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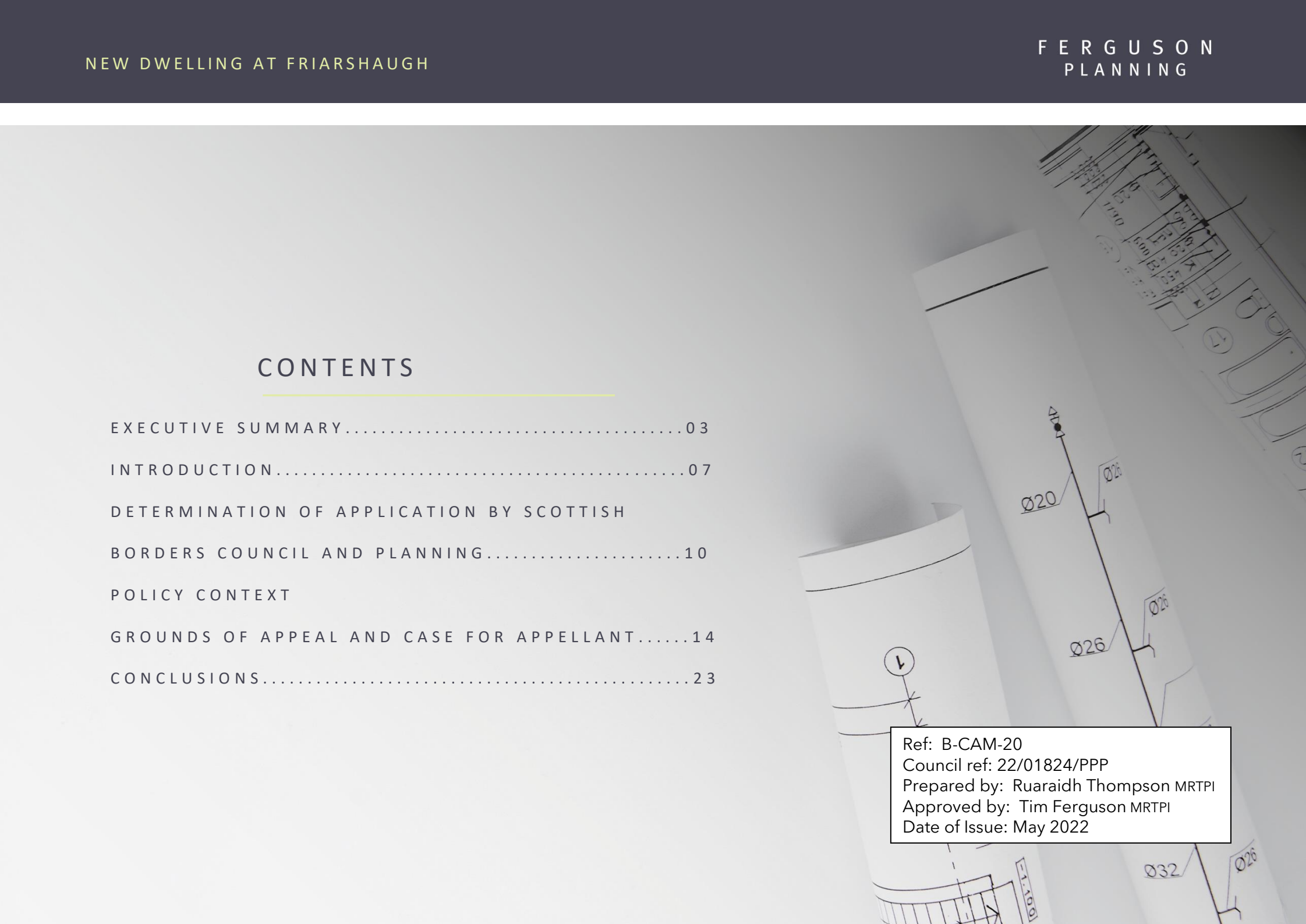
NEW DWELLING AT LAND SOUTH OF GREYWALLS, FRIARSHAUGH

MR & MRS CAMERON

MAY 2023

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Council ref: 22/01824/PPP
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NEW DWELLING AT FRIARSHAUGH

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

This Statement is submitted on behalf of Neil & Catriona Cameron “the Appellants” against the failure of Scottish Borders Council to determine Planning Application 22/01824/PPP proposing erection of a dwelling with access, landscaping, and associated works on land south of Greywalls, Friarshaugh, Gattonside. All Core Documents (CD) are referenced in Appendix 1.

