

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/00992/PPP

APPLICANT: Phen Farms

AGENT: Smith And Garratt Rural Asset Management

DEVELOPMENT: Erection of dwellinghouse

LOCATION: Plot 1
Land North Of Belses Cottage
Jedburgh
Scottish Borders

TYPE: PPP Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
BPHE01_07	Location Plan	Refused
BPHE01_02	Proposed Block Plan	Refused
BPHE01_03	Proposed Plans	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Two representations were received in respect of the application. The main points raised include: access, road safety, contrary to Local Plan, impact on the rural character, privacy/overlooking and impact on the environment.

Consultations

Ancrum Community Council: Have not responded at the time of writing this report.

Environmental Health: Have not responded at the time of writing this report.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Landscape Architect: Objects to the application on the grounds of the adverse visual impact on the surrounding landscape.

Roads Officer: Objects to the application as it would contribute towards sporadic development in the Belses community without the appropriate road infrastructure being in place to justify it. Furthermore, it is good practice to restrict the number of accesses onto A and B class roads outside settlements. The existing access to New Belses is proposed for restricted use rather than closure so that there would be an additional access overall.

Scottish Water: No objection to the application

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan - Adopted 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

Affordable Housing 2015

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

Scottish Planning Policy 2014

Recommendation by - Brett Taylor (Planning Officer) on 14th April 2022

Site and Proposal

This application proposes planning permission in principle for a new house at Plot 1. The site is a relatively level undeveloped field located to the north Belses Smithy Cottage. The village of Ancrum is approximately 6km to the east. The current boundary treatments consist of hedging and post and wire fencing. The site would be served by an existing road the B6400 which forms the southern and eastern boundaries of the site. The submitted location plan shows an entrance taken from B6400 to the east with a further access taken directly from New Belses Farm to the north.

An adjacent application for Plot 2 forms part of a separate application.

I note the submitted plans indicate an area to the north-east is shown as 'holiday use'. No further information has been provided and they have not assessed as part of this application.

Planning History

16 June 2021 - Planning application in Principle pending consideration for the erection of a dwellinghouse (21/00993/PPP).

21 December 2020 - Planning application withdrawn for the erection of a dwellinghouse - (20/00411/PPP).

Key Planning Policies

The key policy against which this application is assessed is HD2, housing in the countryside.

The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area and;
- 3) sites in dispersed communities in the southern Borders Housing Market Area (HMA).

The policy sets out 6 further main criteria against which applications are assessed. Those are:

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

In terms of the above, the only possible criterion against which the proposals could be assessed is A, building group, to which there are three further tests. Those are: 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.

There are two dwellings (Belses Smithy Cottage and Belses Cottage) in close proximity, however, I do not consider these meet the requirements of a building group as stated by policy HD2. The B6400 forms a logical boundary and I also do not consider that these two houses form a group with other houses in the surrounding area. Even if a building group did exist, the proposed house would break into an undeveloped field and would encourage sporadic development along this section of the B6400. This is discouraged by our policy guidance, siting a house here would not comprise a sympathetic, organic addition to the area, and there is no justification for it here.

I note that no supporting and economic case was submitted by the applicant to justify that the house is required in this location that would override the conflict with policy.

Placemaking and design

It would be feasible to design a house and site layout to comply with PMD2 as regards visual impact, and account for our SPG on Placemaking and Design. However, houses in this undeveloped field served by a significant access road, would be poorly related to the existing settlement pattern and, as a result, would fail to comply with PMD2 or HD2. This visual isolation reinforces the concern above regarding general policy conflict. Providing a tree belt, as proposed, would take many years to establish and is not reason to justify such an intrusive impact on this undeveloped field.

Neighbouring amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. It would be possible for a dwelling to be constructed on this site in compliance with the relevant standards in the SPG. The nearest other dwellings are sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be affected by the proposal. I am satisfied that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan.

Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and 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.

The site is capable of providing two spaces to support a new house, thus complying with Policy IS7. In terms of the access, the site is proposed to be accessed via a new access (in conjunction with Plot 2) with the existing farm access being restricted to light vehicles only. The Council's Road Planning Officer objects due

to the principle of sporadic development between Old Belses and New Belses without the proper road infrastructure to support both vehicular and pedestrian movements. In addition, the submitted plans show the access being moved, it does not propose to stop-up the existing access at new Belses and instead, only looks to restrict access to 'Light Traffic Only', which would be unenforceable in planning terms.

Overall, the proposal would fail to ensure there is no adverse impact on road safety and as such, does not comply with Policy PMD2.

Ecology

With respect to ecology, given the site is not subject to any natural heritage designations nor nearby any, 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, Woodlands and Hedgerows

Existing trees, woodland, and hedgerows are protected by policy EP13 of the LDP on Trees, Woodlands and Hedgerows. The Council has also adopted Supplementary Planning Guidance on Landscape and Development, and on Trees and Development, which are both relevant to these proposals. There is an established road side hedge along the eastern boundary. It is apparent that part of this hedge would require to be removed to facilitate the new access with the required visibility splays, however, this would have a minor landscape impact. No trees would not be affected by the proposals. Should the application be approved I consider the proposed development can be considered to comply with the requirements of policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan, and the adopted SPG on Trees and Development.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to a private water supply and foul drainage would be to a new sewage treatment plant with SUDS for dealing with surface water. The exact details would be agreed by condition and through the Building Warrant process.

Development Contributions

No schools contributions are required. However, this is one of two plots on the same site by the same developer. Therefore, in the event consent were to be granted for both, one of the two will require a legal agreement for an affordable housing contribution.

Letters of representation

I note the objections raised by third parties and would agree with their concerns that a house would be inappropriate in this location.

Reason for Decision

It is recommended that the application is refused for the reasons given above.

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 be

unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, it would be visually adverse as a result of its lack of cohesion with existing development, contrary to HD2 and PMD2, and the proposed means of access would be unsatisfactory since the development would potentially increase the road safety risk along the B 6400.

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 be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2
- 2 The development is 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.

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