

PLANNING & REGULATORY SERVICES

To:	Head of Planning & Regulatory Services					
F.A.O.	Ranald Dods					
From:	Planning & Regulatory Services					
Contact:	Erica Hume Niven	Ext. 6704	Ref:	22/00959/FUL	Date:	12/07/22

Nature of proposal:	Siting of shepherds hut and change of use of cabin to form holiday let accommodation
Site:	Land South West Of Corstane Farmhouse Broughton Scottish Borders

Comments: ACCESS

Rights of Way

According to the records held in the Planning & Economic Development Section there is one claimed right of way on this area of land, as shown on the attached plan with a green dashed line. Details as follows:

Rights of Way Code	Start (Approx. Grid Ref)	Finish (Approx. Grid Ref)	Length
BT69	NT 112 361 A701 at Broughton	NT 189 365 B7016 at, Corstane Farm	0.5km

Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a...planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Further comments on BT69

The Scottish Rights of Way Society route card has two path records from 2003 and 2007; these are surveys conducted by members. Both surveyors note that the route is not used. However, it is still a recorded public right of way and the route offers a direct link to the village. The route would be of great benefit to future clients of a holiday let. Therefore, it is recommended that the applicant

consider creating a route to the village in line with BT69, which would alleviate potential pressure on the stocked fields.



Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 &12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Erica Hume Niven

Access Ranger

From:Niven, Erica

Sent:15 Aug 2022 10:10:11 +0100

To:Dods, Ranald

Subject:RE: Land South West of Corstane Farmhouse, Broughton (LPA ref: 22/00959/FUL)

Hi Ranald

Alison Dunlop from Corstane phoned me on 18 July 2022 regarding my consultation comments about right of way BT69. I am satisfied from reading the Scottish Rights of Way & Access Society's route record (as referred to in my consultation), in conjunction with aerial photography, that the route is unused.

The most important connection for potential visitors is getting down to the village safely off-road; the submitted drawing shows provision of such a route.

Regards

Erica

Erica Hume Niven BD(hons), MEnvSt

Research Officer/Planner

Planning & Regulatory

Scottish Borders Council HQ

Newtown St. Boswells

Melrose

TD6 0SA

DD: 01835 826704

Mobile: 07813535813

[Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

How are you playing [#yourpart](#) to help us keep the Borders thriving?

From: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>
Sent: 10 August 2022 16:27
To: Niven, Erica <ENiven@scotborders.gov.uk>
Subject: FW: Land South West of Corstane Farmhouse, Broughton (LPA ref: 22/00959/FUL)

Would it be possible to give me your views or other advice on this suggestion please?

R.

From: Lucy Moroney <lucy@fergusonplanning.co.uk>
Sent: 08 August 2022 12:34
To: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>
Cc: Tim Ferguson <tim@fergusonplanning.co.uk>
Subject: Land South West of Corstane Farmhouse, Broughton (LPA ref: 22/00959/FUL)

CAUTION: External Email

Good Afternoon Ranald,

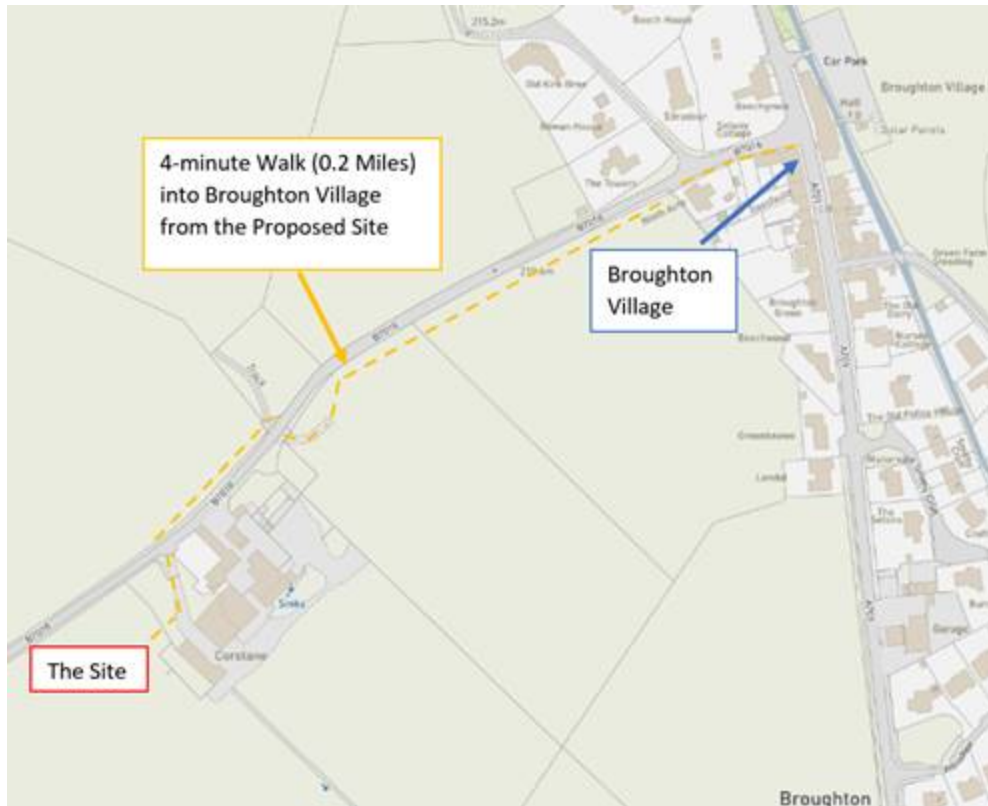
I hope you are well.