The Appellants propose to build a new dwelling on land in their ownership within the agricultural unit of Friarshaugh Farm. There are currently no existing dwellings on the farm or other buildings capable of conversion to a house. Friarshaugh Farm is an existing agricultural enterprise and the site sits immediately adjacent to existing dwellings contained in an existing Building Group, with which the north and east boundaries are shared.

Mr & Mrs Cameron have owned the land within Friarshaugh Farm, including the application site, for more than ten years as of May 2023. In that time the land has been cultivated under a contract farming agreement, which was an arrangement inherited from Neil’s father. Hitherto the Appellants have filled their time with pre-existing business interests. Neil owns and manages a Chartered Surveying practice that has a strong focus on specialist development – especially infrastructure and energy. Catriona is a serial restaurateur with portfolio that includes buying failing restaurants, turning them around, and selling as successfully trading businesses; as well as a few chosen special venues she has invested in, retained, and kept close for the best part of twenty years.

During 2020 at the height of the COVID pandemic, Neil and Catriona decided that they wanted to take a more active role in managing Friarshaugh Farm. While the contract farming agreement has worked well, it is felt that more could be done and the Farm could be put on a sustainable long term footing if it were to be actively led on-site

The proposed dwelling is required for the Appellants to become resident on-site. It would be a family home for Neil and Catriona as well as their two young daughters. The Laurence Gould Partnership (agricultural consultants) have been instructed to advise on strategy and business plan, which was submitted with the Planning Application and is enclosed together with this Notice of Review. The business plan centres on rearing sheep within the agricultural unit. Products produced would target premium market segments, with an emphasis on high quality output.

The Appellants have already secured consent to extend the existing agricultural access track from the public road to the site (Council ref: 22/00864/PN) and erection of a shed for shearing, lambing, and other welfare uses (Council ref: 22/01176/AGN). Negotiations are ongoing for the purchase of sheep with the first agreements having been concluded.

Planning Application 21/00710/PPP proposed a new dwelling on-site and was refused by the Local Review Body in April 2022. However, Application 21/00710/PPP was made and determined without cognisance to the Appellants plans to further develop Friarshaugh Farm as well as before the new agricultural shed and track were consented (in mid-2022).

The function of the proposed dwelling is to provide a principal farmhouse within the agricultural unit. The house will be used to allow the strategy and business plan prepared by Laurence Gould to be implemented in full and more efficiently than would be possible without a dwelling on the farm.

During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:

- **Roads Planning – No objection.**
- **Community Council – No objection.**
- **Scottish Water – No objection.**
- **Archaeology – No objection.**
- **Flood Risk – No objection.**

Despite no Decision Notice having been issued, the appointed Planning Officer set out intention to refuse the Application in an email of 6th February. The assessment of the appointed Planning Officer is that the proposed dwelling is not "a direct operational requirement of an agricultural enterprise". Similarly the Planning Officer is of the view that "apart from lambing in April, the animal welfare requirements do not appear labour intensive or justify a house". Additionally it has been suggested that the Prime Quality Agricultural Land (PQAL) designation on-site represents grounds for refusal.

The Agricultural Justification Statement supporting the Application does not share any of these assessments. The Agricultural Justification Statement has been prepared in strict accordance with the Farm Management Handbook 2021-22 which is authored by the Scottish Agricultural College (SAC) and represents robust evidence that is fully justified.

The Justification Statement has calculated that **2,002 labour hours per annum** are required within the agricultural enterprise to deliver the expansion planned. This demand for labour equates to the full time equivalent **1.05 staff**. In principle, a labour requirement of 1.05 full time staff is sufficient to justify 1 no. house within the agricultural unit. By the same principle, two dwellings within an agricultural unit cannot be justified by labour requirement unless demand reaches the full time equivalent of 2.00 staff. As there is a labour requirement for 1.05 full time staff and there are no existing dwellings within the unit of Friarshaugh Farm an agricultural requirement for new house exists on the farm.

Similarly, the Justification Statement has identified an animal welfare requirement for a year-round on-site presence at all times. This is partly attributable to the business strategy that focusses on marketing premium products and minimising both fallen stock losses and suffering from illness and disease.

The Justification Statement has also found the strategy to be financially viable. Returns (private drawings) are proportionate to a sole trader enterprise on which one family rely. This is considered to be reasonable as Neil and Catriona intend to undertake all labour themselves. Full financial details are available in the Justification Statement.

In the last 12 months an access track connecting the application site to the public road has been consented as well as an agricultural shed, a short distance beyond the west boundary of the site.

