Contextual Elevation from Public Road
Scale 1:200

Planning Application Ref: 21/01618/FUL
Appeal Statement in support of Proposed Dwelling House
Land South-West of Castleside Cottage, Ashkirk.

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1. Introduction

With reference to the above Planning Application we write to request a review of the reasons for refusal, which we believe are flawed.

The grounds on which we wish to contest the Planning Decision are:

1 – The validity of the only objection, from the Community Council.
2 – Inconsistencies in the Case Officers Report of Handling.
3 – The Case Officers failure to recognise the design approach adopted and pursuit of his own subjective agenda on what he deems to be appropriate.

The Case Officer's Planning Report has established that the site is suitable for Development, confirming their own pre-application advice. The only objection is a flawed one from the Community Council (see below). Numerous amendments have been incorporated into the proposals over the course of the application to accommodate the planning officer's comments and notably, a re-orientation of the building directly to satisfy the Roads Department.

Therefore we contend that refusal is based upon a narrow application of current design guidance by the Planning Case Officer coupled with his personal perception of the impact this development is likely to have on the existing building group, confirming a lack of understanding of our proposal. The judgement also overlooks the contribution of the proposal to complete the site in a way which reinforces the narrative of the evolution of a range of agricultural buildings which have been repurposed.

It is essential that the contextual elevation (in Appendix 4) is read in conjunction with this appeal.

We trust the Local Review Body will find the following information to be in order and believe this to give adequate justification to our submission.

2. Executive summary

In summary, we would highlight the following points in support of the examination of our submission to the Local Review Body

- Report of Handling offers an incomplete assessment of the planning merits.
- Inconsistent approach from the RPS & Planning Department to "development". The Report of Handling fails to show breach of planning regulations: 'The proposal, in principle, complies with Policy HD2.'; there is no evidence of breach of Policy PMD2.
- Heavy dependence on the only consultee objection, from the Community Council, which is flawed and should be entirely discounted on the grounds set out below. SEPA is approving.
- Planning Officer pursues own aesthetic not that of the applicant who is also the landowner and owner of all the surrounding land and buildings and fails to take account of the overall development site narrative (converted farm buildings).
- Planning Officer overlooks the extremely limited public visibility: low traffic, private ownership, the contained nature of the site and the building orientation means very limited visibility to the public despite acknowledgement: 'The site is approximately 1km south-west of Ashkirk, alongside the C20 public road. It is adjacent a pair of cottages, beyond which are residentially-converted farm buildings and a detached former farmhouse...the adjacent land/property is within the applicant's ownership.'
- The planning officer fails to cite any grounds for refusal other than aesthetic.

The planning statement and supporting contextual information (at Appendix 4) submitted with this application explains in detail the carefully considered rationale behind the applicant's wish to add this particular style of dwelling to the existing group of buildings in his ownership. The Case Officer states that it is fundamentally unacceptable to adopt the idea of recreating a converted building in this location and indeed will harm the character of the group, without providing supporting evidence why this would be the case or rebutting the contextual information which explains why this is an appropriate, even best, approach. We would contend that the Case Officer has become diverted in his assessment of these proposals and has failed to appreciate that we have adopted a simple, rustic architectural design style that is in sympathy with the agricultural character of the surrounding area and original use of the building group.

3. Invalidity of only objection from Community Council (CC)

This consultation response is addressed directly because clearly it has influenced the Case Officer's decision to refuse; evidenced by the prominence of being the first item in his report and given multiple references despite being the only consultee objection.

Unfortunately there are a number of faults in this consultation response and its handling which argue that it, and more importantly the influence it had on the planning officer, should be discounted in its entirety:

Procedure

- Although the CC submission was made on 15 December 2021 it was not published on the public portal until 9 August 2022, AFTER the decision to refuse was made. The applicant only learnt of its existence from reference in the report of handling. So there was no opportunity to challenge its erroneous statements prior to decision. This failure by the LPA to publish this response until after the decision notice had been issued has prejudiced the applicant's position with respect to this application and should therefore be discounted.
- There are a number of significant procedural issues with thesubmission which question it's validity as being eligible as a matter of record or representative of the CC committee: there is no record of it ever having been discussed by the CC;the minutes of CC meetings immediately prior to and after the submission record No Planning Matters;current CC committee members who served at the time ie Dec 21 had no recollection of contributing to or approving the submission, despite the strength of it and the assertions made. It seems likely to represent the views of an individual, not be representative of the CC Further, dates of receipt of notification and response are inconsistent with those recorded by the Case Officer and the response was made out of time. The CC are presently investigating their predecessors' handling of the matter and remedial training may be offered to the CC in future.

