



## APPEAL STATEMENT

# ERECTION OF DWELLINGHOUSE WITH DETACHED GARAGE LAND SOUTH OF HEADSHAW FARMHOUSE, ASHKIRK, SELKIRK



MAY 2023

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## EXECUTIVE SUMMARY

The appellant proposes the “*Erection of dwellinghouse with detached garage*” on land in their ownership within the agricultural unit of Headshaw Farm, Ashkirk, Selkirk.

It is agreed between the Council and the appellant that there is an existing building group comprising five existing dwellings. Disagreement centres on whether the appeal site is ‘well related’ to the existing building group, and this is the key reason for the Council’s refusal of the original planning application.

The appellant’s family have farmed at Headshaw Farm for four generations, demonstrating long-term commitment to providing a high-quality sheep and cattle enterprise and horse livery, contributing to the rural economy with the Borders. The labour requirement for all the land farmed amount to a significant scale of enterprise and the need for the principal personnel to be living on site is considered imperative for the farms continued success for generations to come.

This appeal will enable the existing farmhouse to be released for occupation by the next generation, allowing the appellant’s daughter to return and to assist in the day-to-day management of the farm. She also runs a graphic/design company and is seeking to expand this enterprise in the Scottish Borders and beyond. This clearly has the long-term benefit of allowing the current owners of the rural business, the appellant, to transition towards retirement but remain at Headshaw for the rest of their lives. It also supports ‘rural revitalisation’ which is strongly encouraged by the recently adopted NPF4 and enables delivery of a high quality, self-build home that that is highly energy efficient using Passivehaus detailing and responds to climate change with the provision of solar panels.

In contrast to the officer’s assessment, it is considered that the proposed development is ‘well related’ to the existing building group, lying within the local setting and defined sense of place. It is the position of the appellant that the appeal site shares a strong relationship with all the existing dwellings and farmhouse, orientated around the private access road from the A7. A new tree boundary is proposed on the eastern and northern boundary of the site to further enhance the existing natural boundaries of the site and provide a distinct landscape feature, enclosing the building group along its east edge and precluding further development.

The Local Review Body is respectfully asked to undertake a site visit and following a review of the detail contained within the planning and appeal submissions, respectfully requested to allow the appeal and grant planning permission.

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1. INTRODUCTION

1.1 This Statement is submitted on behalf of Mrs. N. Hunter (the appellant) and sets out the grounds of appeal against the decision by Scottish Borders Council (the Council) to refuse planning application reference 22/01947/FUL by delegated decision on 24 March 2023. The detailed application sought permission for the '*Erection of dwellinghouse with detached garage*' on Land South of Headshaw Farmhouse, Ashkirk, Selkirk.

1.2 The Council refused the application for a single reason:

*1. The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008, and Policies 9 and 17 of the National Planning Framework 4 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. This conflict with the development plan is not overridden by any other material considerations.*

1.3 It is important to note that there were no statutory or public objections to the proposal as shown below.

Ecology Officer –No Objection

Roads Officer –No Objection

Scottish Water –No Objection

Scottish Water –No Objection

1.4 It should also be noted by Members that *Lilliesleaf Ashkirk and Midlem Community Council* had no objection, and stated the following in support of the application:

Clearly the development has been very carefully considered in terms of its accommodation and style.

Its site is sympathetic to the lay of the land and does not adversely affect other dwellings.

The landscaping and planting scheme is, similarly, carefully, and sympathetically considered.

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Its purpose is to provide housing for family that will, in due course, enable the current owner to retire on site.

The design and materials aim to be energy efficient and green as far as possible.

Services will be provided on site.

- 1.5 The appeal statement should be read in the context of all supporting evidence documents submitted as appendices to this appeal statement, and all those from the previous planning application which are listed below:

No	Appendix to Appeal	
1	Site Photographs and Diagrams	
	Core Document from Original Planning Application	Author
CD1	SBC Decision Notice and Officers Report	SBC
CD2	Drawings Package <ul style="list-style-type: none"> <li>- Location Plan</li> <li>- Proposed Site Plan</li> <li>- Proposed Floor Plans</li> <li>- Proposed Elevations</li> <li>- Garage Drawings</li> </ul>	Keith Renton Architect
CD3	3D Visuals	Keith Renton Architect
CD4	Sequential Site Assessment	Keith Renton Architect
CD5	Design Statement	Keith Renton Architect
CD6	Planning Statement	Ferguson Planning Ltd

- 1.6 The remaining sections in this appeal statement comprise:

A description of the appeal site and surrounding context (Section 2)

A description of the proposed development (Section 3)

The appellant's grounds for appeal (Section 4)

Material considerations in support of the appeal (Section 5)

Summary of the appellant's case (Section 6)

- 1.7 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by material considerations. On that basis, we respectfully request that this appeal is allowed.

## 2. SITE LOCATION AND PLANNING CONTEXT

- 2.1 The site is situated within the countryside, outwith the settlement boundary, but adjacent to an existing building group at Headshaw Farm, located approximately one mile to the northwest of the village of Ashkirk off the A7.
- 2.2 The farm includes the main farmhouse at Headshaw, three cottages, and a bungalow creating an existing 'building group' of five dwellings. All the dwellings, except for the farmhouse within which the appellant currently lives, are within the appellant's ownership and are let out to long-term tenants who wish to remain in their properties for years to come. Letting out the properties provides a valuable income source for the farm as a form of diversification.
- 2.3 The site is accessed off an existing private road, from the A7, that is shared with the other properties in the building group.
- 2.4 The site is currently laid to rough pasture. The site location and building group are shown in Figure 1, 2 and 3. The site is located towards the western edge of a contained field, and is already well-defined with existing trees, a dry-stone dyke and fence line bordering the site, as shown in Figure 4.