Both the access track and agricultural shed will be built regardless of the outcome of the Notice of Review. The agricultural shed physically and functionally ensures continued agricultural use and prevents further residential development in that direction.

“Prime Quality Agricultural Land” is addressed by Policy ED10 of the Local Development Plan 2016. Policy 5 of NPF4 represents a partial repetition of Policy 5.

Policy ED10 permits development on “Prime Quality Agricultural Land” where:

“the development is small and directly related to a rural business”.

The Appellants require the proposed dwelling to actively take control of agricultural production at Friarshaugh Farm and achieve long term sustainability. There are no existing dwellings within the farm holding and no houses available for sale in the existing Building Group. It is therefore indisputable that the proposed development is required by and directly related to an agricultural enterprise.

The site is small (0.63ha) and would not be entirely or even mainly developed. Although detailed design is deferred, the design of the new house currently extends to a footprint of less than 220m². Therefore, the development is indisputably small in scale.

It is also considered relevant that the site has not been in regular agricultural production since the first decade of the 21st Century. Use in the intervening time has amounted only to sporadic grazing. Discontinuation of active use was forced by the small size of the site – which prevents a return to active cultivation.

As the site is not in active agricultural production, is small in scale, and the proposed dwelling is directly related to securing the sustainability of Friarshaugh Farm, the proposed development accords with Policy ED10 of the Local Development Plan and Policy 5 of NPF4.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Notice of Review and grant Planning Permission in Principle.

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INTRODUCTION

INTRODUCTION

- 1.1 This Statement supports a Notice of Review against the failure of Scottish Borders Council to determine Planning Application 22/01824/PPP proposing erection of a dwelling with access, landscaping, and associated works on land south of Greywalls, Friarshaugh, Gattonside.
- 1.2 The site lies within a swathe of land flanked by the B6360 to the north and the flood plain of the River Tweed to the south. This swathe of land is defined by Friars Hall, a Category B Listed Building (HES ref: LB28833) around which a cluster of existing dwellings coalesce. Four large fields to the south, east, and west define the landscape pattern and local sense of place. The site does not sit within a Conservation Area.
- 1.3 Access to the site is provided by an existing junction onto the B6360. An existing agricultural access track surfaced in tarmac concrete leads from the access to the public road towards the site. Consent was granted to extend the access track eastward to the site under Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1997 (as amended) in June 2022 (Council ref: 22/00864/PN).
- 1.4 Friars Hall is one of 8 no. existing dwellings sitting within the setting of the site. Together they form a small settlement (“Friarshaugh”) beyond the east of Gattonside.
- 1.5 The new dwelling is proposed to enable the Appellants to establish a new family home on Friarshaugh Farm, securing the future and viability of the agricultural enterprise. Hitherto the land within Friarshaugh Farm has been farmed under a contract farming agreement. It is understood that these arrangements had been in place for a number of years. The Appellants intend to take the land back in hand and rear sheep within the agricultural unit. The first agreements to purchase sheep have now been concluded. The Laurence Gould Partnership (agricultural consultants) have been instructed to advise the Appellants and have prepared an agricultural justification statement.
- 1.6 The site comprises a small field sitting south of Greywalls and north of the large agricultural field which defines the south boundary to the cluster of dwellings at Friarshaugh. The field is sporadically used for grazing. The field is set with a large border to the west planted with semi-mature hawthorn and four Ash trees.
- 1.7 The application site does not lie in the area at risk of fluvial (river) flooding and has significant potential for management of surface (rain) water flooding present in the local area by means of SuDS to stop exacerbation of fluvial flooding, which will become increasingly necessary in the years and decades to come. The Flood Zone which extends around the banks of the River Tweed dominates the land beyond the south of the site without extending over the site’s boundary.



Fig 1: Extract from AH129-PP01 Site Location Plan
(Source: Aidan Hume Design).

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DETERMINATION OF APPLICATION BY SCOTTISH
BORDERS COUNCIL AND PLANNING POLICY

DETERMINATION OF APPLICATION BY COUNCIL AND PLANNING POLICY

- 2.1 Planning Application 22/01824/PPP has not been determined as of 18th May 2023. No Decision Notice has been issued however the appointed Planning Officer identified intention to refuse the Application in an email of 6th February (C11). The substance of that email is copied below:

“At this current time, the agricultural building granted consent under 22/01176/AGN has not been erected. The sheep enterprise has not been established and the land is currently/has been used for crops. Granting planning permission for this proposal at this time would be premature as there is no guarantee that the farming business would be undertaken. This is a concern, given the previous refusal of an application for a house on this site when no such economic justification was put forward or approval granted for a farm building.

