

PLANNING APPEAL

For Refused Planning Application: 23/00262/FUL

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House
@
Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Reference: GF/1512/22

Date: 14th November 2023

Executive Summary:

Yeoman Architecture Ltd are instructed by the Applicant: Mr Graeme Forsyth to appeal to the Local Review Panel in respect the formal Planning Refusal under reference: 23/00262/FUL, which was decided by officer delegation on the 21st August 2023.

It should be noted that the site has been subject to Five separate planning applications, since the year 2000, the initial application was for Change of Use, the second application was also for a 'Change of Use' but was a full Planning Application, the third application was withdrawn before validation.

Planning Applications 4 & 5 were submitted by the current applicant.

Planning Application No 4 was submitted by another party, which was refused by the Planning Officer and later further Refused by the Local Review Body.

Planning Application No 5 was submitted by Yeoman Architecture Limited, this was subsequently refused on the 21st August 2023 and is now subject to this appeal submission to the Local Review Body.

It has been inherently difficult to produce a design that would be accepted by Scottish Borders Council.

Following Planning Application 4 – 21/01982/FUL and the start of our involvement, we fully assessed the refusal documentation and submitted plan, thereafter, we submitted a much reduced design scheme, which met client requirements, but more importantly sought to address the issues raised in the approval.

It is important to also state the proposal is for an off-grid home, fully sustainable, self-sufficient and therefore will be extremely low carbon.

The levels of insulation specified, greatly exceed current Building Standards and micro-generation is provided by Solar Water, Solar Photovoltaic Panel and a Wind Turbine.

There appears to be no consideration given to the applicant's approach to sustainability in the determination process.

The sole Reason for Refusal of 23/00262/FUL is an exact facsimile of the refusal for 21/01982/FUL, in that: *The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.*

Relevant Planning Policy:

Policy HD (C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) *The Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use.*

We have established that the current building on the site is capable of conversion and is physically suited for residential use.

- b) *The building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and*

We have established through an engineering report that the building is substantially intact and requires no significant demolition.

- c) *The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.*

In greatly reducing the size and scale of the proposed conversion, we were of the opinion that these changes would meet the criteria in providing an extension which would in-keeping with the scale, whilst seamlessly incorporating and respecting the character of the existing building.

Clearly, policy HD (C) seems ambiguous, whereby, it is difficult to meet the actual test of this policy, as it is solely the opinion of the designated planning officer, who has the final say.

Prior to the Refusal Determination, we became aware that the planning officer retained his concern regarding Scale & Architectural Character, in the association of the old and new structures.

Email 22 of the 26th July 2023 in the attached email string, details my response following discussions with the planning officer, when we previously discussed what actually would be allowed on the site.

The officer's suggestion was an extension of 17.59M², linked to the existing building which would provide an overall internal footprint of only 46.48M².

We submitted a draft plan of what was deemed acceptable, which is attached in Doc 029.

Clearly, this would not provide the accommodation required for a family home, whilst the officers further suggestion of creating a holiday unit, completely defeats the purpose of the applicant's proposal and aspirations of self-sufficient, off grid, sustainable living.

The context of Scale and Character is subjective, the proposal submitted and subsequently refused, did, in our opinion, meet this criteria, also the existing building is small in size, we incorporated this seamlessly into the design with clear definition between the old and new elements.

I would trust the Local Review Panel will take time to assess the design plans submitted in application 21/01982/FUL which are set out in the attachments -Doc's 001 to 007 against the current refused proposal of the 23/00262/FUL application which are set out in doc's 011 to 018.

I would submit that the character of the existing building is fully respected, which the scale of the new built extension, whilst around 1.8M higher than the existing structure, the scale is not excessive.

Clearly scale, needs to be taken in the context of how two elements sit, side by side, and not by defining heights, which returns to the ambiguity of the policy.

In conclusion, it appears the difficulty in achieving a successful determination by Scottish Borders Council, solely hinges on Policy HD (C) subsection c: *The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.*

As stated the ambiguity of this policy has been stated, however, there are also many merits this proposal possess under sustainability, low carbon and off-grid.

As also stated the refused proposal is greatly reduced from the scheme previously refused under 21/01982/FUL, Therefore, we respectfully ask the Local Review Body to fully assess this project on its positive merits, which would allow a local family to follow their aspiration for sustainable living.

My clients purchased the site at Blue House, with the comfort that the site had twice secured planning consent, they were not to know, the issues that would arise thereafter and the difficulties in trying to obtain planning consent.

