

From: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>
Sent: 02 May 2023 16:42
To: localreview
Cc: Henderson, Fiona
Subject: RE: Land at Disused Railway Line, Rachan, Broughton -
22/01811/FUL and
23/00010/RREF

Response to your request of 18th April for further information relating to the impact of NPF4 on the above planning application and subsequent review.

The consideration of this proposal is limited only to the acceptability of the modification of a condition to allow the property to be used as a dwellinghouse rather than as holiday accommodation. The policies from NPF4 relevant to that consideration are noted, with commentary and a conclusion below.

Policy
Commentary
4 - Natural places

The policy aims to protect, restore and enhance natural assets making best use of nature-based solutions. The site is located within the Upper Tweeddale national scenic area (NSA). The modification of the condition would not impact the NSA since the building has already been constructed.

7 - Historic assets and places

This policy aims to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the regeneration of places. The site is within the locally designated Rachan designed landscape. The modification of the condition would not impact that designation since the building has already been constructed.

14 - Design, quality and place

The aim of this policy is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The modification of the condition would not be contrary to this policy since the building has already been constructed.

16 - Quality homes

The aim of this policy is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

The proposal to modify the condition to allow the use of the building as a dwellinghouse would be contrary to this policy in that criterion f) states, amongst other things, that proposals for new homes on land

not allocated for housing in the LDP will be supported only in limited circumstances including that the proposal would be consistent with policy on rural homes. The land is within a rural location and not allocated in the LDP for housing and this is not the right location for a new dwellinghouse. As set out below, a new house in this rural location would not be acceptable. The proposal would not, therefore, be compliant with policy 16.

17 - Rural homes

The policy aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. The building was justified under 15/01355/FUL as a rural tourist business. That business has never operated and modification of the condition would be tantamount to "planning by the back door" in that a new dwellinghouse in this location would not be compliant in principle with policy 17 as it does not fit with any of the policy criteria.

18 - Infrastructure first

Policy 18 aims to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. The building was exempted from developer contributions as it was accepted as a tourism related development. Were the condition to be modified, thereby permitting the building to become a dwellinghouse, developer contributions would be required.

22 - Flood risk and water

management

The policy aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding, including that a development should: not increase the risk of surface water flooding to others or itself be at risk; ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue/green infrastructure and; iii. minimise the area of impermeable surface.

The modification of the condition would not be contrary to this policy since the building has already been constructed.

30 - Tourism

Policy 30 aims to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments and inspires people to visit Scotland. The building was justified under 15/01355/FUL as a rural tourist business. Criterion c) of policy 30 states that development proposals that involve the change of use of a tourism-related facility will be supported only where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area. The appellant has not met the terms of this criterion.

The principle of the proposed development is not supported by NPF4 since, amongst other things, rural housing in the countryside requires compliance with criteria in policies 16 and 17 and the proposal

would have to comply with the terms of policy 30. This proposed development does not meet the terms of those policies.

NPF4 is only part of the statutory development plan. Local Development Plan policy HD2 supports housing within building groups. However, the matter of a building group has been tested at appeal in respect of 06/01423/FUL approximately 100m to the north of the site currently under consideration, the Reporter defining the extent of the local group. In his decision he stated "I find that the dispersed building group at Rachan is located west of the redundant railway line; that the access road [to the north of the site under consideration] defines its southern boundary; and that the appeal site is unrelated to the 'group'...". Given the site under review is even more remote from the building group defined by the Reporter, it follows that the current site is similarly outwith the defined building group. As such, removing the occupancy condition would result effectively in permission being granted for an isolated and unjustified dwellinghouse, contrary to the terms of the statutory development plan. Granting permission would set an undesirable precedent for similar proposals for developments justified on the grounds of providing tourist accommodation in locations where mainstream dwellinghouses would not otherwise comply with the statutory development plan.

In addition, the property has never been operated as part of a tourism related business. No evidence has been advanced to demonstrate that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area. This proposed development does not meet the terms of policy 30.

NPF4, therefore, reinforces the reasons for refusal already stated in the original decision notice and officer's Report of Handling.

Ranald

From: Henderson, Fiona <FHenderson@scotborders.gov.uk>
Sent: 18 April 2023 09:03
To: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>
Subject: Land at Disused Railway Line, Rachan, Broughton - 22/01811/FUL and 23/00010/RREF
Importance: High

Good Morning

Further to the Local Review Body held on 17 April 2023, as you will be aware the Scottish Government adopted, with effect from 13 February 2023, the National Planning Framework 4 (NPF4). As this supersedes previous guidance and has been incorporated into the Local Development Plan, we must, in terms of Section 25 of the Planning Act 1997, ensure that Planning Decisions and Reviews take account of this new Framework.

To this end, comments on the impact of NPF4 on the above planning application and subsequent review are being sought from the Officer and Applicant. In order that the application be continued to the earliest Local Review Body Meeting, the further information must be provided by Wednesday, 3 May 2023 and be sent to the Clerk of the Local Review Body by email to localreview@scotborders.gov.uk. This will then be forwarded to the Applicant for comments and they have further 14 days in which to respond.

Should you require any further assistance, please do not hesitate to contact me.

Thanks Fiona

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