Apart from lambing in April, the animal welfare requirements do not appear labour intensive or justify a house on this site; the applicant could live within Gattonside or within an existing property.

A budget plan has been provided for 2023. This is based on selling ewes, lambs and wool, though the sheep enterprise is yet to commence. No long term business plan has been provided demonstrating the viability of the business over the next 3 - 5 years.

The requirements of policy HD2 (F), namely that the Council is satisfied that the housing development is a direct operational requirement of an agricultural enterprise which is itself appropriate to a countryside location and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise, has not been met and the proposal cannot be supported at this time.

In circumstances such as this, where there is no existing farm business to justify a new house in the countryside, temporary planning permission may be granted for a mobile home on the site for 3 or 5 years to allow the farm to establish and expand to demonstrate it is a viable business for which a new house would be justified. I would suggest that this current application is withdrawn.”

Local Development Plan

- 2.2 Policy HD2 contains six sections, each of which details circumstances in which new houses will be considered acceptable. Section (F) which addresses development supported by an Economic Requirement is considered to represent the pertinent material consideration in the determination of the appeal proposal.
- 2.3 Section (F) of Policy is replicated below:
*“(F) Economic Requirement
 Housing with a location essential for business needs may be acceptable if the Council is satisfied that:*

- a) *the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or*
- b) *it is for use of a person last employed in an agricultural, horticultural, forestry, or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry, or other enterprise which is itself appropriate to the countryside, and*
- c) *the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and*
- d) *no appropriate site exists within a building group, and*
- e) *there is no suitable house or other building capable of conversion for the required residential use.”*

2.4 Policy ED10 states that “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 and directly related to a rural business.

National Planning Framework 4

2.6 The National Planning Framework 4 was adopted in February 2023. The document addresses national planning policy and the Government’s approach to achieving a net zero sustainable Scotland by 2045.

2.7 Criterion b) of **Policy 5** Soils addresses development on Prime Quality Agricultural Land. The adopted text states that “*development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:*

- i. *Essential infrastructure and there is a specific locational need and no other suitable site;*
- ii. *Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;*
- iii. *The development of production and processing facilities associated with the land produce where no other local site is suitable;*
- iv. *The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and*

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.”

2.8 **Policy 16** Quality Homes is relevant to the proposal. Criterion c) states that *“development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:*

- v. *self-provided homes;*
- vi. *accessible, adaptable and wheelchair accessible homes;*
- vii. *build to rent;*
- viii. *affordable homes;*
- ix. *a range of size of homes such as those for larger families;*
- x. *homes for older people, including supported accommodation, care homes and sheltered housing;*
- xi. *homes for people undertaking further and higher education; and*
- xii. *homes for other specialist groups such as service personnel.”*

Supplementary Guidance

2.9 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;

- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

2.9 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:

- a) the presence or, otherwise of a group; and
- b) the suitability of that group to absorb new development.

2.10 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:

- natural boundaries such as water courses, trees or enclosing landform, or
- man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”

2.11 When expanding an existing building group, the Guidance includes the following points:

- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
- New development should be limited to the area contained by that sense of place;
- A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
- Ribbon development along public roads will not normally be permitted.

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GROUNDS OF APPEAL AND
CASE FOR APPELLANT

GROUNDS OF APPEAL AND CASE FOR THE APPELLANT

3.1 It is submitted that the Planning Application should be approved on the basis of the Grounds of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.

GROUND 1: The proposed development represents the erection of a dwelling which is appropriate to the countryside location and is justified by an economic requirement.

GROUND 2: The proposed development does not contradict Policy ED10 as it is small scale, required to support the agricultural enterprise at Friarshaugh Farm, and is not capable of returning to agricultural production.

3.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:

- **Roads Planning – No objection.**
- **Community Council – No objection.**
- **Scottish Water – No objection.**
- **Archaeology – No objection.**
- **Flood Risk – No objection.**

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING WHICH IS APPROPRIATE TO THE COUNTRYSIDE LOCATION AND IS JUSTIFIED BY AN ECONOMIC REQUIREMENT.

3.3 It is the Appellants' position that the proposed development represents the erection of a new dwelling to serve as the principal farmhouse of Friarshaugh Farm. Erection of the proposed dwelling is supported by a professionally-prepared agricultural justification and would be tied within the agricultural unit.

