

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 19/01415/AGN

**APPLICANT :** Robert Gaston

**AGENT :**

**DEVELOPMENT :** Erection of general purpose farm building

**LOCATION:** Ravelaw Farm  
Duns  
Scottish Borders  
TD11 3NQ

**TYPE :** AGN Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L/01 A	Location Plan	Refused
RS17-1471-S5266-01	Proposed Plans	Refused
RS17-1471-S5266-02	Proposed Plans & Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Not applicable.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD2: Quality Standards  
HD3: Protection of Residential Amenity

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 28th October 2019

**Site description**

The application site lies within Ravelaw Farm to the north and west of an existing agricultural building.

**Proposed development**

It is proposed to erect a rectangular general purpose agricultural building, with apex roof, that would abut the north and west elevations of the adjacent agricultural building. The building would measure approximately 30.48 metres by 15.24 metres, covering an area of approximately 464.5 square metres. The building would have a height to eaves and ridge level of approximately 4.81 metres and 7.25 metres respectively. The

elevations of the building would be open to the elements. The roof would be finished using juniper green steel profile sheet cladding with translucent roof lights.

#### Relevant planning history

There is no planning history relevant to the application.

#### Assessment

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) grants planning permission for certain classes of development subject to various conditions. In connection with the erection of an agricultural building, the GPDO requires the applicant to ask the Planning Authority whether prior approval is required for the siting, design and external appearance of the building. The consent of prior approval is not a grant of planning permission in itself but merely amounts to the discharge of a condition of the planning permission granted by the GPDO.

The Planning Authority can consider only the siting, design and external appearance of the building on landscape impact grounds and cannot consider the principle of the proposal, which is established by the GPDO. No neighbouring notification procedures apply and any representations received cannot be taken into account by the Planning Authority. If for any reason the Planning Authority do not consider the proposed development to be used for the purposes as outlined under Class 18 of the GPDO then they can object to the proposed development.

Prior notification is sought for the erection of a general purpose agricultural building. The key planning issues under consideration for this application are the proposed siting and design of the building and the potential impact it may have on its setting and the surrounding area.

The design and materials of the proposed general purpose agricultural building are typical of those found across the Scottish Borders. Its general appearance would be in keeping with the neighbouring buildings and it would not appear overly conspicuous within the area. The proposal would not materially affect any residential properties in proximity to the application site.

In relation to the siting of the building, there are inconsistencies with the buildings size and location as demonstrated on the drawings submitted to support the application. The roof plan (drawing no. RS17-1471-S5266-02) shows the building to measure approximately 30.48 metres by 15.24 metres. When measuring the site area as shown on the location plan (drawing no. L/01 A) the building measures approximately 28.4 metres by 11.6 metres, which is smaller than the footprint show on the other drawings. The accuracy of drawings is of utmost importance. The location plan states that the distance from the west elevation of proposed building to the classified road to the west (C100) is 30 metres. However, when scaled from the drawing, this distance measures approximately 26.5 metres.

If the proposed building was drawn to scale on the location plan, as shown on drawing RS17-1471-S5266-02, there would still doubt over whether there is 25 metres between the west elevation of the proposed building and the classified road to the west. Subsection (2)(g) of the GPDO states that development is not permitted by this class if any part of the development would be within 25 metres of the metalled portion of a trunk or classified road. As it has not be suitably demonstrated on the drawings submitted to support the application that the proposed building lies more than 25 metres from the classified road to the west, regretfully, the Planning Authority must object to the application.

Even if the proposed building was drawn to scale on the location plan, it would appear from the drawing provided that there is approximately 54.5 metres between the west elevation of the existing agricultural building and the classified road. On the basis of the size of the proposed building the distance required to comply with the conditions outlined in the GPDO would be 55.48 metres. It appears that the proposed development would fall short of this by approximately 1 metre.

Therefore full planning permission would be required to erect the building as shown on the submitted drawings. Alternatively, a revised scheme may be submitted through the prior notification process with a smaller agricultural building that would be located more than 25 metres from the classified road.

## **REASON FOR DECISION :**

The Planning Authority is not satisfied that the proposed development would comply with the conditions outlined under Class 18: Agricultural Buildings and Operations of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as it would appear that the building would be located less than 25 metres from a classified road. Furthermore, there are inconsistencies in relation to the size of the building on the drawings submitted to support the application.

### **Recommendation:** Objection

- 1 The Planning Authority is not satisfied that the proposed development would comply with the conditions outlined under Class 18: Agricultural Buildings and Operations of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as it would appear that the building would be located less than 25 metres from a classified road. Furthermore, there are inconsistencies in relation to the size of the building on the drawings submitted to support the application.

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