

# APPEAL AGAINST SCOTTISH BORDERS COUNCIL NOTICE OF REFUSAL OF PLANNING PERMISSION

FOR

## ERECTION OF 2No DWELLINGHOUSES

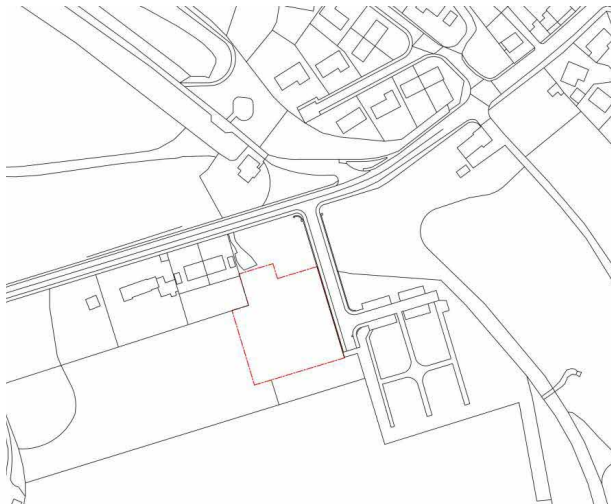
(Application Ref –22/01416/PPP)

*(UPDATED – FOLLOWING IMPLEMENTATION OF NPF4)*

AT

LAND SOUTH OF  
1 KELSO ROAD  
COLDSTREAM  
SCOTTISH BORDERS

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## **Introduction**

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This statement has been prepared by Camerons Strachan Yuill Architects on behalf of the applicant, Andrew Douglas-Home. The statement should be read alongside all information exchanged throughout the planning process, and which forms part of this appeal submission. The site is located to the south of 1 Kelso Road, Coldstream, and lies outside the settlement boundary of Coldstream. The proposal is for the erection of 2no Dwellinghouses.

The document has been revised following the original appeal submission, on account of the implementation of National Planning Framework 4, published in February 2023.

## **Reason for Refusal**

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The application was refused for the following reason:

*'The proposed development would be contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016, as well as the Council's Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would erode the integrity of the development boundary for the settlement of Coldstream, it would not relate well to an existing building group, it would break into an undeveloped field outwith the group's sense of place, to the detriment of the character and appearance of the building group.*

*Furthermore, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource. This conflict with the development plan is not overridden by any other material considerations.'*

The following statement intends to set out why this should be overturned as part of this appeal.

## **Application Background**

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The planning history related to the site, and immediate surrounding area is as follows:

**12/00281/PPP:** Erection of 32 bed care home. **Refused** 24<sup>th</sup> September 2012.

**13/01062/PPP:** Erection of 32 bed care home. **Refused** 9<sup>th</sup> December 2013.

**06/00111/OUT:** Erection of nursing home. **Refused** 11<sup>th</sup> October 2006.

Of relevance:

**19/01562/FUL:** Change of use from agricultural land to form cemetery, formation of new access and associated works. **Approved** 20<sup>th</sup> April 2020.





## Policy PMD4: Development Outwith Development Boundaries

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The sets out the following:

### POLICY PMD4: DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

In relation to the above, and the exceptions, (d) the community benefit of housing with ease of access to the settlement of Coldstream should be considered a sizable benefit in terms of the local housing market. It also responds to the fact that other housing sites in Coldstream have yet to be delivered under the current local plan (c), again another community benefit in that the proposed houses can be taken forward.







## Policy HD2: Housing in the Countryside

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The aforementioned demonstrates how the proposal relates to the building group, and with it the two units should be supported. The sites relationship with Coldstream should also merit support, as it provided more immediate access to Coldstream (a), and will help reduce the occupants carbon footprint, contributing to Net Zero emissions goals. The proposal provides Coldstream with an egress gateway proposal, which would be fitting of the settlement. The policy sets out the following:

### POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

#### (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- 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 when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.





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

In relation to breaking into an undeveloped field, and permanent loss of prime quality agricultural land; this point has been poorly considered. The field has never been used for anything other than horses, and more importantly the field has also been developed as part of the following application: **19/01562/FUL**: Change of use from agricultural land to form cemetery, formation of new access and associated works. Approved 20<sup>th</sup> April 2020, and the works are shown below in the aerial view and site photo.