3.4 It is common ground between the Appellants and the Planning Authority that Friarshaugh Farm is an existing agricultural enterprise that is currently trading and justifies a residential presence on-site. The appointed Planning Officer takes the view that presence should be "a mobile home on the site for 3 or 5 years to allow the farm to establish and expand to demonstrate it is a viable business for which a new house" taken forward by a separate "temporary planning permission". The appointed Planning Officer considers that a new farmhouse should be revisited at the end of that timescale.

3.5 Disagreement centres on the form that residential accommodation on-site should take. The Appellants do not agree with the appointed Planning Officer that it is appropriate for a caravan to serve as the principal farmhouse for a period of several years. The Appellants require a new family home for themselves and young daughters to lead and grow the farm. Construction of a new house in several years time would be an obstructive and destabilising occurrence.



Fig 2: Photograph taken from east boundary looking west across the site.

- 3.6 The Appellants' position is that the proposed development is supported by an economic requirement and lies on an application site that is not actively used for agriculture, which sits immediately adjacent to an existing Building Group across its north and east boundaries. It is considered that the proposed development is supported by section (F) of Policy HD2.
- 3.7 Firstly, it is not accepted that the proposed development is not supported by a long term business plan. The Agricultural Justification Statement (prepared by Laurence Gould) is prepared on the basis of a viable and sustainable undertaking to be developed over a period of years. This is squarely the intention of the Appellants.
- 3.8 The assessment contained within the Agricultural Justification Statement (**CD2**) is extensive and detailed. The Laurence Gould Partnership have unparalleled experience in advising farmers and developing detailed plans for establishing and restructuring agricultural enterprises. The Justification Statement has identified a labour requirement for the full time equivalent of 1.05 staff. The financial benefits of increasing the sheep flock have been quantified together with the elimination of contractor fees from the financial obligations of the agricultural enterprise.
- 3.9 It is noted that the appointed Planning Officer considers that the proposed dwelling is not "a direct operational requirement of an agricultural enterprise". This conclusion appears to stem from the Planning Officer's opinion – "apart from lambing in April, the animal welfare requirements do not appear labour intensive or justify a house".
- 3.10 It must be understood that the labour requirement has been calculated in section 5 of the Agricultural Justification Statement. The calculations supporting the labour requirement are produced in accordance with the Farm Management Handbook 2021-22 which is authored by the Scottish Agricultural College (SAC). The calculations show total labour hours of **2,002 per annum**. It is this requirement that equates to **1.05 staff** full time equivalent.
- 3.11 As a labour requirement of 1.05 full time staff exists and there are no existing dwellings within the unit of Friarshaugh Farm; there is a requirement for erection of a new house on the farm.
- 3.12 Animal welfare is a separate issue that sits alongside labour requirement. The welfare of livestock is determined by physical and biological facts and is independent of labour requirement. In other words, animal welfare could require the attendance of staff even if labour requirement on that farm was for the equivalent of 0.5 full time staff. Similarly, a farm with labour requirement for the equivalent of 1.5 full time staff does not necessarily mean that there is an animal welfare requirement for the attendance of staff overnight. Animal welfare requirement is specific to the flock and/or heard in question.
- 3.13 To be clear, it is the professional opinion of Laurence Gould that there is an animal welfare requirement for overnight staff presence on-site. Section 6.1 makes clear:

