

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 23/00508/PPP  
**APPLICANT :** Aver Chartered Accountants  
**AGENT :** Bidwells  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land East Of  
Dunedin Lodge  
Crossrig  
Berwick-upon-tweed  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
A.57,647	Location Plan	Refused
A.57,647L 1	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One objection was received raising the issues summarised below:

- Loss of good agricultural land
- Ownership unknown
- Difficult to access services
- Need for drainage

**REPRESENTATIONS**

SBC Education & LL: No response.

SBC Roads Planning Service: It is assumed the existing access mentioned in the supporting statement is the existing field access from the unclassified D71/6 public road. This being the case, I shall have no objections to this proposal provided conditions similar to the ones below are included in any consent given. Should the access referred to be different from that mentioned above, details of the access should be submitted for consideration.

Community Council: No response.

Scottish Water: There is currently sufficient capacity in the Rawburn Water Treatment Works to service the development. Unfortunately, there is no public Scottish Water, Waste Water infrastructure

within the vicinity of this proposed development therefore private treatment options should be investigated. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises  
Policy 2: Climate Mitigation and Adaptation  
Policy 3: Biodiversity  
Policy 4: Natural Places  
Policy 5: Soils  
Policy 6: Forestry, Woodland and Trees  
Policy 7: Historic Assets and Places  
Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings  
Policy 13: Sustainable Transport  
Policy 14: Design, Quality and Place  
Policy 15: Local Living and 20 Minute Neighbourhoods  
Policy 16: Quality Homes  
Policy 17: Rural Homes  
Policy 18: Infrastructure First  
Policy 20: Blue and Green Infrastructure  
Policy 23: Health and Safety

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  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP7: Listed Buildings  
EP13: Trees, Woodlands and Hedgerows  
IS2: Development Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and SUDS

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005  
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)  
New Housing in the Borders Countryside Supplementary Planning Guidance 2008  
Privacy and Amenity Supplementary Planning Guidance 2006  
Placemaking and Design Supplementary Planning Guidance 2010  
Trees and Development Supplementary Planning Guidance 2008

**Recommendation by** - Paul Duncan (Assistant Planning Officer) on 19th June 2023

Site Description

The application site is located between Sunwick and Crossrig farms a mile south-west of Hutton village. The site is the triangular shaped, northern corner of a large arable field. It is bound to the east by hedging, with an unclassified public road located beyond. To the west, the site boundary is defined by a row of hedgerow trees. To north-east, on the far side of the public road, sit a row of four cottages, linked by garaging.

Sunwick Farm and its B listed farmhouse are located beyond the cottages to the east. To the west of the site lies the property known as Dunedin Cottage.

### Planning History

There is no known planning history at the application site.

Beyond the application site, the dwelling to the west, Dunedin Lodge, was built around 10-15 years ago for a retiring farmer, and was approved subject to an occupancy condition (planning references 07/00034/OUT and 09/00118/REM).

### Proposed Development

This application seeks planning permission in principle for the erection of a single dwellinghouse. No indicative site plan, elevation drawings or visualisations have been submitted.

### Applicant Supporting Information

A Supporting Statement was submitted with the application and can be viewed in full on the Council's Planning Portal.

### Assessment

#### - Policy Context

The application must be assessed against the provisions of the development plan, which currently comprises National Planning Framework 4 (NPF4) and the Council's Local Development Plan 2016 (LDP). Certain policies of the Council's Proposed Plan 2020 which are not at Examination are also a material consideration but do not form part of the development plan.

NPF4 states that it should be read as a whole, as should its policies, and that where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

#### - Rural Housing/ Building Group Policy

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.

The row of four cottages linked by garaging known as 1-4 Sunwick Farm Cottages to the north-east of the site comprise an established building group. The B listed Sunwick Farmhouse is located some distance to the east. Dunedin Lodge, to the west, was not approved as extension to the building group as it is located on the far side of a public road. It is separated from the four cottages by strong boundaries including hedging and trees and was approved under the retiring farmer policy. There are no existing approvals at the building group, so there are no capacity issues regardless of whether Dunedin Lodge and Sunwick Farmhouse are counted when considering the extent of the group.

As there is an established building group with numerical capacity to expand, an assessment against LDP policy HD2-A turns on whether a new dwellinghouse at this site could have an appropriate relationship with the existing building group.

In this case the application site is within a large undeveloped field that is enclosed by mature hedging to the east and hedging and a row of trees to the west. This is contrary to the guidance set out in the New Housing in the Countryside SPG that sites should not normally break into previously undeveloped fields, particularly where there existing a definable natural boundary between the existing group and the field. The site is beyond the sense of place of the existing building group, being separated from 1-4 Sunwick Farm Cottages by hedging and the public road. It is also separated from Dunedin Cottage by mature trees.

A further consideration is how the proposed site could be developed. The site is somewhat awkward in shape and is constrained by the need for parking and turning of two vehicles and by the mature hedging and trees that bound the site. 1-4 Sunwick Farm Cottages have a clear linear arrangement which respects the alignment of Sunwick Farmhouse. Dunedin Cottage is offset from this somewhat, however it is discreetly located beyond trees. The proposed site cannot achieve alignment with 1-4 Sunwick Farm Cottages, Sunwick Farmhouse or Dunedin Cottage due to its location. Further, the shape of the proposed site means that if it were to respect the orientation of 1-4 Sunwick Farm Cottages, it would need to be located deep into the site, contrary to Placemaking guidelines and further separating the dwellinghouse from the existing building group.

