

**PROPOSED ERECTION  
OF A DWELLINGHOUSE  
NOTICE OF REVIEW  
APPEAL STATEMENT**

---

## Table of Contents

1.0	Introduction	1
2.0	Background	1
3.0	Grounds for Appeal	1
4.0	Conclusions	3

**Appendix 1** Site Photograph

## 1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Aver Chartered Accountants for the proposed erection of a dwelling, land west of Hedgehope Cottage, Winfield (23/00507/PPP) which was refused planning permission in principle by Scottish Borders Council on the 21<sup>st</sup> of June 2023.
- 1.2 The application was refused on the grounds that:
- “The development is contrary to policies 1, 2 and 17 of the National Planning Framework and HD2 of the Local Development Plan 2016.”*

## 2.0 Background

- 2.1 It has been proposed to erect a dwelling on this site in order to sustainably reuse rural brownfield land.
- 2.2 A brownfield site is characterised in the National Planning Framework 4 (NPF4) as land that has previously been developed. The term may cover vacant or derelict land, land occupied by redundant, or unused buildings.
- 2.3 The site is encompassed under this definition as land that has previously been developed. The consultee response from the Archaeology Officer confirms that the site is an area formerly occupied by buildings associated with the Second World War airfield RAF Winfield. The application was not refused under NPF4 Policy 9 Brownfield, Vacant and Derelict land, and Empty Buildings which demonstrates Scottish Borders Council agree the site is indeed a brownfield site.
- 2.4 The application received no public representations; nor were any objections received from the relevant consultees: Archaeology, Contaminated Land, Roads Planning Service, or Scottish Water.

## 3.0 Grounds for Appeal

- 3.1 The Decision Notice states that the application was refused as the development is contrary to policies 1, 2 & 17 of NPF4, and policy HD2 of the Scottish Borders Local Development Plan 2016.
- 3.2 Both NPF4 Policy 1 Tackling the Climate and Nature Crises and Policy 2 Climate change Mitigation and Adaptation require LDPs to address the global climate and nature crises by ensuring the spatial strategy reduces emissions and adapts to current and future risks of climate change; the Report of Handling makes specific reference to servicing the proposed dwelling, stating that proposed development would not be efficient in service delivery. However, the proposed dwelling is located adjacent to Greenvale Winfield, a potato storage yard and farmhouse indicating that waste collection and postal deliveries are already being provided in the immediate vicinity of this proposal. This proposal would therefore make these service journeys more sustainable as more than one building can be serviced at this location.
- 3.3 Furthermore, the Scottish Water consultee response indicated that there is sufficient capacity within the existing water infrastructure network to accommodate this dwelling. Indicating that

there would not be a great increase in emissions at this site as a result of the servicing as the Report of Handling would suggest.

- 3.4 LDP Policy ED5 Regeneration promotes opportunities for sustainable regeneration on allocated and non-allocated brownfield sites; a single housing development on this site would demonstrate a sustainable reuse of this unused site, and thus the proposal is in line with NPF4 Policies 1 and 2.
- 3.5 NPF4 Policy 9 Brownfield, Vacant and Derelict Land, and Empty Buildings encourages and promotes the reuse of brownfield land to help reduce the need for greenfield development. Under NPF4 Policy 17 Rural Homes, development proposals for new homes in rural areas will be supported where development is suitably scaled, sited, and designed to be in keeping with the character of the area.
- 3.6 NPF4 supports rural development on brownfield sites under Policy 17 Rural Homes, and therefore this proposal is further supported by NPF4; The Scottish Borders LDP Policy HD2 Housing in the Countryside conflicts with NPF4 Policy 17 in its lack of housing in the countryside development provision on brownfield sites, however: NPF4 takes precedence here, being the latter document. Therefore, the proposal adheres to both NPF4 Policy 9 and 17, and subsequently LDP HD2 has a lesser significance. It is important to note that NPF4 Policy 9 has not been listed as a reason for refusal, indicating that the site is deemed brownfield land by Scottish Borders Council and therefore, can be reasonably developed in line with the above NPF4 policies.
- 3.7 The Report of Handling indicates that NPF4 states LDPs should set out a tailored approach to rural housing, where LDP Policy HD2 Housing in the Countryside is referenced, however, The Scottish Borders LDP is not taking a tailored approach to rural housing in line with NPF4 as the 2016 LDP has not been informed by the 2023 framework.
- 3.8 Furthermore, by implying through the Report of Handling that sporadic rural housing is 'harmful', begs the question as to where rural housing can even take place within the Scottish Borders council area. The Report of Handling indicates that new housing should be directed towards towns and villages, therefore indicating that the LDP falls short of providing provision for rural housing and is further not informed by NPF4.
- 3.9 LDP Policy ED5 Regeneration promotes the redevelopment of brownfield sites where there is an opportunity to bring land back into a productive use. The proposed development adheres to each of the parameters set out in policy ED5:

a)	The site is not currently used for agricultural purposes due to its brownfield status, therefore the site could be developed in line with the NPF4 Policies 9 and 17 would bring the rural brownfield land back into use.
b)	The Report of Handling claims that this type of development is not in keeping with the character of the area however, the surrounding area is very clearly characterised by sporadic development and therefore, this proposed development would reflect the surrounding landscape.
c)	The proposal, for a single dwelling, would not result in over-development.
d)	The proposed dwelling would be of a scale, form, and design suitable to its location and would not detract from the surrounding context.

e)	<p>Scottish Water has confirmed in their consultee response that there is sufficient capacity in the Rawburn Water Treatment Works to service the site and have indicated that private waste treatment options should be explored.</p> <p>Therefore, the proposal can be adequately serviced.</p>
f)	<p>There are no adjoining properties this proposed dwelling could detrimentally impact.</p>

- 3.10 The proposal is in accordance with Policy ED5 Regeneration and would bring back the land into productive use which the LDP supports; the proposal is also in accordance with the relevant NPF4 policies.
- 3.11 The response from Archaeology suggests this site is a local significant site. However, the photograph, taken by Bidwells in 2022, attached at Appendix 1 demonstrates that this site has no local significance as it has been used as a waste storage area for the farm the land is associated with for some time now.
- 3.12 It is requested that the LRB undertake a site visit to fully understand the spatial context of the site as well as its brownfield status.

## 4.0 Conclusions

- 4.1 For the reasons set out in Section 3 above, it is considered that the proposed dwelling would sustainably reuse rural brownfield land which has no possibility of naturalisation without significant intervention. NPF4 supports the reuse of rural brownfield land where a return to a natural state is not possible. Therefore, this proposal is supported by NPF4.
- 4.2 This statement, and the original application provide photographic evidence that the site has no local significance as it has lain beneath farm scrap and machinery for several years.
- 4.3 The proposal conforms with the relevant policies of the Scottish Borders LDP in regards to regeneration, and where there is inconsistency between the LDP and NPF4, the proposal conforms with NPF4 policies, which take precedence.
- 4.4 The proposed dwelling reflects the context of the local area in its sporadic rural housing, and the use of brownfield land allows the proposal to maximise an existing opportunity to bring land back into active use.
- 4.5 For the reasons set out in this Notice of Review Appeal statement, and the lack of objections from any consultees or members of the public, it is considered that the proposal can be considered to apply with the relevant policies and would constitute a sustainable reuse of a brownfield site which shows no signs of naturalisation without significant intervention.



# APPENDIX 1

## SITE PHOTOGRAPH

---





BIDWELLS