

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/01421/PPP
APPLICANT : Mr John and Mrs Louise Seed
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of Woodend Farmhouse
Duns
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
865-PPP-1	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations have been received.

CONSULTATIONS:

Roads Planning Service: No objection provided the condition covering parking is included within any consent issued.

Community Council: No response.

Education and Lifelong Learning: No response.

Scottish Water: No objections. There is currently sufficient capacity in Rawburn Water Treatment Works to service the development. There is no public Scottish Water Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

APPLICANT'S SUPPORTING INFORMATION:

o Design Statement

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP7: Listed Buildings
EP13: Trees, Woodland and Hedgerows
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008
Biodiversity 2005
Development Contributions updated April 2021
New Housing in the Borders Countryside 2008

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 23rd February 2022

Site and Proposal

Woodend Farm is situated to the south of the A6105, between Greenlaw and Duns. The farm comprises of a traditional steading (category B listed) and modern farm buildings, the farmhouse, also a category B Listed Building, two cottages (1 and 2) to the north west of the farmhouse and three cottages (3 to 5) to the south.

The proposal is to erect a dwellinghouse within an agricultural field to the north east of the farmhouse. The indicative site plan shows that the access would be from the main driveway that serves the farm from the public road (A6105). As this is a Planning Permission in Principle application no details of the dwellinghouse have been submitted, though the site plan shows the house positioned on the northern part of the site and trees overhanging the site from the farmhouse garden in the south west corner.

The Design Statement advises that the applicants intend to retire from the family farm within the next few years and are therefore seeking to construct a new home for their retirement.

Planning History

There is no planning history for this site.

Planning Policy

The site is outwith the Development Boundaries for Greenlaw and Duns and so the proposal has to be assessed against the Council's housing in the countryside policies.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

It is accepted that there is a building group at Woodend Farm as there are three or more houses.

The farmhouse is situated on the edge of the farm steading and has extensive garden ground with mature planting on the boundaries. There is a large agricultural field to the north and eastern boundaries in arable use. It is considered that the farmhouse with this mature planting is the logical extent of the building group. The proposed site would break into this previously undeveloped agricultural field, beyond the defined boundaries of the building group and outwith the sense of place. The existing cottages are situated to the west of the access road that serves the steading from the public road and the proposed site does not relate well to these existing properties.

The building group is characterised by the detached farmhouse within a large garden and smaller semi-detached and terraced farm cottages in much smaller plots. The proposal is for a new dwellinghouse within a large plot (3330 square metres/0.3hectares). The proposed dwellinghouse would not be sited within a reasonable distance of the existing properties and the proposal would not reflect or respect the character of the building group.

It is considered that the site represents an inappropriate addition to the building group and as a result, the proposal is contrary to policy HD2 (A).

It is felt that there may be alternative, more appropriate sites within the building group for the proposed dwellinghouse, which could have been investigated if a pre-application enquiry had been submitted. The agent advises that no other sites are suitable due to topography and odour nuisance but this has not been investigated or evidenced. The OS plan for the farm indicates that the land is relatively flat and there does appear to be potential sites well related to the existing cottages, but sufficient distance from the agricultural buildings, which are within the confines of the building group that could be considered.

No new houses have been granted planning permission within the building group within the current Local Development Plan period and so the proposal does not breach the threshold within policy HD2 (A).

Policy HD2 (F) does allow for houses in the countryside for retiring farmers that will release another house on the holding for continued agricultural use.

The Design Statement advises that the applicants intend to retire from the family farm within the next few years and are therefore seeking to construct a new home for their retirement. However, the need for a house for a retiring farmer has not been adequately substantiated and the supporting information does not justify the need for a new house under Part F. It is assumed the proposed house will free up the existing farmhouse for continued use but this has not been clarified. In addition, it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use, as required by policy HD2 (F).

Siting and Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group. The Supplementary Planning Guidance on Placemaking and Design contains design guidance.

