



James Neil And Son
per Caledonia Log Homes Ltd
Caledonia Log Homes
Lilliesleaf Sawmill
Melrose
TD6 9JP

Please ask for: Euan Calvert
01835 826513
Our Ref: 22/00575/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 19th July 2022

Dear Sir/Madam

PLANNING APPLICATION AT Land North East Of Runningburn Farm Stichill Scottish Borders

PROPOSED DEVELOPMENT: Erection of holiday let accommodation

APPLICANT: James Neil And Son

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 22/00575/FUL

**To: James Neil And Son per Caledonia Log Homes Ltd Caledonia Log Homes Lilliesleaf Sawmill
Melrose TD6 9JP**

With reference to your application validated on **20th April 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal: Erection of holiday let accommodation

At: Land North East Of Runningburn Farm Stichill Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 18th July 2022
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE: 22/00575/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused
[1] 21-10 (PL) 4-00_001	Proposed Site Plan	Refused
[1] 21-10 (PL) 4-PL_001	Proposed Plans	Refused
[1] 21-10 (PL) 4-PL_002	Proposed Elevations	Refused

REASON FOR REFUSAL

- 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.

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 Runningburn Farm and wedding venue, and within previously undeveloped land.

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.

The proposed private vehicular access to the site would pass through a working farm steading which would conflict with agricultural movements and would result in adverse impacts on road safety and design standards contrary to PMD2.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the



Regulatory Services

Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 22/00575/FUL

APPLICANT: James Neil And Son

AGENT: Caledonia Log Homes Ltd

DEVELOPMENT: Erection of holiday let accommodation

LOCATION: Land North East Of Runningburn Farm
Stichill
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused
[1] 21-10 (PL) 4-00_001	Proposed Site Plan	Refused
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NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

The proposal was advertised in the Southern Reporter and on tellmescotland for neighbour not known. No representations were received.

Consultations:

Scottish Water: The public water supply is 1.5km from the site and there is sufficient capacity. There is no public waste water infrastructure within the vicinity.

Roads Planning: I have some concerns regarding the access to this site, specifically with regards to the mix of traffic with visitors to the holiday let having to drive through the middle of a working farm. Unless a solution can be found to this issue by forming an alternative access that bypasses Runningburn Farm, then I would have no option but to object to the proposal.

There was no response from Environmental Health or the community council.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

ED7: Business, Tourism and Leisure Development in the Countryside

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity
HD3: Protection of Residential Amenity
IS5: Protection of Access Routes
IS7: Parking Provision and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design, 2010
Landscape and Development 2008

SPP - Scottish Borders Tourism Strategy 2013-2020

Recommendation by - Euan Calvert (Assistant Planning Officer) on 18th July 2022

Site and Proposal

This report considers an application for full planning permission for the erection of a building for holiday let located on land $\frac{3}{4}$ of a mile north east of Runningburn Farm near Stichill, adjacent to a large man-made pond.

The proposed development is the formation of a new 800m long track made of crushed aggregate and a parking area for three vehicles. This vehicular access would be from the public road via Runningburn Farm and around the field system. The first 300m are already surfaced track.

A post and beam log cabin is proposed measuring 9m x 7m in footprint under a 6.4m dual pitched roof. The south gable would feature 25m² of timber deck, 4.2m in depth, and would feature the hot tub. The building would be located immediately on the waterside. There would be a large solar array, an ancillary plant building and a proposed grey water treatment plant, presumably underground. Water is intended to be from public supply.

Applicant's Supporting Statement

The site identified is 0.25ha in size. There are currently no defining boundaries to this site. The proposal is two bedroom in size. It would be a locally made pre-manufactured timber post and beam and grass roofed cabin. The cabin would be off-grid and powered by the adjacent solar array. Landscaping is proposed. The planting will be native and will be minimal to protect all wildlife habitats, ecosystems and natural processes in the area. The proposal is designed to sit on the site inconspicuously. The proposal enhances the existing wedding venue business and proposes subsistence living and an off-grid approach.

Planning History

16/00336/FUL: Erection of events marquee (retrospective). Approved April 2016, subject to conditions.

19/009020/AGN: Erection of general purpose building. Approved February 2019.

20/00123/FUL: Erection of wedding venue/function building (retrospective). Approved April 2020 subject to conditions and informatives.

