

APPEAL STATEMENT



NEW DWELLING AT WHITEBURN STABLES

June 2023

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1. INTRODUCTION

1.1 This statement, prepared by Ferguson Planning (the agent) on behalf Elaine McKinney (the appellant), sets out the grounds of appeal against the decision of the Scottish Borders Council (SBC) to refuse an application for planning permission at Whiteburn Stables, TD2 6SQ (the site) under LPA Reference 22/01905/FUL on 20 April 2023.

1.2 The detailed planning application sought the “*Demolition of stable and erection of dwellinghouse*” at the site, which is owned by the appellant.

1.3 The SBC had one reason for refusal of the application:

“The proposal is contrary to policy 17 of National Planning Framework 4 and policy HD2 of the Local Development Plan 2016 and the Council’s Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 as the site is outwith the defined boundaries of the building group and sense of place and does not relate well to the existing houses within the building group in terms of their spacing. The development would read as isolated and divorced from the group, to the detriment of the character, amenity and setting of the building group”.

1.4 Other technical consultees commented as follows:

| Consultee | Response |
|----------------|--|
| Roads Planning | Following the initial response from SBC Roads, a revised access plan was provided with an original secondary access omitted and confirmation provided that access to the site would be via the shared private driveway which the appellant has legal rights of access over. The Roads Officer indicated the removal of the secondary access would allow them to look more favourably upon application. |
| Scottish Water | No objection |

1.5 To illustrate how the proposed dwelling will appear within the building group at Whiteburn, the appellant has provided architectural 3D renders of the proposed development in this context. An updated site plan has provided to illustrate the viewpoints the visualisations capture. We request that the LRB accept these as part of their review.



- 1.6 The Appellant invites the LRB Members to undertake a site visit to help in their understanding of the subject site in its context and to complement the assessment provided in this statement.
- 1.7 The remaining sections in this appeal statement comprise:
- A description of the appeal site and surrounding context (Section 2)
 - A description of the proposed development (Section 3)
 - The appellant’s grounds for appeal (Section 4)
 - Material considerations in favour of the appeal proposal (Section 5)
 - Summary of the appellant’s case (Section 6)
- 1.8 This appeal statement should be read in the context of all supporting evidence documents submitted as appendices to this appeal statement, and all those from the previous planning application which are listed below:

| Appendix to Appeal Statement (New Information) | Author |
|--|-------------------|
| Appendix 1 – 3D Visualisations of Proposed Dwelling in Context of Building Group with Site Plan Showing Viewpoints | Quercus |
| Document from Original Planning Application | Author |
| SBC Decision Notice and Officers Report | SBC |
| Architectural Drawings Location Plan Proposed Site Plan Proposed Plans Proposed Elevations | Quercus |
| Supporting Planning Statement | Ferguson Planning |
| Statement Addressing Neighbour Consultation Responses | Ferguson Planning |
| Statement in Response to Lead Planning Officer’s Comments | Ferguson Planning |

- 1.9 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant

development plan policies and supported by significant material considerations. On that basis, we respectfully request that this appeal is allowed.

2. SITE LOCATION AND PLANNING CONTEXT

2.1 The site is located adjacent to the settlement at Whiteburn which is situated at the junction of the A697 and A6089 roads. Whiteburn currently consists of eight residential dwellings and various agricultural outbuildings. The surrounding area is rural in nature with another residential settlement situated at Pyatshaw, less than 1.0km to the north-west. The site's primary access is via a private road from the A697, located to the east of the existing building group and runs along the north of the group in parallel to the A697. Figure 1 shows an aerial image of this site in the wider landscape context and Figure 2 shows the access arrangement at a larger scale.



Figure 1. Landscape context of the subject site. Source: Bing Maps.

2.2 The site lies between 'The Roost', a residential dwelling with outbuildings in its curtilage, to the south-east and to the north-west, and paddocks which belong to the owners of 'The Roost' and contain farm sheds, a chicken hutch and are regularly used for motorised leisure recreation by the owners (shown in Figure 2). The access which links the 'The Roost' and these paddocks runs along the north-eastern and north-

western boundaries of the subject site. This layout is illustrated in Figure 2 and Figure 3 below.

