

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00262/FUL

APPLICANT : Mr Graeme Forsyth

AGENT : Yeoman (Berwick) Ltd

DEVELOPMENT : Change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height)

LOCATION: The Blue House Near Swansfield Farm
Reston
Eyemouth
Scottish Borders
TD14 5LN

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A101	Location Plan	Refused
A102	Existing Site Plan	Refused
A104	Existing Site Plan	Refused
A103	Proposed Site Plan	Refused
A105	Proposed Site Plan	Refused
A106	Existing Elevations	Refused
A107	Proposed Elevations	Refused
KINGSPAN 6KW PLANNING SUPPORT DOCUMENT	Other	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One representation in support of the application was received raising the points summarised below:

- the proposals would secure the the addition of a family home to the area;
- no additional pressure would be put on the existing utilities and infrastructure, or, as it would be developed by existing residents, it would put no extra pressures on services like doctors and dentists;
- as an off grid property, Blue House would be perfectly situated in the area;
- hope that the scale of the land owned is considered and compare the scale of the proposed property to that of the two-acre site;
- a dwellinghouse would be more beneficial to the local area than a holiday let;
- risk of dereliction if not approved.

CONSULTATIONS

SBC Access officer: According to the records of Scottish Borders Council Outdoor Access there is a public right of way on the South and West boundaries of the application site on the road. The public

have a right of responsible access on this route and should be expected to use the road and verges for walking cycling and horse riding.

SBC Archaeology: The archaeological and historic features, including the standing building ruin, have been summarised in the earlier planning application 21/01982/FUL which in essence identified the standing ruin as of later 19th century in date within a plot present by the mid-19th century. Should the application be consented it would be recommended that a historic building recording condition be carried out for the existing building. It would be recommended that this be carried out at the appraisal level of survey in line with the ALGAO Scotland Historic Building Recording Guidance. The condition advocated for would give an opportunity for recording work to be carried out as few smaller farm buildings have been recorded in this part of the Scottish Borders.

SBC Contaminated Land: There is an indication within the application that the site has had agricultural use. The specific uses and activities undertaken at the application site are not currently known. The applicant has been provided with a questionnaire to enable them to provide information relating to the previous use of the site. If the questionnaire is not returned, a planning condition would be needed to ensure that the development is suitable for its proposed use.

SBC Ecology: The habitats within the site appear suitable for bats, badgers and reptiles, possible also amphibians. A Preliminary Ecological Assessment should be carried out to determine whether any protected species are using areas within or outside the site boundary which may be impacted by the proposed development.

SBC Education: No response.

SBC Environmental Health: No objection subject to conditions.

SBC Roads Planning Service: No objections subject to conditions to secure parking and turning within the plot and the vehicular access to be formed, all prior to the occupation of the proposed dwelling.

Community Council: Viewed the application and associated comments in relation to both LDP, policies and SPG.

The community council has supported this application from the onset, with the proposal to be an 'Off Grid' eco friendly family home. This was seen as a first in the Scottish Borders, especially the details in relation to totally self supportive.

We are encouraged by this application in turning a derelict eye-sore into a family home. As demonstrated in the Finalised Local Plan there is an ongoing shortfall in housing stock; this application seeks to re-use a building that was once used but left abandoned and falling into disrepair.

We should embrace the design and the concept of this proposed building, in being a stand alone, self supporting structure and creating a family home.

Reference is made to HD2 (Housing in the countryside).

Whilst we draw you to the attention of paragraph "C The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building" .

We must first look at the policy; the policy makes the statement that "may be acceptable provided that"; this policy is open to interpretation and can be used and interpreted as guidance. We feel that the planning department has interpreted this in a negative way.

There should be leeway in planning matters and policies, especially housing in the countryside. The applicant has demonstrated in their application, to build and recreate a family home that has no strain on utility resources.

We also note throughout this application comments, that it is the planning officers interpretation of the supplementary Guidance on the scale of the property, whilst we understand the officer needs to keep

planning applications and designs within a certain parameter. This is an application for a family home and as such needs to be a suitable size that can house a family. Already mentioned via the applicant, the size of the property will be in keeping with the sizes of local build.

