

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Townfoot Hill, Land North West of Crunzierton House, Oxnam - 22/00464/FUL and 22/00035/RREF

Comments of the Planning Officer in Respect of New Information

The Local Review Body determined to proceed with the review of the above application with further procedure. In this instance, the Local Review Body requires comments from the Council's Planning Officer in response to:

- Business Plan
- Sequential Site Assessment and Photos
- Map of neighbouring developments
- Drawings P726-PL-002 and 003 showing parking and right of way
- Visual Impact Study

These were not before the Planning Officer at the time of decision.

The views of the Access Officer, Landscape Architect and Roads Planning Officer have been sought. The RPO has confirmed no objection subject to a service layby to standard specification DC3. There was no response from the Access Officer.

The two reasons for refusal are as follows;

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 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.

I acknowledge the Business Plan and note the projected costs, borrowing and income. However, the plan identifies no survivable budget (other than existing income from the farm) and no salaries or wages.

The Visual Impact Study has been considered. The Landscape Architect acknowledges those viewpoints selected, demonstrate limited visual effects. However, concerns remain over the appropriateness of the development in landscape terms arising from this chosen siting. The development would be divorced from any building group, and therefore will

appear sporadic and conflict with the rurality of this upland fringe setting. Such pattern of development is unsustainable and would set a precedent.

The Sequential Site Assessment and Photos and the Map of neighbouring developments has been considered by the Landscape Architect. An existing pattern to neighbouring development is identified at lower elevations than this proposal and is positioned in close association with the local road network and/or building clusters.

Appeal Statement

My observation is that excessive weight is being placed on privacy and isolation for future guests and economic development, over and above protecting the landscape character and quality. Introducing any building in this location (central to a field, which is up on a prominent hilltop site) is liable to be unacceptable. Disguising the building walls in natural stone and the roofscape as hillside is not a mitigating factor leading to acceptability of the proposals.

It is not accepted that such an isolated and sporadic situation is necessary to achieve privacy and isolation for guests. In no way does this proposed pattern of development respect amenity and character of the local area. Assertions made in the Appeal Statement that this development would “repair scarring” or “...match the surrounding land” are not accepted. There are simply no credible “environmental benefits” arising from changing the use of this greenfield site.

Moreover, this pattern of development is not supported in NPF4.

NPF4

Scotland’s Fourth National Planning Framework (NPF4) was approved by the Scottish Parliament on 11 January 2023 and is due to be adopted by Scottish Ministers on 13 February, at which point, it will be a component of the statutory development plan of this and every other planning authority in Scotland. The Scottish Government has advised that in the interim, NPF4 must be considered a significant material consideration within all planning decisions.

NPF4 Policies that are considered to be relevant to this decision are Policy 1, Policy 2, Policy 14, Policy 15, Policy 18, Policy 29 and Policy 30.

Policy 1 requires that when considering all development proposals, significant weight should be given to the global climate and nature crises. According to the policy intent, this is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 2 requires that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. According to the policy intent, this is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places whether in urban or rural locations by taking a design-led approach and applying the Place Principle. This includes ensuring that development is well connected to reduce car dependency; is in keeping with the built and natural environment of the surrounding area; and takes account of the need to use resources efficiently and ensure climate resilience. Conversely, development proposals that are poorly designed and detrimental to the amenity of the surrounding area will not be supported.

Policy 15 requires that consideration be given to the existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to everyday facilities. The underlying intention is to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance using green and/or sustainable transport options.

Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced. However, development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area; should consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. Accordingly, while the policy recognises that circumstances may be different in a rural context to an urban one, it nonetheless does not allow, or advocate, the setting aside of considerations with respect to ensuring that development is located such as to make efficient use of land and existing infrastructure, and minimise dependency on private vehicles for accessing everyday facilities and services.

Policy 30 concerns tourism directly, and seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with the national net zero and nature commitments, and inspires people to visit Scotland. Provision b) of Policy 30 requires that proposals for tourism related development will take into account: i. the contribution made to the local economy; ii. compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; iii. impacts on communities, for example by hindering the provision of homes and services for local people; iv. opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; v. accessibility for disabled people; vi. measures taken to minimise carbon emissions; and vii. opportunities to provide access to the natural environment. Again, the policy does not exempt tourist development from sustainability considerations, including minimising dependency on private vehicles.

It is considered that the proposed development would be contrary to NPF4 Policies 1, 2, 14, 15, 18, 29 and 30 in that it would result in an unsustainable development in an undeveloped rural landscape; and constitute a sporadic and unjustified form of development within a previously undeveloped field, while its siting and design would not respect or be compatible with the character of the surrounding area and would result in a significantly adverse impact upon the existing landscape character and rural visual amenity of the surrounding area.

It is not considered that the Appellant has demonstrated any significant benefit to the local economy within their supporting case, including within the new details provided. Any economic benefits that might be derived, are considered to be significantly outweighed by the deleterious impacts that the proposal would have upon the amenity and environment of the site and surrounding area, and by the unnecessary levels of greenhouse gas emissions that would be generated by the construction and operation of this development.

Conclusion

- One must question the viability of the proposal as projected costs, borrowing and income demonstrate no salaries or wages being generated from the project in the first three years.

- The Landscape Architect remains concerned over the appropriateness of the development site in landscape terms. There would be un-mitigated adverse visual effects arising from internal and external lighting and glazed frontage in this elevated and isolated upland fringe setting.
- The neighbouring development pattern is at lower elevations and is positioned in association with the local road network and/or building clusters.
- Excessive weight is placed in the Appeal Statement on achieving privacy and isolation for guests over and above sustainability principles of NPF4.
- This is a greenfield and entirely car dependent site for all interactions, especially future servicing and security, contrary to policies of NPF4.
- NPF4 places emphasises on sustainability and placemaking and this is not consider to comply with requirement for efficient use of land and resources.

The information submitted by the applicant has not changed the reasons for objection and it is respectfully requested that the review is dismissed and the application refused.