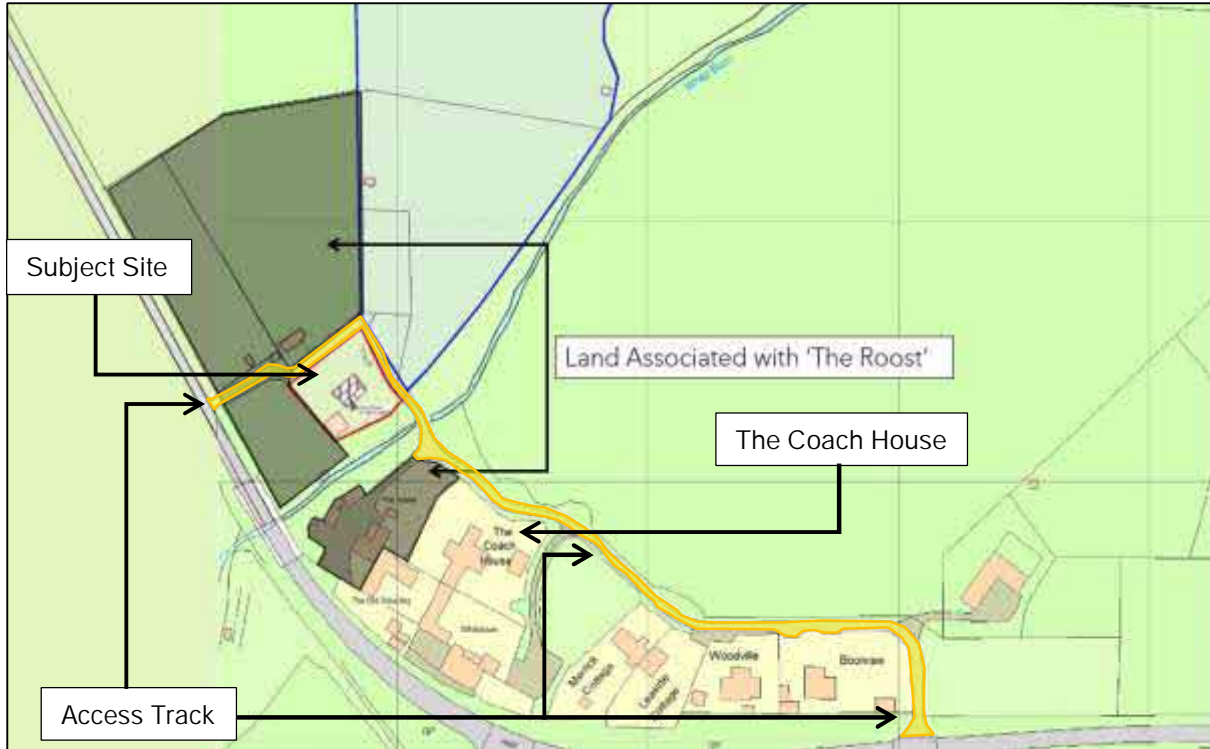


Figure 2. Subject site in context of 'The Roost' land holdings and access track containment. N.B. boundaries shown for illustrative purposes only. Source: Quercus.

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Figure 3. Relationship between subject site and 'The Roost'. Source: Bing Maps.

- 2.3 The subject site covers approximately 1000m² (0.1ha) and is generally flat with a gentle slope from the north down to the south towards the burn. The site contains an existing stable building located towards the centre of the site and a timber shed in the southern corner. The stables were constructed in 1992 and the timber shed in 1997. The site is enclosed by a post and rail fence. The Appellant also owns the field to the north of the subject site (outlined in blue in Figure 3 above).
- 2.4 The Appellant previously owned and occupied the Whiteburn Coach House (indicated in Figure 2) which was held in the same land title as the subject site and the field to the north. When the Appellant sold the Coach House in 2005, the Appellant retained ownership of the subject site and field to the north with full access rights.
- 2.5 On-site vegetation consists mainly of grass cover. The Appellant has a strong interest in the betterment of the environment and in an effort to improve the biodiversity and amenity of the area, she has undertaken significant planting of approximately 1800 trees throughout 2021 and 2022 across the northern portion of the subject site as well as within the adjacent land also under her ownership immediately to the north. There



- are no 'important' trees (i.e., those with a stem diameter greater than 75mm at 1.5m above ground level) within the subject site.
- 2.6 The site was previously subject to a Section 50 Agreement, imposed in 1992 when planning permission was granted for three houses on the combined farms of Whiteburn, Dods and Pyatshaw. The FOURTH clause of the Section 50 Agreement stated that no further residential development shall be permitted on the sites except for dwellinghouses that have received planning permission with a condition that their occupancy be restricted to a person, or persons, employed in agriculture and their dependents. This approach is no longer recognised as representing best practice with the Scottish Government's Chief Planner writing to all Planning Authorities in November 2011 to advise their position that such occupancy restrictions secured by a legal agreement should be avoided and that the development plan should be relied upon to assess appropriate rural development.
- 2.7 An application to modify this obligation on the subject was made in tandem with the planning permission application and was approved on 23 February 2021. Therefore there is no longer any legal restriction on the development of the site.
- 2.8 It is noted that the same obligation has also been uplifted from an adjacent site (Land South East Of Applecross Pyatshaw Lauder) and a subsequent permission for the construction of a dwelling granted in 2016 under reference 15/00193/PPP.
- 2.9 Figures 4 –7 are photos of the subject site as currently stands.

