



**APPEAL STATEMENT (CD1)**

**REF: 23/00331/PPP**

**ERECTION OF DWELLINGHOUSE AND FORMATION  
OF ACCESS, LANDSCAPING, AND ASSOCIATED  
WORKS**

**LAND SOUTH OF 1 NETHERWELLS, JEDBURGH,  
SCOTTISH BORDERS**

**ON BEHALF OF: PETER CAUNT (SUSAN KINNEAR)**

**AUGUST 2023**

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## CONTENTS

### EXECUTIVE SUMMARY

- 1.0 INTRODUCTION
- 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS  
COUNCIL AND PLANNING POLICY CONTEXT
- 3.0 GROUNDS OF APPEAL AND CASE FOR THE APPELLANT
- 4.0 CONCLUSIONS

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## **EXECUTIVE SUMMARY**

This Appeal Statement is submitted on behalf of Peter Caunt (Susan Kinnear) “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission for the erection of a dwellinghouse on land to the south of 1 Netherwells, Jedburgh (reference 23/00331/PPP).

The Appellant seeks permission for a modest and sustainable self-build property. Part of the lands are brownfield and part scrubland/paddock.

It is agreed between the planning authority and the Appellant that there is a Building Group comprising three or more existing dwellings at Netherwells. Disagreement centres on whether the appeal site is well related to the existing Building Group.

In addition to the Appellant’s home at 1 Netherwells there is a further adjoining / neighbouring cottage to the north and beyond this the local farmhouse (on the opposite side of the road) together with significant agricultural sheds.

There are then a further two dwellings located opposite the subject site and which breach further south west of the site. In all there are a group of five dwellings adjacent to or near the subject site.

The subject site is located extremely close and clearly relates to the sense of place at Netherwells. It would address the street much like the adjacent cottages and further dwellings opposite.

The Case Officer, in our opinion, verges too far in the reasoning for refusal placing much on the siting and design. The Appellant had little to no opportunity to engage and discuss the design matters detailed. We have addressed the matters further within this statement and denoted a willingness to amend certain placement or design detailing should members deem them necessary.

The proposed house is modest in scale and designed for someone to be able to build an affordable home in a rural area. Self-provided homes and rural revitalization is strongly promoted by the recently adopted National Planning Framework 4 (NPF4).

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### **Reasons for Refusal**

Two reasons were cited for the refusal of the Application.

*1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.*

*Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.*

*2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.*

As set out within our Grounds of Appeal (GOA) the Appellant does not accept the reasons for refusal. The key points of rebuttal being:

### **Grounds of Appeal 1**

- a. The proposal sits immediately adjacent and opposite a building group of three or more dwellings and thus a building group clearly exists and thus the principal is deemed acceptable under Policy HD2 a). There are two cottages that sit directly adjacent to the subject site on the same side of the road and two further bungalows located opposite. There are further agricultural sheds and farmhouse which again further the focal point of built form in this area.
- b. The subject site would read as part of the building group and overall sense of place. Contrary to assertions made the site is part brownfield and part on scrubland/paddock. It has no real agricultural value and relates to the neighbouring cottage and garden area as shown on the aerial photographs.



Further, there is no one form or style to the dwellings that exist. They all differ in form, age and architectural style. This proposal has sustainable principles at its heart and one where it seeks to take influence from the adjacent cottages but bring them up to modern day living standards.

The Appellant would be content, if sought, to pull the dwelling further forward closer to the road and which would be predominantly sited on the brownfield part of the site with reduced garden/containment (as shown in Core Document 9).

The Appellant's Architect had no opportunity to respond to the design points made and this is the first opportunity to do so. His response and design suggestions/solutions on the current proposal and suggested amendments are for the LRB to consider (but would be deemed an acceptable compromise by the Appellant).