- “1. The sheep will require to be physically looked (inspected) to ensure that they are in good health at least once per day. This is to ensure that any potential disease issues, for example, mastitis, are minimised.
2. It is crucial that there is a stockperson/groom on site all year round and especially during the lambing season (spring) as sheep require to be inspected regularly to ensure that any problems during lambing are minimised and the welfare of the livestock maximised at all times.”
- 3.14 Laurence Gould have calculated a robust net drawings figure. The figure (available in the Justification Statement) is considered to be commensurate of a farm operated by a sole trader. Given the proposed development has the support of a professionally prepared justification statement, which clarifies that both a labour requirement and animal welfare requirement exist and robustly establishes the commercial basis upon which the agricultural enterprise will trade in the years to come, it is considered that criterion a) of section (F) is satisfied.
- 3.15 Criterion b) of section (F) relates to people who were previously employed in agriculture, horticulture, or forestry. As the proposed development is a principal farmhouse for the proprietor of Friarshaugh Farm – and accords with criterion a) of section (F) – criterion b) is not applicable.
- 3.16 The professional advice of the Laurence Gould Partnership has clearly established the requirement for the full time equivalent of 1.05 staff. Therefore, it is considered that the proposal would create employment locally and accords with criterion c) of section (F).
- 3.17 Friarshaugh Farm lies adjacent to the south and west of the existing Building Group at Friarshaugh, comprising 8 no. existing dwellings. Both the north and east boundaries of application site are shared with the existing dwelling Greywalls. For these reasons, it is considered that the proposal satisfies criterion d) of section (F).
- 3.18 No existing buildings stand within the unit of Friarshaugh Farm. A single new barn has been approved within the unit but not yet built – this consented building is fully required for the purposes of agriculture. It is for this reason that the proposal at-hand has been prepared. Therefore, it is considered that criterion e) of section (F) is satisfied.
- 3.19 The principle of development of the erection of a new dwelling together with access, landscaping, and associated works is considered to be acceptable in accordance with section (F) of Policy HD2. The proposal represents the erection of a single dwelling to serve as the principal farmhouse of Friarshaugh Farm. Erection of the proposed dwelling is supported by a professionally-prepared agricultural justification and would be tied within the agricultural unit.
- 3.20 Contradiction has previously been claimed between the proposed development and Policy EP6 which protects “*Countryside Around Towns*” – essentially the Council’s local greenbelt designation protecting against coalescence of Galashiels with the towns and villages surrounding it, including Melrose, Gattonside, and Newstead. The extent of land designation by the Policy can be seen in Fig.3.