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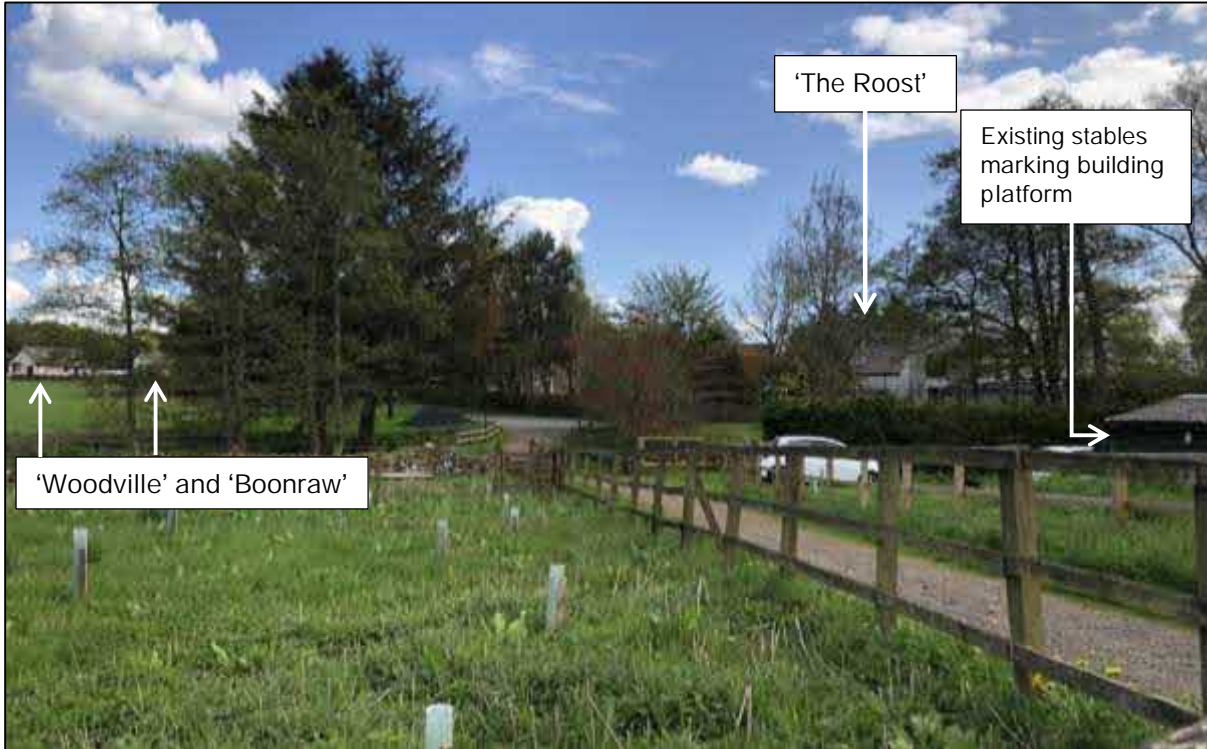


Figure 4. View of subject site from north-west looking towards building group at Whiteburn with 'The Roost', 'Woodville' and 'Boonraw' visible in background. Source: Ferguson Planning Site Visit.

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Figure 5. View of site from north-east down the side boundary towards the south-west. Source: Ferguson Planning Site Visit.

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Figure 6. View of north-western corner of site showing trees already planting. Dwelling within Whiteburn building group visible in top-left of photo. Source: Ferguson Planning Site Visit.

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Figure 7. South-eastern elevation of stables. Source: Appellant.

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3. PROPOSED DEVELOPMENT

- 3.1 The provision of a home at this site would allow the Appellant to return to the Borders from overseas and be closer to her elderly mother and friends. The Appellant previously lived at the Whiteburn 'Coach House' which has given her and her three children a strong affinity for the area. The dwelling is not proposed to be utilised as holiday/short term commercial accommodation.
- 3.2 The stables to be demolished are a single storey, L-shaped in plan, and have a floor area of approximately 80m². The proposed dwelling would be a part 1/part 2-storey, 2-bedroom building constructed on piles above the stable's foundations with a 55m² footprint plus an 18m² covered deck and cantilevered balcony at the first floor.
- 3.3 The existing access arrangement to the site is via the private access which has a formed junction with the A697 approximately 250m to the east and is used to provide access to the other dwellings within the Whiteburn Building Group.
- 3.4 The dwelling has been designed to incorporate several energy efficient and low emission building technologies, including:
- Constructing the dwelling on piles over the stable foundations,
 - The use of SIP Eco Panels for the exterior walls,
 - Composting toilets,
 - Detention and treatment of greywater in a landscaped soakaway,
 - Installation of solar panels on the roof and rainwater collection tanks (although the site does benefit from existing power and water supply to supplement this),
 - Triple glazing, and
 - The use of a wood burning stove/oven as a heat source.
- 3.5 Figure 8 shows the proposed elevations of the new dwelling.
- 3.6 Figures 9 –11 show the 3D visualisation of the proposed dwelling in the context of the Whiteburn Building Group.

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Figure 8. Proposed elevations. Source: Quercus.

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Figure 9. 3D Visualisation from the north-west. Source: Quercus.

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Figure 10. 3D Visualisation from the south-east. Source: Quercus.

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Figure 11. 3D Visualisation from the south-west. Source: Quercus.

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4. GROUNDS OF APPEAL

SBC's Reason for Refusal

- 4.1 *The proposal is contrary to policy 17 of National Planning Framework 4 and policy HD2 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 as the site is outwith the defined boundaries of the building group and sense of place and does not relate well to the existing houses within the building group in terms of their spacing. The development would read as isolated and divorced from the group to the detriment of the character, amenity and setting of the building group*

Appellant's Response

- 4.2 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. 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.
- 4.3 With regard to Policy HD2, there is agreement between the Council and the appellant that a building group exists. The officer states that, *"It is accepted that a building group exists at Whiteburn, as there are 8 existing houses. The main issues with this application is whether the site is considered to be within the natural and man-made boundaries of the building group and whether the proposal is well related to of houses within the building group in terms of spacing"*. We address each issue in turn below.
- 4.4 Site lies within the natural and man-made boundaries of the building group
- 4.5 The Lead Planning Officer's Report of Handling identifies the northern and eastern boundaries of the Whiteburn building group as being defined by the private access road which is further emphasised by woodland to the east of the access and open fields to the north. The southern extent of the Whiteburn building group is identified by the Lead Planning Officer as the A697 road. We completely agree with the extent of the building group in these directions.
- 4.6 Where the Appellant disagrees is on the western extent of the building group. Accepting that the access track defines the northern and eastern building group



boundaries, then it follows that this same access track also forms the western extent to the group.

