

SCOTTISH BORDERS COUNCIL

TWEEDDALE AREA COMMITTEE

23 SEPTEMBER 2002

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 02/01247/FUL

OFFICER: Mr Kevin Murphy
LOCAL MEMBER: Councillor Younger
PROPOSAL: Erection of dwellinghouse
SITE: Land At Disused Railway Line, Rachan, Broughton, Biggar, Lanarkshire
APPLICANT: Ian Maxwell
AGENT: Archetypes

SITE AND APPLICATION DESCRIPTION:

The site is located within the former Rachan Estate Policies near Broughton and consists of a stretch of former railway line. The site has been re-graded and an access track taken from the road to the south, the northern end of the site has been re-graded and a plateau formed. Four mature trees follow the line of the old railway to the south of the plateau. 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 proposal is to erect a 3 bed L-shaped 1.5 storey slate roofed dwellinghouse in the centre of the site. The external finishes would be a mixture of timber cladding and rendered walls with timber windows and doors.

PLANNING HISTORY:

99/00491/FUL – Full planning consent was granted for the erection of a workshop/storage building and formation of access road. As yet the building has not been erected although the access road has been formed and works to grade the site have been undertaken.

DEVELOPMENT PLAN POLICIES:

Finalised Structure Plan 2001-2011

POLICY N10 - National Scenic Areas

Development in National Scenic Areas will only be permitted where

- (ii) 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 settlements² and unrelated to building groups, will only be supported where:

- (ii) 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.

Tweeddale Local Plan 1996:

Policies 7, 8, 57, 58, 65, 75 & 77 apply which state:

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.
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² Defined settlements are those identified in Local Plans and Village Plans

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 57

The Regional Council will ensure that any new building in the countryside is of sympathetic design and materials. Particular attention will also be paid to the location and landscape setting of any development. Skyline locations and ribbon development will not normally be permitted.

Policy 58

Proposals for new residential development, and redevelopment, especially in Conservation Areas and throughout the countryside, should pay particular attention to layout, design and materials to ensure the development is sympathetic to, or complements, the surrounding area.

Policy 65

The Regional Council will ensure that appropriate measures relating to ground works, tree planting and landscaping are built into new developments.

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.
7. 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.

Planning Advice Note 36 – Siting and Design of New Housing in the Countryside

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Transport and Environmental Standards Portfolio: (Roads) The application can be supported if there is an economic justification for the house. Otherwise the proposal would be opposed on the grounds of the inadequacy of the road network and precedent the approval of a house would set.

Other Consultees:

Scottish Water: A gravity water supply is available from the public mains however the nearest mains are 1 km from the site. This matter will be discussed further between Scottish Water and the developer. There is no public sewer to serve the site.

Scottish Environment Protection Agency: Sewage disposal should be via a suitably sized septic tank discharged to land via a closed soakaway system, in accordance with Part M of the Building Standards (Scotland) Regulations 1990 (as amended). If it is intended to connect to an existing septic tank it must be demonstrated that there is spare capacity and effluent disposal arrangements are to SEPA's satisfaction. SEPA's Pollution Prevention Guidance will provide the applicants with advice on disposal of sewage where there is no mains drainage available.

Upper Tweed Community Council: The proposed dwelling appears to be outwith the existing building group. If granted it may possibly lead to further extensions of the dispersed group and as a result the continued un-planned growth of a major settlement at Rachan. No economic

justification has been put forward for this dwelling or the commercial building understood to be required for which no plans have been received or considered or consent granted. The Community Council are strongly against such a piecemeal extension of Rachan.

Scottish Natural Heritage: Response awaited.

OTHER RESPONSES:

None

PLANNING ISSUES:

Whether the proposed location of the new housing complies with policy for new housing in the Borders countryside contained within the Structure Plan, Tweeddale Local Plan, amended guidance note and PAN 36.

ASSESSMENT OF APPLICATION:

This application proposes to erect a dwellinghouse on land currently used for grazing. The site is not adjacent to any other buildings and cannot be considered as an addition to a building group. Additionally due to the nature of the surrounding landscape it cannot be considered part of a dispersed building group where dwellings in the area are severed from each other by the disused railway line, fields, mature woodland and roads. Therefore the proposal must be considered under policies H6 of the Finalised Structure Plan 2001-2011 and 8 of the Tweeddale Local Plan 1996. Both refer to the criteria considered when considering an application for an isolated dwellinghouse in the countryside. Essentially in order to gain consent for an isolated dwellinghouse it must be proven that there is a sound economic need for a dwellinghouse on the site.

It is the applicant's intention to erect a workshop/storage building for his building company to the rear of the site and indeed preparatory works have commenced to implement this consent. However as yet this building and indeed business does not exist on site.

The applicant through his agent has stated that once the shed is constructed it will employ 4 people full-time, including the applicant, and depending on the stages of different building projects there will also be part-time workers. Further justification for the dwellinghouse is that the applicant has lived in the area for a considerable time and although actively seeking to purchase a property in the area has so far failed to do so. It is envisaged that the applicants young family's living conditions would be improved by moving from a small rented cottage to the house proposed and that the location adjacent to the business will also help sustain the business. The applicant considers this to be a viable way forward given that he already owns the land and is involved in the construction industry. As a pre-condition the applicant is willing to offer to build the shed first prior to building the dwellinghouse.

Whilst it is accepted that the site is convenient for the applicant given that he owns the land, policy requires that a stronger case is made demonstrating need. The fact that the applicant owns the land is not adequate justification in itself for a dwellinghouse.

It has been stated that the business will employ 4 full-time workers but given the nature of the business it is unlikely that they will spend much of their time on site. Although it is proposed that the erection of the house could have a suspensive condition ensuring that the business is

operational prior to the erection of the dwellinghouse the fundamental question remains whether there is a need for a house on the site.

It is considered that the need for the house is purely one of convenience both financially and personally, rather than essential to the running of the business. The applicant would not need to be available on site 24 hours a day especially as stated in a letter from the previous workshop application agent the applicant will spend the majority of time on sites elsewhere. Residing in the vicinity of the workshop is not therefore considered to be essential and the proposal therefore fails to meet the criteria set out in policies 8 and H6.

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 and H5 and H6 of the Finalised 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.

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