- c. The Aerial and images provide greater context and show how it would sit within the local landscape. It cannot, in our opinion, be considered as sporadic development.
- d. It is clear, that the modest home in this location, relates well to existing and adjoining built form and would have no significant landscape or environmental impacts. There is an existing landscape/planted mound along the sites southern boundary which provides biodiversity gain and would contain it. That boundary / landform also assists to address any concerns on ribbon development. Which, in our opinion, will not occur as there are houses located opposite and thus one would argue rounds off the building group not elongates it.
- e. Again, the appellant has proposed further landscape containment and is happy to have a smaller/defined garden area. The remaining paddock area would remain in situ and thus minimal landscape impact will be had. There will be a net biodiversity gain in the provision of new landscaping and planting and retention of the majority of the paddock area in its current form. Man-made "means of enclosure" are acceptable as established in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- f. It is again strongly rebutted that this would provide an undesirable precedence. Firstly, each application should be deliberated on its own merits and, secondly, we have detailed how this site sits directly adjacent to an existing building group and built form. It can be deemed in no way to be sporadic nor will it provide negative precedence.

We have also detailed other cases that are similar to this one and approved by the LRB.

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The proposal is deemed to be compliant with Policy HD 2 and NPF4 principle policies.

### Grounds of Appeal 2

- a. The assertion that the subject site would represent a form of ribbon development is not accepted. When one refers to the current built form it is clear that there are dwellings on both sides of the road. There are two dwellings located opposite the site and indeed further south than the site. It will address that existing streetscape. The built form isn't only on one side of the road which could have given rise to such concerns. In this case it doesn't.

As noted, there is already existing landscape containment on the southern boundary together with the brownfield/hardstanding to the front of the site which forms part of the subject site.

- b. The property is modest in scale and designed to relate and read as part of the adjacent cottages streetscape. It would be sustainable built, using a rural palette of materials and seeks to adhere to passive house standards and support renewable technologies where possible.
- c. As the site clearly forms part of a Building Group, there is no requirement for the proposed dwelling to be tied to adjoining or any other agricultural land. The impact of the proposal on the landscape character would be limited and the design reflects and respects the local built character. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.
- d. There was **no objections from any statutory consultee and with no objection from the Roads Department**. There are no further material considerations that would warrant a refusal in this instance.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Appeal.

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## 1.0 PROPOSAL SUMMARY

- 1.1 This Statement is submitted to Scottish Borders Council on behalf of the Appellant, Peter Caunt (Susan Kinnear), against the delegated decision to refuse to grant planning permission for the erection of a dwellinghouse at Netherwells, Jedburgh.
- 1.2 The Agent/Architect, by accident, denoted themselves as Applicant. To clarify they are not the applicant/appellant that would be Ms Susan Kinnear.
- 1.3 The appeal site lies adjacent and to the south of the Appellant's existing dwelling at 1 Netherwells Cottages. There is then a further adjoining cottage to the north with two detached properties located opposite to the west.
- 1.4 The site comprises part hardstanding adjacent to the road and part paddock area which aligns largely to the paddock/garden area used by the neighbouring cottage (2 Netherwells).
- 1.5 The site layout places the new dwelling within close proximity of the existing cottages and faces the road to provide a form of natural continuation of the built form. It would again sit opposite to a number of detached dwellings.
- 1.6 On site provision has been allowed for two cars together with the relevant servicing arrangements. The dwelling is modest in scale and aimed at providing an affordable rural home for someone to build and live in. It provides for modest living accommodation comprising: livingroom, kitchen, three bedrooms and bathrooms on both levels.
- 1.7 It is intended that the property would have natural slate, timber windows and white lime render. The materiality is accepted in rural areas and purposefully simplistic to ensure that it sits well within its context and keeps the build process affordable.
- 1.8 Figure 1 below provides some aerial pictures followed by the site plan and dwelling elevations for context.