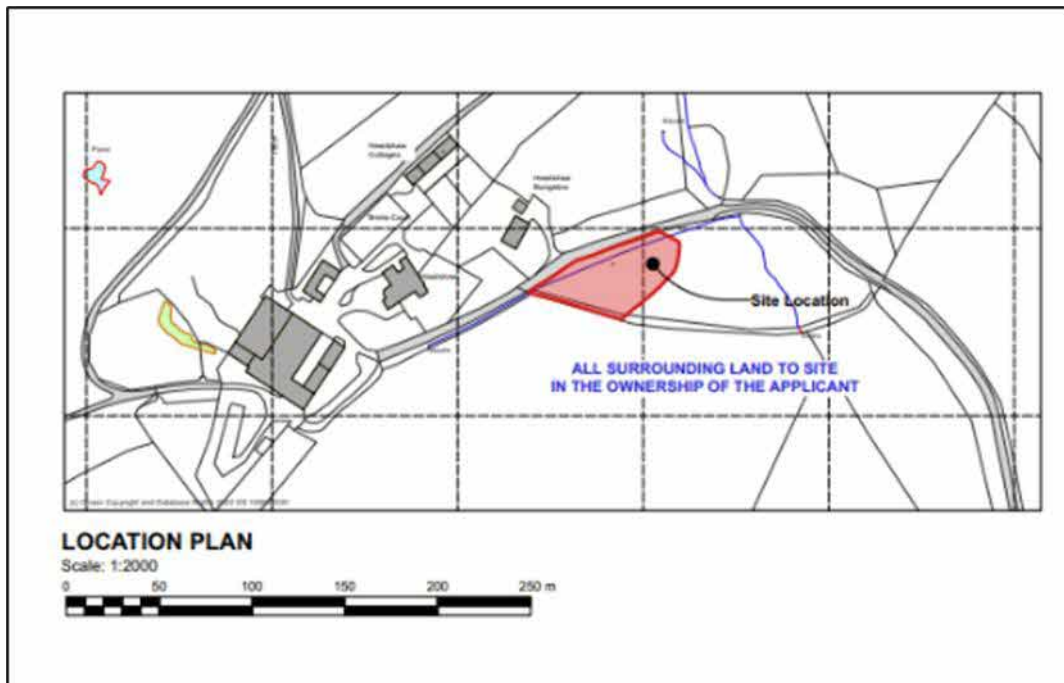


Figure 1: Location map of the proposed development (Source: Keith Renton Architecture)

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# FERGUSON PLANNING

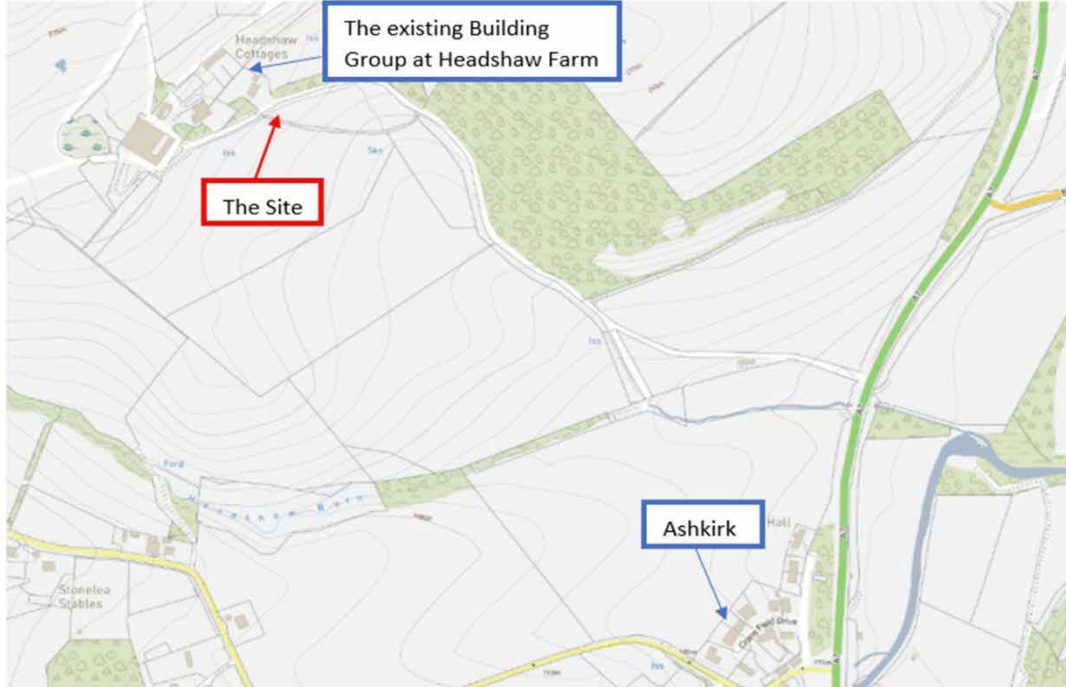


Figure 2: Site Location Plan and Wider Context

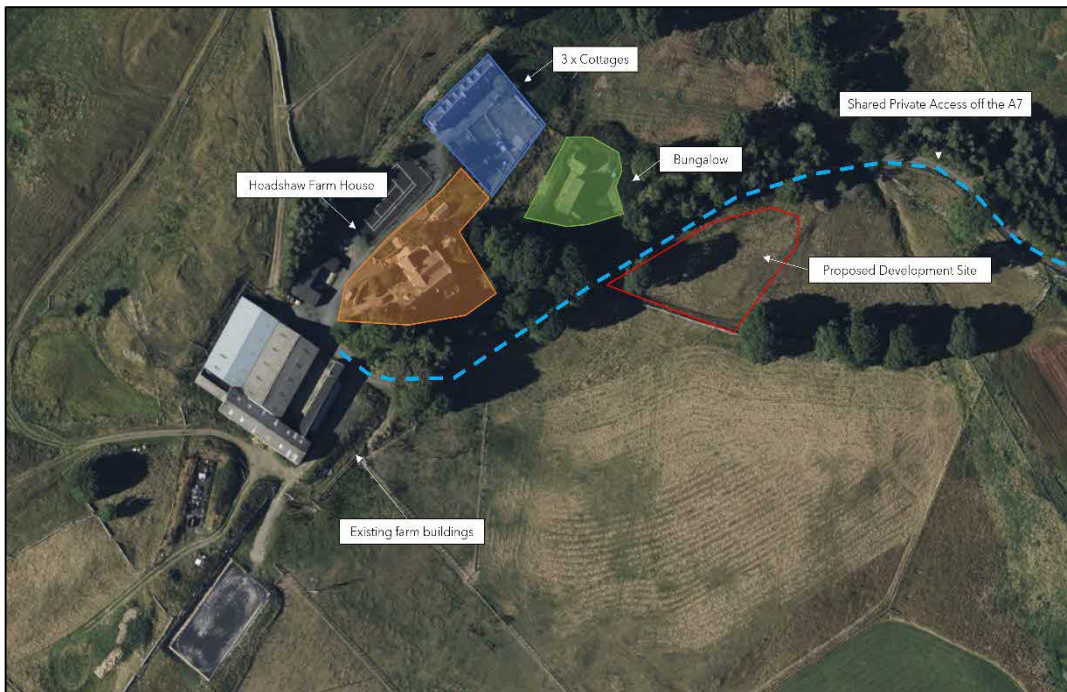


Figure 3: Relationship of Proposed Site to Building Group (also at Appendix 1 at larger scale)

