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NEW DWELLING AT LAND SOUTH OF GREYWALLS, FRIARSHAUGH

MR AND MRS CAMERON

FEBRUARY 2023

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Ref: B-CAM-20  
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Prepared by: Ruaraidh Thompson MRTPI  
Approved by: Tim Ferguson MRTPI  
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INTRODUCTION

## INTRODUCTION

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- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicants Mr & Mrs Cameron. The Statement supports an Application for Planning Permission in Principle for the erection of a dwelling together with access, landscaping, and associated works on land south of Greywalls, 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 (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 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 but is essentially too small for modern agricultural equipment and modern arable cropping. The field is set with a border to the west planted with semi-mature hawthorn and four Ash trees.
- 1.6 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.
- 1.7 The River Tweed is designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Neither of these designations extend as far as the boundaries of the application site. The site does lie in the Eildon and Leaderfoot National Scenic Area as well as the Countryside Around Towns, which is defined in the Scottish Borders Local Development Plan (2016).



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

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THE PROPOSAL

## THE PROPOSAL

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- 2.1 The proposal is for the erection of a new dwelling together with access, landscaping, and associated works. The layout and access arrangements of the proposed dwelling are conceptually illustrated on AH129-PP01 Site Location Plan.
- 2.2 The proposal centres on erection of a new dwelling on-site, located beyond the furthest extent of the flood plain. The new dwelling is conceptually envisaged in broadly 'T-plan' form, incorporating a protruding element on the east elevation. The proposed dwelling is orientated to allow residential accommodation to benefit from solar gain both before noon (from the south-east) and afternoon (from the south-west).
- 2.3 The Application is for Planning Permission in Principle with matters of detailed design for subsequent consideration. Notwithstanding that, the Applicants propose residential accommodation in the new dwelling arranged over two levels, standing between 1.5 and 2 storeys tall.
- 2.4 Sketch plans AH129-S01(B) and AH129-S02(B) have been prepared to illustrate that the proposed dwelling could sit comfortably within the site. An illustrative impression of the south elevation has been included on AH129-S01(B) to shed some light on the design concept to be developed into a detailed design. Should planning permission be granted for the proposed development then the Applicant will provide a detailed design informed by and in accordance with adopted policy for the further consideration of the Planning Authority.
- 2.5 A new drive with space for parking two cars is proposed from the agricultural access track to the west. Parking space shall stand adjacent to the north elevation to minimise the extent of residential curtilage required for vehicle access and parking.
- 2.6 The proposal includes a new hedgerow along the south boundary of the site. The hedgerow will connect with the existing tree border upon the west boundary of the site and create a wildlife corridor for birds and other wildlife.
- 2.7 The proposal comprises part of the Applicants' plans to develop the farm to deliver expansion of the business. Consent has already been secured for erection of a new agricultural barn (ref: 22/01176/AGN) on land to the west of the site, ulterior to rights granted under the General Permitted Development Order (Scotland). The new barn is for general agricultural use to serve all purposes as the agricultural enterprise develops towards achieving viability. The extended agricultural access track approved in June 2022 (22/00864/PN) will serve the farm, including the proposed dwelling, and remain outside the residential curtilage of the proposed dwelling.
- 2.8 The proposed dwelling will be serviced by connection to a privately held package treatment plant and soakaways within the Applicant's control. The Applicant proposes to connect to the mains water network which serves the existing dwellings at Friarshaugh.

**Planning History**

- 2.9 Planning Application 21/00710/PPP proposed a new dwelling in market tenure on-site. The Application was refused on 12th November 2021 citing conflict with Policy HD2 as the appointed Planning Officer considered the site to be adjacent to but outside the existing Building Group at Friarshaugh.
- 2.10 The Decision was subsequently appealed to the Local Review Body in December 2021 although the case was not heard in substance until April 2022. After seeking new information for the April meeting the LRB decided to uphold the Decision issued by the Planning Authority.
- 2.11 Subsequently an Application for Planning Permission in Principle was submitted in November 2022 for a new dwelling on-site in fixed agricultural tenure. The Application was referenced 22/01834/PPP and remains under consideration by the Planning Authority as of February 2023.
- 2.12 The proposal is considered to be distinct from both Application 21/00710/PPP and Application 22/01834/PPP. The application site has different boundaries from 21/00710/PPP and the proposal is for a new dwelling in market tenure, unlike 22/01834/PPP.





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

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PLANNING POLICY

## PLANNING POLICY

3.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of planning applications. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

### SCOTTISH PLANNING POLICY (SPP) 2014

3.2 SPP supports the creation and protection of successful, sustainable places which support sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This outcome sits side-by-side with the other three outcomes which target the delivery of low carbon places which reduce carbon emissions and adapt to the changing climate, natural and resilient places which protect and enhance our natural and cultural assets, and better connected places which support and capitalise on transport and digital infrastructure.