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Figure 1: Photographs, Site & House Plans





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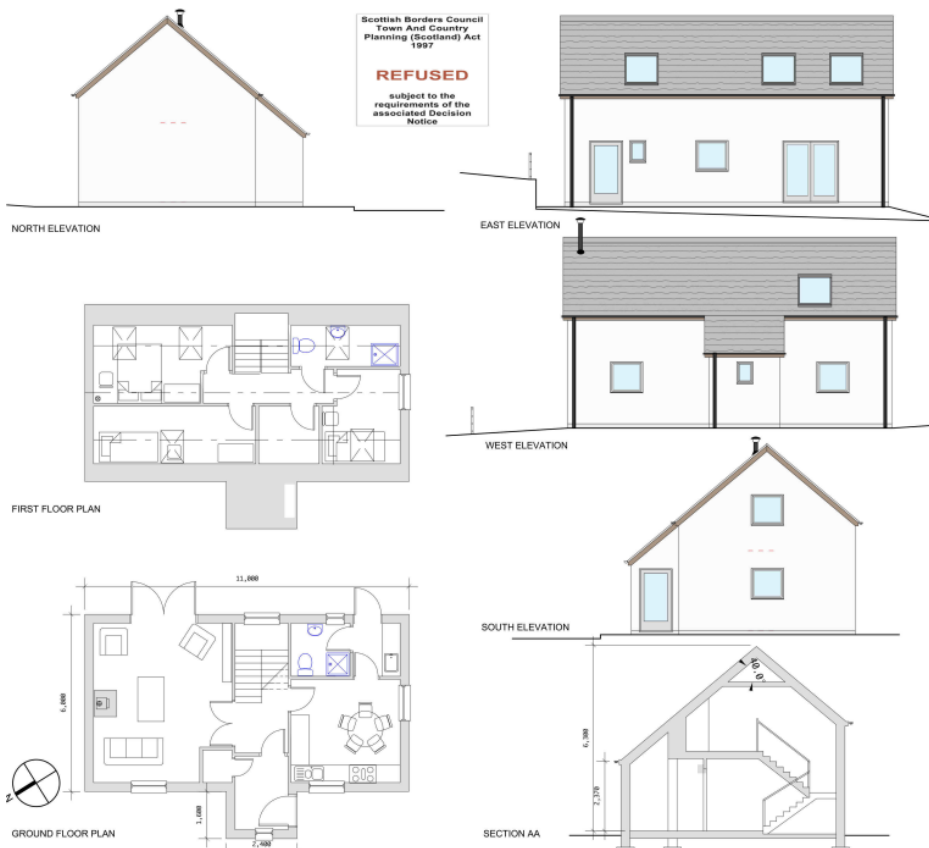
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- 1.9 The proposed drive and hardstanding apron provide sufficient space on-site for parking and the Roads Planning Officer has not objected to the proposal.
- 1.10 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellant is content to secure servicing details via condition.
- 1.11 A number of comments has been made with regard to the water pressure in the area. While that is a Scottish Water matter to resolve the Appellant would be happy to put in place a water tank which would draw water (via a timer mechanism) during the hours of 1am to 6am. This this would mean that the property would take its water from the tank during daytime hours and not impact on the water pressure.
- 1.12 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development Plan and other Material Considerations.

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## 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND KEY PLANNING POLICY CONTEXT

2.1 Planning Application 23/00331/FUL was refused on 26<sup>th</sup> May 2023. The Decision Notice cited two reasons for refusal, set out below:

*1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.*

*Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.*

*2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.*

### Scottish Borders Local Development Plan

- 2.2 Policy HD2 (Refer to Figure 2) permits the expansion of existing Building Groups, which comprise at least three houses, by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period.
- 2.3 The Appellant's submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by a single dwelling. Therefore section (F) – "economic or operational need" – is not considered to be relevant.

### (A) BUILDING GROUPS

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

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

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

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

**Figure 2: Policy HD2 Extract**

2.4 The Supplementary Guidance 'New Housing in the Borders Countryside' includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.



- 2.5 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
  - b) the suitability of that group to absorb new development.
- 2.6 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
  - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 2.7 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.