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Figure 4: Photograph of the site taken from the north west corner looking south east

### Need for Development

- 2.5 The appellant's family have farmed at Headshaw Farm for four generations, demonstrating long-term commitment to providing a high-quality sheep and cattle enterprise and horse livery, contributing to the rural economy with the Borders. This application will enable the existing farmhouse to be released for occupation by the next generation.
- 2.6 The labour requirement for all the land farmed amount to a significant scale of enterprise and the need for the principal personnel to be living on site is considered imperative for the farms continued success for generations to come.
- 2.7 The need for the dwelling is to enable the daughter of the appellant to return and to assist in the day-to-day management of the farm. She also runs a graphic/design company and seeking to expand this enterprise in the Scottish Borders and beyond.

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### 3. PROPOSED DEVELOPMENT

- 3.1 The proposal is for a building that is discretely and sensitively positioned in the landscape, that is simple in plan, construction, and a design that is contemporary in its architectural language whilst sensitive to its rural context.
- 3.2 Careful consideration has been taken in the positioning of the proposed dwelling within the site to ensure there is a reasonable separation distance to the existing dwelling adjoining the northern boundary, safeguarding the daylight and sunlight provision as well as the privacy of residents.
- 3.3 Particular attention has been taken in ensuring the proposal is well related to the built form and does not impinge upon the site's countryside setting through the proposed new landscaping, shielding views upon approach from the east.

#### Design, Appearance and Materials

- 3.4 The proposed development consists of the erection of a single dwelling on the site, with associated access and works. the layout, floorplans and access arrangement illustrated in the drawings enclosed (CD2 and CD3).



Figure 5: Site Layout Plan (Source: Keith Renton Architects)

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- 3.5 The new dwelling is proposed to be positioned in the centre of the site, set back from the adjoining road, whilst retaining proximity with the existing neighbouring dwellings beyond the road to the north. The proposed dwelling is a 'Z- shape', orientated towards the north, with the key habitable rooms and rear garden towards the south, optimizing the daylight/ sunlight provision.
- 3.6 The site is protected from the harsher weather by the natural screening , in line with creating a more sustainable building, benefiting from a south facing aspect for solar gain while being protected by the natural world around.
- 3.7 The design concept is informed by the existing built form within the building group with the proposed dwelling not exceeding 1.5 storeys high, whilst incorporating modern architectural design and technologies, complementing its surrounding rural character as illustrated in the accompanying drawing package and figures.
- 3.8 The proposal seeks to use natural and sustainable materials which reflect their residential and agricultural structures in the building group. The core palette includes natural timber cladding and bordering, standing seam metal wall cladding, stone cladding, and glazing. The contrasting materials on the façade are considered to show sensitivity to the surrounding landscape and seek to largely go unnoticed when taken with the wider build form and topography of the rolling hills.
- 3.9 A double garage is proposed, using the same material palette as the proposed house, as illustrated within the accompanying drawing pack. The garage is proposed to have glazed windows, providing natural light, with roof space that has the future potential to convert into an office or living accommodation.

Sustainability

- 3.10 As described within the Design and Access Statement (CD5), the building will be built to achieve very high levels of insulation to walls, floor and roofs which will exceed the requirements of Part 6 of the Building Regulations.
- 3.11 The use of Passivehaus detailing and principals along with monitoring during construction will ensure the building performs as designed with no “performance gap” often seen in modern buildings.
- 3.12 Except for the ground floor insulation all other insulating material will consist of cellulose (<http://www.warmcel.co.uk>), which is manufactured from recycled paper.
- 3.13 All the above ground structure and framing to be constructed using full timber-based products.

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- 3.14 Engineered 'I' joist for external wall framing and roof structure. Glu-Laminated timber beams for large spans/openings and ridge beams. NO concrete or steel beams to be used.
- 3.15 The insulated slab system listed above minimises excavation of the ground and materials used (reduced use of concrete and no blockwork required). This significantly reduces the embodied energy of the construction.
- 3.16 A photovoltaic array of panels will be installed along with a system to divert excess energy to be used for hot water, car charging or battery storage.

#### Access

- 3.17 Access is proposed from the adjoining road along the northern boundary of the site which already serves the rest of the building group. The site also benefits from being situated next to existing utilities such as electricity, mains water and telecommunications.

#### Landscaping

- 3.18 Private outdoor amenity provision for the proposed property would be substantial, complimenting the natural rural environment in which it surrounds. The site benefits from being situated within a contained site, bordered by existing trees and vegetation to the south which is sought to be retained and enhanced where possible.
- 3.19 Additional tree planting is proposed within the body of the site, and along the immediate northern and eastern boundaries, further adding to the site's landscape containment, minimising the visual impact on the surroundings. No existing trees will be affected by the development.

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#### 4. GROUNDS OF APPEAL

##### SBC's Reason for Refusal

- 4.1 SBC refused the application for one reason, as outlined in Section 1 and re-stated below. To aid LRB Members clarity in our response to the issues raised in the reason for refusal, we have split it into three parts, as noted in bold below.
- 4.2 *The development is contrary to policy HD2 of the Local Development Plan 2016 [Part 1-A]. and New Housing in the Borders Countryside Guidance 2008 [Part 1-B] and Policies 9 and 17 of the National Planning Framework 4 [Part 1-C] 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.*
- 4.3 *Furthermore, there is no overriding economic justification to support the development [Part 2].*
- 4.4 *The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. This conflict with the development plan is not overridden by any other material considerations [Part 3].*

##### APPELLANT'S RESPONSE –PART 1

##### A - Compliance with Policy HD2

- 4.5 The proposed development is entirely justified under Part A of Policy HD2 and no other parts of Policy HD2 therefore require to be considered.
- 4.6 Policy HD2 Part A allows new housing in the countryside if it complies with three tests, which we address in turn below:
- a) *"The application 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.*
  - 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 considered; and*
  - c) *Any consents should not exceed two dwellings or a 30% increase to the group during the Plan period".*