The planning department should have a sympathetic approach to this family, self-sustainable home and we welcome the reuse of a derelict eyesore.

Scottish Water: There is currently capacity at the water treatment works for a connection to the public water mains, however there is no waste water infrastructure within the vicinity of the development and private treatment options would need to be explored.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4:

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 5: Soils
Policy 6: Forestry, Woodland and Trees
Policy 7: Historic Assets and Places
Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
Policy 11: Energy
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 22: Flood Risk and Water Management
Policy 23: Health and Safety
Policy 29: Rural Development

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
ED9: Renewable Energy Development
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
Landscape and Development Supplementary Planning Guidance 2008
Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire
Supplementary Planning Guidance 2013 (Updated 2015)
New Housing in the Borders Countryside Supplementary Planning Guidance 2008

Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Renewable Energy Supplementary Guidance 2018
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2008
Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
Waste Management Supplementary Guidance 2015

Recommendation by - Paul Duncan (Assistant Planning Officer) on 17th August 2023

Site Description

The application site is located on the lower slopes of Horsely Hill around 2.5km west of Reston, at a junction between the public road to Horsely Farm and the long private road up to Warlawbank. The site comprises two adjoining but distinct parcels of land. The first is a roughly triangular area of scrub on the north side of the private road. It is enclosed by post and wire fencing and marked in the landscape by mature perimeter trees. It hosts a small single-storey stone building with no roof. The second is a small portion of a much larger undeveloped arable field to the north. It is bound to the east by mature hedging but has no clearly defined boundaries to the west or north. A field drain, partially covered, runs along the boundary between the triangular portion of land and the arable field to the north. Swansfield Farm is located around 200m to the north.

Planning History

Planning application history at the site is summarised below:

In 2000, an application was approved for change of use to convert the small existing single-storey stone building to a dwellinghouse (planning reference 00/00183/COU). The report of handling of a later 2005 application (reference 05/02159/FUL) indicates that the same scheme was resubmitted and approved again five years later. There is no indication that any form of extension was approved under either scheme. Both permissions predate the New Housing in the Countryside SPG and the current development plan. They are therefore of limited relevance to this new application.

In 2012 a further application was withdrawn prior to validation (12/00935/FUL).

In 2021, a new application for the conversion, alteration and extension of the existing stone building was refused permission (planning reference 21/01982/FUL). This scheme involved the erection of a new building with a single storey link to the existing stone building. The 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."

This decision was upheld on appeal to the Council's Local Review Body (appeal reference 22/00017/RREF), which also refused planning permission.

Proposed Development

This new application proposes the erection of a new extension off the north-west gable of the existing single-storey stone building. Rather than being connected to the existing building by a short link, it would extend directly off the gable. The extension would incorporate the majority of the living accommodation for a new dwellinghouse over two floors of accommodation. The existing stone building would be converted to provide a kitchen/ breakfast room and utility room for the new dwellinghouse.

A new vehicular access is proposed to the south, with parking and turning for three vehicles in front of the new dwellinghouse.

In the field to the north, a new wind turbine is proposed to provide energy for the proposed new dwelling. The application drawings refers to a 6Kw turbine on a 15m high tower. Information latterly submitted indicates that the turbine would have a hub height of 15m and a tip height of 17.8m.

Supporting Information

A Planning Statement was submitted with the application. This responded to the Report of Handling for the refusal of the previous application, drawing attention to revisions that have been made subsequently in response to issues raised previously.

An ecology report, structural survey statement and noise information has also latterly been provided.

Assessment

- Principle

The application must be assessed against the provisions of the development plan, which currently comprises National Planning Framework 4 (NPF4) and the Local Development Plan 2016 (LDP).

o Policy Context

The proposed site is located outwith any settlement designated in the LDP so must be assessed against policy HD2 (Housing in the Countryside). NPF4 Policy 17 (Rural Homes) is also relevant.

