

Appeal Statement
Joinery Workshop at Duns Road Industrial Estate
Duns Road, Greenlaw, Berwickshire, TD10 6XJ



3D Image of Proposed Workshop Beside A6105 Duns Road (Border Embroideries left of picture)

Introduction

Planning application 22/00032/FUL ('the Application') seeks permission to erect a joinery workshop at the Duns Road Industrial Estate, Greenlaw. It was refused by the Scottish Borders Planning Department, acting under delegated powers, on 9th September 2022. The reasons for refusal were:

1. *The proposal is contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for Greenlaw and the development would not constitute a logical extension to the settlement. The proposed development would prejudice the character and natural edge of Greenlaw and cause significant adverse effects on the landscape setting of the settlement and would not enhance the landscape. There are no significant community benefits of the proposal that justify development outwith the Development Boundary.*
2. *The proposal is contrary to policy ED7 of the Local Development Plan 2016 as it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within allocated business and industrial site within an identified settlement boundary. The development would be visually intrusive and would not respect the amenity and character of the surrounding area.*
3. *The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within an agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.*

It is therefore clear that the decision to refuse was not based on the principle of a joinery workshop, or impact on local residents, or noise, or highways issues, or quality of design, &c, &c. Everything about the proposal is fine other than its location. **This appeal asks a simple question – is the Local Review Body ('LRB') prepared to extend the Duns Road Industrial Estate to add one workshop for an established local employer?**

Background

The appellant, Marchmont Farms Ltd ('MFL'), doesn't sell land. In this rare circumstance it wishes to provide a site with planning permission for erection of a new workshop to G & J Waddell Ltd ('G&JW'), joiners of Greenlaw. G&JW is an important supplier to MFL, regularly undertaking joinery works around the Marchmont Estate. G&JW is also important to the local community and economy; this proposal has wide-ranging support. Documents on the portal include sixteen individual expressions of support along with eight objections (seven from a single family living opposite the Border Embroideries factory).

G&JW was established at East High Street, Greenlaw in 1955 by Dod and Johnny Waddell. It prospered and they needed a workshop. They were able to find a scrap of land and bought an ex-RAF shed from Winfield Aerodrome. The office stayed at East High Street, Greenlaw, where it remains, 67 years on. The shed is at Eccles – sandwiched between Forsyths' vehicle workshop and Olivers' haulage yard. It has been

enlarged and improved but is no longer adequate to contain the enterprise (right and below). Johnny Waddell's son Kenny took charge in 1991. During twenty of his thirty years at the helm, he has been looking for a suitable workshop or site that will allow the business to continue growing. It currently employs a staff of seventeen including a dozen joiners. One of these is Kenny's son, Graeme. Recently joining his parents as a company director,



Graeme wants to exploit opportunities to make bespoke items such as staircases, kitchens and garden furniture, and maybe open a trade counter, none of which is possible at the existing workshop. It is anticipated these activities will create eleven more full-time jobs in the short term, with long-term potential for double that. To be clear, this means the G&JW staff is expected to increase from 17 to 28 in the short term, and may reach 40.



Vans crowded around the Eccles workshop ...



... cause congestion for Olivers' lorries.

With little workshop space, the firm's emphasis is on site work, including acting as main contractors. The firm has a full order book with jobs planned all through 2023. The Waddell family believe in a traditional training regime; their team includes one first-year, one second-year and one fourth-year apprentice site joiners. If it moves to a new workshop, the company will double that to also train a cohort of three apprentice workshop joiners.

This is a Greenlaw business, run from Greenlaw by Greenlaw people. Several of the staff live in the town. Many town residents are customers. G&JW is reactive to local need and supports local causes; the Waddells are well liked. Customers throughout the Borders find G&JW's Greenlaw location convenient. Moving away would harm the business. The problem is – there is no suitable workshop in the town, and nowhere to build one. Kenny has tried to find space at the Old Station in Greenlaw, which has been and remains consistently full; at The Moat on Marchmont Road, which is steadfastly not available; and at the Poultry Unit on Marchmont Road, which is to be redeveloped as a mix of residential and arts-based workshops, so is not available. Back in 2013 G&JW tried to relocate to allocated site MGREE001, but their planning application (reference 12/01383/PPP) was refused for visual impact. The council's Economic Development Section has been consulted and is unable to help. The directors have run out of options. If this appeal is unsuccessful **their only other option is to lay-off joiners and other staff** so that the younger generation can use the current workshop for making a few of the larger joinery items.

