

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/00588/PPP

APPLICANT: Mrs Yvonne Huggins-Haig

AGENT:

DEVELOPMENT: Erection of dwellinghouse

LOCATION: Land West Of Hardens Hall
Hardens Road
Duns
Scottish Borders

TYPE: PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations have been received.

Consultations

Community Council: They raise matters in respect of the division of existing house plots, the number of dwellinghouses granted along this section of road, drainage issues and road safety.

Education and Lifelong Learning: No response received at the time of this report.

Health and Safety Executive: Has no interest in the development.

Roads Planning Service: Objection. They have previously expressed concern about the increasing number of dwellings at this location. In particular, they have concerns over the sustainability of housing in this location, which is out on a limb from the rest of the town and residents would rely heavily on the use of a car for services in Duns. At the same time there will be occasional pedestrian movement between the group and the town but with no provision at present to support this.

A footway between nearby plots and the existing footway at Wellrig Park has previously been suggested, however it is considered that the cost of this would be unreasonable to place on a single dwelling. They therefore have no option but to recommend this application be refused in the interests of sustainable transport.

Scottish Water: No objection. They advise that there is currently sufficient capacity in Rawburn Water Treatment Works to service the proposed development. They advise that there is no public waste

water infrastructure within the vicinity of the proposed development and private treatment options would likely be required.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

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

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Contaminated Land Inspection Strategy 2001

Developer Contributions 2011 (updated 2022)

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Trees and Development 2008 (updated 2020)

Waste Management 2015

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 15th September 2022

Site description

The application site relates to an area of agricultural land to the north west of the dwellinghouse, Hardens Hall. The application site gently slopes from the north east to the south west. A hedge delineates the north east boundary of the application site. There are trees to the south west of the application site that relate to a large tree belt.

There is no direct access from the public road (C98) to the application site. Duns Golf Club lies to the north east and south west, and agricultural land lies to the north west of the application site.

The application site lies approximately 290 metres to the north west of the development boundary for the settlement of Duns. The application site is identified as being an area of prime quality agricultural land.

Proposed development

Planning permission in principle is sought for the erection of a dwellinghouse. Vehicular access would be taken from the public road that flanks the north east boundary of the application site. The proposed dwellinghouse would be connected to the public water supply network. Foul water would be dealt with by private drainage arrangements.

Relevant planning history

Application site:

10/00038/PPP Erection of dwellinghouse. Granted 10 May 2019.

Other sites:

13/00085/PPP Erection of dwellinghouse. Granted 10 May 2019.

17/00379/PPP Erection of dwellinghouse (renewal of previous application 13/00491/PPP). Granted 04 May 2017.

18/00056/PPP Erection of dwellinghouse. Granted 19 June 2018.

21/01283/PPP Erection of dwellinghouse. Refused 11 March 2022. Local Review Body (appeal ref no. 22/00014/RREF) overturned the officer's decision. Pending decision.

Assessment

Principle of development

The site is not located within the defined development boundary of a settlement and as such would equate to development in the countryside. In order to establish the principle of development it must be assessed against Policy HD2: Housing in the Countryside. The site is not located in the Southern Housing Market Area. At present, the application site is agricultural land and the proposal would not result in the conversion of an existing building to a house, the restoration of an existing house or result in the proposed replacement of an existing house. In addition, no justification has been provided to demonstrate that there is an economic requirement for a house to be built in this location. Therefore, sections (B) - (F) of Policy HD2 would not be applicable in establishing the principle of development in this particular location. It would only be appropriate to assess the proposal against section (A) Building Groups of Policy HD2.

Section (A) Building Groups of Policy HD2 advises that additional dwellings should only be permitted where the site relates well to an existing building group of at least three dwellings and will only result in the addition of two dwellings or a 30% increase to the group, whichever is greater, during the period of the Local Development Plan. 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 applications.

Additionally, the Council's Supplementary Planning Guidance titled 'New Housing in the Borders Countryside 2008' states that the existence of a group will be identifiable by a sense of place, which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The application site flanks the north west boundary of the dwellinghouse, Hardens Hall. Planning permission in principle has been granted for two dwellinghouses (10/00038/PPP & 13/00085/PPP) to the north west of Hardens Hall that would partly infill the gap between the dwellinghouses Hardens Hall and Langton Field. Part of the application site overlaps the application site for planning permission 10/00038/PPP. The aforementioned planning applications were lodged in 2010 & 2013, respectively. However, consent was only issued in 2019 after the conclusion of the required legal agreements. Both applications were assessed under previous policy and guidance, as well as taking into account the previous planning history for the applications sites.

Two dwellinghouses have also been granted to the north west of the dwellinghouse, Langton Field. Planning permission in principle was granted in 2017 for planning application 17/00379/PPP and in 2018 for planning application 18/00056/PPP. Further applications were submitted to agree the layout and design for the proposed dwellinghouses. They have subsequently been built and they are known as Hardens View and Hedgehope.

A further planning application for planning permission in principle 21/01283/PPP was submitted in 2021 for the erection of a dwellinghouse to the south east of the dwellinghouse, Hardens Hall. This application was refused by the Planning Authority in 2022, although the decision was overturned by the Local Review Body (local review reference number: 22/00014/RREF). Members considered there to be an existing building group present of four dwellinghouses which consisted of Hardens Hall, Langton Edge, Hedgehope and Hardens View. They acknowledged that the scale of addition had been breached and that in overturning the appointed officer's decision for planning application 21/01283/PPP would result in an additional breach but it

would not be sufficiently material to justify refused, given the planning history within this building group. This application has been approved, subject to the conclusion of a legal agreement. A decision has yet to be issued for planning application 21/01283/PPP.