Planning Policy

The application requires to be considered principally in terms of policy ED7 of the Local Development Plan on Business, Tourism and Leisure development in the countryside. The development will not conflict with policy HD2 if controlled as holiday accommodation only.

Policy PMD2 of the LDP sets out that developments should respect the character of the surrounding area, neighbouring uses, and neighbouring built form.

Assessment

The principle of tourism and leisure development in the countryside is supported by Policy ED7, where the proposal is in accordance with the Scottish Borders Tourism Strategy and Action Plan.

No business plan has been submitted. I have considered the Supporting Statement. I am content that a tourist development in the countryside could be possible, in the correct location. This site is however, divorced from the business and the built environment.

My concerns are principally with the landscape and visual impacts of expansion of the business at this remote site.

Policy ED7 requires that any specific proposal should respect the amenity and character of the surrounding area and have no significant adverse impacts upon nearby uses, particularly housing. Further, where a new building is proposed, evidence is to be provided to demonstrate that no appropriate existing building or brownfield site is otherwise available to accommodate the proposal. Account for the environmental and amenity considerations set out under Policy PMD2, is also explicitly required under Policy ED7.

Impact on Landscape and Visual Amenity

There are no landscape designations on this land or in the immediate surroundings. The Council's Landscape Architect has not been consulted. The site is not considered to have high visual sensitivity.

There are few opportunities for views to the site from the surrounding road network or from residential receptors. The site can be seen at a distance from the public single track road, C45, in the surroundings.

However, the visual appearance and rurality of the chosen location would be adversely affected by this development. The machined access track, associated fencing and potential for overhead services and a change in the maintenance regime of the pond will all compound to appear less rural.

The proposal is deliberately chosen to be in an isolated spot to capitalise on the setting of the pond but consequent expansion of the tourism business at this location is considered to not respect the character of the surrounding area.

Introduction of any building is liable to be inappropriate in this isolated setting. The site is a considerable distance from surrounding building group and the existing wedding venue.

The application has not first demonstrated that there are no more appropriate sites within the applicant's control. This should take account of any existing buildings as well as any opportunities to reuse brownfield land.

The site is considered greenfield and there will be visual impacts arising from the introduction of a building, associated roads, services and parking. The visual impacts of this building, roads and services are heavily downplayed in this application. A landscape scheme and planting proposals are only indicatively shown and cannot be relied upon for mitigation. No Landscape and Visual Impact Assessment has been provided.

The site is in an isolated rural location, with no existing development in the immediate vicinity, whatsoever. This is not a site that would be preferred for such a development. Opportunities to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings at the farm of Runningburn where the existing wedding venue is situated, need to be explored.

The chosen site would appear divorced from the venue, located 0.75 mile away through field enclosures. This chosen site therefore appears as an isolated location, which is arbitrary to any historic pattern of development of the local area. Visually it would read as a chance encounter to develop a tourism business adjacent to a pond. This case would set an undesirable precedent for the entire Borders countryside. All over the Borders countryside there are wildlife or amenity ponds within fenced enclosures.

The additional tourism generation from the business is not in itself a strong reason to be unnecessarily detached and in an isolated site. The need for an isolated site (to accommodate this unique log cabin/lakeside design) is not in itself reasonable justification in planning terms either.

The character and quality of the open countryside must be protected from development in this instance. Hierarchically speaking, it would be difficult to find a more inappropriate site in planning terms. The proposal does not accord with Criterion c. of Policy ED7; and is unacceptable, as the application fails to rule out other potentially more suitable alternatives.

In terms of Criterion d. intensification of use at this site would not be appropriate to the character of this area, which is defined by Merse agricultural husbandry practices. The proposed discreet visual containment (disguising the roofscape as grass) is not in itself considered to be a mitigating factor or a material consideration in this decision.

The contemporary design of building is responsive in minimising the visual impact but this is not a determinant issue and, in principle, the isolated site is incompatible for the use proposed and would conflict with the remote characteristics of the area.

The required access track to service the site would be highly visible and inappropriate and would introduce traffic movements to a rural location. It would be highly detrimental to the amenity and character of the site and surrounding area, and the application therefore cannot be supported.

