

# APPEAL AGAINST SCOTTISH BORDERS COUNCIL NOTICE OF REFUSAL OF PLANNING PERMISSION

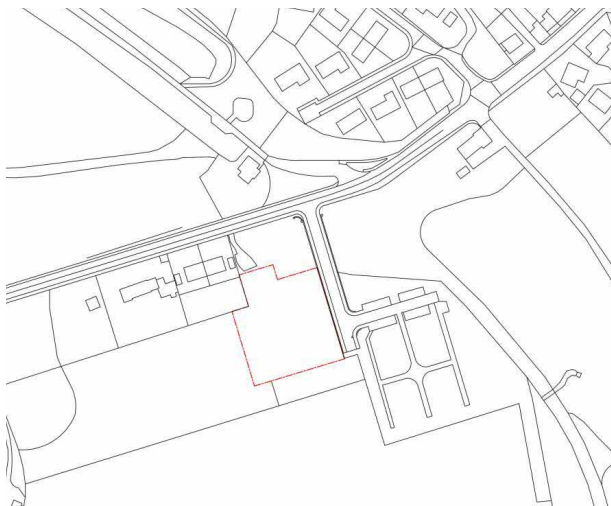
FOR

## ERECTION OF 2No DWELLINGHOUSES (Application Ref –22/01416/PPP)

AT

LAND SOUTH OF  
1 KELSO ROAD  
COLDSTREAM  
SCOTTISH BORDERS

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## **Introduction**

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This statement has been prepared by Camerons Strachan Yuill Architects on behalf of the applicant, Andrew Douglas-Home. The statement should be read alongside all information exchanged throughout the planning process, and which forms part of this appeal submission. The site is located to the south of 1 Kelso Road, Coldstream, and lies outside the settlement boundary of Coldstream. The proposal is for the erection of 2no Dwellinghouses.

## **Reason for Refusal**

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The application was refused for the following reason:

*'The proposed development would be contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016, as well as the Council's Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would erode the integrity of the development boundary for the settlement of Coldstream, it would not relate well to an existing building group, it would break into an undeveloped field outwith the group's sense of place, to the detriment of the character and appearance of the building group.*

*Furthermore, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource. This conflict with the development plan is not overridden by any other material considerations.'*

The following statement intends to set out why this should be overturned as part of this appeal.

## **Application Background**

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The planning history related to the site, and immediate surrounding area is as follows:

**12/00281/PPP:** Erection of 32 bed care home. Refused 24<sup>th</sup> September 2012.

**13/01062/PPP:** Erection of 32 bed care home. Refused 9<sup>th</sup> December 2013.

**06/00111/OUT:** Erection of nursing home. Refused 11<sup>th</sup> October 2006.

Of relevance:

**19/01562/FUL:** Change of use from agricultural land to form cemetery, formation of new access and associated works. Approved 20<sup>th</sup> April 2020.





## Policy PMD4: Development Outwith Development Boundaries

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The sets out the following:

### 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.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

In relation to the above, and the exceptions, (d) the community benefit of housing with ease of access to the settlement of Coldstream should be considered a sizable benefit in terms of the local housing market. It also responds to the fact that other housing sites in Coldstream have yet to be delivered under the current local plan (c), again another community benefit in that the proposed houses can be taken forward.







## Policy HD2: Housing in the Countryside

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The aforementioned demonstrates how the proposal relates to the building group, and with it the two units should be supported. The sites relationship with Coldstream should also merit support, as it provided more immediate access to Coldstream (a), and will help reduce the occupants carbon footprint, contributing to Net Zero emissions goals. The proposal provides Coldstream with an egress gateway proposal, which would be fitting of the settlement. The policy sets out the following:

### POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

#### (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.





**Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils**

In relation to breaking into an undeveloped field, and permanent loss of prime quality agricultural land; this point has been poorly considered. The field has never been used for anything other than horses, and more importantly the field has also been developed as part of the following application: **19/01562/FUL**: Change of use from agricultural land to form cemetery, formation of new access and associated works. Approved 20<sup>th</sup> April 2020, and the works are shown below in the aerial view and site photo.

**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.



Figure 4: Aerial View of Site



Figure 5: Site works related to 19/01562/FUL





## **Appeal Conclusion**

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The appeal response can be summarised as follows:

- 1: The proposal enhances the setting in which it resides, and both respects and complements the building group.
- 2: The proposal doesn't reduce prime agricultural land, and is located in a previously developed field.
- 3: The proposal benefits the community in that it will provide housing that isn't being delivered by existing local plan sites.
- 4: It provides housing that will help reduced the carbon footprint of residences based on its proximity to Coldstream, contributing to Net Zero emission targets.
- 5: The proposal does not erode the integrity of Coldstream's boundary. The proposal is clearly out with the settlement boundary and is separated by a significant landscape features of The Lees. The site in turn relates well to the countryside surroundings of Kelso Road.

Based on the quality of the outline design, along with all the supporting information submitted, including the above statement; we believe that the application should be approved.

Yours faithfully,



Gavin Yuill

**Managing Director / Senior Architect**