As this is a Planning Permission in Principle application no details of the scale, design or materials of the proposed dwellinghouse have been submitted. The design and materials must be of a high quality and in keeping with other houses within the building group so as to protect the visual amenities of the area.

The site is within a large agricultural field outwith the natural boundaries of the building group and does not benefit from any screen planting when viewed from the public road to the north/north east. The proposal would not read as part of the farm complex or building group. Therefore, the development has the potential to be prominent in the landscape and harmful to the visual amenities of the area.

The proposed planting shown on the indicative site plan (tree planting and wild flower meadow with fruit trees) is shown outwith the red line site boundary and so cannot be secured by a planning condition.

Impact on Listed Building

Policy EP7 seeks to protect the character and setting of Listed Buildings.

The proposed dwellinghouse would be sited to the north east of the farmhouse, which is a category B Listed Building dating back to the late 18th century and built at the same time as the steading. The farmhouse is situated at the end of the main driveway from the public road, which is lined with hedgerows and trees, and can be glimpsed from the road. The farmhouse was clearly sited to be the focal feature when approaching the farm from the road.

The proposed dwellinghouse would be sited in the field to the north east of the listed farmhouse and could potentially undermine the importance of the Listed Building and, depending on the siting, scale, design and materials of the proposed dwellinghouse, could have a detrimental impact on the setting of the farmhouse.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The proposed dwellinghouse would be sited some distance from the farmhouse and so the proposal should not harm the light or privacy of occupants of the existing house.

No other properties would be affected.

Access, Parking and Road Safety

Policy PMD2 requires development to incorporate adequate access and to ensure that there is no adverse impact on road. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposed dwellinghouse would utilise the existing driveway from the public road and the site is large enough to accommodate on-site parking and turning.

The Roads Planning Service has no objections to the proposal provided that a condition secures the on-site parking.

Trees and Woodlands

Policy EP13 seeks to protect trees from development.

There are trees within the garden of the farmhouse that overhang the south western boundary of the site. Although the root protection areas are not accurately shown on the indicative site plan, it should be possible

to erect the house as shown on the indicative site plan without encroaching into the root protection area of these trees and damaging the trees. A tree survey would be required to demonstrate this, should the application be approved.

Prime Quality Agricultural Land

Policy ED10 states that developments that result in the loss of prime quality agricultural land will not be permitted unless the site is allocated in the Local Development Plan, the development meets an established need and no other site is available or the development is small scale and directly related to a rural business.

This policy seeks to prevent the permanent loss of prime quality agricultural land (as defined within Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system), which is a valuable and finite resource that needs to be retained for farming and food production.

The site is within a cultivated agricultural field (as shown in the agent's site photos and on Google Maps, July 2021) and the proposal would result in the permanent loss of 3,330 square metres/0.3 hectares of prime quality agricultural land. The proposal does not meet the exception criteria listed in policy ED10 and so the permanent loss of this prime quality agricultural land would be contrary to policy ED10.

Water and Drainage

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

The proposed dwellinghouse would connect to the public water supply and Scottish Water has confirmed that there is spare capacity in the system to accommodate the proposed house.

Scottish Water advises that there is no public Scottish Water Waste Water infrastructure within the vicinity of this proposed development. A new waste water treatment unit would be installed with the outfall taken to discharge to the ground via a soakaway or existing field drain system. Surface water would be taken to discharge to the ground or existing field drainage system.

Details of foul and surface water drainage would be secured by conditions should the application be approved.

Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policy IS2.

Contributions are required towards Berwickshire High School (£3,809) and Duns Primary School (£5,154). These would be secured by a legal agreement should the application be approved.

REASON FOR DECISION :

The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.

In addition, the proposal would be contrary to Policy HD2 (F) in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use, as required by policy HD2 (F).

Further, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource that needs to be retained for farming and food production.

This conflict with the development plan is not overridden by other material considerations.

Recommendation: Refused

- 1 The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.
- 2 The development is contrary to Policy HD2 (F) of the Local Development Plan 2016 in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use. This conflict with the development plan is not overridden by other material considerations.
- 3 The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

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