I am just touching base in relation to our planning application at Land South West of Corstane Farmhouse, Broughton (LPA ref: 22/00959/FUL).

It is acknowledged the Outdoor Access Officer has raised a comment on the application. The applicant has since had a telephone discussion with Erica Nieven, the access officer, where they discussed an alternative footpath into Broughton. It is understood Erica's key thoughts are that the proposal should provide a safe route for holidaymakers into the village.

The applicants family has been farming at Corstane Farm for over 30 years and are unaware of people using the historic right of way to the south of the site as referenced to within Ericas' comments. When the family bought the farm, the fields were planted in crop with no track marked. Historically, it is understood the previous owners of the farm were sheep dealers who owned and operated the abattoir which is now the site of the Broughton Brewery. Sheep and Cattle were walked down to the abattoir from Corstane, along this route rather than through the village.

Please see below the alternative route proposed, providing a safe and convenient route for visitors to the proposed holiday accommodation to be able to walk into the village within under 5-minutes. The route is within the applicant's ownership, before joining the existing footway to the northeast of the B7016, within the village.



The alternative route is considered to be favoured by the applicant who operates a working farm as it is free from obstruction and would not interrupt day-to-day operations within the farm. The route also provides direct access to the top of the village, where visitors can then walk down the high street.

Please let me know if you have any queries or would like to chat through.

Have you received any further consultee responses? Are you still in a position to determine the application by the 19th August?

Look forward to hearing from you.

Best wishes,

Lucy

Lucy Moroney MRTPI

Senior Planner

T. (Direct). 01896 809 453

(Office). 01896 668 744

E. lucy@fergusonplanning.co.uk

W. www.fergusonplanning.co.uk

t. @fergplan

This message may contain confidential information. If you think this message has been addressed to you in error please delete it. You are not entitled to copy or forward it to any third party other than the sender. We would ask any such occurrences to be notified to tim@fergusonplanning.co.uk Unless stated nothing in this message shall be taken to be an offer or acceptance of any contract. We are not responsible for any effect that this message or its attachments may have on your IT system. Any views or opinions presented are solely those of the author and do not necessarily represent those of ferguson planning.

-----Original Message-----

From: ranald.dods@scotborders.gov.uk <ranald.dods@scotborders.gov.uk>

Sent: 21 June 2022 09:48

To: Lucy Moroney <lucy@fergusonplanning.co.uk>

Subject: Acknowledgement letter for application 22/00959/FUL

Please find attached an acknowledgement letter for the above application

***** This email and any files transmitted with it are privileged, confidential and subject to copyright. Any unauthorised use or disclosure of any part of this email is prohibited. If you are not the intended recipient please inform the sender immediately; you should then delete the email and remove any copies from your system. The views or opinions expressed in this communication may not necessarily be those of Scottish Borders Council. Please be advised that Scottish Borders Council's incoming and outgoing email is subject to regular monitoring and any email may require to be disclosed by the Council under the provisions of the Freedom of Information (Scotland) Act 2002 .

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:	
Officer Name and Post:	Paul Grigor Roads Planning Officer	pgrigor@scotborders.gov.uk 01835 826663	
Date of reply	30 th June 2022	Consultee reference:	
Planning Application Reference	22/00959/FUL	Case Officer: Ranald Dods	
Applicant	Firm Of Corstane		
Agent	Ferguson Planning		
Proposed Development	Siting of shepherds hut and change of use of cabin to form holiday let accommodation		
Site Location	Land South West Of Corstane Farmhouse Broughton Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	Should the application be minded for approval I would request the condition shown below be included in any subsequent approval.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	No development hereby approved shall commence until a detailed plan showing the precise means of access has first been submitted to, then approved by, the Council. The detailed plan shall include construction specification, geometry and levels/gradients. Thereafter the approved details shall be fully implemented prior to occupation of either holiday unit. Reason: To ensure appropriate means of access to the holiday units is provided.		
Recommended Informatives			

AJS