- 4.7 *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”.*
- 4.8 Criteria (a) It is common ground between the appellant and the Council that a building group exists at Headshaw. The officer states in their report (CD1), that *“the site is situated within an existing building group which consists of the main farmhouse, three cottages and a bungalow”.* These buildings all sit opposite the proposed development site.
- 4.9 The disagreement is therefore whether the proposed site is *‘well related’* to that building group. The officer is of the opinion that, *“the existing mature hedging and planting forms a defined natural boundary and a dwelling in this location would clearly disrupt this, and break into an undeveloped field. This is reinforced by the intervening road. It would therefore be detached and not sympathetically integrated within the established building group”.*
- 4.10 It is acknowledged that the planning officer has concerns about the site lying beyond the mature planting located to the north of the site, but this fails to acknowledge that the other properties are still clearly visible from the site, as shown in Figure 6.
- 4.11 The appellant’s position is that the site location was chosen to fully integrate the proposal into this existing building group.
- 4.12 The proposed dwelling lies together with the other existing dwellings arranged around the existing private access, which runs between the site and the existing building group to the north. It will sit directly opposite the bungalow and its own driveway of the private access to the north.
- 4.13 The proposed development will be positioned within a naturally contained site with already clearly defined boundaries. The existing natural boundary features are laid in a semi-circular arrangement to the southeast of the plot include trees and drystone wall, which represent a distinct landscape feature enclosing the site, as shown in Figure 7 below.

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Figure 6: Site photograph showing relationship to existing dwellings.

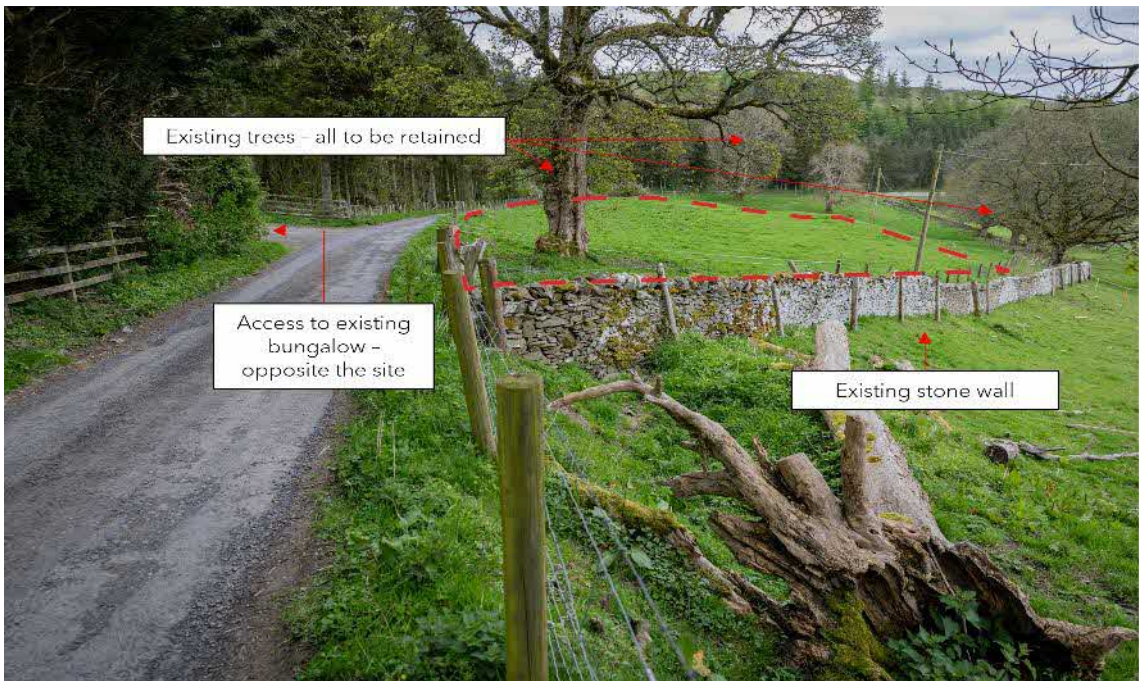


Figure 7: Existing natural boundaries of the site

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- 4.14 These existing boundaries will be supplemented by additional tree planting to the east and north, and shrub, plants, and wildflower planting, as shown on the Site Layout Plan at Figure 5. This will provide an opportunity to further enhance the natural and logical edge to the eastern extent of the building group. The proposed planting is considered to strengthen the relationship between the proposed site and the existing building group, by delineating the sense of place within the existing building group from the large arable fields to the south and further east. It will also serve to screen the new development from the road and the existing dwellings to the north for privacy.
- 4.15 In terms of the chosen location, as illustrated within the supporting Sequential Site Assessment (Figure 8 and CD4) there are no other appropriate existing buildings that are vacant or suitable for conversion, or pockets of land available for development.



Figure 8: Extract of Sequential Site Assessment document only. Please refer to document in full for a larger scale which has been re-submitted with this appeal.

- 4.16 It is the position of the appellant that the appointed planning officer has failed to properly consider this assessment within their report. The sequential process undertaken by the appellant has not been satisfactorily responded to in our opinion and thus fails to fully and properly substantiate the reason to refuse the application.



- 4.17 The officer says in their report of handling that, *“whilst it is acknowledged that a sequential plan justifying the location of the dwelling has been provided, this does not overcome conflict with the aforementioned policies and therefore any proposal will need to be located within the farmyard building group in accordance with Policy HD2 Part A”*.
- 4.18 In contrast, it is the appellant’s view, that the Sequential Site Assessment is critical to the review of this case, as it clearly demonstrates why the proposal cannot be located closer to the farmyard itself.
- 4.19 The topography of the land around the building group is steep in areas and there are limited suitable flat sites which do not have an important agricultural use and that are not essential to the running of the horse livery and farm businesses. The sequential plan illustrates that these areas include a stack yard, silage pit (currently used for storage of scrap metal), muck heap, access routes for all the comings and goings of the farm vehicles as well as livery clients, vehicles, and their horses.
- 4.20 Other parcels of land within the farm holding are also further away from the mains water supply and other infrastructure requirements. They would require new roads to be built right through the horse livery, which isn’t possible as it would impact on the livery, the livery car park, and the area for parking horse boxes.
- 4.21 The appointed officer questioned whether consideration had been made for the siting of the development to the west of the steading. This was not possible as this area is vital for the operation of the farm. It would involve development in an exposed position and into a previously undeveloped field. Moreover, it would be far more visible from the south (see Figure 9) and would be more removed from the existing residential building group.
- 4.22 The applicant also previously undertook a pre-application enquiry prior to submitting the original application for a preferred site in the adjacent field to the southeast. They have since taken cognisance of the planner’s response in selecting the alternative application site proposed as part of the original application, adjoining the existing built form.
- 4.23 The site in question is now considered to be the most logical location for development. It’s a naturally flat area of ground on what is a hilly farm and adjoins the existing built form of the building group, is accessed via the same private road, and does not interrupt the current farm operations.
- 4.24 Our opinion is that the proposed development relates well to the existing building group present at Headshaw Farm. It has been demonstrated in some detail that



there are no vacant buildings on the farm, all other existing cottages are let and that the immediate lands around the farm are required for the farm business.