The proposal is to build a new, fit for purpose workshop at the Duns Road Industrial Estate. This industrial estate is made up from employment site zEL22 and part of mixed-use allocation MGREE003. Both have been taken up by Greenlaw's largest employer – Border Embroideries – which has a staff of 50. There is no space left. The addition of G&JW's workshop will cross the Local Plan boundary onto agricultural land belonging to MFL. Border Embroideries supports the proposal and is prepared to share its excellent and safe access with G&JW. MFL supports the proposal and is prepared to sell a piece of the field to G&JW. Incidentally, this 1.5-hectare field is isolated from the rest of Marchmont Farms' land. The land to the east belongs to the Church.

The point at issue is whether it is appropriate to allow this proposal to stretch the development boundary. The decision at first instance indicates not; logic and local support indicate otherwise.

The appeal site has relevant planning history. Twenty-three years ago, planning permission 98/01057/OUT was granted to authorise a similar workshop on this site, plus an adjacent house for the proprietor. That consent was granted to Mr Smillie of Border Embroideries. He eventually bought a house in The Avenue and built his unit behind, on allocated site zEL22 (previously the yard of Henry Steel & Son, Builders) which is now the Duns Road Industrial Estate – and allowed the consent to lapse. The current proposal seeks to renew the lapsed planning permission.

The Reasons for Refusal

- 1. The proposal is contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for Greenlaw and the development would not constitute a logical extension to the settlement. The proposed development would prejudice the character and natural edge of Greenlaw and cause significant adverse effects on the landscape setting of the settlement and would not enhance the landscape. There are no significant community benefits of the proposal that justify development outwith the Development Boundary.***

POLICY PMD4: DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

In fact, the site is not entirely outwith Greenlaw's development boundary; it is partly inside ... and it represents an entirely logical extension to the development boundary. This Policy confirms developments should be contained within development boundaries unless one of the exceptions applies. An exception does apply in this case ... this is a job-generating development with an economic justification under Policy ED7. Before looking at Policy ED7 it should be noted that the notes to Policy PMD4 require exceptions to (i) be a logical extension of the built-up area; (ii) be of a scale appropriate to the size of the settlement; (iii) not to prejudice the character and cohesion of the settlement edge; and (iv) not to cause significant adverse effect on the landscape setting or natural heritage of the area. The current proposal easily clears these hurdles.

In addition, PMD4 requires that consideration is given to the proposal's influence on the long-term settlement profile, the cumulative effect of developments outwith the development boundary, and the impact on infrastructure and service capacity at Greenlaw. As the town has service capacity and desperately needs more economic activity, and because the proposal is well-sited and there is no other development contributing to a cumulative effect, these strands of Policy PMD4 present no obstacle to the proposal.

2. The proposal is contrary to policy ED7 of the Local Development Plan 2016 as it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within allocated business and industrial site within an identified settlement boundary. The development would be visually intrusive and would not respect the amenity and character of the surrounding area.

Policy ED7 is often concerned with developments required for agriculture and forestry, which are commonly outside development boundaries. The policy supports other business or employment-generating uses where there is an economic and/or operational need for a location outwith a development boundary and cannot reasonably be accommodated within the development boundary. This exactly describes the current proposal. The proposed workshop is for G&JW, an expanding business with a pressing need for a new workshop at Greenlaw. As there is no opportunity to site a new workshop entirely within the

development boundary, Policy ED7 allows the development to take place outside the boundary, so the proposal does, in fact, comply with this policy. Here it is:

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

BUSINESS, TOURISM AND LEISURE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Note (a) requires that the development respects the amenity and character of the surrounding area. The edge of an industrial estate cannot reasonably be described as a countryside location. Building drawings and a landscape plan submitted in support of the Application demonstrate respect for the amenity and character of the area. The workshop will be similar to the adjacent workshops of Border Embroideries; and the appellant is committing a significant area to new tree planting ... including a new public path, safely behind the roadside hedge. The landscape plan and 3D imagery show the landform is to be adjusted to provide a flatter footprint for the building, which will be no taller than the Border Embroidery buildings and with a planted bank behind. This represents improvement to the character and amenity of the surrounding area.

Note (b) requires that there is no significant impact on nearby uses, particularly housing. Support from Border Embroideries indicates there is no significant impact on them, which takes care of the south and east. To the north, the nearby use is agriculture – to be substituted with woodland – which will not suffer any significant impact. The proposal does not impact on housing over the road to the west, already screened by thick hedges irrespective of new planting associated with the workshop. There is potential to impact on Clay Dub Cottage. The design and layout take account of this possibility and do not affect its prospect or its light. Noise readings supplied in support of the Application demonstrate the cottage will not be affected

by noise. The dominant noise at the site is from traffic on the A6105, which passes directly in front of the cottage. No-one from the cottage has commented on the proposal.