4.7 The Lead Planning Officer notes that:

The private access road that serves the existing houses from the east is hard surfaced and the character changes to a less formal farm track on the western side of the bridge over the burn. This track wraps around the north western boundary of the application site to the access onto the public road and is not substantial enough to form a strongly defined boundary to the building group.

4.8 Figures 12, 13 and 14 show the nature of the private access road. The standard of formation of the access is compacted surface overlain by gravel for much of its length before it reaches the burn with only a small section of driveway leading to 'The Roost' actually covered with tarmac.

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Figure 12. Standard of access track formation to the east of 'The Roost'. Source: Ferguson Planning Site Visit.

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Figure 13. Standard of access track formation as it passes 'The Roost'. Source: Ferguson Planning Site Visit.

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Figure 14. Formation standard of access along boundary of the subject site. Source: Ferguson Planning Site Visit.

- 4.9 The Appellant contends that the private access track does represent a strong defining boundary of the building group as where it runs to the north of the subject site, it is of the same formation standard as it is for the majority of its length (bar the section leading immediately to 'The Roost').
- 4.10 In terms of natural boundaries, as shown in Figure 6 and more clearly in Figure 15 below, the Appellant has already undertaken significant planting along the north-western and north-eastern site boundaries. A condition of consent would be accepted to undertake further planting along here to enhance the landscape containment.

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Figure 15. Site photo looking along the north-western boundary towards the corner of the site showing existing planting along boundaries. Source: Appellant.

- 4.11 Furthermore, as illustrated in Figures 2 and 3, the subject site is situated between two parcels of land under the same ownership. It has been established that ‘The Roost’ forms part of the Whiteburn Building Group and the proposed dwelling would lie between the residential dwelling at ‘The Roost’ and the agricultural outbuilding that are within the same land ownership. The Appellant has noted that the field to the north-west of the subject site is often used for recreation involving motorised vehicles by the occupants of ‘The Roost’ which is further evidence of it being linked directly and frequently used as ancillary amenity land for ‘The Roost’, and therefore, that the position of the subject site between is also within this group. The track used for the recreation involving motorised vehicles can be seen in the aerial image in Figure 3 of this statement. This arrangement is shown in Figure 16 below from which it is clear that the proposed building site would fit within the building group at Whiteburn.

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Figure 16. Panorama of subject site between the dwelling at 'The Roost' to the left and outbuildings associated with 'The Roost' to the right. Source: Ferguson Planning Site Visit.

4.12 The Lead Planning Officer considered that:

Granting planning permission for a new dwellinghouse on this site would set a precedent for further housing development to the north west, as there is no clear boundary to the building group beyond the site.

4.13 We contend that the access road which runs along the north-western boundary of the subject site forms the extent of the building group in this direction and therefore limits further development beyond forming the same group. The existing boundary planting and the enhancement offered above would also ensure that the western extent of the building group was clear. In any case, as each planning application must be judged on its own merits, the granting of a dwelling at the subject site does not, in itself, mean that further dwellings could be constructed to the west.

4.14 Proposal is well related to of houses within the building group in terms of spacing

4.15 The Lead Planning Officer's Report of Handling states that:

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The proposed dwellinghouse would be 45m from the nearest property within the building group, the Roost. This would not respect the spacing within the building group or its character, which is compact and well contained within the natural and man-made boundaries. The application site reads as being divorced from what is essentially, a complete building group, and would be outwith the sense of place.

- 4.16 As shown in Figure 17 below, there is no characteristic spacing between the other dwellings within the Whiteburn building group. The minimum separation distance between the proposed dwelling and 'The Roost' is the same, as the spacing between 'Whiteburn Farm House' and Merrick Cottage'.
- 4.17 As such, we consider it incorrect for the subject site to be characterised as being 'divorced' from the rest of the Whiteburn Group. Figure 4 also shows that due to the siting of the dwellings at Whiteburn, the proposed dwelling would be apparent within the same view as several of the other dwellings at Whiteburn, thus reinforcing the sense of place.



Figure 17. Spacing between dwellings within Whiteburn building group. Source: Quercus.

- 4.18 Figure 17 also shows how there is no characteristic or distinct distance that the other dwellings within the Whiteburn group are set back from the boundary of the A697.

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The proposed dwelling would be a similar distance from the road as Merrick and Leaside cottages.

- 4.19 Furthermore, there is dense vegetation between ‘Whiteburn Farm House’ and ‘Merrick Cottage’, yet these properties have been confirmed as forming part of the same building group. The volume of vegetation between the subject site and ‘The Roost’ is not as great as that between these two dwellings. Figure 18 shows the spacing and vegetation as viewed from the junction of the A6089 and A697.

