

**LAND SOUTH WEST OF CASTLESIDE COTTAGE, ASHKIRK - 21/01618/FUL AND 22/00041/RREF  
RESPONSE TO LOCAL REVIEW BODY REQUEST FOR FURTHER INFORMATION – APPELLANT'S  
RESPONSE TO SBC COMMENTS ON NPF4**

**Introduction**

We respond to comments from SBC planning department on the impact of national planning framework 4 (NPF4) relating to the appeal for this planning application and subsequent review.

Because the process of assessment of the impact of NPF4 is untested, it is essential that our response is placed before the committee in its entirety and the Chairman of the LRB is given the opportunity to consider it, not just the planning officer's conclusions, in advance of the next Review meeting.

The officer's recommendation that NPF4 supports the planning department's grounds for refusal is dependent upon an interpretation of Policies 14, 17: 'the proposal is not considered compliant with policies 14 and 17 because the design and materials of the proposed development are not appropriate to the character of the building group. NPF4, therefore, reinforces the reasons for refusal.'

In so doing the officer accepts that there are no additional issues caused by NPF4 and consequently there is no change to the issue previously before the Committee.

**Summary**

- The Officer's review is selective, narrow, incomplete and could be considered self-serving. It is factually wrong. It was written before the appellant had the opportunity to submit their initial comments, ignoring the correct process.
- The conclusion is based on assessment of policies 14, 17. Both assessments are wrong in concluding that policy criteria are not met. So the conclusion that NPF4 supports rejection is unfounded.
- The assessment is essentially a re-run of previous arguments.

**SBC Planning Officer's assessment of NPF4 impact**

The planning officer considers policies 3, 4, 9, 12, 14, 17, 18, 22 and 23.

Of these they find that our application is not in conflict with policies 4, 9 and 22. Further he assesses policies 3, 12, 18 and 22 can be satisfied by conditions or similar.

This leaves policies 14, 17 and the officer relies on these policies to reach their conclusion.

In so doing they completely ignore those NPF4 policies which support our application; or example, policies 2, 13, 15, 16, 19, 24, 29. They also ignore those essential elements of NPF4 which are the Policy Intent, Outcomes and the impact on the LDP.

Their suggestion that the remaining two policies, 14 and 17 represent the whole of NPF4 (the national (Scotland) spatial strategy) could be considered self-serving by claiming they support the planning department's previous refusal. This is not an objective assessment. It is in any event, wrong as shown below.

## Our response

Our detailed response is in two parts:

1. Why the planning officer's assessment of NPF4 policies 14 and 17 are wrong and don't represent NPF4.
2. A brief review of those NPF4 policies which support our application.

### Policies 14, 17

Policy 14 considers Design, Quality and Place.

The Officer's assessment is:

'This requires that developments improve the quality of an area in their design impacts, and that they meet the six qualities of successful places. In this case, most relevant is that the development is 'distinctive'. This requires that developments support "*attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.*" It is not considered that this proposed development would comply with this policy since it demonstrates an apparent lack of attention to local architectural styles within the building group in its design and external materials.'

We have previously evidenced in our appeal statement how the application in fact does attend to detail of local architectural styles where local is, reasonably, interpreted as the local area and not just the building group, and natural landscapes ie the site is enclosed and landscaped to nestle the proposal in the local landscape, bounded by existing natural (banking and trees) and man-made (river, roads and tracks) features to be interpreted, literally or creatively (our underline), into designs to reinforce identity.

The officer identifies 'distinctive' as being the most important quality of successful places. This quality could be considered to contradict the entirety of the officer's objections: it is a challenge to be distinctive when imitating other buildings. But in fact our proposal neatly resolves this challenge by being absolutely distinctive while also responding to local architectural styles and natural landscapes and also being complementary to the remaining building group of converted farm buildings.

The officer also overlooks the impact of permitted development rights on local vernacular. Since 1 Apr 21, a new permitted development right, Class 18B has been introduced which permits change of use of an agricultural building to use as a dwelling. Once this permission becomes better known, it can be expected that barns converted to housing will become commonplace and consequently confirm a vernacular which is already (as shown by our response to the Committee's request for further information) reasonably established.

It is worth noting the remaining five qualities of successful places alluded to are Being Healthy, Pleasant, Connected, Sustainable, Adaptable. Save the latter, the satisfaction of the remaining qualities is obvious.