- 4.25 Criteria (b) In their report, the planning officer maintains that the proposed development would be *“detached and not sympathetically integrated within the established building group”* and therefore conflicts with criteria a and b.
- 4.26 We have provided our justification for why we disagree with the officer’s assertion that the proposed site is detached from the established building group. We also believe that the dwelling is sympathetic in design and the new development will have no adverse impact on the character of the building group as is required by criteria (b).
- 4.27 There is no one house style in the existing building group. Therefore, the proposed materials, design and layout have been chosen to be of its time and sit well within its rural context. The density of development proposed is broadly representative of the existing pattern of development within the building group. The layout of the site and relationship with the rest of the building group would ‘round off’ the eastern portion and preclude further residential development.
- 4.28 The officer is supportive of the actual design and says the *“dwelling itself is acceptable in terms of size, form, and overall design. Whilst it is noted that it would be preferable to have a slate roof than the proposed standing seam metal roof; due to the proposal’s modest height and proportions, it would not appear as an incongruous addition to an extent that it would warrant its refusal”*.
- 4.29 The proposal will also have no impact on the existing working farm or amenity of the existing dwellings. The officer confirms this by saying, *“the proposed would be sited on an ample plot whereby it is feasible for a dwelling to be situated without harming adjoining residential amenities”*.
- 4.30 In terms of landscape impacts, views of the site from the south will be screened by the established trees which are on site, and it is arguably less intrusive visually than the existing residential properties sitting lower on the hillside as shown in Figure 9 below.
- 4.31 Views of the site from the east would all be screened by the new tree planting. This would represent a landscape as well as ecological improvement. The tree planting would also screen long views of the site on the approach up the private access road from the A7 by providing a wooded backdrop to agricultural fields.



4.32 The proposed development also seeks to integrate within the natural forms located at the site. The selection of the proposed site ensures no trees need to be cut down and that the current farm operations are not disrupted. This is accepted by the officer in their report of handling, who states that *“there is considered to be a sufficient developable area to accommodate the proposal without harming any trees”*.

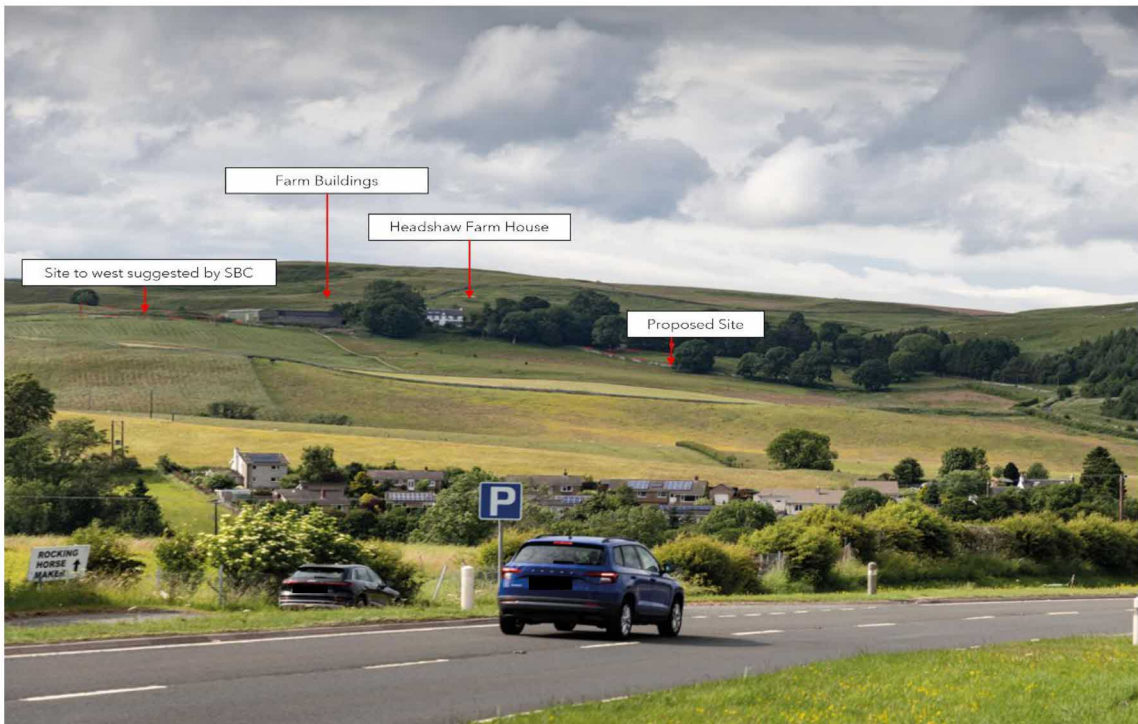


Figure 9: Views of the site in relation to the wider building group from the A7

4.33 It is considered that the proposed development will not have an adverse impact upon the landscape and amenity of the surrounding area. The scale and siting of the proposed development reflects and respects the character and amenity of the existing building group. The proposed development has no adverse material effect, cumulative or otherwise, on the amenity of the local residences. Given this, it is considered that the proposal fully accords with criteria (b) of Part A.

4.34 **Criteria (c)** of Policy HD2 of the local plan states that existing building groups will be permitted to expand by a of up to a total of two additional dwellings, or a 30% increase in the number of residences, whichever is higher. The addition of a single extra dwelling falls well within this limit. The officer has also confirmed that, *“With respect to criteria c, dwellings have been permitted in the locality however not within the Plan period and therefore there is no conflict with this this criterion”*.