In light of the Local Review Body decision, there is considered to be a building group at this location of four dwellinghouses, two of which were granted and built during the current Local Development Plan period. In total, four dwellinghouses have been granted in during the current Local Development Plan period, with a further planning application pending decision subject to the conclusion of the legal agreement. This would bring the total number of five.

The scale of addition for the existing building group has been exceeded during the current Local Development Plan period and there is no spare capacity to add an additional dwellinghouse. The principle of the development cannot be established in this location as the proposal is contrary to Policy HD2.

Layout, design and materials

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. As the application is for planning permission in principle, aspects such as the layout, siting and design of the proposed dwellinghouse cannot be adequately assessed at this time. Further consideration would be given to layout, siting and design of the proposed development on the submission of a subsequent application.

As previously mentioned, the application site for the current planning application overlaps the application site for planning application 10/00038/PPP. A subsequent approval of matters specified in conditions application 21/01920/AMC was submitted in 2021 to agree the layout and design of the dwellinghouse. The aforementioned application is still pending consideration. Nonetheless, this planning application has the potential to conflict with the layout and design of any dwellinghouse granted and built on the application site for applications 10/00038/PPP and 21/01920/AMC.

Residential amenity

Policy HD3 aims to protect neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. It is not anticipated that the proposed development would adversely affect the residential amenity or privacy of neighbouring properties, having regard to size and location of the application site relative to neighbouring properties. A full assessment would be undertaken on the submission of a subsequent application to detail layout, siting and design for the proposed development.

Access, parking and road safety

At present, the application site cannot be directly accessed from the public road. It is assumed that a new access would be formed to the north east boundary onto the public road to provide vehicular and pedestrian access to the dwellinghouse. Details of the access would need to be agreed by way of a condition.

Roads Planning Service was consulted on the application. They advise that they previously expressed concerns over the increasing number of dwellinghouses at this location, somewhat detached from the rest of the settlement of Duns. The absence of a footway at this location is a road safety concern and this, combined with the detached nature of the site, would encourage the use of a motor vehicle for access to local services. The site is close enough to the town that there would be pedestrian movement between the group and the town but with no provision to support it.

A footway between nearby plots and the existing footway at Wellrig Park has previously been raised, although it is considered that the cost of this would be unreasonable to place on a single dwellinghouse. The Roads Planning Service, therefore, cannot support the application on sustainability grounds.

Parking and turning for two vehicles would be required within the curtilage of the dwellinghouse, excluding any garages. It is anticipated that this requirement could be met.

Services

The proposed development would be connected to the public water supply network. Scottish Water was consulted as part of the application process and they advise that there is currently sufficient capacity in Rawburn Water Treatment Works to service the proposed development. This approach is welcomed by the Planning Authority.

The applicant has indicated in the application form that there would be no change to the drainage arrangements. The application site is presently an agricultural field and it is expected that the drainage arrangements would require to be altered to provide the proposed dwellinghouse with a foul drainage connection.

Drainage would be subject to further consideration at the building warrant stage. Conditions could be attached to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

Trees

There are trees to the south west of the application site that relate to a large tree belt. These trees are an important feature within the landscape and they should be protected. Their retention would also help to minimise the impact the proposed development would have on the visual amenities of the area.

It is anticipated that a reasonably sized dwellinghouse could be accommodated to the north east section of the application site without adversely impacting upon existing trees. A condition is recommended to ensure the trees located to the south west boundary of the application site are appropriately protected during the construction phase of the development.

A section of the hedge to the north east boundary would be lost to accommodate the proposed access. This can be conceded by the Planning Authority. The remaining section of the hedge should be retained. This can be controlled by way of condition.

Prime quality agricultural land

The application site is identified as being an area of prime quality agricultural land. The south west half of the application site already benefits from planning permission in principle under planning application 10/00038/PPP. The loss of this section of prime quality agricultural land has been accepted by virtue of the aforementioned planning application. The section of agricultural land that would remain would be small and it would not be viable for commercial or arable farming. Therefore, its loss can be conceded by the Planning Authority.

Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Duns Primary School and Berwickshire High School. A Section 69 or 75 Legal Agreement would secure the developer contributions sought by the Council.

Waste

There would be sufficient room for a dedicated bin storage area within the application site to serve the proposed dwellinghouse. This should be located in a discreet position within application site. The precise details can be agreed with by condition.

Conclusion

In light of the above, the proposed development fails to comply with Policy HD2 as the scale of addition for the existing building group has been exceeded during the current Local Development Plan period and there is no spare capacity to add an additional dwellinghouse.

Furthermore, the proposed development fails to comply with Policy PMD1 and PMD2 as there is no footway to support pedestrian movements between the application site and the settlement of Duns. This would

unduly impact upon pedestrian safety and it would not provide adequate access to sustainable transport modes, which would result in over reliance of the private car.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016. It is recommended that the application be refused.

REASON FOR DECISION:

The proposed development is contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 as the scale of addition for the existing building group has been exceeded during the current Local Development Plan period and there is no spare capacity to add an additional dwellinghouse. Furthermore, the proposed development would fail to comply with Policy PMD1 and Policy PMD2 as there is no footway to support pedestrian movements between the application site and the settlement of Duns. This would unduly impact upon pedestrian safety and it would not provide adequate access to sustainable transport modes which would result in over reliance of the private car.

Recommendation: Refused

- 1 The proposed development is contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 as the scale of addition for the existing building group has been exceeded during the current Local Development Plan period and there is no spare capacity to add an additional dwellinghouse.

Furthermore, the proposed development would fail to comply with Policy PMD1 and Policy PMD2 of the Scottish Borders Local Development Plan 2016 as there is no footway to support pedestrian movements between the application site and the settlement of Duns. This would unduly impact upon pedestrian safety and it would not provide adequate access to sustainable transport modes, which would result in over reliance of the private car.

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