In conclusion, the proposed development is considered contrary to LDP policy HD2 a) and in the absence of any other supporting justification, contrary to HD2 as a whole.

As regards NPF4 policy 17 (Rural homes), none of the supporting criteria set out within that policy apply. The proposed development therefore gains no support from NPF4 policy 17.

- Greenfield/ Prime Quality Agricultural Land

Prime quality agricultural land is a valuable and finite resource that needs to be retained for farming and food production. It is protected by LDP policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and NPF4 policy 5 (Soils). The latter policy has introduced more stringent policy protection for soils generally.

The proposed site comprises arable farmland that is classed by the James Hutton Institute as Prime Quality Agricultural Land. The application supporting statement argues that farm machinery would not be able to access it as it is in the narrow corner of a field. The document provides photography which supports this contention, however at the time of the application's formal site visit (2 June 2023), the full site was under crop, to within a few metres of the field access to the north.

The proposed development is contrary to LDP policy ED10 and NPF4 policy as it would result in the permanent loss of prime quality agricultural land and none of the relevant exception criteria apply. The development is also contrary to NPF4 policy 9 b) which states that proposals on greenfield site will not be supported unless the site is allocated or is explicitly supported by policies in the LDP, which this site is not.

- Rural Revitalisation and Local Living

NPF4 sets out six spatial principles including rural revitalisation and local living. The former encourages sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. The latter is expressed most directly in the provisions of NPF4 policy 15 and supports local liveability, including improving community health and wellbeing and ensuring people can easily access services, greenspace, learning, work and leisure locally.

The proposed dwellinghouse would not provide easy access to services, learning or to many work opportunities and there is no evidence it would support local rural communities. There is ample available housing land within Berwickshire including at the nearby villages of Hutton, Swinton and Chirnside where local services are more easily accessed. Overall, the proposal is not considered to align with the rural revitalisation or local living agendas and gains no support from NPF4 in these regards.

- Climate and Sustainability

Policy 1 of NPF4 (Tackling the climate and nature crises) requires significant weight to be given to the global climate and nature crises when considering all development proposals. NPF4 policy 2 (Climate mitigation and adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

The Council's building group policy ensures most new housing is clustered, avoiding a sporadic proliferation of new housing which would normally result in less efficient service delivery and greater resulting carbon emissions. In this case the site is located sufficiently close to the existing building group to benefit from some such efficiencies. The proposal does not gain support from policies 1 and 2, but the siting of the development would not appear so inappropriate in emissions terms as to amount to a reason for refusal.

- Listed Building Impacts

Sunwick Farmhouse is a Category 'B' listed building located to the east of the application site. Due to the distance between the two it would be possible to design a dwellinghouse that does not harm the setting of the listed building.

- Residential Amenity

There is no reason to believe that a dwellinghouse could be built at the site without comprising the amenity of existing dwellings or the amenity of the dwelling's future occupants. There is no conflict with planning policies relating to residential amenity.

- Vehicular Access and Road Safety

The proposed development has been assessed by the Roads Planning Service. The Service has raised no objections to the applications and matters relating to access and visibility could be secured by condition. Planning policies in respect of vehicular access and road safety are considered to be satisfied.

- Parking

The Roads Planning Service require the provision of parking and turning for two vehicles within the site. There is no reason to believe this could not be met, though these requirements would further reduce the developable area of the site and would impose an additional constraint that would affect the overall site layout. However, as the required parking and turning could be provided, the proposals are not in conflict with development plan policies as regards parking requirements.

- Infrastructure

The application form states the proposed dwellinghouse would connect to public foul sewer and public water mains. Scottish Water has confirmed there is capacity at the water treatment works however there is no waste water infrastructure so private foul waste treatment would be required. Had the application been supported, it would have been appropriate to control these matters by planning condition so further details could be explored at a later date.

- Development Contributions

The application site is within the catchment areas for Chirnside Primary School and Berwickshire High School. The Council currently seeks contributions towards both schools. The rates for a dwellinghouse are currently £4709 and £3349 respectively. Had the application been supported, a legal agreement would have been required to secure the required contributions.

**REASON FOR DECISION :**

The development is contrary to policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 because it would not be well related to any existing building group, would break into an undeveloped field with strong natural boundaries, and no other supporting justification has been made. The development gains no support from policy 17 of National Planning Framework 4. This conflict with the development plan is not overridden by any other material considerations.

The proposed development is contrary to Local Development Plan 2016 policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and National Planning Framework 4 policies 5 (Soils) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) as it would result in the permanent loss of greenfield, prime quality agricultural land without any exceptional justification.

**Recommendation:** Refused

- 1 The development is contrary to policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 because it would not be well related to any existing building group, would break into an undeveloped field with strong natural boundaries, and no other supporting justification has been made. The development gains no support from policy 17 of National Planning Framework 4. This conflict with the development plan is not overridden by any other material considerations.
- 2 The proposed development is contrary to Local Development Plan 2016 policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and National Planning Framework 4 policies 5 (Soils) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) as it would result in the permanent loss of greenfield, prime quality agricultural land without any necessary exceptional justification.

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