Content

- The CC make unfounded claims about sewage, both directly and by inference, which are untrue. It seems from the report that these false comments have influenced the planning officer.
- The planning officer's report of handling states 'the design is fundamentally the same as that considered by the Community Council'. This is untrue: the design was revised significantly post the CC comment, notably re-orientation (to accommodate the Roads Departments comments) and substantial revision to the elevations and especially the elevation facing the road to accommodate the planning officer's advice.

For these reasons, we believe the flawed CC submission and the clear influence it had upon the Case Officer should be discounted entirely.

4. Inconsistencies in the Case Officer's Report of Handling

The Report of Handling contains numerous inconsistencies in which certain views are expressed, then contradicted elsewhere in the report and in the decision notice:

Page 2, paragraph 4
Under the sub-heading of "*Principle*", the Case Officer states "*The proposal, in principle, complies with Policy HD2*".

page 3, paragraph 6
The previous acceptance is reinforced when assessing the proposed design, concluding: ***"However, given the variety of existing buildings; height of the farmhouse (which the proposal would not exceed); the existing orientation of the buildings, which includes gables on to the road; and the extent and scope of public visibility (whereby this building would be seen in context with the overall group), these factors (though concerns) would not be determinative".***

Despite this, on page 4, paragraph 5 the Case Officer contradicts this by stating "*The proposals fail to comply with Policies PMD2 and HD2 and does not apply the fundamental principles of the supporting guidance.*" This is also given as a reason for refusal on the decision notice which states "*The proposed development would, due to its design and materials, be unsympathetic to, and adversely impact on, the character of the building group, contrary to Policies PMD2 and HD2 of The Local Development Plan 2016.*"

Page 3, paragraph 7
He is incorrect when he states "*most objectionable of (the contemporary approach to elevations) is the south-west elevation which would be directly in public view on approach to the group from that direction.*" This elevation is not directly on public view, it is TANGENTIALLY in public view, being at 90 deg to the C class, ie low use, road, near a corner which means the elevation is in view for a matter of seconds. This objection is also despite accepting the view can be mitigated by landscaping.

It is also despite accepting that mass is not material and notes it is complementary to the GROUP as noted in his aforementioned comment on page 3, paragraph 6.

Regarding the comments about the SW elevation and specifically "*Wide doors and windows would considerably benefit from a vertical orientation, as used on other openings on the building. However, the applicant is unwilling to amend the proposals in this regard.*" We were reluctant to make further amendment simply because we believe the design as submitted achieves this goal (as was intended by us). The substantial insetting of the three right hand windows creates a vertical group intended to evoke a former agricultural opening. When this insetting and the resulting vertical orientations of the two window groups is properly understood, it can be seen that delivers both ours and the planning officer's objective and does echo other elevations.

The Case Officer acknowledges that the applicant wishes to pursue an agricultural aesthetic [Ref. email from Case Officer to agent dated 14 June 2022] which would be consistent with a group of converted agricultural buildings but then overrides this core principle when referring to a group which is "fundamentally domestic in nature" without also acknowledging this is because they are converted farm buildings (as this proposal seeks to reflect).

These inconsistencies cast doubt on the planning decision and perhaps point towards the Case Officer's apparent motive for refusal which is cited as the third item on our grounds for appeal.

5. Failure to recognise the design approach adopted and pursuit of the Case Officer's own subjective preference

LDP Policy PMD2 requires, as regards design and materials that developments:

h) create a sense of place, based on a clear understanding of context, though not excluding contemporary designs;
i)are of a scale, massing and height appropriate to their surroundings;
j) are finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality; and
k) are compatible with and respect the character of the surrounding area and built form.

LDP Policy HD2 requires that developments should be appropriate in scale, siting, design and materials, and be sympathetic to the character of an existing group.

Guidance within Placemaking and Design and New Housing in the Borders Countryside SPGs further develop on these policy objectives. Fundamentally, though contemporary designs and materials are not, by any means, ruled out, the key issue here is whether the proposal will suit the context and ultimately achieve what is required in this particular case i.e. a development that primarily relates sympathetically to the character of the surrounding local area and the existing building group to which it would be added while creating a sense of place and respect the surrounding area and built form.