Note (c) supports proposals for business development outside settlement boundaries where they provide employment and there is an economic and/or operational need to use the location, there being no reasonable alternative within the settlement. This is exactly the case here. G&JW employs twelve joiners plus support staff, seventeen in all. This is broken down into five site joiners, four manufacturing joiners (including the younger director), two labourers, one self-employed joiner and three apprentices – 1st year, 2nd year and 4th year. In the office there are two part-time staff (counted as one full-time) and Kenny at the head of the firm. Expansion at a new workshop will allow three more manufacturing joiners, three more apprentices (manufacturing as opposed to site joiners), a yardman, a storeman and a driver, another full-time admin person in the office and part-time positions for an estimator and a cleaner. Counting the part-timers as one, the immediate potential is eleven new jobs. There is, of course, also potential to expand the site team and increase the use of subcontract labour. The firm is currently a main contractor on four sites; the move would provide capacity for this to increase, which would create the additional full-time post of a site foreman. It is fair to say this business will expand immediately upon being given the opportunity. In addition, overturning the refusal of planning permission will release the current workshop to another enterprise, so the total number of jobs created could be as many as 30.

For completeness, other criteria taken into account by Policy ED7 are: impact on landscape and amenity – which are dealt with above in connection with Policy PMD4; whether a brownfield site is available for the new workshop – and there isn't one; consequences of expansion or intensification of current activity on the site – which is not proposed; and compliance with Policies PMD2 [Quality Standards] and IS4 [Transport Development and Infrastructure] – which are not at issue according to the Planning Department's reasons for refusing the Application.

3. The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within an agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

POLICY ED10: PROTECTION OF PRIME QUALITY AGRICULTURAL LAND AND CARBON RICH SOILS

Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless:

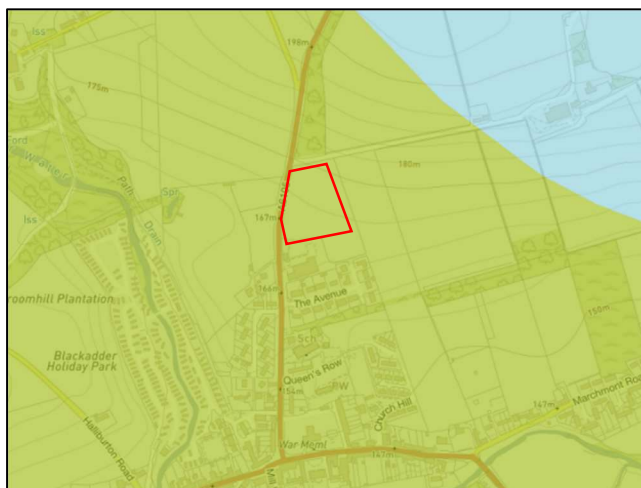
- a) the site is otherwise allocated within this local plan
- b) the development meets an established need and no other site is available
- c) the development is small scale and directly related to a rural business.

Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.

Note 1.2 to this Policy says:

Certain developments of a temporary nature may be acceptable if adequate provision can be made for restoration of the soil once the development is removed. However, as it may take many years to restore the agricultural land to its former quality, this should not be encouraged. Prime quality land is defined as classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system.

Agricultural land is graded in five classes, Class 1 being the best. Class 3 covers such a big area that it is divided into 3.1 and 3.2; only 3.1 is considered to be prime quality. The field to the north of the Duns Road Industrial Estate (right, bounded red) is categorised as “3.2 - Land capable of average production though high yields of barley, oats and grass can be obtained. Grass leys are common.” The inset map is extracted from the land capability for



agriculture map; pale green represents Class 3.2 land, which is not ‘prime quality’ according to Policy ED10. The Planning Department has made a mistake; this reason for refusal is just plain wrong. In any case, the field is isolated from the rest of MFL’s arable land and is too small for modern agricultural machinery. From an agricultural perspective this is marginal land.

The Planning Department’s error provides an opportunity to consider the benefits to be derived from planting the remainder of this field with trees, which is part of the current proposal. It will be observed from the map above that the area to be planted fills a gap in the local landscape, joining the wedge-shape of the town – with all its gardens and trees – to the windbreak plantation above to the north. This will provide screening, a wildlife corridor, and a defensible boundary against the spread of development further up the hill.

Traffic

Traffic movements at the existing workshop are twelve vehicles in the morning rush hour (07.30 to 08.30) and an average of another twelve through the day, Monday to Friday, with only occasional traffic at weekends. This is nearly all vans. On average there is one lorry delivery per day, which might be either rigid-bodied or articulated. Although light, this is enough traffic to cause congestion and a hazard each morning. This level of traffic will transfer to the new site and will grow with the number of jobs, so could be half as much again within a year or two. The new level of traffic will not cause any hazard or congestion at the new site because its access is directly from the A6105, which has ample capacity, and the proposal includes plenty of space for loading, parking and turning.