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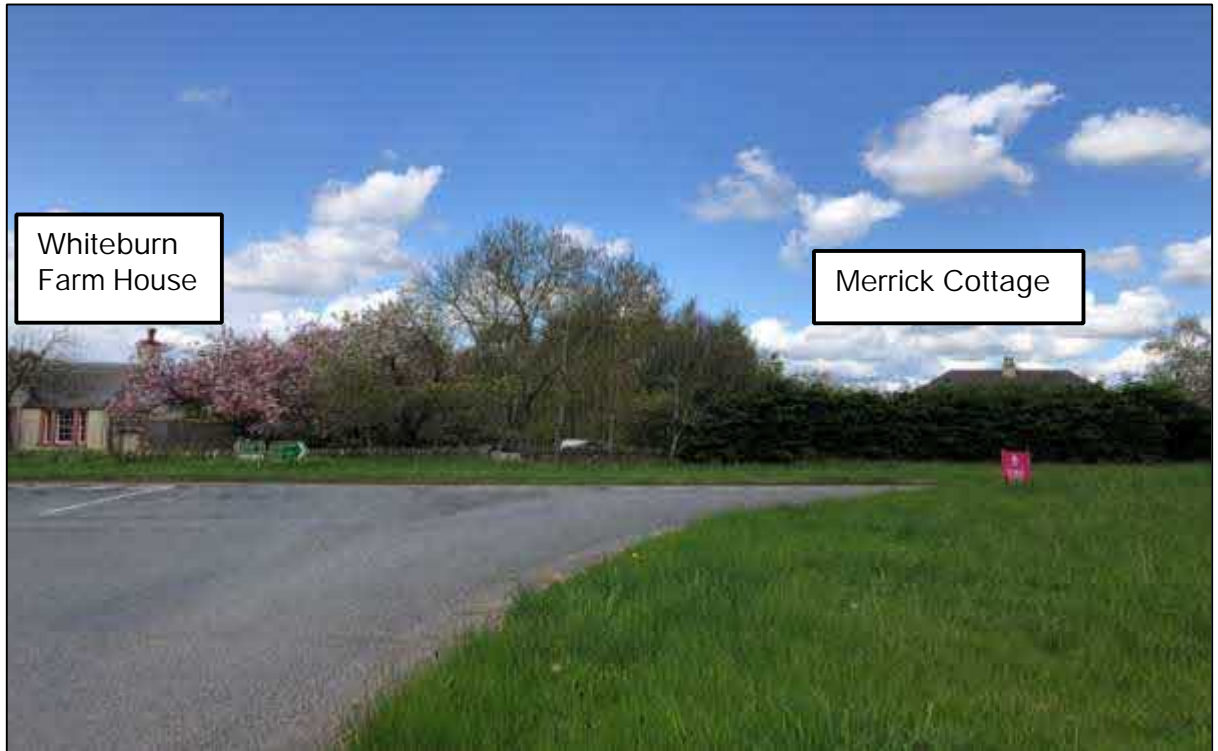


Figure 18. Distance between Whiteburn and Merrick Cottage as viewed from the A6089 intersection.
Source: Ferguson Planning Site Visit.

4.20 The Lead Planning Officer's Report of Handling states that:

The building group is characterised by the traditional farmhouse, steading conversions and more modern houses, constructed of render, stone, tile and slate.

The proposal is for small scale dwellinghouse of a contemporary design with mono-pitched roofs, a balcony along the north west elevation, decking with a hot tub, black corrugated steel sheeting for the walls and roof, larch for the porch and a small area of sedum roof over the sun room.

The Planning Statement advises that the dwellinghouse would be constructed on piles over the stable foundations. The design and materials intend to reflect agricultural buildings in the surrounding area and to ensure the building recedes into the landscape.

The design and materials do not reflect the character of existing houses within the building group. No other houses within the building group have black corrugated steel



sheeting or mono-pitched roofs. However, as the development would be divorced from the building group such an approach can, on balance, be accepted.

- 4.21 The New Housing in the Borders Countryside SPG does encourage the design of new dwellings to take account of the widely appreciated and accepted traditions of Border house design. However, it caveats this by warning that the guidance should not be applied unthinkingly or across the board and recognises that there are circumstances where, with sound reasoned justification, a different solution, in terms of building form, proportion and materials, can legitimately be pursued. Innovative designs, therefore, which are sympathetic to their setting and to the general principles in respect of siting, will also be encouraged
- 4.22 The design of the dwellinghouse has been carefully considered and references many elements of the other dwellings in the Whiteburn building group and rural Borders housing generally, while representing a more compact and less resource intensive solution to a standard construction.
- 4.23 The proposed dwelling has a narrow frontage of approximately 4.8m and a depth of double this, creating a well-proportioned building which, in this way, is similar to that of traditional workers cottages.
- 4.24 The height of the proposed dwelling is in keeping with the built development in the surrounding area. For example, the dwelling in the Whiteburn building group, nearest the subject site, 'The Roost', possesses a two-storey western wing and 'The Coach House' and other buildings further east in the group are also of a reasonable height being two-storey or having enough height to allow for habitable space at the roof level.
- 4.25 The windows at the ground floor level of the dwellinghouse are vertically proportioned with multiple panes, an element of building design identified as desirable in the New Housing in the Borders Countryside SPG. The SPG also notes that porches are a common feature of housing in the countryside and encourages new porches to reference traditional styles. The proposed porch is simple and traditional in its form while also adding visual interest and breaking up the bulk of the building.
- 4.26 The exterior cladding materials and colour would be recessive in the environment with low reflectivity values to allow the building to be absorbed into its rural environment. Although none of the dwellings within the Whiteburn building group have a corrugated steel construction, the use of this material can be seen in the outbuildings

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at 'Boonraw' and 'The Roost' as well as in the farm buildings at to the north-west of the subject site.