The officer acknowledges there is no objection to a building per se and develops this narrative in accepting that the existing building group is comprised of a collection of differing farm buildings (challenging his previous assessment that the group is fundamentally domestic in nature), with differing scale, exterior finish and orientation (the majority of which have been re-purposed for residential use). Therefore he is accepting that this is the defining characteristic of the building group that would allow the proposed house design to be deemed as an acceptable addition to that group.

He accepts that the factors of height and bulk (mass), orientation, depth, roof pitch, extent and scope of public visibility (whereby this building would be seen in context with the overall group) are not relevant to the decision:"*these factors (though concerns) are not determinative.*" (It has previously been noted that despite this, he cites public visibility as one reason for rejecting the proposed design).

He accepts a contemporary approach would be acceptable: "*A contemporary approach to elevations is not a concern in principle, and it would be quite possible to achieve a fit with the existing variety of building designs while being honest and simple in the elevational treatment.*"

He further states: 'it is not clear why a well-designed building that incorporates a contemporary aesthetic, while being respectful to existing buildings in its massing and materials, could not be practically achieved.'

We agree: the disagreement is about the meaning of 'well-designed', 'sympathy' and 'respect to existing buildings in its massing and materials'. It is in his assessment of the applicant's proposed material choice and window fenestration on two openings located on the ground floor level where he promotes his own views on how the exterior of building should be composed and the pursuit of his own subjective belief in choice of architectural narrative. Without providing reference to any relevant planning guidance on the subject, the Case Officer refers to his preferred use of slate, render & stone along with a combination of timber or metal wall claddings (these latter two being present in the proposal).

While pursuing this design pastiche and incomplete mimicry of adjacent buildings he suggests that the applicant's wish to replicate a converted farm building would indeed contradict their own wish to avoid creating pastiche when read along with the rest of the existing building group. In fact the applicant has chosen to avoid mimicry by proposing a pure vision which respects the existing buildings using a wholly difference approach: a style of building which previously appeared in the

group, appearing repurposed as most of the other buildings have been. To accommodate the Case Officer, style cues from other buildings have been incorporated eg timber cladding 'opening' on same elevation as another building (coincidentally the elevation most seen by the public).

The Case Officer is also dismissive of a relevant PD regulation: "*The fact that PD rights have been introduced for conversions of farm buildings cannot justify a new house designed to look like a converted barn within a group that no longer has any*". While it is true that this regulation doesn't automatically justify a new house designed to look like a converted barn, it is relevant this approach is so acceptable as to be covered by PD. Further these PD rights will establish a new vernacular, already common across much of the UK, to which this building group will contribute.

Of note, the Case Officer states: "*The proposal is acceptable in terms of privacy impacts*".

Supporting reference points
It is important to appreciate that there are many points of reference in the relevant planning policies and supplementary planning guidance which support the applicant's design approach and appear to have been overlooked by the Case Officer.

PAN 72 Advice note states:
"The purpose is to create more opportunities for good quality rural housing which respects traditional Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on Architects and Designers wishing to pursue an innovative and carefully considered contemporary designs."

SBC SPG – New Housing in the Countryside states:
"Equally, in formulating a set of principles on the design of new housing in the countryside the objective will not be to recreate the rural Borders of previous eras. This said, the designers of new housing will be expected to respect & learn from what has gone before. This does not mean copying the buildings of the past, nor does it mean the mere application of a list of vernacular details in an attempt to achieve the necessary quality, but it does involve interpreting traditional forms and materials in a modern context."

"Attempts to reproduce historic styles with modern materials can result in a weaker interpretation of the original character. All new housing should therefore seek to be clear & honest in its aspiration – The concept for any new design should be made clear from the outset. Regardless of the approach adopted, new housing development should always respect the most positive defining characteristics of the local area."

"Innovative designs which are sympathetic to their setting and to the general principles. There are a number of examples of new buildings which relate well to neighbouring buildings of past styles without attempting to copy those styles."