#### **National Planning Framework 4**

- 2.7 Policy 17 of the NPF4 sets out eight situations for which development proposals for new homes in rural areas will be supported. Although ‘extension to an existing building group’ is not one of the situations specifically listed, Policy 17 does direct that LDPs should reflect locally appropriate delivery approaches.
- 2.8 This makes clear that there is an allowance for local Planning Authorities to detail their own acceptable means for rural homes to be developed, such as SBC has with Policy HD2 of the LDP. NPF4 strongly support the revitalization of rural communities and provision of new homes in those areas. It also supports the use of brownfield land where possible.
- 2.9 Some of the NPF 4 key principles and our response are detailed in Table 1 below.

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**Table 1: NPF 4 key principles**

Policy Principle	How the Proposal Complies
Giving due weight to net economic benefit;	The proposal will deliver much needed investment and delivery of housing that is fit for purpose within a part brownfield plot within an existing Building Group at Netherwells. The appellant will also seek to appoint local tradesmen during the construction process, contributing to the local economy.
Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;	The proposal supports the growth of the rural community through the creation of jobs during the construction, whilst ensuring there is a generous supply of housing land that is fit for purpose to cater for the increase in people and families living in rural parts of the Scottish Borders.
Supporting good design and the six qualities of successful places;	The proposal will deliver a high quality residential dwelling, utilising sustainable technologies and materials. It seeks to apply or as close to passive house standards.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;	The proposal will seek to locate close to existing dwellings, on part brownfield lands and seek to minimise environmental impacts where possible.
Supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will form a much-needed and modest/affordable family dwelling that meets the growing demand in this rural part of the Scottish Borders.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal will contribute to local infrastructure through entering into a financial contribution legal agreement. It will also support sustainable build techniques and technologies.
Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposed residential property will capitalise on renewable technologies and is not within a flood zone.

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Policy Principle	How the Proposal Complies
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The property is situated within an existing building group and within close proximity to rural paths supporting social interaction and leisure.
Having regard to the principles for sustainable land use set out in the Land Use Strategy;	As previously mentioned the proposal is contained within a building group, on part brownfield land and will support sustainable building techniques and technologies.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The sensitive approach to the design seeks to safeguard the character of its surroundings with no significant impacts on heritage assets.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The proposal is largely positioned on part brownfield part shrub land adjacent to built form. It is not considered to result in the loss of prime agricultural land. Landscape boundary planting/hedging will result in a net biodiversity gain.
Reducing waste, facilitating its management and promoting resource recovery; and	Suitable provision for waste collection can be demonstrated and recycling will be encouraged at every stage from the build and living within the house.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The low-density scale of development is considered appropriate for a site of this nature.

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### 3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

3.1 Two reasons were cited for the refusal of the Application.

*1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.*

*Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.*

*2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.*

3.2 As set out within our Grounds of Appeal (GOA) the Appellant does not accept the reasons for refusal. The key points of rebuttal being:

#### **GROUND OF APPEAL (GOA) 1**

3.3 The proposal sits immediately adjacent and opposite a building group of three or more dwellings and thus a building group clearly exists and therefore the principal is deemed acceptable under Policy HD2 a). There are two cottages that sit directly adjacent to the subject site on the same side of the road and two further bungalows located opposite. There is also a farmhouse making up 5 dwellings in this location together with further agricultural sheds (which again further the focal point of built development in this area).

3.4 The subject site would read as part of the building group and overall sense of place. Contrary to assertions made the site is part brownfield and part on scrubland/paddock. It has no real agricultural value and relates well to the neighbouring cottages and garden area as shown on the aerial photographs shown in Figure 1 and 3 below.