Whilst it is accepted that the 21/01982/FUL application could have been considered excessive, they did feel that their sustainability ambitions and off-grid living would act in their favour.

This application 23/00262/FU, which is subject to this appeal to the Local Review Body sought to fully consider the points outlined in the Planning Officers and Local Review Panel report in the refusal of the 2021 application, as a result we did feel we had presented a considered scheme that would meet the determination criteria.

I appreciate that the Planning Officer's role is to test the application against current policy, however, as stated, addressing the issue of Scale and Architectural Character in policy HD (C) subsection c, has been found to be insurmountable, as it would seem the policy is ambiguous and is wholly subjective in consideration.

I therefore ask the Local Review Body to consider the benefits of this proposal to create a modern, energy efficient family home, which is proposed to be respectful of the merits of the existing building in the setting, whilst being totally off-grid, sustainable and low carbon, undoubtedly, this is an opportunity for Scottish Borders Council to support sustainability in the area, therefore, I respectfully hope the Local Review Body will reverse the original refusal and fully support this unique proposal.

Planning Application & Site Information:

Planning Application Reference: 23/00262/FUL

Date of Refusal: 24th August 2023

Reason for Refusal:

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.

Applicant:

Mr & Mrs Graeme Forsyth

Project Address:

Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Proposal:

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House

Site Information:

The applicants are the owners of the site outlined in the submission plans and known as Blue House, which is located near Swansfield Farm, Reston, Eyemouth, Scottish Borders, TD15 5NP,

The Total Site Area under the applicant's ownership is 5,819M2, which is defined in two distinct areas:

Area 1: extends to 1,511M2 and is predominantly triangular in shape, bounded with trees and a post & wire fence, this parcel of land is a rough paddock where the existing derelict agricultural storage building is located. The existing building has a footprint of 46.8M2 and is constructed in masonry and has a metal clad roof, which has suffered recent storm damage, however the masonry structure is largely intact, including the gable walls and water tables.

Area 2: extends to 4,308M2 and is rectangular in shape, and forms part of the adjoining agricultural field. Currently this area is not currently defined by fencing, however, this area forms part of the overall package of land under the ownership of the applicants.

A timber post and rail fence will be erected in the coming weeks.

Planning History:

There are notifications of three Four Planning Applications for the subject site, which we understand Three of which, solely relate to Site Area 1 = 1,511M2 and not the designated Paddock Area 2 = 4,308M2

1

00/00183/COU – An application was approved on the 12th April 2000 for change of use to convert the existing building to a dwellinghouse – *No records are readily available for this submission.*

2

05/02159/FUL - An application was approved on the 20th January 2006 for change of use to convert the existing building to a dwellinghouse - *No records are readily available for this submission.*

3

12/00935/FUL - This application was withdrawn prior to validation - *No records are readily available for this submission.*

4

21/01982/FUL – An application was submitted on behalf of the current applicants, which was validated on the 24th December 2021 and determined as refused on the 4th March 2022.

5

23/00262/FUL - A further planning application was submitted on behalf of the current applicants which was validated on the 21st February 2023 and determined, as refused on the 21st August 2023.

Planning Application: 21/01982/FUL.

Planning Permission was sought under reference: 21/01982/FUL – Proposed Alterations, Extension & Change of Use to form Dwelling House.

The Planning Application was considered by Scottish Borders Council and subsequently Refused on the 4th March 2022, thereafter, the Planning Application was further considered and again refused by the Local Review Body on the 22nd July 2022.

The stated ‘Reason for Refusal’ was as follows:

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Prior to the determination by the appointed planning officer and the subsequent Local Review Body, the appointed planning officer contacted the previous agent to outline the LDP policy: HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG, which set out the circumstances in which rural housing can be supported.

It was stated policies HD2 (A), (B), (D), (E) & (F) did not apply, however, policy HD2(C) relates to conversions of existing buildings to dwellinghouses.

It was considered that the previous planning application would not convert the existing building into a dwellinghouse, but would take the form of additional accommodation, ancillary to a new build dwellinghouse, to which it would be connected, via a short link.

It was questioned whether the proposals meet the criteria of policy HD2 (C), which required that; any proposed extension to be in keeping with scale and architectural character of the existing building.

The planning officer considered that the proposed new build element would ultimately dominate the existing building and would present a contrasting architectural style. The result would be the appearance of a large new building dwelling linked to a much smaller old building.

