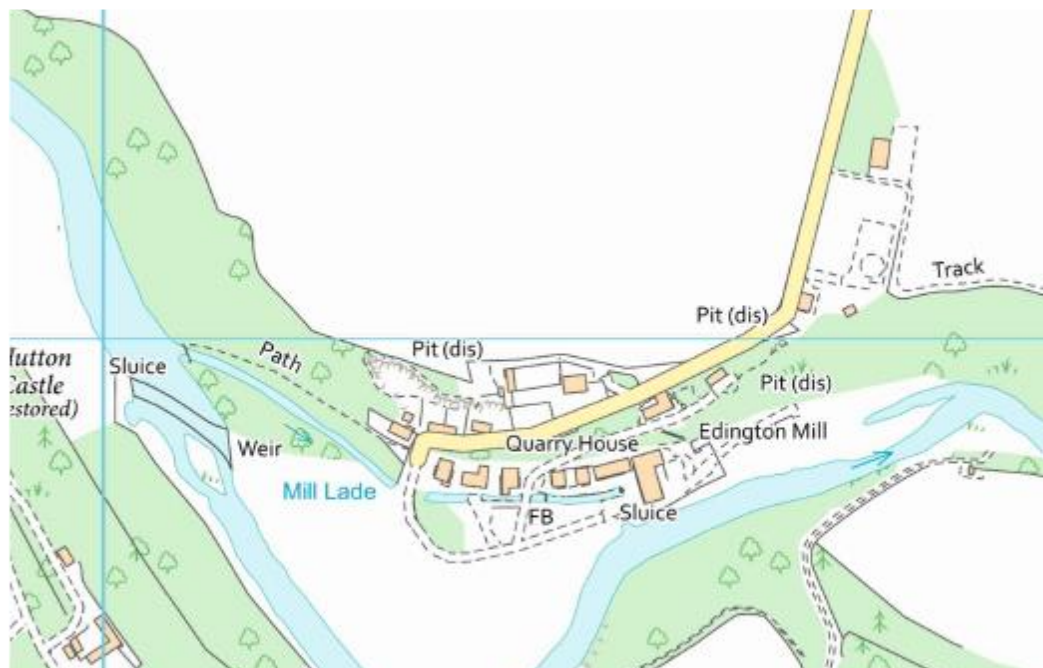
- Roads: No objection.
 - SEPA: No objection.
 - Access: No objection.
 - Scottish Water: No objection.
 - Flood Risk: No objection.
 - Archaeology: No objection (condition recommended).
 - Contaminated Land: No objection (condition recommended).
 - Environmental Health: Verbal objection.
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- Community Council: Concerns regarding relationship with existing building group.
- Neighbours: Two support comments and one concerned comment.

1.7 - The original supporting statement and drawings have been re-submitted with this appeal.

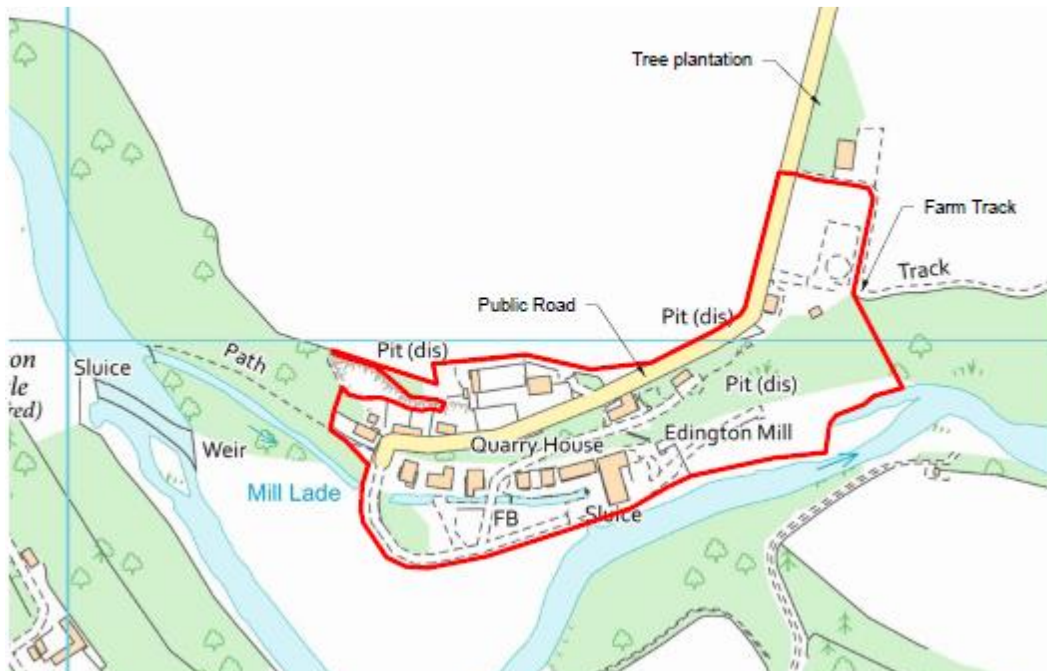
2.0 Grounds of Appeal Relating to Reason for Refusal 1 (Policy HD2)

