

SCOTTISH BORDERS COUNCIL

TWEEDDALE AREA COMMITTEE

23 OCTOBER 2006

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 06/01423/OUT

OFFICER: Mr B Fotheringham

LOCAL MEMBER: Councillor N Norman

PROPOSAL: Erection of dwellinghouse

SITE: Land South East of Pinewood End, Adjacent to Tomb Plantation, Rachan, Broughton

APPLICANT: Mrs Nancy Maxwell

AGENT: John R Harris & Partners

**SITE AND APPLICATION DESCRIPTION:**

The site is located within the former Rachan Estate Policies near Broughton and forms part of a stretch of former railway line. The application site is currently occupied by an incomplete workshop/storage unit and is accessed via an existing access track taken from the public road to the south. The site which is currently used for grazing is bound to the north and south by roads, whilst to the west is mature woodland and to the east a field.

This outline planning application relates to the erection of one dwellinghouse on the site of the partially complete workshop building.

**PLANNING HISTORY:**

99/00491/FUL – Full planning consent was granted for the erection of a workshop/storage building and formation of access road on 14 July 1999. The building has been partially erected although the access road has been formed and works to grade the site have been undertaken.

02/01247/FUL – Full planning consent was refused on 23 September 2002 for the erection of a dwellinghouse on land immediately to the south of the site. It was refused on the grounds that the proposal would be contrary to Policies 7 and 8, of the Tweeddale Local Plan and H5 and H6 of the Approved Structure Plan in that the proposed site is not part of a recognised building group and there has not been adequate justification to allow approval contrary to policy.

04/02222/FUL – Full planning consent was granted by the Tweeddale Area Committee on 28 March 2005 for the erection of a dwellinghouse on land immediately to the south of the current application site. The application was granted consent contrary to the Officer's recommendation.

**DEVELOPMENT PLAN POLICIES:**

Approved Structure Plan 2001-2011

**POLICY N10 - National Scenic Areas**

Development in National Scenic Areas will only be permitted where

- (i) the objectives of designation and the overall landscape value of the site will not be compromised, or,
- (ii) any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

**POLICY N11 - Areas of Great Landscape Value**

In assessing proposals for development in Areas of Great Landscape Value, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals which have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.

#### POLICY H5 – New Housing in the Countryside – Building Groups

Proposals for new housing in the countryside outwith defined settlements will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (iii) are readily accessible to the strategic public transport network,
- (iv) employ energy efficient and/or innovative design principles.
- (iii) incorporate employment-generating uses appropriate to a countryside setting.

#### POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements and unrelated to building groups, will only be supported where:

- (iii) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Finalised Scottish Borders Local Plan 2005

#### POLICY EP1 – NATIONAL SCENIC AREAS

Where development proposals impact on a National Scenic Area, developers will be required to comply with Structure Plan policy N10.

#### POLICY EP2 – AREAS OF GREAT LANDSCAPE VALUE

Where development proposals impact on an Area of Great Landscape Value (AGLV), developers will be required to comply with Structure Plan policy N11.

#### POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- (a) in village locations in preference to open countryside, and
  - (b) in dispersed communities in the southern Borders that are experiencing depopulation in preference to areas under significant commuter pressure in the Northern Borders, Central Borders and Berwickshire.
- These general principles will be the starting point for the consideration of applications for housing in the countryside which will be assessed against the Council's Policy Guidance Note "New Housing in the Borders Countryside" 1993, as amended 2000 and 2004 and Structure Plan policies H5 and H6. This policy should be read in conjunction with these other policy statements which give more detailed guidance on siting, design and interpretation.

Housing in the countryside may be approved provided that:  
EITHER

(Building Group)

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) 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.
2. In a small number of areas of the Borders where there are few building groups comprising 3 houses and a more dispersed pattern is the norm, a lower threshold may be appropriate. A lower threshold may also be accepted in instances where the development would bring tangible environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

3. Any consents for new build granted under this part of this policy should not exceed 100% of the existing number of housing units in the group. No further development above this threshold should be permitted.

4. The cumulative impact of new development 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

on the landscape or the natural heritage, unless it can be shown that development is merited through other criteria as set out below.

OR

(Anchor point)

The Council is satisfied that the site lies within a recognised “dispersed community” that functions effectively as an anchor point in the southern Borders. These dispersed communities are to be found in areas of rural depopulation and comprise the Ettrick and Yarrow valleys and southern Borders as indicated on Policy Maps P0-P5. Any consents granted under this part of this policy will not normally exceed 100% of the existing number of housing units in the dispersed group. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

OR

(Economic Requirement)

The Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside; such could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing

AND

3. no appropriate site exists within a building group, and

4. there is no suitable existing house or other building capable of conversion for the required residential use, and

EITHER

5. a) it is for a worker predominantly employed in an enterprise which is itself appropriate to the countryside and the presence of that worker on-site is essential to the efficient operation of the enterprise,

OR

b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority: to tie the proposed house (or, in the case of 5b). above, any existing house) to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants.

A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

OR

(Conversion)

The proposed development is a change of use of a building to a house, provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use; and
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion; and

3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

OR

(Rebuilding)

The proposed development is the rebuilding or restoration of a house, provided that either:

1. the existing building makes a positive contribution to the landscape
  2. the walls of the former residential property stand substantially intact (normally at least to wallhead height), and
  3. no significant demolition is required (A structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored); and
  4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
  5. Significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design
- or:
6. the proposal relates to an established policy/parkland setting, not normally comprising part of a designed landscape, and
  7. there is evidence of the existence of the building in terms of criteria 1-3 above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
  8. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
  9. the extent of new building does not exceed what is to be replaced.

