

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 21/00854/FUL

**APPLICANT :** Mr & Mrs D & C MacTaggart

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Siting of shepherd hut for holiday accommodation together with decking, access and associated works

**LOCATION:** Land West Of Billerwell Farm  
Bonchester Bridge  
Hawick  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
PDL04	Location Plan	Approved
PDL03	Proposed Plans	Approved
PDL011	Proposed Plans & Elevations	Approved
PDL01	Proposed Site Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations have been received.

**Consultations:**

Economic Development: Have not responded at the time of writing this report.

Environmental Health: No objections subject to informatives in respect of drainage, water supply and wood burning stoves.

Hobkirk Community Council: No objections to the application.

Roads Planning Officer: No objections to the application.

Visit Scotland: Have not responded at the time of writing this report.

**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  
EP5: Special Landscape Areas  
EP13: Trees, Woodlands and Hedgerows  
EP16: Air Quality  
HD3: Protection of Residential Amenity  
IS7: Parking Provisions and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage.

Supplementary Planning Guidance:

Landscape and Development 2008  
Placemaking and design 2010  
Privacy and sunlight guide  
Trees and Development 2008

**Recommendation by** - Brett Taylor (Planning Officer) on 22nd September 2021

Site and Proposal

The site is situated to the north west of Billerwell farm steading located between Jedburgh and Bonchester Bridge.

This application seeks full planning permission for the installation of a shepherd's hut for holiday accommodation with decking, access and associated works. The agent has confirmed that the works are in retrospect. The new holiday let would comprise of an outdoor terrace, a kitchen, shower room and sitting area on the ground floor with a sleeping deck upstairs. The materials would consist of timber boarding/cladding for the walls, a profiled sheet roof and timber windows. Drainage would be to a new septic tank and soakaway with water coming from a private source. Access is taken from a grated entrance from an existing track to a surfaced area for parking. The Shepherd's Hut would then be access by a short walk.

Other proposals shown on the submitted plans include the installation of solar panels to the rear of the shepherd's hut.

Planning History

No relevant planning history.

Planning Policy and Principle

In terms of the principle of development, the site is located within an area of rural countryside. Policy ED7 of the Local Development Plan 2016 states that proposals for tourism development in the countryside will be approved provided that the development is to be used directly for tourism appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy 2013-2020 strategic target.

The applicant has provided a feasibility study that marketing will be by the owner and will be via a dedicated website with links to established internet holiday accommodation marketing sites. It states that the aim is to provide high quality visitor accommodation for young couples for walking, cycling in an area with few similar offerings. The proposals will be used for holiday accommodation and not mainstream housing. From the submitted cash flow analysis it appears that the project is viable in this location. Policy ED7 supports developments in the countryside where they are to be used for tourism. That support is subject to further criteria, including that the development respects the amenity and character of the surrounding area. Having assessed the proposals, I am satisfied that given there are no existing buildings or brownfield sites that are suitable for holiday accommodation, that the development will comply with the principles of policy ED7. The principle of holiday accommodation is, therefore, acceptable subject to a condition will ensure that the unit is used only for holiday accommodation.

## Siting and Design

Policy ED7 requires that the development meets the siting and design criteria of policy PMD2; this policy requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

The site is well related to the natural environment. This would be a small scale development and will be hidden by the topography and nearby trees when viewed from the B 6357. The applicant has indicated that the shepherd's hut is mounted upon a wheeled agricultural trailer and can be moved if required for maintenance purposes. The design is considered to be contemporary with a new single storey flat roof with outdoor decking with a pier that extends into the pond. All these aspects are acceptable. As previously mentioned given the topography of the site the proposal would not be prominent in the landscape and as such I consider the proposals would not harm the visual amenities of the area.

The installation of the solar panels are a minor element of the application and have no adverse impact on the character of the surrounding area.

Overall, the proposal accords with Policy PMD2 and the aims of Placemaking and Design standards sought by the SPG, in that this development will assimilate well with the surrounding built and natural environment.

## Impact on Residential Amenities

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy.

Given the location of the rural location of the shepherd's hut, I am satisfied that the proposal will not result any additional loss of privacy, outlook, sunlight/overshadowing and daylight of neighbouring properties. As such the proposal is considered to comply with Policy HD3.

## Road Safety, Access and Parking

Policy ED7 states that the development must take into account accessibility considerations. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Given the small scale tourism proposal the Roads Planning Service has no objections to the proposed holiday let at this location. The submitted plans show adequate parking and access and visibility would not be an issue.

## Air Quality

A flue is shown on the new dwelling building and although Environmental Health have not asked for the standard informative referencing a 45kw limit. As such, it is recommended that it is applied here

## Cultural and Natural Heritage.

The site lies within the Teviot Valleys Special Landscape Area. However, the proposals raises no concerns in respect of both cultural and natural heritage assets.

## Ecology

With respect to ecology, I consider the proposals would a negligible impact on ecology and biodiversity of the surrounding area.

## Trees

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value. The submitted documentation indicates that there are no trees of note within the immediate area that would be affected by the application.

Overall, it is considered that the proposals would comply with policy EP13.

#### Water and Drainage

The applicant has indicated on the submitted application form that foul drainage would be to composting toilets, surface water to a soakaway and the water supply coming from a private source. At the request of Environmental Health the applicant has provided a final report on the private water supply which has included pumping trials and laboratory testing. Following the precise location of the borehole in relation to the shepherd's hut, Environmental Health have confirmed they have no objections subject to standard informatives in respect of annual testing and for a risk assessment to be undertaken prior to the first use of the development.

Details have not been shown on the submitted plans relating to foul sewerage and surface water drainage and it would be prudent to cover these aspects by condition.

#### Waste

There is sufficient area within the site to provide an area to store household waste and recycling bins.

#### Conclusion

The proposed development is considered to comply with the relevant policies outlined in the Scottish Borders Local Development Plan 2016 and adopted supplementary planning guidance. It is recommended that planning permission be granted.

#### **REASON FOR DECISION :**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

#### **Recommendation:** Approved subject to conditions

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The occupation of the building shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.  
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
- 3 Prior to the occupation of the development full details of the means of foul and surface water drainage are to be submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed with the planning authority.  
Reason: To maintain effective control over the development.

#### Informatives

It should be noted that:

- 1 If the stove has an output of more than 45kw, the applicant should contact the Council's Environmental Health Service and provide further information in order that a screening assessment can be carried out. Stove installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted a Building Warrant/Planning Permission, including changes to the height and position of the flue.
- 2 As the private water supply is to serve a commercial use it will be classed as a "Regulated" supply and the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Additionally, the supply will require to be sampled on at least an annual basis and Scottish Borders Council will be required to undertake a risk assessment of the supply and reviews of said risk assessment periodically.
- 3 The applicant should be aware it is an offence for the development to use the supply unless a risk assessment (or a review of an existing risk assessment) has been carried out by Scottish Borders Council at least 8 weeks before said intended first use by the development. It is also an offence for the development to use the supply prior to Scottish Borders Council confirming (by notice to the applicant) that it may be used by the development, on the basis that the intended use does not constitute a potential danger to human health. As such, the applicant must contact Environmental Health sufficiently in advance of the intended occupation of the development to ensure that compliance with these legislative provisions is able to be secured.

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