

**PROPOSED ERECTION
OF A DWELLING ON
BROWNFIELD LAND
WEST OF FISHWICK
SUPPORTING
STATEMENT**

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1.0 Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle application that has been submitted on behalf of Aver Chartered Accountants for the erection of a dwelling on a brownfield site on land west of Fishwick.
- 1.2 The site extends to 0.76 hectares; resulting in the proposal constituting a 'local application' in the context of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 1.3 The online reference number is 100622187.

2.0 The Site

- 2.1 The site is located west of Fishwick, outwith any settlement boundaries as defined in the Scottish Borders Council Local Development Plan (2016).
- 2.2 The site is bounded by woodland to the west, the B6461 to the south, and is defined on its remaining boundaries by an area of hardstanding in which development would be contained within.
- 2.3 There is an existing area of hardstanding on this site which was put in place prior to the submission of the retrospective application 18/00519/FUL for the erection of a polystructure cattle shed and hydroponics unit and associated groundworks. The application was refused.
- 2.4 The reasons for this applications refusal were specific to the proposal itself, where insufficient information was provided.
- 2.5 As a result of this unauthorised and unfinished work, this site is now a brownfield site.
- 2.6 A brownfield site, as per the National Planning Framework 4 (NPF4) is *land that has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.*
- 2.7 Under the definition, this site is considered to be vacant land that has previously been developed.
- 2.8 The Town and Country Planning (Scotland) Act 1997 (S. 124 Time Limits) states that no enforcement action may be taken after 4 years from the works taking place. The works took place circa 2018 therefore, the period for enforcement action has now lapsed.
- 2.9 As a result of these unauthorised works the site is made up of a large L-shaped area of hardstanding, with access from the north; images of the site are attached at Appendix 1-3.

3.0 The Proposal

- 3.1 It is proposed to erect a dwelling on the area of hardstanding which had been installed on this site without authorisation from the planning authority. As a result of this unauthorised development, this site is now a brownfield site.
- 3.2 The proposed dwelling would utilise the existing access to the site; it is understood that when the 2018 authorised works commenced, trees at the access were felled or damaged, no trees would be damaged or removed in order to permit this proposed development.
- 3.3 The proposed dwelling would make use of land which is now redundant, this land was previously prime agricultural land, Classification 3.1 on the Land Capability for Agriculture scale. The unauthorised development has resulted in the irreversible loss of prime agricultural land, and due to the installation of a permanent hardstanding on this site, it would not be possible for this site to naturalise.

4.0 Planning Policy Assessment

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning decisions to be made in accordance with the Development Plan.
- 4.2 If the proposed development accords with the Development Plan, it should be approved unless there are material considerations of sufficient weight that would indicate otherwise.
- 4.3 The adopted Development Plan relevant to this proposal is the Scottish Borders Council Local Development Plan (LDP) adopted in May 2016, and National Planning Policy Framework 4 (NPF4) adopted in February 2023.

Table 1: Scottish Borders Council Local Development Plan 2016

POLICY	POLICY ASSESSMENT
<p>Policy PMD1 Sustainability</p>	<p>Due to the unauthorised works which took place on this site resulting in the irreversible loss of prime agricultural land, proposing to erect a house on this brownfield site would allow the site to find a long-term sustainable use.</p> <p>The proposal is considered to comply with Policy PMD1.</p>
<p>Policy PMD2 Quality Standards</p>	<p>The proposed dwelling would be satisfactorily accommodated on this site, with existing access and screening already afforded to the site.</p> <p>In line with this policy, the proposed development of this site considers the long-term adaptability of this space which is now a clearly defined brownfield site which can be reasonably developed for residential purposes.</p> <p>The proposal is considered to comply with Policy PMD2.</p>

<p>Policy ED5 Regeneration</p>	<p>A dwelling on this site would not conflict with the established land use of the area, as this area of the Scottish Borders is characterised by sporadic housing locations and is inherently a rural area where single housing developments are the norm.</p> <p>The proposal is considered to comply with Policy ED5.</p>
<p>Policy ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils</p>	<p>The site is classified as prime agricultural land and is designated as classification 3.1 in the Land Capacity for Agriculture.</p> <p>However, as raised in the Report of Handling for the 2018 retrospective application, prime agricultural land has been permanently lost as a result of unauthorised development. This proposal aims to utilise this area of land which has been irreversibly altered in order to provide a small-scale housing development on a clearly defined site.</p> <p>The proposal is considered to comply with Policy ED10.</p>
<p>Policy HD2 Housing in The Countryside</p>	<p>This policy does not make provision for brownfield development; therefore, Policy 9 Brownfield, Vacant, and Derelict Land, and Empty Buildings of the National Planning Framework 4 will take precedence (see Table 2 below).</p>

National Planning Framework 4 (NPF4)

- 4.4 The National Planning Framework 4 is a national spatial strategy which sets out how planning can deliver change in a way which brings together competing interests so that decisions reflect the long-term public interest.
- 4.5 NPF4 forms part of the statutory development plan and sets out the policies and proposals for the development and use of land in Scotland, which subsequently informs the local development plans.
- 4.6 Where an incompatibility exists between the relevant LDP and NPF4, NPF4 takes precedence. As per Table 1 above, there are incompatibilities between references to brownfield development, therefore the relevant NPF4 policies detailed below should take precedence over the Scottish Borders LDP in this instance.

Table 2: National Planning Framework 2023

POLICY	POLICY ASSESSMENT
<p>Policy 5 Soils</p>	<p>As stated in the Report of Handling for the 18/00519/FUL retrospective application, prime agricultural land has already been irreversibly lost. This proposal would not permit any further loss of locally important soil, and instead would provide a use for the 5-year-old area of hardstanding which is evidently not able to naturalise.</p> <p>The proposal is considered to comply with Policy 5.</p>
<p>Policy 9</p>	<p>This policy states that development proposals that will result in the sustainable reuse of brownfield land will be supported.</p>

Brownfield, Vacant, and Derelict Land, and Empty Buildings	<p>This proposal encourages the reuse of brownfield land which subsequently reduces the need for greenfield development.</p> <p>This brownfield site is not a productive space, therefore developing on this site is directing development to the right locations, promoting the reuse of a redundant and derelict space.</p> <p>The proposal is considered to comply with Policy 9.</p>
Policy 17 Rural Homes	<p>This policy supports development proposals for new homes in rural areas where the development reuses brownfield land, where a return to a natural state has not or will not happen without intervention.</p> <p>The proposal is considered to comply with Policy 17</p>

5.0 Conclusions

- 5.1 This supporting statement has highlighted that there has been an irreversible loss of prime agricultural land as a result of an unauthorised development in 2018, the time period for enforcement action has since lapsed and therefore the site is now a clearly defined brownfield site for development.
- 5.2 The Scottish Borders Local Development Plan provides little scope for brownfield development; however, the National Planning Framework 4 is clearly in favour of utilising brownfield land for development in the first instance. This proposal conforms with the relevant policies across both the LDP and NPF4, and there are no material considerations that would suggest this application should not be approved.
- 5.3 It is therefore kindly requested that Scottish Borders Council seek to grant planning permission in principle for the erection of a dwelling on the clearly defined brownfield site west of Fishwick.

APPENDIX 1

THE SITE (NOTHERN VIEW)



APPENDIX 2

EXISTING SITE ACCESS



APPENDIX 3

EASTERN BIRD'S-EYE VIEW OF THE SITE



