

Hardens Hall
Hardens Road
Duns
TD11 3NS

17 March 2023

Dear Sir/Madam,

**Planning Application Reference: 22/01740/PPP
Erection of dwelling house at Paddock West of Hardens Hall**

In respect of the decision made by the Planning Authority to refuse planning permission I wish to have this case reviewed by the planning authority under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended).

The reasons given for refusal were that the proposed development was contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 as there was deemed to be no capacity to add an additional dwelling house to the existing building group. In addition it was claimed that the proposal would fail to comply with Policies PMD1 and PMD2 in that there was no infrastructure to support pedestrian movement into Duns which would adversely impact on pedestrian safety and lead to over reliance on the private car.

In response I would draw attention to the multitude of permissions for development along Hardens Road which have previously been granted by Borders Council. In particular planning application 21/01283/PP referring to erection of a dwelling house to the east of Hardens Hall was recently granted on appeal (Local Review Reference 22/00014/RREF). In addition planning application 10/00038/PPP for development of the plot of land on the other side of this application has also recently been approved (21/01920/AMC).

Planning application 21/01283/PPP was initially refused by the Planning Authority on similar grounds but granted on appeal on 20 October 2022. The Review Panel noted that there were four existing houses in the 'Western Housing Group'. In terms of capacity for this group to be expanded, the Review Body noted that several additional houses had been built since the Local Development Plan was adopted and that, as the scale of addition had already been breached, a further breach would not be sufficiently material to justify refusal. Issues of capacity was not considered to be a determining issue.

The area of land described as the Paddock referred to in the current application is the only plot of land along this stretch of Hardens Road that has not been developed or had a planning application granted. This would result in the anomalous position that one plot of otherwise unused land would remain isolated between areas of development.

Returning to the decision reached by the Appeals Body in respect of application 21/01283/PPP members noted that that site adjoined Hardens Hall and was both within the overall sense of place of the wider grouping of houses to the west but could also be considered to be a logical extension. The same points of fact apply to the current application.

Planning application 21/01283/PPP was also refused in terms of Policies PMD1 and PMD2, namely the lack of footpath link in terms of sustainability of transport and road safety. Though the same objections have been raised by the Roads Officer to both applications, the Review Body considered that, given the presence of other developments in the vicinity, it would be neither justified nor proportionate to require single house application to provide a footpath link to Duns. The same situation applies to this application. I regularly observe horse riders, dog walkers, joggers, cyclists and walkers passing the plot subject to this application. If road safety is considered to be a determining issue the Council have the ability to consider implementing a reduction in speed limit from the current 60mph limit to enhance road safety. I am not aware of there having been an issue with road safety or collisions along this section of Hardens Road.

Pedestrian access to properties on Hardens Road extends much further than the plot referred to in this application. In addition there is considerable pedestrian traffic near to this site by golfers crossing from the 1st green to the 2nd tee over Hardens Road. Warning signs about golfers crossing are prominently displayed.

Given that each of the previous planning applications for the erection of a dwelling house (similar to this one) have been granted I would ask the Review Body to consider their previous decisions and the information contained herein to reverse the decision reached by the Appointed Officer.

Yours faithfully,

Norma Conroy