- 4.27 The restricted scale of the dwellinghouse, in conjunction with the materiality, gives it the feeling of an agricultural building which is entirely appropriate for its context, while the form, proportion and detailing directly references dwelling in the Whiteburn group and the Borders Countryside more generally.
- 4.28 The footprint of the proposed dwelling would be similar to that of the existing stable block and no greater than any of the other dwellings within the building group. As such, it would not appear obtrusive or dominant within its setting.

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Other Matters Raised in the Report of Handling

- 4.29 Although not forming reasons for the refusal, the Lead Planning Officer's Report of Handling did comment on the following which we will now address in turn so that Members can see that there are no constraints relating to future development of the proposed site:

Part (F) of Policy HD2 of the LDP – Economic Requirement

Policy 9 of NPF4 – Brownfield, Vacant and Derelict Land and Empty Buildings

Policy PMD2 of the LDP and Bridge Stability

Policy EP13 – Trees

Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

Part (F) of Policy HD2 of the LDP – Economic Requirement

- 4.30 Although it was noted in the original planning statement that by living on-site the Appellant would be better able to maintain the 1800 trees they recently planted, the justification for the dwelling is based on being part of a building group and not economic requirement.

Policy 9 of the NPF4

- 4.31 Policy 9(a) of NPF4 states that:

Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

- 4.32 The Lead Officer's Report of Handling states that:

The site is a paddock with a stable block and barn within it and so it is accepted that this is a partially developed site. However, the buildings are not derelict and can be reused (the proposal seeks to retain the barn) and take up a small proportion of the paddock, which is laid to grass. It is contended that this is not brownfield land targeted by policy 9.

- 4.33 The definition of 'Brownfield' in NPF4 is:

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Land which 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.

4.34 To be 'brownfield' any buildings on the land do not need to be derelict, the land must only have been previously developed. This is the case for the subject site and therefore it is 'brownfield' as defined by NPF4.

4.35 Policy 9(a) of NPF4 supports the sustainable reuse of brownfield land. The use of the word 'including' is well established in planning case law as to mean that the description or words following it are not an exhaustive or limited list. As such, Policy 9(a) of NPF4 does not explicitly require the sustainable reuse of vacant and derelict buildings.

4.36 Policy 9(d) of NPF4 states that:

Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

4.37 The wording of the Policy 9(d) does not go so far as to prohibit demolition.

4.38 The existing stables, due to their condition and construction method, would require a far greater input of resources to make habitable and bring up to a quality standard for modern living, including by retrofitting of energy efficiency measures, than the construction of the proposed dwelling which has been designed using materials with the lowest forms of embodied emissions and those suitable for reuse with minimal reprocessing. Measures, such as double glazing, thermal insulation, energy efficient heat source and solar panels will be incorporated within the new dwelling. This will result in an overall positive position in terms of future waste, carbon emissions and energy use.

Policy PMD2 of the LDP, Bridge Stability and Sustainable Transport

4.39 The Lead Planning Officer's Report of Handling states that:

A revised site plan has been submitted that removes the reference to the western access as an alternative access to the site. A condition could prevent use of this access by vehicles associated with the development.

4.40 The Appellant is agreeable to such a condition.



4.41 The Lead Planning Officer's Report of Handling states that:

Concern has been expressed within representations about the ability of the bridge over the White burn to cater for additional traffic, especially heavy construction vehicles and emergency vehicles due to its age and construction, and the damaging impact such additional traffic movements would have.

A note on the revised site plan states that during the construction works only light vehicles would be allowed to cross the bridge. The agent advises that the strength/stability of the bridge is considered a building warrant matter and is the responsibility of the owner to maintain it to the standard specified in their title deed (able to withstand up to 3.5 tonnes). This matter has not been pursued as the principle of the proposal is not acceptable but could be investigated further by way of a structural report secured by condition.

4.42 As submitted as part of the original submission, the appellant has legal rights of access across the bridge for light vehicles up to 3.5 tonnes. It is also noted by the Appellant that this bridge, which provides the route between 'The Roost' and the fields within the same land holding to the west of the subject site, has in the past been crossed by tractors and lorries delivering/picking up livestock with no incident.

4.43 Nevertheless, the Appellant is agreeable to such a condition to confirm the stability of the bridge.

4.44 The Lead Planning Officer's Report of Handling states that:

It can also be argued that a house built in this rural location that would be dependent on the private car is not wholly sustainable.

4.45 While we accept that, we consider that the sustainable building measures and extensive planting already undertaken on site, means that the development, as a whole, will have a minimal environmental impact.

4.46 Furthermore, although not within the immediate vicinity, the site is within an 8-minute drive from Lauder which is served by local and regional bus services which provide links to the Tweedbank Train Station.

Policy 13 - Trees

4.47 The Lead Planning Officer's Report of Handling states that:

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The revised site plan indicates that there are 2 trees of note within the site (those with a stem diameter greater than 75mm at 1.5m above ground level), though the canopy spread or root protection areas (RPA) are not accurately shown. It should be possible to locate the house, access, parking and services outwith the RPA of these trees (now that no upgrading works are required for the western access) and a condition would secure an accurate tree survey and tree protection measures for the construction phase.

