

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00034/PPP
APPLICANT : Mr Kenneth Short
AGENT : Aitken Turnbull Architects Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North of Belses Cottage
Jedburgh
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
LOC 01	Location Plan	Refused
L01 Rev A	Proposed Site Plan	Refused
Belses Building Group	Other	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Community Council: No reply at time of writing this report

Roads Planning Officer (full response published online): I object to this proposal, as it does not comply with the Council's Local Development Plan Policy PMD2, which seeks to ensure that a development has no adverse impact on road safety.

Scottish Water: No objection

Education and Lifelong Learning: No reply at time of writing this report

No representations received.

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

National Planning Framework (NPF4)

Policy 4- Natural Places
Policy 9 - Brownfield, vacant and derelict land and empty buildings
Policy 14 - Design, Quality and Place
Policy 12 - Zero Waste
Policy 17 - Rural Homes

Policy 18 - Infrastructure first
Policy 22 - Flood risk and water management

Scottish Borders Local Development Plan (2016)

PMD2 - Quality Standards
HD2 - Housing in the Countryside
HD3- Protection of Residential Amenity
EP1: International Nature Conservation and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3 - Local Biodiversity
EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS7 - Parking Provision and Standards
IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2021
Householder Development (Privacy and Sunlight) 2006
Landscape and Development 2008
New Housing in the Borders Countryside 2008
Placemaking and Design 2010
Trees and Development 2008
Waste Management 2015
Sustainable Urban Drainage Systems 2020

Recommendation by - Alla Hassan (Assistant Planning Officer) on 3rd March 2023

This application relates to land north of Belses Cottage in Jedburgh. The site is directly accessed off the B6400 and is a greenfield site located outside of any defined settlement boundary. Therefore, for the purposes of planning policy is considered to be in the open countryside where rural restraint policies apply.

The site is not subject to any landscape or historic designations.

In determining the application, the following factors were considered:

Principle

With respect to national policies, policy 17 of the NPF4 provides a set of criteria whereby the development of dwellings within the open countryside is acceptable. The proposal is not considered to meet any of its criteria and therefore conflicts with this policy. Policy 9 also presumes against greenfield developments, unless supported by other policies. In this case, the LDP provides for greenfield development in the countryside in certain circumstances, and this potentially complements (rather than conflict with) the provisions of NPF4.

Policy HD2 of the Local Development Plan is the key policy which this proposal is assessed against. This states that the principle of a dwelling within the countryside is acceptable if it relates to:

- A) Building groups;
- B) dispersed building groups;
- C) conversions of buildings to a house;
- D) restoration of houses;
- E) replacement dwellings;
- F) economic requirement.

The only relevant criteria is A, building group of which there are three further tests: a) the application site must relate well to an existing group of three houses; b) 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 and; c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

It is acknowledged that there have been three consents granted by the Local Review Body within the immediate locality. The two of most relevance are on two plots to the north of the application site granted under 22/00025/RREF and 22/00026/RREF. As such, they are material considerations in the decision-making process.

It was concluded in their assessment that there was an established building group at Belses. The LRB accepted the development of those plots related to the character of the group. They did, however, qualify their approval that "expansion of the building group in other directions could be less acceptable and represent ribbon development along the northern side of the B6400." Each application must be assessed on its own merits and in this instance, due to the distance to other dwellings, most notably 'Karma', situated to the east, the plot is not considered to be well-related to the established building group. Albeit alongside existing houses, it would break into a large undeveloped field that would almost certainly lead to further pressure for more development between the site and Karma. Indeed, to accept this proposal risks the area around Belses being under such development pressure, that it would no longer be what has previously been described as a 'dispersed' building group.

The addition of a further house in this undeveloped field (and pressure for more alongside it) would amount to ribbon development that does not relate well to the established building group. Furthermore, it would involve the development of greenfield land, leading to sporadic development that would be harmful to the overall landscape conflicting with criteria a and b.

With respect to criteria c, this explicitly states that no further development above this threshold will be permitted. The aforementioned consents granted have already exceeded this limit, clearly conflicting with this criteria. The applicant has suggested a condition is attached to any forthcoming consent restricting an application for matters specified to be after 1st August 2023, to allow for the completion of the revised LDP. This condition would inappropriately circumvent HD2 as it would be unacceptable to grant consent in the first place, whereby the allowable limit set out has been exceeded. It would also be unenforceable, since it would rely on other parties' actions over which the applicant has no control.

The proposal therefore fails to meet the requirements of criteria c.

In light of the above, the principle of the proposal is considered to be unacceptable when assessed the LDP, and has no support from NPF4

Design and amenity

The proposed dwelling would be sited on an undeveloped field and is considered to be poorly related to the existing settlement pattern and therefore harmful to the rural character and appearance of the area, conflicting with PMD2.

With regard to residential amenity, the proposal would be sited on an ample plot whereby it is feasible for a dwelling to be situated without harming adjoining residential amenities. It is therefore considered that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan, and the Householder Development SPG.

Parking and road safety

Policy PMD2 requires that development incorporates adequate access and turning space for vehicles, and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

There is ample space onsite to provide parking for two spaces in line with the Council's requirements complying with IS7. The roads officer has been consulted on the proposal and has objected to both the principle of the proposal and access options put forwards. With respect to the former, the B6400 is narrow unlit road with no pavement and therefore lacks the necessary infrastructure for both vehicular and pedestrian movements, further reinforcing both the unsustainable and inappropriate location for a dwelling on this site.

In regards to the latter, a safe access with the required visibility cannot be adequately achieved with either access options put forward; a junction directly off the B6400 or via the existing field. Consequently, the proposal fails to ensure that there is no adverse impacts on road safety and therefore does not comply with Policy PMD2.

Ecology

The site is not subject to any natural heritage designation. In addition, no buildings would be lost, mature trees removed, or substantial amounts of hedging needing removed, it is, therefore, considered that the proposal will have a negligible impact on ecology and biodiversity of the surrounding area.

Trees, woodland and hedgerows

The indicative site layout shows that part of the hedge would be removed to potentially facilitate the new access. This would have a minor landscape impact and no trees would be affected by the proposal.

It is therefore considered that the proposed development of a dwelling on this site could comply with policy EP13 of the Local Development Plan, and the Landscape and Development SPG.

Drainage

The application form states that the proposal will be connected to the public drainage network and SUDs will be used for the treatment of surface water. A mains water supply is proposed.

Scottish water have raised no objections and have confirmed that there is sufficient capacity in the Robertson Water Treatment Works to service the development. However, there is no public waste water infrastructure and therefore the applicant will have to investigate private treatment options.

In any event, it is considered that the exact details of the water supply and overall drainage could be secured by conditions, complying with IS9.

Development contributions

Development contributions are not applicable.

REASON FOR DECISION:

The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. In any case, the capacity of the building group has exceeded the limitations allowed for by Policy HD2. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. Furthermore, there is no overriding economic justification to support the development, and the development has no support from NPF4.

The development is also contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements. This conflict with the development plan is not overridden by any other material considerations.

Recommendation: Refused

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. In any case, the capacity of the building group has exceeded the limitations allowed for by Policy HD2. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. Furthermore, there is no overriding

economic justification to support the development, and the development has no support from NPF4. This conflict with the development plan is not overridden by any other material considerations.

- 2 The development is also contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements. This conflict with the development plan is not overridden by any other material considerations.

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