It was stated; Policy HD2(C) does not support this approach, and the guidance within the SPG further underpins this position, therefore, it was suggested that the planning application should be withdrawn, however, I understand the application was allowed to run through to the formal determination stage.

In the formal planning refusal, the appointed officer considered: the existing building had some historic merit, but outlined that it was very small in scale at 46.8M², additional concern was raised, that a significant extension would be required to meet modern day standards of residential accommodation.

Although Policy: HD2 CONVERSIONS OF BUILDINGS TO A HOUSE

c) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

specifically mentions ‘conversion and any proposed extension or alteration’ it is unclear whether an extension in this location would be supported by current policies and guidance.

The appointed planning officer questioned whether the existing building is structurally sound, as no structural survey was submitted with the application, although it was acknowledged the existing building had lost its roof following the collapse of mature trees in recent storms.

Clear issues of concern were raised in the decision making by the appointed planning officer, insofar as the proposal for the large part was seeking permission for what was considered to be tantamount to a new build dwellinghouse, with the small stone building, proposed for conversion (46.9M² footprint) creating ancillary accommodation to the new two storey building (110.39M² footprint) - It was questioned whether the proposals met the most basic requirement of the conversion policy.

Additional concern was raised that the new building was not in keeping with either the scale or the character of the modestly sized existing building, citing its excessive height and greater footprint, with the opinion that the

proposed new building would dominate the existing building, contrary to the purpose and aims of HD2(C), also the existing building would be subservient to the new building, whereas the reverse of this should apply.

The overall effect would be of a new build dwellinghouse in the open countryside linked to a more subservient old stone outbuilding. The contrasting architectural styles, material finishes and approaches to glazing would exacerbate this.

It was therefore considered that the development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

Another point raised was that the new building and garage would extend into a previously undeveloped field. The development does not respect the historic field boundaries at the site and would not be contained within the triangular site's sense of place. It was considered that this would cause further harm to the character of the site and the surrounding landscape.

Concerns in respect of Siting, Layout and Design were lightly commented on in the planning officer's appraisal, however, it was noted that the design of the new dwellinghouse and garage have not avoided the need for excavations into the hillside, with cut and fill required to create flat platforms. It was also noted that no proposed or existing site levels were provided, to demonstrate the extent of these works.

Generally, it was considered that the orientation of the new dwelling was at odds with the existing building, exacerbating the latter's sense of subservience. In addition, the proposed garage was proposed to be located in a dominant position, on higher ground and was also considered excessive in scale.

No tree survey was submitted with the application. Whilst concerns were raised in respect of the potential damage to mature trees within the site curtilage.

The reason for creating two accesses to the site was a point of contention as was the removal of hedging to create the access to the north-east extents of the site.

It was therefore considered the proposals were contrary to LDP policy EP13 (Trees, Woodlands, and Hedgerows), although it was suggested that it may be possible to avoid or mitigate adverse impacts, therefore, this was not a reason for refusal.

Issues in respect of Ecology were raised, insofar as the existing building would appear to have habitat potential for protected species such as bats and breeding birds. No ecological reports were submitted.

Therefore, it was not demonstrated that the development would not harm nationally or internationally protected species or their habitats, or local biodiversity.

The proposals are therefore considered contrary to the Council's planning policies EP1, EP2 and EP3.

The planning officer outlined further considerations in respect of:

- a) Two new vehicular accesses with service laybys were proposed to the private road to the south and the public road to the north-east, connected by a drive and turning. There are no significant vehicular access or road safety concerns. The Roads Planning Service requests conditions for parking, vehicular access and drainage to the road.
- b) Private water supply and foul drainage arrangements are required. No supporting information was provided regarding water supply. Given the limited information provided, a robustly worded planning condition would be required. For foul waste, a septic tank is proposed with outfall to a soakaway or field tiles.
- c) The Council's Archaeology Officer was consulted as the application proposes the conversion of a building with potential historic interest. The Officer recommends that a record of the building is secured by planning condition on account of such interest, however no further archaeological work is deemed necessary at this site.

- d) The application was discussed with the Contaminated Land Officer, who stated that there was insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property is needed. This could be secured by condition.
- e) Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

Relevant Planning Policy:

It is understood that, as the proposed site is outwith any designated settlement boundary, therefore, it falls to be assessed against Local Development Plan Policy HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG. This sets out the circumstances in which rural housing can be supported.