2.1 - Edington Mill is acknowledged as an established dispersed building group of multiple dwellings, but without a defined settlement boundary in the Local Plan.



2.2 - The former use of the site to house silo bins was undoubtedly part of the overall complex at Edington Mill and consequently the site is within and does share a sense of place as part of the Edington Mill settlement. The silo bins are now removed, and the site is derelict scrub land with no reasonable return to agricultural use.

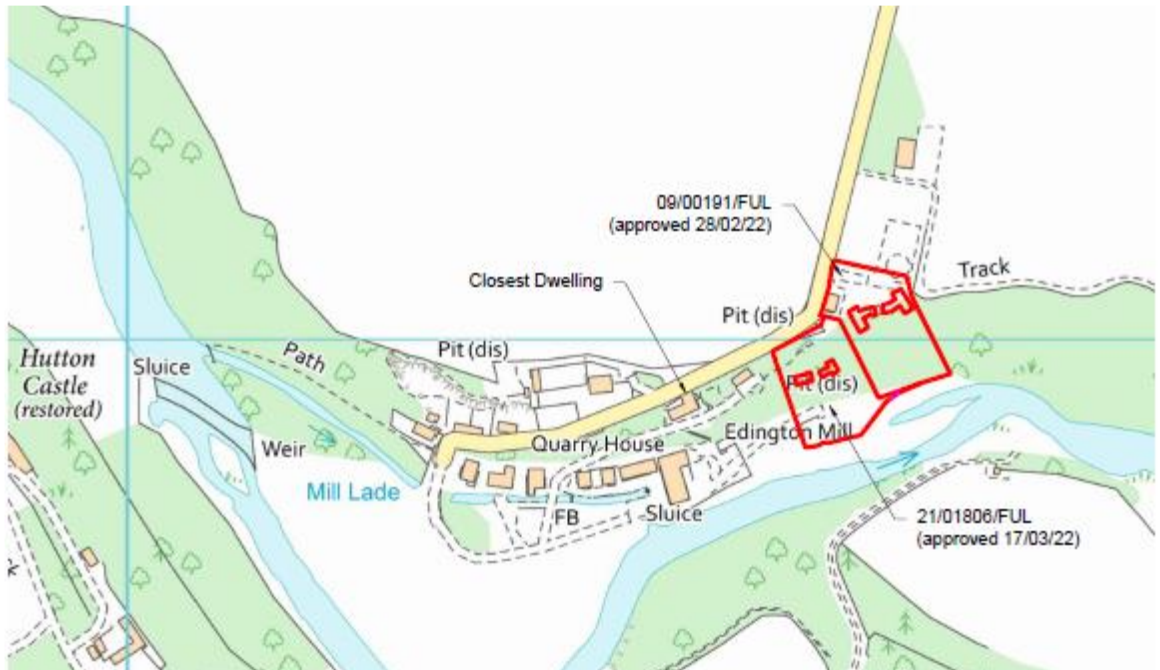
2.2 - The development site is a logical extension of the building group and could be viewed as a recognised end to the group, being contained within the existing natural boundaries formed by the tree plantation and farm track that encompass the site to the north and west. This would place the site within a subjective but cogent settlement boundary for the group.