Materials Provided in Support of this Appeal Statement

1. Site Photographs

A schedule of photographs is provided. These show, *inter alia*, the access and the site’s relationship with Clay Dub Cottage.

2. Proposed Building and Site Plans

Site and building plans are provided. These show 15 car parking spaces, details of surface materials, existing and proposed levels, and the finished floor level of the building. It will be noted that entire building will be clad with insulated grey profiled metal sheeting to match the adjacent units. The roof is asymmetric; its shape does not influence the ridge height – it optimises the south-facing area available for solar panels. As the woodworking machinery will be in use during the day it makes sense to optimise the use of solar-PV panels to generate electricity throughout the day.

3. Landscape Plan, Planting, Screening and SUDs Pond

A landscaping plan and 3D images are supplied. These are based on a topographic survey, edited to show the desired cut-and-fill, and superimposed with the landscaping and planting proposals, and a SUDs Pond. The images show considerable care is being taken to ensure good screening, notably to the northern and western sides and against the road. From the south-west, the landscaping and planting will provide a natural backdrop within a few years of establishment. This is work the appellant will do, having the appropriate skill set. The landscape area will not be sold to G&JW, it will be retained and managed by the Marchmont Estate. It will be noted that the planting scheme includes a second hedge against the A6105, providing a safe path for walkers and cyclists.

4. Noise Assessment

A noise assessment is provided. It shows the full complement of woodworking machinery, including dust extraction and a radio, produces considerable noise in the joiners' existing workshop ... but is barely audible above background noise outside, despite scant sound insulation compared with that proposed in the new workshop. The background noise level at the new site is around 20% lower than at the current workshop until a vehicle passes along the A6105, whereupon it becomes around 20% louder. The study confirms the nearest neighbours – Clay Dub Cottage and Borders Embroidery – will not suffer noise nuisance from a joinery workshop. As an added precaution, the workshop doors open to the north and east, where there are no neighbours.

Summary

It seems to me that this appeal is necessary because the decision at first instance was made by SBC's Planning Department under delegated powers. The scheme of delegation does not permit the Planning Department to approve applications that are not on all fours with the Local Plan; only the committee can do that. The proposed development extends beyond the boundaries of employment site zEL22 and mixed-use allocation MGREE003; it crosses the development boundary at the north end of Greenlaw, rendering it unsupportable according to the scheme of delegation. The Planning Department therefore had reasonable grounds to refuse it, but those grounds say nothing about the proposal – in particular nothing *against* the proposal. The decision exposes a problem, not with the proposal, but with the Local Plan ... there is a shortage of land allocated for employment uses in Greenlaw.

The only employment site in the Local Plan for Greenlaw (zEL22) is fully taken up by Border Embroideries. The only mixed-use site with remaining capacity is MGREE001, where G&JW's 2012 application for a

workshop was refused for visual impact. There is no other allocation; the only remaining option is to build on unallocated land ... but a decision to allow this cannot be made by a planning department using delegated powers.

The remedy is for the LRB to disregard the constraint imposed by the development boundary and allow this appeal. This would hardly be startling; Local Plan Policy PMD4 contains an exception which allows developments that create jobs or have an economic justification to take place outside development boundaries; and Policy ED7 supports business and / or employment-generating developments that cannot reasonably be accommodated within development boundaries. Overturning the refusal will not create a difficult precedent. The adopted Local Plan already contains a policy exception and a policy which the LRB can and should use to overturn a decision made in circumstances constrained by provisions for planning administration.

There can be no doubt that G&JW is an established local business that will grow and prosper, creating new employment, the moment it can find suitable new premises. Further, there is no doubt that the proposed workshop would be entirely acceptable if proposed on allocated land ... it is acceptable in principle, acceptable in terms of design, acceptable on highways grounds, acceptable in terms of noise, acceptable regarding impact on neighbours, acceptable in terms of sustainability, and so on. The only problem is location, despite this location having planning history that includes a consent for a workshop. The appeal site is not 'prime quality' agricultural land, so that objection can be discounted. Combine these with MFL's willingness to accommodate G&JW's needs, including all the landscaping and tree planting, and the case for overturning the Planning Department's decision at first instance becomes compelling. We entreat the LRB to make use of adopted planning policies to overturn the decision at first instance and permit extension of the Duns Road Industrial Estate to accommodate this workshop.

Prepared by:
A H Garratt LL.B FRICS FAAV



**SMITH &
GARRATT**
HERITAGE · RURAL · PRIVATE CLIENT

The Guildhall, Ladykirk, Berwickshire, TD15 1XL
Tel: 01289 382209
E-mail: ahg@smithandgarratt.com