Policy HD (C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- d) The Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use.
- e) The building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- f) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

Planning Application 23/00262/FUL:

Further to the information available on the Scottish Borders Council Public Access Portal, we have discussed the proposal at length with the applicants and fully appraised the previous proposal, together with assessing the subsequent reasons for refusal.

We have now re-evaluated the proposal and produced a design, that hopefully meets the relevant criteria and policies set out in the Local Development Plan.

Applicants Objectives:

The applicants propose to demonstrate and fully implement off-grid living within the Scottish Borders, by creating an energy efficient, low carbon and highly insulated family home on a rural site, which will include the conversion of the existing building located on-site and integrating this alongside a traditionally constructed extension, which will form a family dwelling over a 129.36M² footprint.

The applicants have fully considered the shortfalls of the previous 21/01982/FUL planning application and sought to fully address the areas of contention.

The proposed dwelling will implement several methods of renewables which will demonstrate the sustainability of the proposal

Development Footprint:

Overall, the dwelling footprint is now proposed at = Existing 46.8M² + Proposed 82.56M² = 129.36M², whereas the previous application was proposed at = Existing 46.8M² + Link Building 6.0M² + 104.39M² = 157.19M²

Development Area:

The proposed area of development will be entirely retained in the established triangular site area of 1,511M² save for the proposed 6Kw wind turbine on a 15M Tower, located at the western extents of the applicant's site.

Existing Building & Proposed Extension:

One of the previous issues raised by the appointed planning officer was that the existing building, rather than being converted, was to be ancillary to what was considered as a large dwellinghouse, which was to be linked by a glass walkway.

The current proposal changes this approach and fully adjoins the existing building (46.8M²) to a new structure (82.56M²) this design fully integrates the existing building, which will house the Kitchen, Utility Room and Services Cupboard within the Dwelling.

Design Approach:

It is proposed to retain the existing building in its current form and integrate this into the proposed extended dwelling, this will include retaining water tables to the south-east elevation, whilst the north-west gable and water tables are to be carefully removed and reinstated in the new build element. It is proposed that the new roof pitches will align with the existing roof at 45 degrees.

External walls are proposed to be constructed in random natural stone to replicate the existing, with the inclusion of natural stone quoins, window surrounds and water tables to complement the overall appearance, whilst respecting and retaining the historic value of the existing structure.

Sustainability:

The applicants are proposing to build a fully sustainable dwelling which will be highly insulated, whilst exceeding current Building Standards. The dwelling will be wholly off-grid, which will comprise of the following:

- i) Electricity – via 22No Solar Photovoltaic Panels
1No 6Kw Wind Turbine on 15M Tower
Dedicated Battery Storage.
- ii) Water – via Private Supply from Borehole.
- iii) Heating & Hot Water – via 1No Solar Hot Water Panel,
Ground Source Heating via Borehole, Low Temperature Underfloor Heating.

Additional Buildings:

The proposed detached 72M2 Garage detailed on planning application: 21/01982/FUL has been completely removed from the current proposal.

Site Access:

The proposed secondary access to the north-east extents of the site has been removed from the proposal, therefore, the proposed access is to be located at the south-east extent of the site, immediately adjacent to the proposed dwelling.

Site Excavations:

The limitation of the development immediately adjacent to the existing structure will minimise the site excavations and work with the existing ground contours.

The full removal of the detached garage from the proposal will completely eliminate any excavations for this element.

Tree Survey:

In the previous planning submission, no tree survey was undertaken, however, in the ensuing period, the site was been affected by storm damage, principally by Storm Arwin in December 2021, where a number of trees were blown over and have since been removed.

The remaining trees on-site are clear of the proposed development and will be retained by the applicants as they are all established and stable.

Ecology:

A detailed Ecology Survey on the existing structure in respect of habitat potential for protected species, such as Bats and Breeding Birds has been instructed and will be forwarded to SBC when available.

Contaminated Land:

The Contaminated Land Officer, in the previous planning application, cited there was insufficient information to rule out possible contamination issues at the site, however, the site area of 1,511M2 is rough scrubland bordered by trees, therefore it unlikely that there are contamination issues in the area.

It is unknown what was previously stored in the redundant agricultural building, although initial enquires with the adjoining landowner states this was purely animal feed in small quantities, whether the floor area requires testing for contaminants can be undertaken, if requested by the Contaminated Land Officer.

The remaining parcel of land is wholly agricultural and extends to 4,308M2 – it is not envisaged that any of this land will be contaminated.