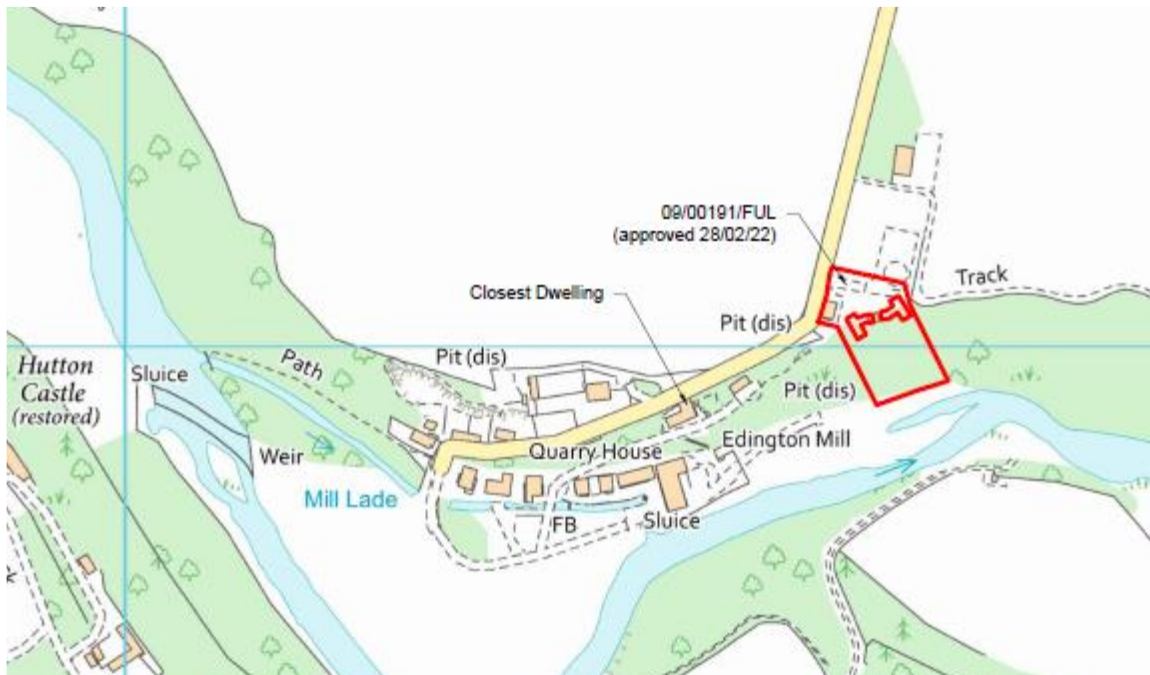
2.4 - The existing buildings at Edington Mill stand at various levels within the overall settlement and are not just confined to the valley floor, consequently, the development site would ally with both the varying levels and dispersed character of the building group and its surroundings.

2.5 - The inclusion of screen and perimeter hedge planting, as well as additional trees, will assimilate the development into the rural landscape and will establish a stronger sense of place and more order at the entrance to the settlement.

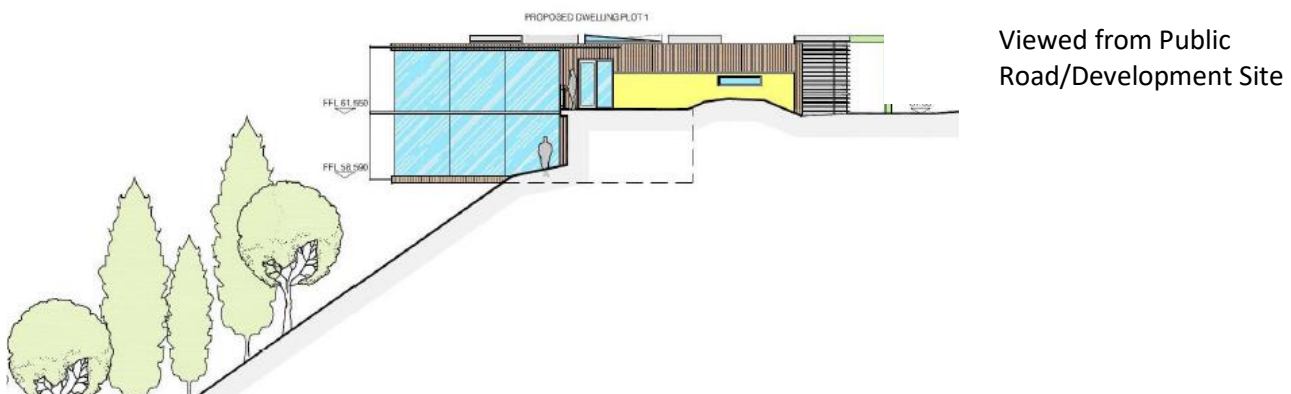
2.6 - The group has been extended by the granting of Planning Permission for four new detached dwelling houses in the sites immediately to the south (09/00191/FUL) and south-west (21/01806/FUL) of the development site, although these are not yet constructed.