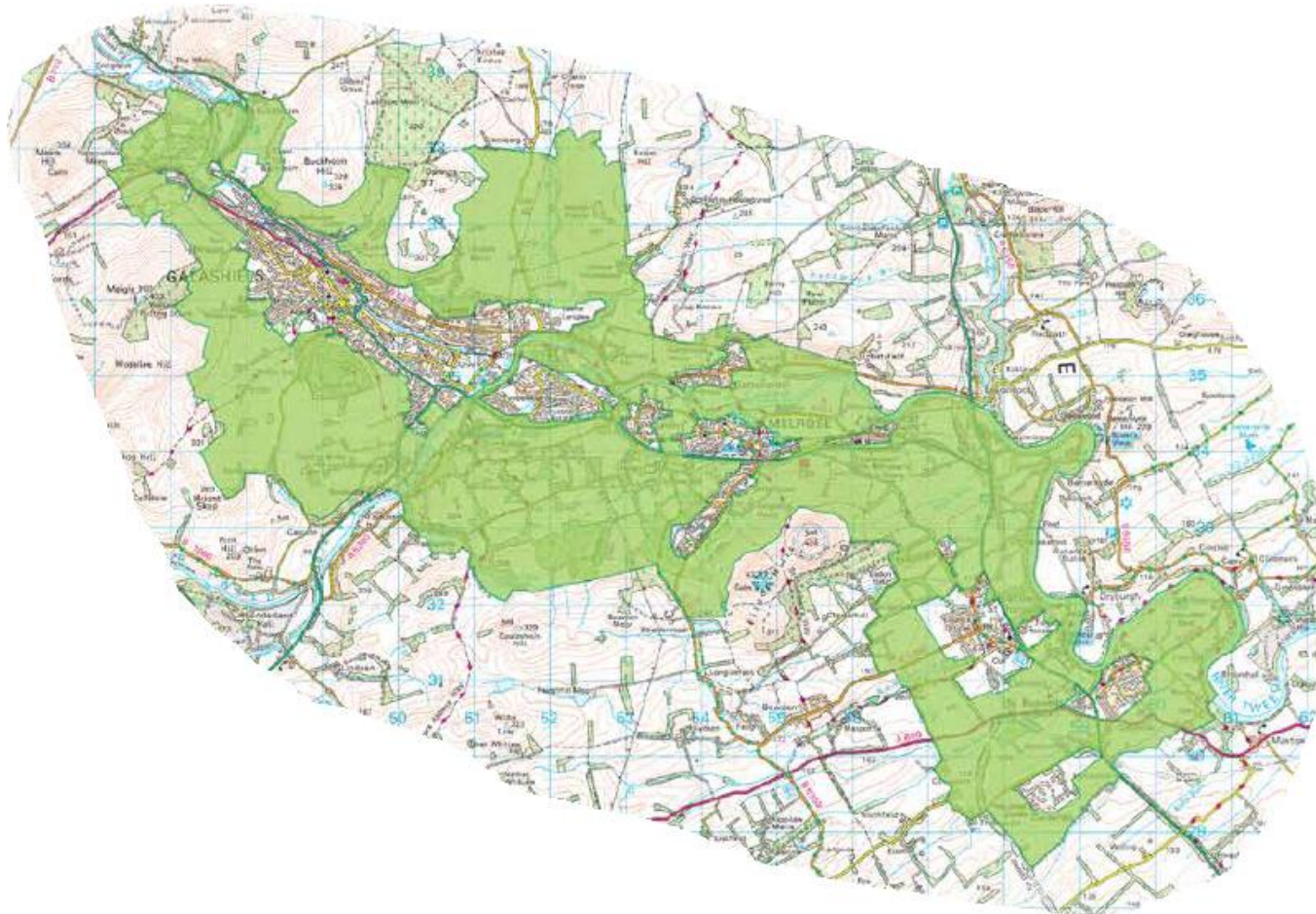


Fig 3: Countryside Around Towns designated by Policy EP6. Galashiels and Melrose are both visible fully enveloped by the designation which continues out towards other villages to the east of Melrose (Source: Scottish Borders Local Development Plan (2016)).

- 3.21 Report of Handling 21/00710/PPP outlines the risk of “the opportunity for further housing development” from the proposed access track extending westward towards Gattonside. It is not accepted that this assessment is accurate.
- 3.22 It is the Appellants’ position that the appeal site represents the furthest west site which is well related to the existing Building Group at Friarshaugh. Any application on a site to the west of the appeal site would certainly lie in the main body of the adjacent agricultural field which is actively cultivated and would also likely sit in an area afflicted by fluvial flood risk from the River Tweed (as forecast by SEPA).
- 3.23 The same insurmountable constraints would also apply to any site south of the appeal site. Therefore, it is considered that any additional housing beyond the site would be demonstrably unacceptable in planning terms and could be easily resisted by the Planning Authority.
- 3.24 It must be noted also that an agricultural shed has been approved a short distance beyond the west boundary of the site. The agricultural shed was approved on 25th August 2022 (Council ref: 22/01176/AGN) and will be built and operated in agricultural use regardless of whether the proposed dwelling is approved. The approved shed physically prevents further residential development to the west.

- 3.25 It is considered that the appeal site shares a strong relationship with the existing Building Group at Friarshaugh and is functionally disjointed and isolated from the agricultural fields to the south and west. To this end – in addition to fitting with the spirit of Policy EP6 as set out paragraph 3.14 – the proposed development is considered to lie within the sense of place and setting of the existing Building Group at Friarshaugh and therefore accord with criterion c) of Policy EP6.

GROUND 2: THE PROPOSED DEVELOPMENT DOES NOT CONTRADICT POLICY ED10 AS IT IS SMALL SCALE, REQUIRED TO SUPPORT THE AGRICULTURAL ENTERPRISE AT FRIARSHAUGH FARM, AND IS NOT CAPABLE OF RETURNING TO AGRICULTURAL PRODUCTION.

- 3.26 The appointed Planning Officer has outlined her interpretation that the proposed development is unacceptable as the site lies on Prime Quality Agricultural Land (PQAL) and therefore would contradict Policy 5 of National Planning Framework 4 (NPF4).
- 3.27 While the reference to NPF4 policy is noted, it must be borne in mind that the adopted Local Development Plan contains Policy ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils – a detailed policy that sets a strategy for the management of development in high value soils. Therefore, while it is accepted that both policies are relevant – the local policy (Policy ED10) is considered to be more pertinent than the NPF4 policy.

3.28 It is important to note that Policy ED10 permits development on land designated as “Prime Quality Agricultural Land” in cases in which criterion c) is satisfied:

“c) the development is small and directly related to a rural business.”

3.29 Firstly, it is considered that 0.63 hectares is a small parcel of land. The large agricultural field adjacent to the south of the application site nominally lies extends to approximately 6.8 hectares. Therefore the application site represents 9% of the field only. The field represents significantly less than half – approximately a quarter – of the agricultural unit of Friarshaugh Farm. The application site and wider field represent an even smaller proportion of the belt of Prime Quality Agricultural Land which extends across this part of the Borders – from the edge of Melrose, down the River Tweed to Kelso, and opening out across Berwickshire to the coast.

3.30 Furthermore, the footprint of the house itself (while deferred to the next stage of the planning process) extends to less than 220m² in the most recently drafted plans. The rest of the site would be occupied by garden space and retained tree belt which could, hypothetically, return to agriculture. Importantly, the proposed dwelling would be contained entirely within the west portion of the site. The east portion would be retained in full as garden space, free from development.

