

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/00509/PPP  
**APPLICANT :** Aver Chartered Accountants  
**AGENT :** Bidwells  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land North East Of Alba Cottage Fishwick  
Berwick-upon-tweed  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
A.57,647L 4	Location Plan	Refused
A.57,647c	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

None.

**REPRESENTATIONS**

SBC Education & LL: No response.

SBC Roads Planning Service: No objection, subject to conditions relating to parking and turning; vehicular access junction; access road; and visibility splays.

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 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 23: Health and Safety

Local Development Plan 2016:

PMD1: Sustainability  
PMD2: Quality Standards  
ED5: Regeneration  
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  
EP13: Trees, Woodlands and Hedgerows  
IS2: Development Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and SUDS

Proposed Local Development Plan 2020

ED5: Regeneration

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 Fishwick and Winfield Airfield, around a mile south-east of Sunwick Farm. It comprises an irregularly shaped, previously developed portion of an otherwise flat arable field. The field is bound to the south by the B6461 road, to the north by a local minor road, and to the west by a narrow belt of mature trees. The southern extent of the tree belt lies within the application site boundary. The surrounding land use is primarily arable farmland.

The site itself is previously developed, having been stripped and laid with gravel to form an area of hardstanding around five years ago. A long bund was formed from the stripped soils on the north side of the B6461 and a short section of this lies within the site. As detailed below within the planning history section, a partially retrospective application for these and further works was refused planning permission a number of years ago (reference 18/00519/FUL).

Planning History

18/00519/FUL - Erection of polystructure cattle shed and hydroponics unit and associated groundworks (retrospective) - Refused

#### 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. 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.

##### - 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. LDP policy PMD1 is also relevant in these regards.

Generally speaking, sporadic new rural housing is not considered conducive to low carbon living. This is one reason why planning policies direct most new housing to towns and villages. Further rural housing opportunities can be found at building groups. Sporadic new housing in the countryside is both harmful to the landscape and generally less efficient in servicing and transport.

In terms of transport, NPF4 notes that Scotland's Climate Change Plan, backed by legislation, seeks to achieve net zero emissions by 2045. This requires a reduction in car kilometres by reducing the need to travel and promoting more sustainable transport. This policy thrust is expressed most directly by NPF4 policy 13 (Sustainable Transport). This policy intends to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. The intended policy outcome is that new developments are in locations which support sustainable travel. The proposed development is contrary to these objectives.

As regards servicing, the Council's building group policy ensures most new housing is clustered. This avoids a sporadic proliferation of new housing which would normally result in less efficient service delivery (for example, this may include servicing a dwellinghouse with a water supply, energy, waste collection, drainage, post and deliveries) with greater resulting carbon emissions.

In summary, in respect of transportation and servicing, the proposed development is considered to constitute unsustainable, car dependent, sporadic housing development that is contrary to policies 1 and 2 of NPF4 and PMD1 of the Local Development Plan 2016. NPF4 is clear that significant weight must be given to such concerns.

##### - Brownfield Land

It is accepted that the application site holds brownfield land characteristics following the previous formation of hardstanding on the site. It should however be noted that it is showing signs of gradual naturalisation since an earlier site visit in 2018. Photos are on file which demonstrate this.

Policy 9 of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land will be supported. For the reasons set out under the 'climate change' heading above, the proposed development is not considered to be sustainable. Accordingly, it does not gain support from this policy.

NPF4 policy 17 a) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and meets certain criteria. None of these criteria may apply in this instance with the exception of criterion (ii), which is that the development reuses brownfield land where a return to a natural state has not or will not happen without intervention.

For criterion (ii) of policy 17 to apply, the development must be sited to be in keeping with the character of the area. The siting of a dwellinghouse within an agricultural field, distant from any neighbouring village, building group or dwellinghouse is not considered to meet this requirement. The Supporting Statement argues that this area of the Scottish Borders is a rural one where single housing developments are the norm. However, most housing in the area is located in towns, villages and existing building groups. Where single dwellinghouses are found, these are mainly farmhouses, located at related farm steading complexes, or lodge houses to historic country houses. Isolated rural housing sited sporadically within agricultural fields are not the norm within Berwickshire, nor the Scottish Borders as a whole. The proposal would not be sited to be in keeping with the character of the area. It therefore fails to satisfy NPF4 policy 17 a) ii). Even had the proposal been in keeping with the character of the area, NPF4 must be read as a whole. Other adverse aspects of the proposed development, for example as set out under the preceding 'Climate and Sustainability' heading, would have outweighed any support gained from the brownfield status of the site.

#### - Rural Housing/ Building Group Policy

As established above, none of the criteria for rural housing contained within NPF4 policy 17 are considered to apply. NPF4 does not restrict the criteria for assessment of rural housing to those listed within in policy 17, and, notably, it states that LDPs should set out tailored approaches to rural housing. In the context of the Scottish Borders, it is considered that the existing LDP policy HD2 (Housing in the Countryside) fulfils that purpose. For new rural housing without an economic justification, the most relevant policy criterion is HD2-A (Building Groups). This policy has the effect of clustering new rural housing at existing building groups that are capable of expansion. There is no building group at all at this location, and as none of the other criteria apply, the proposed development is quite clearly contrary to this policy.

#### - Land Use and Character

In land use terms, there is no shortage of available housing land that might justify turning to less appropriate sites such as this. The Housing Land Audit 2021 found an established housing land supply of over 1900 units within Berwickshire.

The authorised use of the site remains agricultural, and there are various potential uses for the land even if the hardstanding remains in place. For example, as outdoor storage of agricultural material. It has not been demonstrated that there is any inherent need to find a new use for the site, and even if there were, this would not justify the erection of a dwellinghouse on the site.

#### - 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. As established above, the proposed development is not considered to be sustainable. 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.

- Landscape and Visual Impacts

The surrounding landscape is characterised by open fields enclosed by hedging, broken by occasional tree belts. Farm steadings with clusters of dwellings and small villages punctuate this landscape. The proposed development would result in the appearance of an isolated dwellinghouse with no relationship to any existing dwelling or farm buildings. This would be harmful to the landscape quality of the area, exceeding the very localised impact of the existing hardstanding, which is not readily seen from outwith the site.

- Vehicular Access and Road Safety

Vehicular access to the site would be taken from the minor public road to the north. The site boundary does not include the junction or access between the site and the road. The reason for this is unclear. The Roads Planning Service has no objections on road safety grounds provided access upgrades and adequate visibility at the junction are secured by planning condition.

In terms of visibility, it is not clear whether visibility to the west could be achieved as the location plan for the application does not indicate that this land is in the ownership of the applicant. Assuming the required visibility is in the road verge, this could be controlled by planning condition. Had the application been supported, it would have been appropriate to explore that matter further.

- 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. 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 policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, sporadic housing development in the open countryside, unrelated to any existing building group and out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

**Recommendation:** Refused

- 1 The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent,

sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

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