3.3 SPP creates a presumption in favour of sustainable development and establishes that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and
- considering the implications of development for water, air and soil quality.

3.4 SPP sets out how successful, sustainable places includes protecting and enhancing the vibrancy of rural, coastal, and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas.

- 3.5 In rural areas the Government intends the planning system to:
- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
  - encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
  - support an integrated approach to coastal planning.

#### **SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)**

- 3.6 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:

- **Policy HD2: Housing in the Countryside**
- **Policy HD3: Protection of Residential Amenity**
- **Policy EP4: National Scenic Areas**
- **Policy EP6: Countryside Around Towns**

#### **Policy HD2: Housing in the Countryside**

- 3.7 Section A of Policy HD2 addresses development proposals for housing supported by an economic requirement. The adopted text of section A has been copied below:

*“(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 a 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.”*

#### **Policy HD3: Protection of Residential Amenity**

- 3.8 The Policy states that *“development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any development will be assessed against:*

- a) *the principle of the development, including where relevant, any open space that would be lost; and*
- b) *the details of the development itself particularly in terms of:*
  - i. *the scale, form, and type of development in terms of its fit within a residential area,*



- ii. *the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions. These considerations apply especially in relation to garden ground or 'backland' development,*
- iii. *the generation of traffic or noise,*
- iv. *the level of visual impact."*

**Policy EP4: National Scenic Areas**

3.9 The Policy sets out that development proposals *"that may affect National Scenic Areas will only be permitted where:*

- a) *the objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or*
- b) *any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance".*

**Policy EP6: Countryside Around Towns**

3.10 The Policy establishes that *"within the area defined as Countryside Around Towns, proposals will only be considered for approval if they meet the following considerations:*

- a) *there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or*
- b) *it involves the rehabilitation, conversion, limited extension, or an appropriate Change of Use of an existing traditional building of character, or*

- c) *in the case of new build housing it must be located within the confines of an existing Building Group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or*
- d) *it enhances the existing landscape, trees, woodland, natural and man-made heritage, access and recreational facilities, or*
- e) *subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable".*

**OTHER MATERIAL CONSIDERATIONS**

**New Housing in the Borders Countryside SPG**

- 3.11 The Supplementary Planning Guidance provides *"advice and assistance with the siting and design of new housing in the Borders countryside".* Pertinent sections of the Guidance have been identified below.
- 3.12 The Guidance accepts that *"the Borders area is not uniform in its landscape character" and that for "new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover".*
- 3.13 The Guidance continues to establish that the development of *"new housing in harmony with its immediate and wider surroundings" is possible by "respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover".*

- 3.14 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.”
- 3.15 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on site facilities for vehicle movement and parking.”

#### **OTHER MATERIAL CONSIDERATIONS**

##### **New Housing in the Borders Countryside SPG**

- 3.16 The Supplementary Planning Guidance provides “advice and assistance with the siting and design of new housing in the Borders countryside”. Pertinent sections of the Guidance have been identified below.
- 3.17 The Guidance accepts that “the Borders area is not uniform in its landscape character” and that for “new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover”.
- 3.18 The Guidance continues to establish that the development of “new housing in harmony with its immediate and wider surroundings” is possible by “respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover”.

- 3.19 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.”
- 3.20 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on site facilities for vehicle movement and parking.”

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PLANNING ASSESSMENT

## PLANNING ASSESSMENT

### Principle of Development

- 4.1 The application site sits within the swathe of land bounded by the B6360 to the north and large agricultural fields to the south, east, and west. Within this swathe of land sits the Friarshaugh Building Group which comprises 8 no. existing dwellings, asymmetrically centred on Friars Hall. The pattern of development at Friarshaugh is dictated by the surrounding landform, described above. There is no distinct developed frontage (bookended or otherwise), courtyard, crescent, or similar format to the built environment locally.
- 4.2 The application site sits adjacent to the south of the existing dwelling 'Greywalls' within the Building Group on land which is sporadically used as pasture. The application site sits fully beyond the boundary of the surrounding large agricultural fields and is considered to sit within the existing Building Group's sense of place. As extension to the agricultural access track has been approved (22/00864/PN) which will lead further into Friarshaugh Farm. The site and proposed dwelling can be accessed directly from an existing access track, from which the new drive to the proposed dwelling leads.
- 4.3 Given the strong relationship of the site to nearby existing dwellings, the well-established and distinct field pattern which define its boundaries, and the access track negating requirement for substantial works in the landscape, the site is considered to be well related to the existing Building Group at Friarshaugh and to accord with criteria a) of section (A).
- 4.4 A review of the Council's online planning records has confirmed that 1 no. new dwelling (ref: 21/01561/PPP) has been consented at Friarshaugh within the current LDP period. The proposal is for the erection of a single dwelling within the setting and enlarging of an existing Building Group comprising eight dwellings. While details of appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site.
- 4.5 Views of the site from the west are screened by the existing tree and shrub planting which would be reinforced as part of the proposal. Views from the east are screened by a number of existing buildings, including the Walled Garden of Friars Hall, and an established, mature tree belt beyond. Views from the north are essentially precluded by a small body of woodland. Existing views from the south are defined by five existing dwellings – Greywalls, Frairs Hall, Friarshaugh View, Friarshaugh, and Sunny Brae House. It is considered that the addition of a single dwelling to this vista represents a negligible landscape impact. Given the limited landscape impacts associated with the proposed development, it is considered that an "*unacceptable adverse impact*" would not be created and that the proposal accords with criteria b) of section (A).