- 4.48 Submitted with this appeal and copied as Figure 19 below, is a site plan that more accurately locates the two trees of note. These are both outwith the site boundary. However, as there is potential that their root protection areas are within the site, the applicant is agreeable to such a condition to prove these will not be impacted by the proposed development.

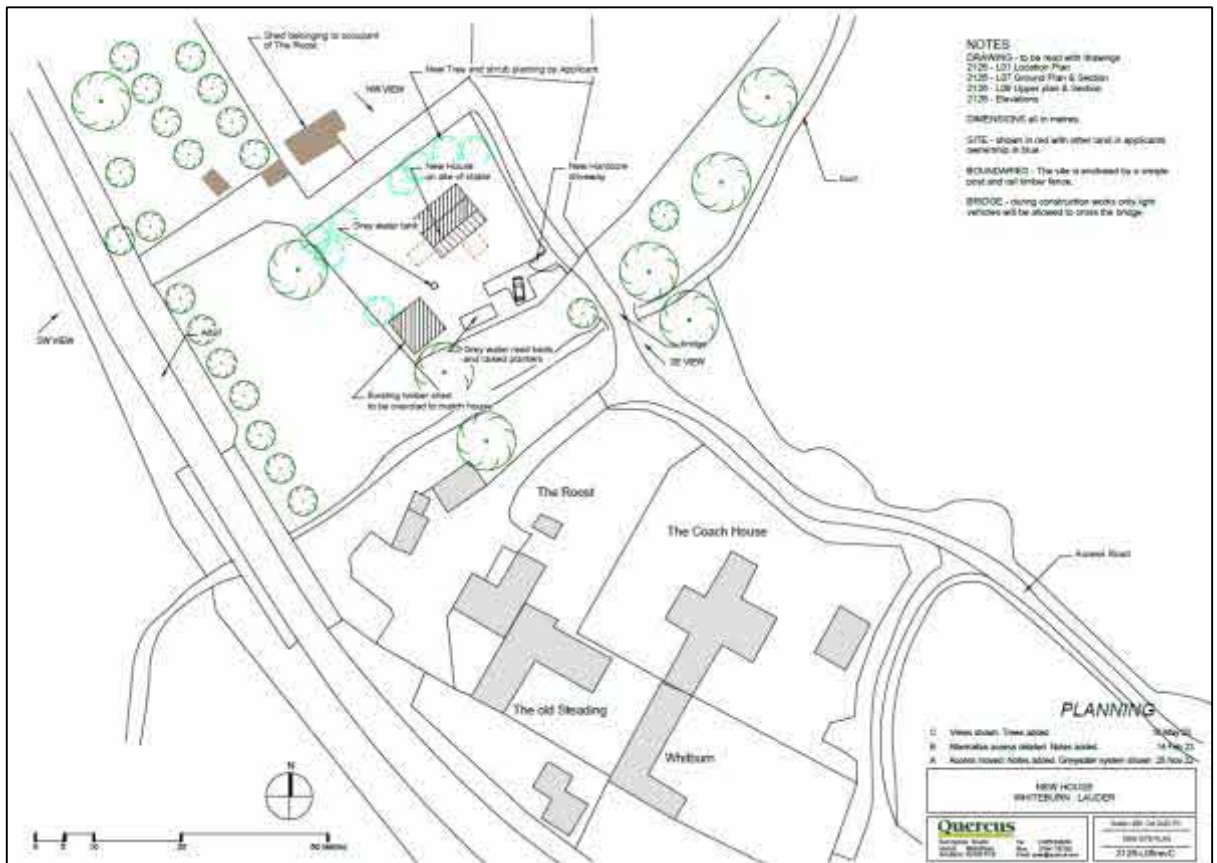


Figure 19. Site plan. Source: Quercus.

Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

- 4.49 The Lead Planning Officer's Report of Handling states that:

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The Planning Statement advises that there is already an electricity and water supply to the site. Rainwater collection tanks would supply water for the development. Grey water would be collected in a tank to the south west of the dwelling and discharged in a controlled manner to a landscaped bed to be treated and detained before draining into the soil through the use of a soakaway. Foul sewage waste from the composting toilets will be used to fertilise the trees recently planted by the applicant.

The exact details would be agreed via the Building Warrant process.

4.50 This approach is agreed with.

Neighbour Objections

4.51 In total, 13 ‘neighbour’ objections were received – noting some were submitted on behalf of two individuals and some neighbours submitted multiple times. The reasons for objecting have been broadly grouped and set out in the table below with the Appellant’s response.

| Neighbour Objection | Appellant’s Response |
|---|---|
| Modification to Planning Obligation | As addressed in paragraphs 2.6 – 2.7 of this statement, the modification to the planning obligation has already been approved and there are no legal restrictions on the development of the subject site. |
| Maximum Number of Dwellings in Building Group | This issue was resolved during the processing of the planning application. The building group is comprised of 8 existing houses with none being constructed or approved during the current LDP period. As per LDP Policy HD2, there is capacity for two additional dwellings to be added. |
| Boundary of Building Group | As addressed in paragraphs 4.1 – 4.18 of this statement, our contention is that the proposed dwelling does lie within natural and man-made boundaries of the building group at Whiteburn. |
| Use of Building | As stated in the initial planning application and reiterated in this statement, the use of the proposed building as is a standard residential dwelling – not as a holiday let. |