In ALL instances there shall be compliance with the Council's Policy and Guidance Note on 'New Housing in the Borders Countryside' and must not negatively impact on landscape and existing developments. The cumulative effect of applications under this policy will be taken into account when determining impact.

Tweeddale Local Plan 1996:

Policy 7

Outwith the settlements identified in policies 2, 3 and 6, limited new housing development will be encouraged within or adjacent to recognised building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 57 and 58.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Policy 8

There will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:-

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policy 57 and 58.

7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### Policy 75

Within National Scenic Areas, Areas of Great Landscape Value, and within Heritage Areas in the longer term, the Regional Council, in considering development proposals, will seek to safeguard the heritage significance of the area concerned. The heritage significance may relate to landscape quality or amenity, nature conservation, archaeology or cultural issues, or to a combination of these. The Regional Council proposes that:

1. Where conflict arises between development and conservation, precedence will generally be given to the protection of the particular aspect of heritage significance;
2. Landowners and farmers will be encouraged to balance the need for efficient land management with the need to conserve the essential elements of the landscape;
3. Large scale developments, including mineral workings, overhead power lines and industrial buildings, will not normally be permitted unless such development can be shown to be acceptable following an assessment of the environmental implications;
4. Any developments which are acceptable will be required to meet appropriate standards of siting, design, materials and landscape treatment.

N.B. The particular case of development by telecommunications operators is subject to Policy 104A

#### Policy 77

The Regional Council will ensure that development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;
2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
3. Appropriate site services and access available;
4. Any new building must be of sympathetic design and materials;
5. Any new building must be well sited in terms of location and landscape setting.
6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### OTHER PLANNING CONSIDERATIONS:

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000 and August 2004.

Planning Advice Note 72: Housing in the Countryside. February 2005.

SPP15: Planning for Rural Development. February 2005.

#### CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Roads): If this application fits in with Housing in the Countryside policy then I will be able to support it on the condition that there is some localised road widening on the public road serving the site, which will be of benefit to all road users.

Director of Planning and Economic Development (Access): Reply awaited.

Statutory Consultees

Upper Tweed Community Council: No objections.

Other Consultees

None

#### OTHER RESPONSES:

A supporting statement was submitted with the application. This is copied in full for Members attention.

Three letters of objection have been submitted. The principle grounds of objection can be summarised as follows:

- The previous recommendation to refuse the application on the adjacent site
- Adverse impact on the Upper Tweed National Scenic Area
- No economic need
- Increased level of traffic
- Contrary to housing in the countryside policy
- Inconsistent with character of the area
- Inadequate access
- the proposed dwelling would increase the 100% additions rule

#### PLANNING ISSUES:

Whether the proposal complies with Council policy on new housing in the borders countryside.

#### ASSESSMENT OF APPLICATION:

There clearly is the presence of a dispersed building group at Rachan which is characterised by the sense of place created by the Tomb Plantation, the former sawmill site, the pond and the existing dwellings. However, it is contended that the application site, despite being located on the site of an incomplete workshop would not form part of this wider dispersed group. The application site is located on the eastern side of the Tomb Plantation on the former railway line but it is considered that it would lie outwith the identifiable limits of the dispersed group. In this instance it is considered that the erection of a dwellinghouse would be contrary to policy D2 of the Finalised Local Plan, Policy H5 of the Structure Plan and Policy 7 of the Tweeddale Local Plan.

The application would therefore have to be considered in terms of the council's policy on isolated housing in the countryside. There continues to be a presumption against single isolated housing in the countryside unless they can be adequately substantiated or there is an exceptional change in circumstances to suit a local resident. The application was submitted with a supporting statement which is not sufficient enough to justify the need for a house in terms of Policy D2 of the Finalised Local Plan, Policy H6 of the Structure Plan and Policy 8 of the Local Plan. The applicant states that her son, who intended to operate his construction business from the partly erected building, no longer requires the unit. It is her intention to demolish the workshop and erect a dwellinghouse.

Members will recall from the earlier grant of planning consent for the erection of a dwellinghouse on land to the south of the application site (04/02222/FUL) that the planning authority recommended that consent be refused on the grounds that the site lies outwith the established building group and there is insufficient justification to erect an isolated house in this location. In this instance, the planning authority must remain consistent and recommend that this application be refused.

#### RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

It is recommended that this application is refused for the following reason:

The proposal would be contrary to Policies 7 and 8, of the Tweeddale Local Plan 1996, Policies H5 and H6 of the Approved Structure Plan 2001-2011 and Policy D2 of the Finalised Scottish Borders Local Plan 2005 in that the proposed site is not part of a recognised building group and the need for the house has not been adequately substantiated.

Original copy of report signed by  
BRIAN FRATER (Head of Development Control)

**REASON FOR DECISION :**

**Recommendation:** Refused

- 0 The proposal would be contrary to Policies 7 and 8, of the Tweeddale Local Plan 1996, Policies H5 and H6 of the Approved Structure Plan 2001-2011 and Policy D2 of the Finalised Scottish Borders Local Plan 2005 in that the proposed site is not part of a recognised building group and the need for the house has not been adequately substantiated.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**