- 4.6 The Building Group at Friarshaugh comprises eight existing dwellings, therefore extension by two additional dwellings is permitted under Policy HD2. The new dwelling approved by Planning Permission 21/01561/PPP represents use of one of the available spaces with the other remaining outstanding. The proposal is considered to accord with criteria c) of section (A) as only one new dwelling has been consented within the current LDP period and one new dwelling is proposed.
- 4.7 The site lies within the “*Countryside Around Towns*” defined by Policy EP6. As established above it is considered that the large agricultural fields to the south, east, and west together with the B6360 to the north represent the distinct landscape features which enclose the existing Building Group at Friarshaugh. The site lies within the swathe of land enclosed by the distinct landscape features identified and is considered to be characterised by the Friarshaugh’s setting and sense of place.
- 4.8 It is considered that the proposal accords with Policy EP6 as it sits within the setting (or “*confines*”) of Friarshaugh and therefore satisfies criteria c) of the Policy.
- 4.9 The principle of development of the erection of a dwelling together with access, landscaping, and associated works is considered to be acceptable in accordance with section (A) of Policy HD2. The proposal represents the erection of a single dwelling expanding an existing Building Group in an appropriate fashion.

### Landscape

- 4.10 The site lies within the Eildon and Leaderfoot National Scenic Area. The National Scenic Area is primarily defined by substantial geographical features both rivers and hills. The River Tweed is the primary landscape feature of both the Borders and the National Scenic Area however both the Leader Water and the hills which cradle the valley either side of the water body make a core contribution to the scenic quality of the Area.
- 4.11 The Eildon hills are a primary and defining quality of the landscape of the National Scenic Area, even eclipsing the hills which cradle the Leader Water. The three Eildon hills define visual aspects both within the National Scenic Area and more widely across the Borders, as they dominate the horizon of views towards the confluence of the Tweed, Ettrick Water, and Gala Water. To the east of the Tweed, land plateaus off at Dryburgh into “the Merse” an expansive plain set with rich soil which extends across the Borders to the Berwickshire coastline.
- 4.12 The application site has negligible landscape profile within the National Scenic Area. It does not define the special qualities of the Area and makes little contribution towards any of those qualities. The proposed dwelling would stand between 1.5 and 2 storeys tall. That being the case, it is considered that it would not be possible for a dwelling standing 3 storeys tall on the site to compromise the objectives of the National Scenic Area – regardless of the otherwise unacceptable profile of a 3 storey dwelling on-site.

- 4.13 Views of the site from the west are screened by the existing tree and shrub planting which would be reinforced as part of the proposal. Views from the east are screened by a number of existing buildings, including the Walled Garden of Friars Hall, and an established, mature tree belt beyond. Views from the north are essentially precluded by a small body of woodland. Existing views from the south are defined by five existing dwellings – Greywalls, Frairs Hall, Friarshaugh View, Friarshaugh, and Sunny Brae House. It is considered that the addition of a single dwelling to this vista represents a negligible landscape impact, as it would represent nothing more than the expansion of a cluster of existing dwellings by one new house. Given the limited landscape impact associated with the proposed development, it is considered that an “*unacceptable adverse impact*” would not be created.
- 4.14 The proposal is considered to respect the objectives of the National Scenic Area and to be acceptable in landscape terms, in accordance with Policy EP4.