3.31 The proposed dwelling is required to enable the Appellants to take the land back in hand and rear sheep at Friarshaugh Farm. There are no existing dwellings within the farm holding and no houses available for sale in the existing Building Group. It is therefore indisputable that the proposed development is required by and directly related to an agricultural enterprise. The agricultural enterprise would be unable to further develop and achieve long term sustainability without securing a new house within the landholding.

3.32 It is considered essential to note also that the site is not in regular agricultural production. While small numbers of livestock were grazed on-site infrequently in the previous decade, the site has not been in active production since the first decade of the 21st Century. The small extent of the site, combined with constant increases in the sizes of equipment used for arable cultivation make the return of the site to active production ever more unlikely.

3.33 It is therefore factually inaccurate to understand the proposed development to represent the removal of land from agricultural production. The site has already been removed from agricultural production and is very unlikely to return.

3.34 Policy 5 of National Planning Framework 4 is considered to represent a partial repetition of Policy ED10. Within Policy 5 item ii. of criterion b) states that proposed development on Prime Quality Agricultural Land will be supported where it represents:

“ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite”.

- 3.35 As Policy 5 repetitions the “*direct link*” to a farm it is considered to be materially alike Policy ED10 of the Scottish Borders Local Development Plan 2016. Substantiation of a direct link is sufficient to achieve accordance with both adopted policies.
- 3.36 The proposed development is considered to be small scale, located on the field margin, and directly related to a rural business (Friarshaugh Farm). Therefore, the proposed development is considered to accord with Policy ED10 of the LDP and Policy 5 of NPF4 and to support Friarshaugh Farm in achieving viability and sustainability.

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CONCLUSION

CONCLUSION

- 4.1 The Notice of Review, supported by this Statement, requests that the Council resolves the non-determination of Planning Application 22/01824/PPP by granting Planning Permission in Principle for the erection of a dwelling with access, landscaping, and associated works on land south of Greywalls, Friarshaugh near Gattonside.
- 4.2 The proposal represents the erection of a single dwelling to serve as the principal farmhouse of Friarshaugh Farm. The Applicants are prepared to accept the new dwelling being tied within the agricultural unit and a formal agricultural justification has been submitted. Therefore the erection of the proposed dwelling upon the site is considered to be acceptable in accordance with Policy HD2(F).
- 4.3 The proposed development represents the expansion of the existing Building Group at Friarshaugh by a single dwelling. Further the site sits to the south of existing dwellings at Friarshaugh and does not extend westward towards Gattonside. It is the final suitable plot within the Building Group, along its south boundary and additional future development could be easily resisted. Therefore, the proposed development is considered to retain the physical separation between Friarshaugh and Gattonside, according with Policy EP6.
- 4.4 The application site is considered to be small scale (0.63ha) and directly required for an existing agricultural enterprise. The footprint of the house (at less than 220m²) represents a very small portion of Friarsahugh Farm. The application site itself is not in active agricultural production, which has been the case for significantly longer than ten years. As the proposed dwelling is required by the Appellants to become resident on-site and start rearing sheep on Friarshaugh Farm – which is necessary for the Farm to become sustainable – it is directly related to a rural business. Therefore, the proposed development is considered to accord with Policy ED10 as well as Policy 5 of NPF4 and to represent sustainable development.
- 4.5 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.6 The Local Review Body is respectfully requested to allow the appeal and grant planning permission for the erection of a dwellinghouse at Woodend Farm.

F E R G U S O N
P L A N N I N G

NEW DWELLING AT FRIARSHAUGH

CORE DOCUMENTS

CORE DOCUMENTS

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 Agricultural Justification Statement, prepared by the Laurence Gould Partnership;
- CD3 (Application) Planning Statement;
- CD4 AH129-P01-E Site Location Plan, prepared by Aidan Hume Design;
- CD5 AH129-S01-B Ground Floor & South Elevation Plan, prepared by Aidan Hume Design;
- CD6 AH129-S02-B Indicative Plan and Elevations, prepared by Aidan Hume Design;
- CD7 Update to Preliminary Ecological Appraisal prepared by The Wildlife Partnership;
- CD8 Preliminary Ecological Appraisal prepared by The Wildlife Partnership;
- CD9 Climb & Inspect Assessment prepared by The Wildlife Partnership;
- CD10 AH129-P01-D Site Location Plan, prepared by Aidan Hume Design; and
- CD11 Email from appointed Planning Officer to Appellants' agent of 06/02/2023.

F E R G U S O N P L A N N I N G

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