B – Compliance with ‘New Housing in the Borders Countryside Guidance 2008’

4.35 The Council’s Supplementary Guidance ‘New Housing in the Borders Countryside’ states that “*all applications for new houses at existing building groups will be tested against an analysis of:*

*the presence or, otherwise of a group; and*

*the suitability of that group to absorb new development”.*

4.36 Part 2.b.1 of the above guidance, defines a building group. It states that, “the existence of a 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”.*

4.37 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.*

4.38 As we have outlined under our response to Policy HD2 Part A, above, we consider that the proposed development site forms a logical extension to the existing building group, located off the shared access, and near the existing dwellings within that group. Particularly the bungalow, which sits directly opposite. The site also benefits from its own existing natural boundaries, which the appellant is proposing to enhance through additional tree and shrub planting.

4.39 The principle of creating new man-made boundaries to enhance a sense of enclosure, is fully supported by the guidance above, as well as a recent decision at Leader House, Oxtou (LPA Ref: 18/01712/PPP). In this case, the planning officer acknowledged and accepted the creation of a man-made boundary which



contained the site. Additional containment landscaping could be provided if deemed necessary by LRB members and applied by a suitable worded condition.

C – Compliance with Policies 9 and 17 of the National Planning Framework 4

- 4.40 Policy 9 of NPF4, criteria (b) states that, *“proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal site is explicitly supported by policies in the LDP”*. As we have outlined above, the proposals are compliant with LDP Policy HD2 Part A, and therefore it follows that the proposals are compliant with Policy 9 and there is no conflict.
- 4.41 We also do not consider that a refusal on the grounds of NPF4 Policy 17 is justified in this case. The officer considers that the proposal may be considered under Policy 17 (criteria v) which accepts the principle of rural dwellings in connection with a viable rural business. It states that, *“Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development... (v) is demonstrated to be necessary to support the sustainable management of a viable rural business... and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work”*.
- 4.42 However, the officer states that because a business plan has not been provided, the proposal cannot be supported on those grounds.
- 4.43 As described in Section 3.0, the need for the proposal is driven by a requirement to provide additional accommodation within the existing farm, to allow the daughter of the appellant to permanently return to the farm, to support her parents to manage and maintain a successful existing farm and livery business as they age. This clearly has the long-term benefit of allowing the current owners of the rural business, the appellant, to transition towards retirement.
- 4.44 However, planning permission is not sought specifically under these terms in this case, and a business plan has not been provided, because we see no reason for the occupancy of the new house to be tied to the land, given the above compliance with Policy HD2 Part A, and building group guidance.
- 4.45 We also consider that the proposals are compliant with NPF4 Policy 16 (part c) instead. Therefore, we do not consider that there is necessarily a requirement to provide further justification in line with the criteria of Policy 17 in the form of a business plan. Policy 16 (part 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: (i) self-provided homes”.*

4.46 It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the new dwelling would be delivered on self-build basis –by the appellant. Therefore, the proposed dwellings are considered to satisfy item (i). of criterion c) as it represents a ‘self-provided home’.

4.47 We therefore do not consider Policy 17 is justified grounds for refusal due to the lack of an economic case, as the proposal satisfies other housing policies of NPF4. It is not a requirement for proposals to meet all policies of NPF4 to be acceptable where they overlap in this way, or where proposals comply with the LDP.

4.48 Notwithstanding, we do consider that the proposals are fully compliant with the stated policy intent of Policy 17 which is, *“to encourage, promote and facilitate the delivery of more high quality affordable and sustainable rural homes in the right locations”.*

4.49 Furthermore the ‘policy outcomes’ of Policy 17 are defined as:

*“Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.*

*Homes are provided that support sustainable rural communities and are linked with service provision.*

*The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced”.*

4.50 We consider the proposals satisfy both the ‘policy intent’ and will deliver the ‘policy outcomes’ of Policy 17 for the reasons already stated in this appeal statement and in our previous planning submission.

#### APPELLANT’S RESPONSE –PART 2

4.51 The second part of the reason for refusal denotes that no overriding economic justification has been provided in line with Part F of Policy HD2. This statement should not form part of the reasoning to refuse as it is not applicable to Policy HD 2 Part A, to which this application relates.

4.52 Part F of Policy HD2 addresses and is relevant only to *“housing with a location essential for business needs”.* Although the appellant is a proprietor of Headshaw Farm, the proposed dwelling is not intended as an agricultural tied dwelling.



4.53 Part F therefore is not considered to have relevance to this application, and an overriding economic justification, supported by a business plan, is not applicable when the application and appeal is based on the application of LDP Policy HD 2 Part A. This reason for refusal should therefore be set aside.

APPELLANT'S RESPONSE –PART 3

4.54 Policy PMD2 requires that, *“all development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings”*.

4.55 The officer contends that, *“The proposed dwelling would be sited on an undeveloped field and is considered to be poorly related to the existing built area and therefore harmful to the rural character and appearance of the locality, conflicting with PMD2”*.

4.56 The stated reason for the impact on visual amenity appears to stem purely from the exclusion of the development from the existing building group, which we have demonstrated is not the case. There has been limited evidence provided by the Council, however, to justify comments made regarding landscape impacts and the proposals harm to the rural character and appearance of the locality.

4.57 The appellant however contends that the dwelling is 1.5 storeys and sits at a lower lying topography to the bungalow opposite and indeed the farmhouse and cottages to the north. In prominent views from the A7, the development will be read as part of the existing building group alongside the existing farm house and farm buildings, as shown in Figure 9.

4.58 The existing tree belt, together with the proposed landscaping, will also provide screening for the new dwelling on all sides, integrating it within the wider landscape and reducing the visual impact on the existing building group, and wider views to an extent that it will be arguably negligible.

4.59 Furthermore, as outlined in Section 3, the applicant is committed to create a sustainable form of development, through renewables such as solar panels, air source heat pumps and electrical charging points, along with the use of Passivehaus detailing. This is above and beyond the requirements set out within Policy PMD2 and is supported by the green agenda within the NPF4 Policy 1 and 2, which require that when considering all development proposals, *“significant weight be given to the global climate and nature crises”* and that *“development that minimises emissions and adapts to the current and future impacts of climate change”* be encouraged. Given the above, we therefore consider the proposals fully compliant with PMD2.

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## 5. MATERIAL CONSIDERATIONS

Compliance with other NPF4 Strategy for Rural Locations

- 5.1 The proposals are supported by NPF4 which supports “*rural revitalisation*”. The latter is defined in NPF4 as “*sustainable development in rural areas, recognising the need to grow and support urban and rural communities together*”.
- 5.2 NPF4 seeks to “*support development that helps to retain and increase the population of rural areas of Scotland*”.
- 5.3 As described in Section 2, the need for the proposed development, is the appellant’s wish to retire, and their daughter’s permanent relocation to the family farm to take over the day-to-day management of the existing business. The site offers the opportunity to deliver a landscape-led design solution for a bespoke dwelling, which complements, rather than competes with the existing landscape character and allows the appellant to remain on their farm long term.
- 5.4 The provision of a new home on the farm, undoubtedly fulfils the NPF4’s vision for appropriate rural revitalisation as it will allow for the continued successful operation of the current family business.