**POLICY ED10: PROTECTION OF PRIME QUALITY AGRICULTURAL LAND AND CARBON RICH SOILS**

Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless:

- a) the site is otherwise allocated within this local plan
- b) the development meets an established need and no other site is available
- c) the development is small scale and directly related to a rural business.

Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.



Figure 4: Aerial View of Site



Figure 5: Site works related to 19/01562/FUL





## **Appeal Statement –FOLLOWING IMPLEMENTATION OF NATION PLANNING FRAMEWORK 4**

In relation to the National Planning Framework 4, the application should be supported firstly on account that it is in line with the documents three *Spatial Principles – Sustainable Places, Liveable Places, and Productive Places*.

### **SUSTAINABLE PLACES: - where we reduce emissions, restore and better connect biodiversity**

*'Several policies support more local living... Policy 15 which promotes local living, including where feasible 20 minute neighbourhoods, and Policy 16 which focuses on delivering new homes that are designed to a high standard and located in sustainable places. Minimising and reducing emissions are also integral to the six qualities of successful places, as set out in Policy 14. Policies 17 and 29 support rural development which is compatible with climate change targets. Policy 27 promotes a town centre first approach to development.'* (see Page 9 of National Planning Framework 4)

### **LIVEABLE PLACES: - where we can all live better, healthier lives**

*'Policy 14, focusing on the six qualities of successful places recognises that diversity is an integral part of placemaking... Policy 16 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives.'* (see Page 13/14 of National Planning Framework 4)

### **PRODUCTIVE PLACES : - where we have a greener, fairer and more inclusive wellbeing economy**

*'Policy 18 promotes the development of rural homes, to ensure the needs of communities are met in a sustainable way.'* (see Page 18 of National Planning Framework 4)

## **RELEVANT POLICIES**

### **Policy 14**

The proposal is in line with the six principles of Policy 14 – *Healthy, Pleasant, Connected, Distinctive, Sustainable, and Adaptable*.

### **Policy 15**

The proposal contributes towards the *Local Living 20 minute neighbourhood* of Coldstream whilst maintaining the key landscape and green features of the area.

### **Policy 16**

The proposal provides the community benefit to Coldstream that it will deliver 2no new build homes that currently aren't being provided by other allocated sites in the local development plan for Coldstream. The proposal can be delivered to an agreed build out programme, consistent with the spatial strategy and provides housing that will provide a *Local Living 20 minute neighbourhood*, and is consistent with Rural Housing policy.

### **Policy 17**

The proposal is suitably scaled, sited and designed to be in keeping with the character of the area and the development is an appropriate use of a historic environment asset.

### **Policy 18**

The proposal can make use of infrastructure that has been implemented under approval **19/01562/FUL** (Change of use from agricultural land to form cemetery, formation of new access and associated works. Approved 20<sup>th</sup> April 2020) improving the sustainability of the development in that it takes an infrastructure first approach.







**Policy 27**

The proposal will provide a *Local Living 20 minute neighbourhood* in relation to the town centre of Coldstream, and will enhance and improve the vitality and viability of the town in terms of footfall.

**Policy 29**

The proposal contribute to the viability, sustainability and diversity of rural community and local rural economy of Coldstream. The homes can provide home base working environments that can be supported by local amenities.

**Appeal Conclusion**

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The appeal response can be summarised as follows:

**Prior to implementation of National Planning Framework 4:**

- 1: The proposal enhances the setting in which it resides, and both respects and complements the building group.
- 2: The proposal doesn't reduce prime agricultural land, and is located in a previously developed field.
- 3: The proposal benefits the community in that it will provide housing that isn't being delivered by existing local plan sites.
- 4: It provides housing that will help reduced the carbon footprint of residences based on its proximity to Coldstream, contributing to Net Zero emission targets.
- 5: The proposal does not erode the integrity of Coldstream's boundary. The proposal is clearly out with the settlement boundary and is separated by a significant landscape features of The Lees. The site in turn relates well to the countryside surroundings of Kelso Road.

**Following implementation of National Planning Framework 4:**

- 1: The proposal is supported by policies 14, 15, 16, 17, 18, 27, 28 of the National Planning Framework 4, is in line with the spatial strategy of National Planning Framework 4. The proposal will provide a sustainable, liveable, and productive place.

Based on the quality of the outline design, along with all the supporting information submitted both before and after the implementation of National Planning Framework 4, including the above statement; we believe that the application should be approved.

Yours faithfully,



Gavin Yuill

**Managing Director / Senior Architect**