Figure 3: Aerial Photography of Existing Building Group





- 3.5 The images provide greater context and show how it would sit within the local landscape it in no way be considered sporadic in our opinion.
- 3.6 It is clear that the modest home in this location relates well to existing and adjoining built form and would have no significant landscape or environmental impacts. There is an existing landscape/plant mound boundary along the sites southern boundary which provides biodiversity gain and would contain it. That boundary landform also assists to address any concerns on ribbon development. Which is further denied given there are actually houses located opposite and thus one would argue rounds off the building group not elongates it.
- 3.7 Again, the appellant has proposed further landscape containment and is happy to have a smaller/defined garden area. The remaining paddock area would remain in situ and thus minimal landscape impact will be had. There will be a net biodiversity gain in the provision of new landscaping and planting and retention of the majority of the paddock area in its current form. Man-made “means of enclosure” is acceptable as established in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 3.8 It is strongly rebutted that this would provide an undesirable precedence. Firstly, each application should be deliberated on its own merits and, secondly, we have detailed how this site sits directly adjacent to an existing building group and built form. It can be deemed in no way to be sporadic nor will it provide negative precedence.
- 3.9 We again have assessed the policy principles and shown how the proposal is compliant with LDP Policy HD 2 and NPF4.
- 3.10 Regarding design matters the proposal has sought to use a building material palette suitable to rural areas (eg. Natural slate, timber windows). There is no one form or style to the dwellings that exist in this building group. They all differ in form, age and architectural style. This proposal has sustainable principles at its heart and one where it seeks to take influence from the adjacent properties.
- 3.11 The property is modest in scale and designed to relate and read as part of the adjacent cottages streetscape. The style is in keeping with cottages nos. 1 & 2 being of white rendered duo pitch design. The three cottages share the same roof material, a natural slate which will help bind them together as a group. The ridge height is similar to the neighbouring properties and there are no issues of overlooking or privacy. In time the landscaping will obscure some of the impact of the new building but it will sit as a gateway on the right hand side of the road just as the Bungalow does on the left.

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3.12 The Appellant would be content, if sought, to pull the dwelling further forward closer to the road and which would be predominantly sited on the brownfield part of the site with reduced garden/containment as shown in Core Document 7 and Figure 4 below.

**Figure 4: Updated- Option B Site Plan / Elevations (for consideration)**





3.13 The Appellant's Architect had no opportunity to respond to the design points made by the case officer and this is the first opportunity to do so. The Appellant believes the site layout and design layout works and fits this area. However, should the plans denoted 'Option B' be considered preferable the Appellant would be willing to accept that and for that be referred to within any decision.

3.14 We wish to highlight should members welcome an amendment then we would be happy to substitute drawings 2302-L03B & L05B with drawings 2302-L12 & L13, as Option B. We have altered the windows proportion and fenestration to meet the design guidance for New Housing in the Borders Countryside. The render colour has been offered as cream to match better with the gable stonework of no. 1 which it sits beside. Whilst the form and materials of the building match its neighbours as in the original design, the south east elevation to the garden side displays a more modern approach with more glazing and a balcony to the upper level.



## GROUND OF APPEAL (GOA) 2

- 3.15 The assertion that the subject site would represent a form of ribbon development is not accepted in any shape or form. When one refers to the current built form it is clear that there are dwellings adjacent to the site and on both sides of the road. There are two dwellings located opposite the site and indeed further along the road than the site. It will address that existing streetscape and those houses opposite. The built form isn't only on one side of the road which could have given rise to such concerns. In this case it does not.
- 3.16 As noted, there is existing landscape containment on the southern boundary together with the brownfield/hardstanding to the front of the site which forms part of the subject site.
- 3.17 It would be sustainable built and seeks to adhere to passive house standards and will support renewable technologies where possible.
- 3.18 The site forms part of the existing Building Group defined by the cottages directly adjacent to the subject site and two bungalows situated opposite. As the site clearly forms part of a Building Group, there is no requirement for the proposed dwelling to be tied to adjoining or any other agricultural land.
- 3.19 The impact of the proposal on the landscape character would be limited and a detailed design which reflects and respects the local built character can be secured by condition. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.
- 3.20 There was **no objections from any statutory consultee (including the Roads Department)** on this application and thus beyond the reasons for refusal stated by the case officer there are no further material considerations that would warrant a refusal in this instance.
- 3.21 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. The proposal is planned to be primarily placed on brownfield or low quality land with adjoining garden area holding no significant agricultural value.