This proposal demonstrates a desire to capitalise on the pond setting but not a need for this specific countryside location.

Viability

The proposal is a holiday let to accompany the existing wedding venue business at the farm complex. There is no information presented to demonstrate costs of the development against projected income or identify occupancy rates.

Economically, the case is uncertain or ambiguous therefore fails requirements of policy ED7. A material consideration on this basis is "what would happen if the proposal were to prove unviable?"

I would be concerned then that an approval of the current application based on such an insubstantial business case would be liable to promote the establishment of permanent residential unit in an isolated rural location, and in circumstances that would be contrary to the Council's Housing in the Countryside Policy. Conditions can be used, in the event of any approval, to regulate this use (requiring a record of guest and restricting occupancy to short-term holiday let use only) but such conditions are often challenged and removed with a change in circumstances or in the event of business failure. For this reason, imposing planning conditions should not be relied on.

The need for such considerable investment in infrastructure does raise concerns that the project might not in fact be fundamentally viable to begin with or could be the first of several phases of development.

I acknowledge the aim to complement the existing business and fit with the Tourism Strategy but the supporting information does not reasonably provide any reassurance to viability.

Support to the farm and wider economy is not demonstrated by this application. Besides this point, unacceptable impacts are identified to the visual amenity of the site and surroundings and if this is the precursor to much wider tourism development at this pond then these concerns must be emphasised.

Road Safety and Access

Roads Safety is a material planning consideration. Concerns are raised from the Roads Planning Service regarding the choice of vehicular access to the site, which would pass through a working farm steading. There is potential for conflict with agricultural movements and corresponding safety concerns. The proposed location is considered to be unacceptable without alternative vehicular access arrangements leading to the site.

I would share these safety concerns and also share concerns for landscape impacts of the further development of tracks.

There are no rights of way affected by this proposal. There is a right to responsible public access in Scotland. Public access rights do currently exist on the track and at this pond. The curtilage of this proposed building does not include the wider pond therefore it must be assumed that the proposals would allow for future public access to the wider pond site.

The presence or absence of public access rights is not a determinant issue in this case. In the event of approval the applicant would have to consider whether the public were required to be excluded from the pond, if this is deemed necessary, to afford those potential occupants a reasonable level of privacy.

Criteria e) and f) of policy ED7 are not satisfied.

Residential Amenity

The site is located 0.5 mile south west of Eastfield Farmhouse and 0.5mile north and west of Kaimflat Steading. I do not anticipate any adverse residential amenity impacts arising therefore Policy HD3 is considered satisfied.

Ecology

This is a rural site set within the concave landscape of the rolling countryside at approximately 80m AOD. The pond has no statutory wildlife designations and aerial images demonstrate surrounding grassland. No supporting Preliminary Ecological Assessment or wildlife commentary has been provided therefore the wildlife impacts have not been assessed. Policies EP1, EP2 and EP3 are not currently satisfied in so much as the potential impacts on local wildlife arising from the change in use of the site to residential use has not been considered.

Conclusion

The proposal does not, in its siting, layout and design, respect the landscape and visual amenities of the site and surrounding area, and would lead to a form of development that in all of the above noted respects, would be incongruous in this isolated rural location.

Further, and without the need for the particular site, layout and design of the proposal having been demonstrated, the proposal would be liable to promote holiday development on a site with respect to which no justification has been given to substantiate any operational or economic requirement of any business requiring itself, to operate from this specific countryside location.

In addition, the vehicular access to the site would pass through a working farm steading. There is potential for conflict with agricultural movements and corresponding safety concerns that have not been adequately addressed.

As such, it is considered that the proposal would be contrary to Adopted Local Development Plan Policies ED7 and PMD2, and should be refused.

REASON FOR DECISION:

The proposal is contrary to Local Development Plan 2016 Policy ED7, in that the applicant has failed to provide adequate business justification to demonstrate that the proposal is capable of being developed and operated viably as a holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape;

In addition, the proposal would be contrary to policy PMD2 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.

Recommendation: Refused

- 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.

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 Runningburn Farm and wedding venue, and within previously undeveloped land.

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.

The proposed private vehicular access to the site would pass through a working farm steading which would conflict with agricultural movements and would result in adverse impacts on road safety and design standards contrary to PMD2.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.