Policy 17 considers Rural Homes.

The Officer's assessment is:

'This policy supports homes in rural areas where they are suitably scaled, sited and designed to be in "*keeping with the character of the area*", and where the development meets one of

the criteria. This proposal is not appropriate to the character of the area, and it is not compliant in principle with Policy 17 as it does not fit with any of the policy criteria.'

The planning department has previously accepted the proposal is suitably scaled and sited.

We have commented above on the importance of correctly interpreting 'area' as the local area and not the building group.

But the officer is also simply wrong to state that our proposal does not fit with any of these criteria since it meets sub criteria vi., in that it is for a single home for the retirement succession of a viable farm holding.

This should be sufficient for to show Policy 17 is satisfied but if further justification was needed, the officer considers only the first of four policy criteria, 17 a). Our application also satisfies the criteria of policies 17 b), c):

*b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.*

Our proposal satisfies the requirement to consider the contribution towards local living and take into account identified local housing needs and considers the economic considerations by completing a building group and providing accommodation for a local inhabitant. It considers transport needs by adding to an existing building group and location adjacent to an existing road giving easy access to sustainable transport.

*c) Development proposals for new homes in remote rural areas will be supported where the proposal:*

*i. supports and sustains existing fragile communities;*

*ii. supports identified local housing outcomes; and*

*iii. is suitable in terms of location, access, and environmental impact.*

Our proposal satisfies all three of these criteria.

Our proposal also satisfies the Policy, sought Outcomes and impact on the LDP which are an integral part of Policy 17:

*Policy Intent:*

*To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.*

Our proposal is high quality and sustainable and it is agreed that the location is suitable.

*Policy Outcomes:*

- *Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.*
- *Homes are provided that support sustainable rural communities and are linked with service provision.*
- *The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.*

Our proposal meets an identified local need; it supports a sustainable rural community linked to service provision; it safeguards and enhances the character and sense of a rural area, by reflecting multiple locations in the immediate area.

*Local Development Plans:*

*LDPs should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural and island areas.*

*LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.*

The officer accepts our proposal is LDP compliant: 'Given that LDP Policy HD2 is not directly contradictory to Policy 17, but complementary to it, the principle of the development is compliant with the development plan as a whole.'

### **Supportive NPF4 policies**

There are a number of NPF4 policies overlooked by the Officer which support our application as follows:

2. our proposal will be sited and designed to minimise lifecycle greenhouse gas emissions eg connection to an existing biomass district heating and adapted to current and future risks from climate change eg through energy efficient design and construction.
12. our proposal reuses existing infrastructure (actually, extends its use), minimising waste and reducing pressure on virgin resources. The proposal has been specifically designed to enable the offsite manufacture of a pre-insulated and air tight timber frame structure, promoting the energy efficiency supported by this policy. The place based approach has already been accepted by the planning officer. It utilises local sustainable transport services such as easy cycling to a public transport connection to Edinburgh, Carlisle and Tweedbank rail; the local school bus passes the site which is already served by all services eg refuse, post.
13. our proposal utilises existing blue and green infrastructure, connecting to existing water supply, electricity, heating, waste water treatment, waste disposal.
15. our proposal contributes to rural revitalisation and provision of quality homes by considering 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. And reinforces a connected neighbourhoods where people can meet most of their daily needs within a reasonable distance using green and/or sustainable transport options.
16. our proposal delivers a high quality, affordable and sustainable home, in the right location, helping to provide choice across tenures that meet the diverse housing needs of people and communities across Scotland.
- 18 and 19. supports our application as our proposal uses of existing infrastructure and utilises decarbonised heating solutions by expanding heat networks and the requirement for an energy efficient design eg utilise solar gain. The exterior cladding will support PV better than alternatives.
24. supports our application due to the existence of high-speed fibre connections to the front door (unusual in a rural area such as this).
29. supports our application as our proposal, inter alia, contributes to the viability, sustainability and diversity of rural communities and local rural economy; enables diversification (the applicant is a farmer); is suitably scaled, sited and designed to be in keeping with the character of the area (our underline) and takes account the transport needs of the development as appropriate for the rural location.

## **Conclusion**

We have demonstrated that contrary to the officer's assertion, most NPF4 policies, including policies 14, 17 actually support and reinforce our application.