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3.22 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”*.

3.23 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’*.

3.24 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.

3.25 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”*.

3.26 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”*.

3.27 We consider the proposals satisfy both the ‘policy intent’ and will deliver the ‘policy outcomes’ of Policy 17 for the reasons already stated.

3.28 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”*.

3.29 NPF4 seeks to *“support development that helps to retain and increase the population of rural areas of Scotland”*.



3.30 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.

#### **Similar Applications**

##### **Application 20/00013/RREF– Land North of Ramsacre, Thickside, Jedburgh**

3.31 We consider it pertinent to raise the above application/appeal which was approved at LRB. It is not only the closest in terms of distance but considered very similar matters to this Appeal. The key extracts/conclusions of this LRB decision are provided below:

The Review Body noted that the application was for the erection of a dwellinghouse and formation of access, landscaping and associated works on a site at Thickside, Jedburgh.

Members firstly considered whether there was a building group in the vicinity under Policy HD2 and also whether there was capacity for addition to any such group. They noted that there were three existing houses in the immediate vicinity, including one opposite the site. Members also noted that there were no existing permissions for any further houses at the group. They concluded that there was a building group present and that there was capacity for the addition of one house, in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the sense of place and in keeping with its character, whilst noting that the application was for planning permission in principle and that the suggested precise position and design of house remained indicative. In this respect, they had regard to the positions of other houses in the group, especially “Ramsacre”. They considered that the character of the group was one where houses were not particularly well related to each other and that the site was no less related in that respect. They concluded that the site was within the sense of place and an appropriate addition to the building group.

The planted boundary between the site and Thickside House was then considered but the Review Body felt this was not a strong division or edge to the group, being a single line of trees within a domestic garden. With appropriate new planting to the south-western edge of

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the site, Members felt that the site could balance with "Ramsacre" and provide a finished edge to the building group towards Oxnam Road.

Members then considered the potential visual and landscape impact of the house and recognised the challenging nature of the site in terms of rising levels. They also noted that a neighbour has sought a single storey design. The sketch layout and design of the dwellinghouse provided Members with some assurance that, on such a sloping site, the height would be restricted and the parking would be provided adjoining the road. Nevertheless, they considered it important that the height of the design should be restricted to no more than 1½ storeys and that it was designed to be in character with the group and landscaped surroundings. The Review Body recommended a condition on the height and an applicant informative relating to appropriate supplementary planning guidance.

The Review Body finally considered other material issues relating to the proposal including tree protection, access improvement, water and drainage but were of the opinion that appropriate conditions could address them satisfactorily. They also noted that development contributions for education were not required at this location.

#### **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policy HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to an existing building group with impact on the landscape that can be mitigated by new planting and attention to height and design of the house. Consequently, the application was approved.

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

3.32 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.

3.33 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”.***

3.34 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.



#### 4 CONCLUSION

4.3 The submitted appeal, supported by this statement, seeks the Local Review Body's approval for the following key reasons:

- The proposed site is fully contained within the natural landforms of the area, sited within the existing building group at Netherwells and respecting the established setting and sense of place.
- The proposed dwelling would be enclosed by existing planting and new tree planting, defining the 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 a family to build and live within an affordable rural home.
- The proposal will add to economic activity in the Scottish Borders area during construction and will provide a valuable addition to the housing stock.

4.4 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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## APPENDIX 1

### Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 2302-L01 Location Plan, prepared by Quercus;
- CD3 2302-L12 Site Plan, prepared by Quercus;
- CD4 2302-L13 Plan, Sections, and Elevations, prepared by Quercus;
- CD5 2302-L02(A) Site Survey Plan, prepared by Quercus
- CD6 Planning Application 23/00331/FUL consultation response of Roads Planning team;
- CD7 Report of Handling 23/00331/FUL;
- CD8 Decision Notice 23/00331/FUL; and
- CD9 Option B Site Plan&Elevations, prepared by Quercus (for consideration).

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