| | |
|--|---|
| Design of Building | As addressed in paragraphs 4.19 – 4.27 of this statement, the building has been designed not to appear as a pastiche of other buildings within the group but to use elements of their design, and other rural buildings in the wider area, to create a dwelling which is complementary in appearance and scale. |
| Servicing, Infrastructure and Flood Risk | The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood maps for public development purposes. Based on available maps, the site does not fall in an area at risk of flooding by any source. The servicing of the site, in terms of storm water and waste water disposal, will be through on-site methods. As addressed in paragraph 4.48 of this statement, the details of this will be secured at building warrant stage. |
| Transport and Access | As addressed in paragraphs 4.38 – 4.42 of this statement, access to the site will be solely via the existing private road to the east of the site. Given the nature of the proposed construction, only light-weight vehicles will be required to cross the bridge, as allowed by the Appellant's deed of access. |
| Light and Noise Pollution | Paragraphs 5.10 – 5.13 of this statement address this matter. To summarise, the proposed development will not result in a reduction in the level of residential amenity experienced at the adjacent sites. |

4.52 It is noted that only the 'Boundary of Building Group' formed the SBC's Lead Planning Officer's reason for refusal, nevertheless, all these concerns have been addressed throughout this appeal statement and the documents submitted in support of the original application.



5. MATERIAL CONSIDERATIONS IN FAVOUR OF THE APPEAL PROPOSAL

National Spatial Strategy

- 5.1 The National Spatial Strategy underpinning NPF4 is expressed by six overarching spatial principles, the most relevant to this application is *Rural Revitalisation*. This principle is to encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. The spatial strategy and policies of NPF4 support development that helps to retain and increase the population of rural areas in Scotland.
- 5.2 The provision of a new dwelling at Whiteburn fulfils the NPF4's vision for rural revitalization as it will increase the local population with flow on benefits to local services and economy, thus supporting the rural community.

NPF4 Policy 16 –Quality Homes

- 5.3 Annex A –How to Use This Document, sets the intent that the NPF4 be read as a whole. It is for the decision maker to determine what weight to attach to policies on a case-by-case basis. 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.
- 5.4 As such, it is not only Policy 17 of the NPF4 which is pertinent to the principle of the development in this instance, but also Policy 16 –Quality Homes.
- 5.5 Criterion c) of Policy 16 of the NPF4 is as follows:

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;*
- ii. accessible, adaptable and wheelchair accessible homes;*
- iii. build to rent;*
- iv. affordable homes;*
- v. a range of size of homes such as those for larger families;*
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;*



- vii. *homes for people undertaking further and higher education; and*
 - viii. *homes for other specialist groups such as service personnel.*
- 5.6 The proposal is in accordance with Policy 16(c)(i) as it will be a self-provided home. Given the scale and nature of the proposal house, there is no possibility of it being delivered by a housebuilder or other corporate developer. Development of the new dwelling would be delivered on a self-build basis – either by the Appellant or a successor in title.
- Compliance with Policies Regarding Landscape Visual Impact and Residential Amenity of Adjacent Sites
- 5.7 Policy 14 of NPF 4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.
- 5.8 In the Lead Planning Officer’s Report of Handling, it is commented that:
- The site would be well screened by existing trees and woodland and so the visual impact would not be significant, provided the trees are retained.*
- 5.9 We would go further to say that the proposal represents a high quality addition to the local area and would make a positive contribution to its appearance. Nevertheless, it is agreed that existing established trees and, in time, those planted by the Appellant will provide visual screening of the site.
- 5.10 Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.
- 5.11 The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.
- 5.12 The separation distance between the proposed building platform and the nearest residential dwelling, and the restricted scale of the proposed development, the level of residential amenity experienced at the surrounding sites would not be impacted.
- 5.13 This is agreed with. In the Lead Planning Officer’s Report of Handling.

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6. CONCLUSIONS

6.1 The submitted appeal, supported by this statement, seeks the Local Review Body's approval for '*demolition of stable and erection of dwellinghouse*' at Site Adjacent to The Steading Whiteburn Farm, Lauder, Scottish Borders.

6.2 For the reasons outlined in this statement and summarised below we believe the LRB should allow this appeal because:

The building site sits within the established Whiteburn Building Group and the proposal will enhance the building group's sense of place through additional planting along the western extent. This will also aid in precluding any further development beyond the boundary of the subject site.

The proposed building will be in keeping with the spacing evident between other dwellings within the Whiteburn Building Group and follows a similar pattern in relation to setback from the A697 road as two of the other dwellings in the group.

The proposal will allow for the well-being of the Appellant and contribute to the NPF4's spatial principle of Rural Revitalisation, by facilitating the Appellants relocation back to the area she raised her family in and where her elderly mother still resides.

The proposal is a sustainable use of brownfield land and will have a low impact on the environment due to its restricted scale and through the use of compostable toilets, on-site storm water management, the provision of solar PV panels, construction using highly insulated materials and use of an energy efficient heat source.

There will be no negative impact on the level of residential amenity experienced at any surrounding sites and safe, legal access is provided via the existing private vehicle access.

6.3 In contrast to the officer's report, we consider the proposal is in fact compliant with Policy 17 of the NPF4 and HD2(A) of the LDP. There are also several material planning considerations that weigh in its favour. We therefore respectfully request that this appeal is allowed by the Local Review Body on that basis.

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