SBC SPG PMD2 states:
"In establishing the design principles for any new development, the surrounding townscape or building character and built form must be understood from the outset. The layout, grouping and architectural style of buildings adopted within an area all contribute to a locally distinctive built character"

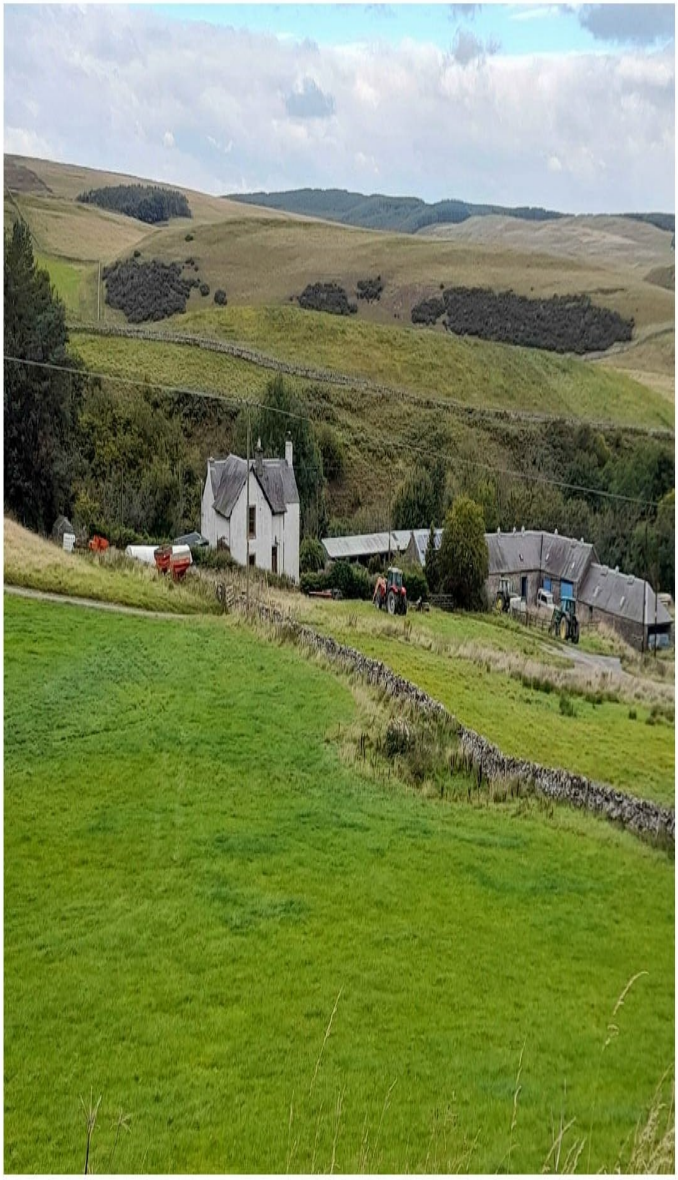
It is an appreciation of the most positive defining characteristics of the local area which has been overlooked by the Case Officer when determining this application. There are many instances further along the C20 public road and immediate local area where agricultural buildings sit alongside both traditional & modern houses & cottages and form the basis of the built character of the local area. Examples of this are included in the attached appendix 2.

RM Architecture Ltd
2nd November 2022

Proposed Dwelling House, Land South-West of Castleside Cottage, Ashkirk
Appendix 1 - Local Area Location Reference for Supporting Photos

Proposed Dwelling House, Land South West of Castleside Cottage, Ashkirk.
Appendix 2 – Character Reference Images in the Local Area

Location 1



Location 2

Location 3

Location 4

Location 5

Location 6

Location 6

Location 7

Proposed Dwelling House, Land South West of Castleside Cottage, Ashkirk.
Appendix 3 – Reference images of recently constructed house at The Green, St Boswells

Example of where different exterior styles and material finish have been approved by the Local Planning Authority

Appendix 4 - Contextual Elevation from Public Road

Contextual Elevation from Public Road
Scale 1:200

NB. - Flood Level previously established from SBC Flood Map 182.454
SEPA minimum freeboard requirements +0.600
Minimum permissible floor level - 183.054