Similar Applications

Application 18/01712/PPP–Land North of Leader House, Oxton

- 5.5 This application was approved by the Planning Committee for the erection of two houses on part of an agricultural field situated to the north of the Carfraemill Hotel, to the north of Lauder.
- 5.6 This application is of relevance as the officer considered that, “*It is accepted that the approved SPG on new housing in the countryside states that sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field. The use of the words ‘not normally’ is particularly relevant in this case as this suggests that there may be situations where it is acceptable for sites to break into previously undeveloped fields, as is the case here. There is a minor road to the east of the application site which helps define the western edge of the group however this is a man-made boundary, and the guidance makes specific reference to natural boundaries taking precedence over man-made boundaries when defining the extent of a building group. The application site and land to the west rises from the road to a ridge beyond the application site boundary, helping to contain the site within an identifiable sense of place. Proposed indicative planting as shown on the site plan would further assist in*



*assimilating the development into the group. The precise details of structure planting can be covered by condition in the event of an approval. Furthermore, the proposed units would be located within a reasonable distance of the existing properties within the group and would be consistent with the spacing between these properties, consistent with supplementary guidance”.*

- 5.7 As described in the appeal statement above, additional boundary planting is proposed in this case, helping to enhance the natural boundaries that already exist and helping to contain the site and it is clear from this example, that this approach has already been accepted elsewhere. The appellant would be happy to accept a condition that required details of structure planting to be submitted, like in this instance.

Application 21/01421/PPP and LRB Ref 22/00016/RREF - Woodend Farmhouse

- 5.8 This application was approved at LRB and related to the erection of a new dwellinghouse at Land North East of Woodend Farmhouse, Duns.
- 5.9 Members considered the site to be an appropriate addition to the building group in compliance with Clause A of Policy HD2 and the Housing in the Countryside SPG. The Review Body considered that the site mirrored the location of the cottages whilst being necessarily separated from the access and buildings relating to the working farm. The relationship with the building group was enhanced by the reduced curtilage boundary, existing and proposed planting, all of which could be controlled by condition. The appellant in this case, would be happy to accept a similar condition.
- 5.10 Of relevance to this case, is that the Review Body also noted the applicants’ current occupation at Woodend Farm, the intention for a retirement house and the continued operation of the farm by family. However, in terms of Clause F of Policy HD2, Members did not consider it necessary to test the proposal due to their support under Clause A relating to building group addition. As described in the appeal statement above, we consider a similar approach can be adopted by Members in this instance, if they agree that the proposed development is ‘well related’ to the existing building group.

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## 6. CONCLUSION

- 6.1 The submitted appeal, supported by this statement, seeks the Local Review Body's approval for the '*Erection of dwellinghouse with detached garage*' on Land South of Headshaw Farmhouse, Ashkirk, Selkirk (LPA 22/01947/FUL).

The proposed site is fully contained within the natural landforms of the area, sited within the existing building group at Headshaw Farm and respecting the established setting and sense of place.

The proposed dwelling would be enclosed by existing planting and new tree planting, defining the north, south and eastern boundaries of the site. The proposed tree planting also provides a distinctive landscape feature precluding further development beyond the boundary it creates.

The design of the property takes note of the external materials used in the properties within the group, and is of consistent size, scale, and massing.

The development has no adverse impacts on the amenity of the nearby properties or landscape setting.

The proposal will provide a high quality, self-build home that is highly energy efficient using Passivehaus detailing and responds to climate change with the provision of solar panels.

It will allow younger generations of the farm family to return home and support the long-term future of the existing business on site and the wider rural community.

The proposal also speaks to the long-term benefit of allowing the current owners of the rural business, the appellant, to transition towards retirement in the short-term.

The proposal will add to economic activity in the Scottish Borders area during construction and will provide a valuable addition to the housing stock.

- 6.2 In contrast to the officer's report, we consider the proposals are in fact fully compliant with LDP Policies HD2 Part A and PMD2, the New Housing in the Borders Countryside Supplementary Guidance and NPF4 Policies 9 and 17. We respectfully request that this appeal is therefore allowed by the Local Review Body.