#### Residential Amenity

- 4.15 The proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling and surrounding dwellings. The type of development (a single detached dwelling) is considered to be appropriate to the site and the local area. Consideration of whether the scale of the proposed development is suitable, is deferred for future consideration. However, it is considered that the indicative form shown on AH129-S01 Sketch Ground Floor and South Elevation Plan is broadly representative of appropriate development on the site. The proposed dwelling is conceptually illustrated within the west portion of the site, predicating primary residential use on-site in the west half and effectively sterilising any development potential in the east portion. The whole site is within the ownership of the Applicants, who have no intention of developing more than one dwelling on-site.
- 4.16 The location of the site is generally conducive to good residential amenity as no overlooking or intervisibility exists with windows of either Greywalls or Friars Hall, the two closest existing dwellings. Greywalls is the closest existing dwelling to the site and is offset from the footprint of the proposed dwelling, which mostly precludes risk to good quality amenity. It is conceptually proposed that the boundaries of the site shall be planted with hedge to serving both amenity and landscaping purposes.
- 4.17 Views of the site from public vantage points are primarily from the river to the south. Visual impact from these viewpoints are addressed in paragraph 4.13. Overall the visual impact of the proposal on the local area is considered to be negligible.

4.18 As the proposal provides for good amenity on-site and in the surrounding area it is considered to accord with Policy HD3.

#### **Ecology**

4.19 The Wildlife Partnership were instructed by the Applicants in December 2020 to conduct a Preliminary Ecological Appraisal on-site and in the contiguous fields. The Appraisal found no firm evidence of protected species on-site at that time.

4.20 The Appraisal detailed recommendations in section 6 which were accepted by the Applicants. The proposal incorporated a 30 metre radius free of development around the former badger sett – which at that time was thought to possibly still be in use – in the south-west of the site. A climb and inspect assessment of trees along the west boundary of the site has been conducted in April 2021 and submitted with Planning Application 21/00710/PPP.

4.21 The climb and inspect assessment confirmed that no trees on-site or nearby are existing bat roosts. A mature Ash tree (3497) was identified as a Barn Owl roost while a second tree (3494) was identified as a possible roost. Neither tree was proposed for removal either previously or now and both will be retained in the proposal.

4.22 In August 2022 the Applicants instructed the Wildlife Partnership to update both the previously prepared Preliminary Ecological Assessment and climb and inspect assessment. The updated assessment (September 2022) confirms that there has been no material change to on-site habitat since the previous assessment.

4.23 The existing tree 3497 was found to remain in use as a Barn Owl perch. However, the tree is not proposed for removal and will be retained as part of the proposal, as described above. Therefore, it is considered that the proposal safeguards European Protected Species (EPS) and is acceptable in Ecology terms, as established in the reports prepared by the Wildlife Partnership.

#### **Access and Parking**

4.24 Access to the site is proposed via the existing agricultural access track from the B6360 public road. A short extension to the access track is proposed to connect the consented section of track with the house and garden plot. The track is in existing agricultural use and will be retained for that purpose, therefore it is not proposed to include the track within residential curtilage.

4.25 The proposal includes two on-site parking spaces on the proposed drive which links the proposed dwelling to the agricultural access track. Space is provided on the proposed drive for cars to turn safely. These arrangements are considered to be acceptable in transport terms.

#### **Site Servicing**

4.26 The proposed dwelling will be serviced by connection to the nearby mains water network. Foul and surface water drainage will be managed by connection to private means. Satisfactory connection arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.

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CONCLUSION

## CONCLUSION

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- 5.1 Ferguson Planning has been appointed by the Applicant to submit an Application for Planning Permission in Principle for the erection of a dwelling together with access, landscaping, and associated works on land south of Greywalls, Gattonside.
- 5.2 The proposal represents the enlargement of an existing Building Group by one dwelling upon a site which is well related to the existing Building Group at Friarshaugh. The lies within the boundaries which mark the setting and sense of place of the Building Group. Extension of the agricultural access track has significantly reduced the work required to enable erection and use of the dwelling. Therefore, the erection of the proposed dwelling upon the site is considered to be acceptable in accordance with Policy HD2(A).
- 5.3 The proposal has been designed in accordance with Policy HD3 and represents an acceptable form of development in this location. It is considered that the proposed dwelling would benefit from good amenity and safeguard the privacy of surrounding dwellings.
- 5.4 The proposal is considered to respect the special qualities and landscape value of the Eildon and Leaderfoot National Scenic Area. Therefore the proposal accords with Policy EP4.
- 5.5 It is considered that the proposal is in accordance with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. It is respectfully requested that planning permission is granted.

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

## GALASHIELS

Shiel House  
54 Island Street  
Galashiels TD1 1NU

T: 01896 668 744  
M: 07960 003 358

## EDINBURGH

37 One George Street  
Edinburgh  
EH2 2HN

T: 0131 385 8801  
M: 07960 003 358

## NORTHERN IRELAND

61 Moyle Road  
Ballycastle, Co. Antrim  
Northern Ireland  
BT54 6LG

M: 07960 003 358

E: [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

WWW.FERGUSONPLANNING.CO.UK