2.7 - 09/00191/FUL was granted on the 28th February 2022, prior to 21/01806/FUL, and it can be seen from the plan excerpt below that the site could be viewed as quite remote from the original building group, yet it was granted permission. There are no standards specifying a maximum distance between a new development and an existing group, this judgement is subjective and left with the Planning Authority. The applicant would therefore appeal for some consistency on how this judgement is made.



2.8 - It can be seen from the site section excerpt taken from 09/00191/FUL that these houses will project above the top of the cliff face and will be seen from the higher level. These houses will clearly be part of the landscape at the higher level and will relate to the application site.



2.9 - We responded to the Community Council's consultee response statement that the houses permitted under 09/00191/FUL would not be visible from the site on the 27th of July 2022, by stating that the approved drawings for the site indicate that the houses are partly above, and not fully below, the cliff to the south of the site and consequently they will be visible (as noted in 2.8). The Planning Officer's report makes reference to the Community Councils' concerns but does not reference our response.

3.0 Grounds of Appeal Relating to Reason for Refusal 2 (Policies PMD2 & HD3)

3.1 - The reason given under this policy is predominantly the proximity of an agricultural building to the north of the development site which stores poultry manure, which may affect the residential amenity of future occupants of the dwellings.

3.2 - We note that there is no written objection from Environmental Health, the objection being stated as verbal.

3.3 - As part of the application process and being aware of the objection, the site plan was amended to indicate a 5-metre-wide dense planting strip between the proposed dwelling houses and the manure store, as well as indicating that the nearest dwelling would be designed without openings facing the store. However, The Planning Officer's Report stated that Environmental Health considered these measures to be insufficient.

3.4 - We are not aware of any legislation that states a mandatory minimum distance from housing to an agricultural building storing poultry manure, consequently, any judgement in this regard would be purely subjective.

3.5 - The Planning Officer noted in his report that, at the time of a site visit, odour was not a significant issue.

3.6 – Berwickshire is a deeply rural area, and there are many dwelling houses in close proximity to agricultural buildings and related activities.

3.7 - Notwithstanding the above, the appellant acknowledges the stated concerns and consequently the proposal has been further amended to increase the dense planting strip to 8 metres wide. The planting type could be covered by condition, but this would be envisaged as an extremely dense planted barrier of quick growing Leylandii or similar. An amended site plan is included within the appeal documentation to indicate this.

3.8 - The Planning Officer has also noted the potential for noise from the existing machinery repair building to the south. This business is believed to be a single operator and it is not known to produce high levels of noise. In any case, the nearest proposed (south-most) house is approximately 50 meters away from this building. The building is closer to the north-most house approved under 21/01806/FUL than it is to the south-most house on the development site, albeit at different levels, but no concerns were raised with that application. This building will presumably be removed when the houses permitted under 09/00191/FUL are developed.

4.0 Conclusion

4.1 - We have demonstrated above and in our original submission that the site is undeniably a part of the overall settlement at Edington Mill, well related to and within the dispersed group and will have no detrimental impact on the character of the group or the surrounding countryside. Consequently, we believe that the proposal complies with Policy HD2 (housing in the Countryside).

4.2 - We have also proposed measures in relation to residential amenity that will satisfy Policies PMD2 (Quality Standards) and HD3 (Protection of Residential amenity).

4.3 - In view of the above, we respectfully request that the Local Review Body grant permission for the proposal.