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



## APPENDIX 1 – SITE PHOTOS AND DIAGRAMMS

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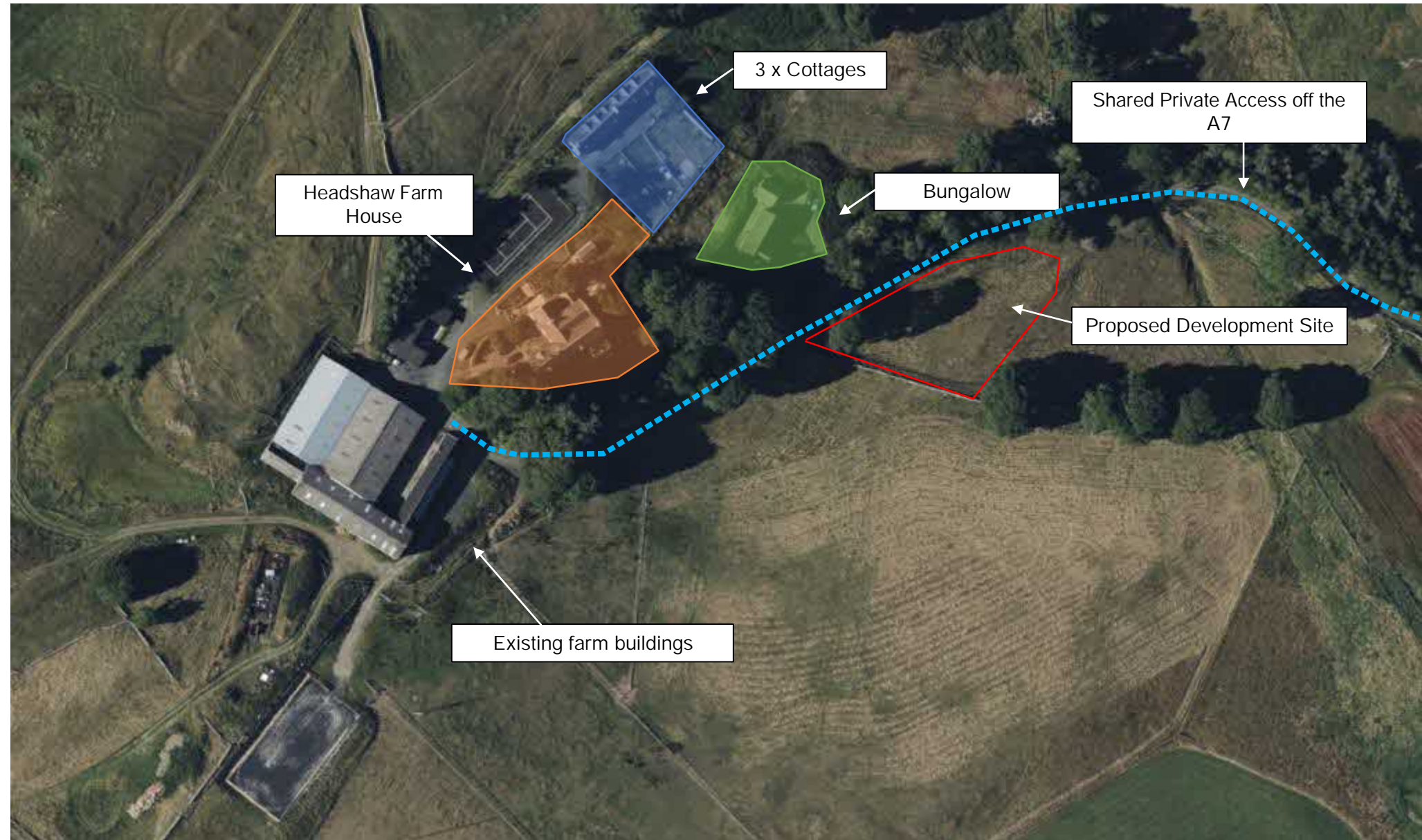
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3 x Cottages

Shared Private Access off the A7

Headshaw Farm House

Bungalow

Proposed Development Site

Existing farm buildings

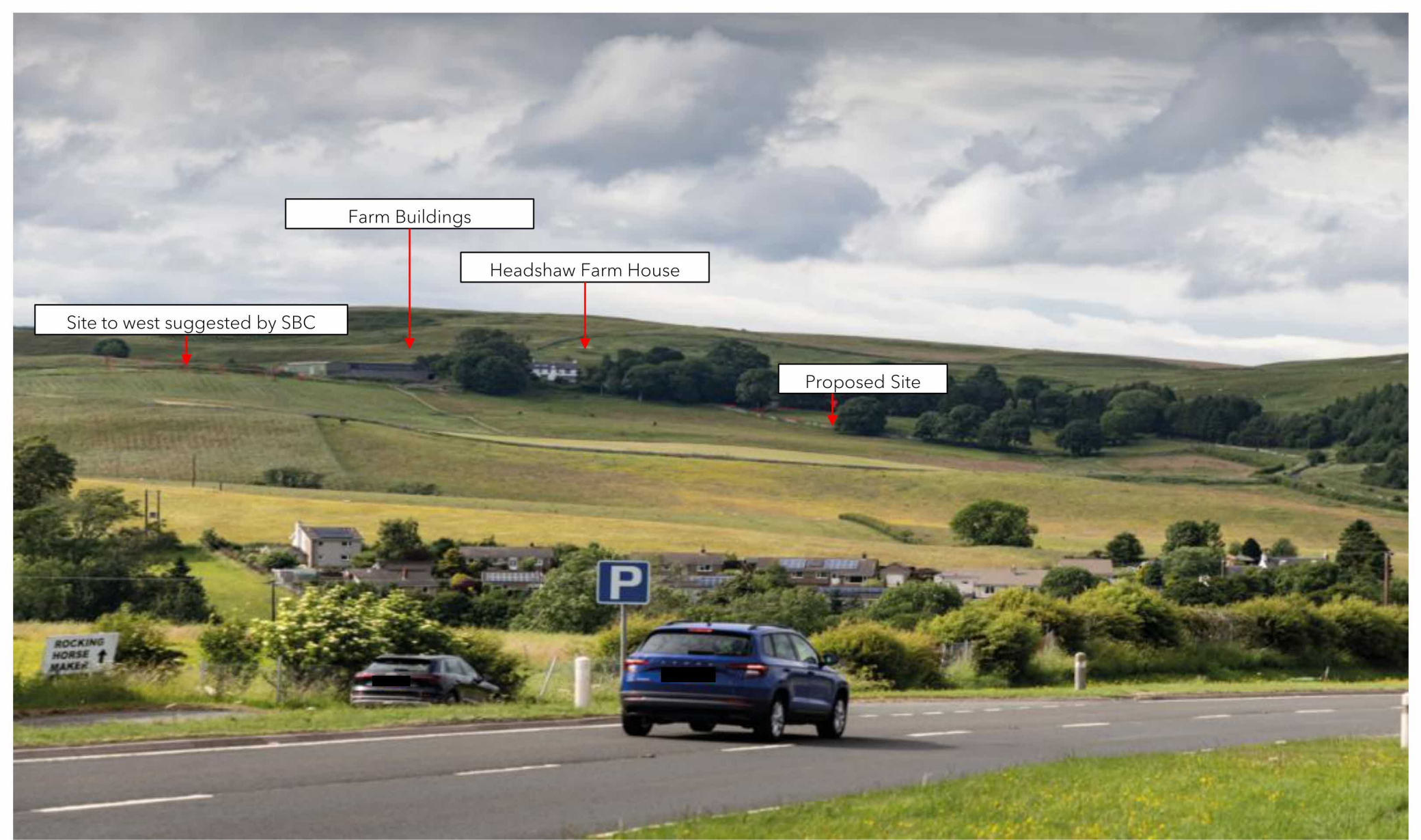


View of proposed site looking north west towards the existing building group

Existing trees – all to be retained

Access to existing bungalow  
– opposite the site

Existing stone wall



Farm Buildings

Headshaw Farm House

Site to west suggested by SBC

Proposed Site

ROCKING  
HORSE  
MAKER

P



View #2 of proposed site looking north west towards the existing building group



View of proposed site looking east illustrating existing landscape containment



View #3 of proposed site looking east illustrating existing landscape containment





View #4 of proposed site looking east illustrating existing landscape containment