SCALE BAR 1:200

0 5 10 20 30 40

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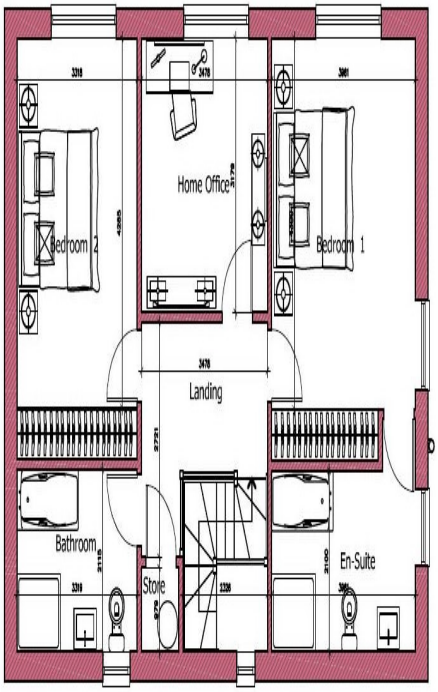
Project:
Proposed House on land adjacent to Castleside Cottage, Castleside Farm Ashkirk

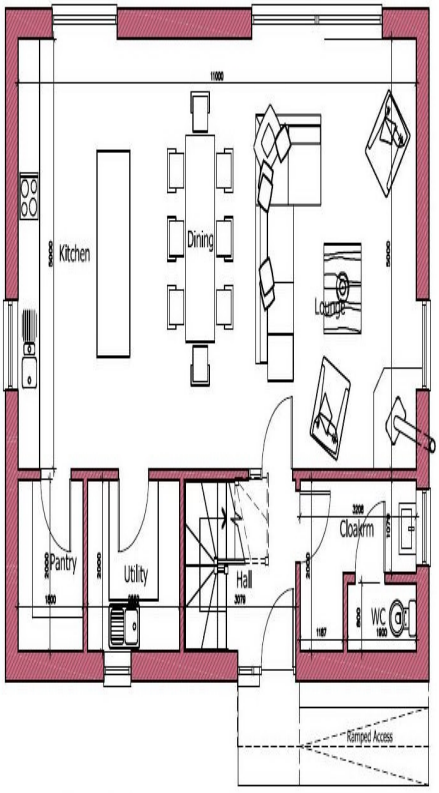
Title:
Contextual Elevation from Public Road

Scale:	Date:	Dwg No:	Revision:
1:200	Oct 2021	21-001(SD)003	C

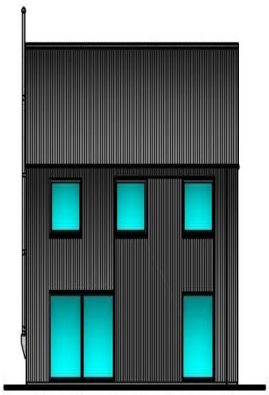
Appendix 5 - Floor Plans & Elevations as Proposed



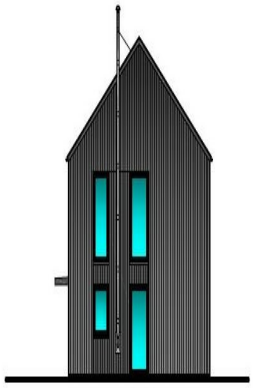
First Floor Plan as Proposed
Scale 1:50



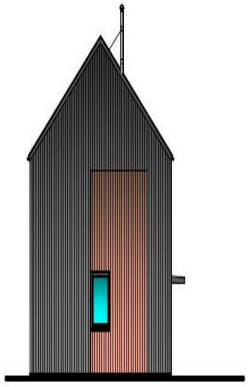
Ground Floor Plan as Proposed
Scale 1:50



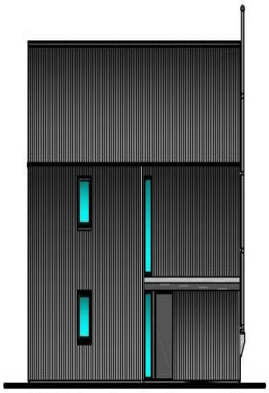
Side Elevation as Proposed
Scale 1:100



Rear Elevation as Proposed
Scale 1:100



Front Elevation as Proposed
Scale 1:100



Side Elevation as Proposed
Scale 1:100

Exterior Finishes:

Roof - Corrugated fibre cement
External Walls - Corrugated fibre cement
Gable Wall Facing Public Road - Larch cladding
Doors & Windows - Alu-clad timber/uPVC

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Project:

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Title:

Indicative House Floor Plans & Elevations as Proposed

Scale:	Date:	Dwg No:	Revision:
1:50/1:100	Jan 2021	21-001/SD/001	K