The proposed site is distant from any recognised building group so HD2(A) does not apply. Nor does HD2(F), as there is no economic or business justification for the dwelling.

Policy HD2 (C) is particularly relevant as the proposal includes the conversion of an existing building. This policy states that in principle, the change of use of a building in the countryside to a house may be acceptable provided that: (a) the building has architectural or historic merit, is capable of conversion and is physically suited for residential use; (b) the building stands substantially intact and requires no significant demolition; and (c) the conversion is in keeping with the scale and architectural character of the existing building. NPF4 policy a) criteria iii. and iv. are also supportive of appropriate use of historic environment assets and reuse of redundant buildings. The Council's New Housing in the Borders Countryside SPG supplements these policies with detailed guidance on the assessment of rural conversions.

o Housing Supply

It should be noted that there is no housing supply shortfall in the Scottish Borders. The Council's Housing Land Audit 2021 found the Scottish Borders had an established housing land supply of 8715 units including some 1902 units within the Berwickshire Area. There is therefore no shortage of land for new family homes or new dwellinghouses more generally.

o The Existing Building

An engineer's report has been submitted which advises that the existing building is structurally capable of conversion. It is also considered to have some historic merit. The conversion is therefore supported in principle, however the building is very small in scale. As noted at the time of the last application, it is not clear how physically suited it would be for today's standards of residential accommodation without recourse to significant extension that is not supported by planning policies and guidance. The applicant has therefore been advised that the existing building may be capable of conversion to a small studio dwellinghouse or holiday let, though it is recognised that this does align with the applicant's aims.

Ultimately the size of an existing building determines the scale of what can be achieved through its conversion. The purpose of planning policies and guidance in relation to conversions is to support their appropriate and sensitive conversion, retaining their character and interest. This does allow for modest extension/s but these must be subordinate and must not affect the character of the existing building. This

inevitably restricts the scale of dwellinghouse that can be achieved. The underlying principle is that the justification for conversion in the first place is that the building is deemed to be worthy and capable of conversion, rather than that the Council is allowing residential development in a location where it would not ordinarily be acceptable. If a larger scale dwellinghouse is required, then as noted above, there is sufficient allocated housing land to cater for this.

- o Design

As with the previous application, to the large part permission is sought for what would be tantamount to a new-build dwellinghouse. The small stone building proposed for conversion (one floor at approximately 7.8m by 6m in footprint) would provide a small amount of accommodation to the larger new extension (two floors at approximately 11.4m by 6.6m in footprint). The latter would provide almost all the dwelling's primary accommodation. The new extension is not in keeping with either the scale or the character of the small existing building. By virtue of its excessive height (including higher eaves and ridgeline) and greater footprint, the proposed new extension would dominate the existing building, contrary to the purpose and aims of policy HD2(C). The existing building would be subservient to the new extension, whereas the reverse of this should apply. The addition of a new porch on the north side of the extension would exacerbate these points, characterising the new front of the extension as the entrance to the dwelling. The overall effect would be of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. 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.

- o 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.

The application proposes a range of measures to improve the sustainability of the proposed dwellinghouse. Whilst such measures would be welcome, they do not overcome the fundamental issues of principle outlined above. Furthermore, 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. Sporadic new housing in the countryside is both harmful to the landscape and generally less efficient in servicing and transport. Whilst the development may seek to include renewable energy technologies, in siting, the development would amount to unsustainable, car dependent, sporadic housing development that is contrary to policies 1 and 2 of NPF4 and PMD1 of the Local Development Plan 2016. This underlines the purpose of HD2(C) that rural housing conversions are only supported where they reuse an existing building of historic or architectural merit in a sensitive and appropriate manner. Otherwise, they result in development that is deemed inappropriate.

- Landscape and Visual Impact

As noted above, the proposed dwellinghouse would contribute to a sense of sporadic residential development in the countryside, to the detriment of the local surrounding landscape.

The proposed erection of a wind turbine has been considered against the provisions of NPF4 policy 11 (Energy) and LDP policy ED9 (Renewable Energy Development). The guidance set out in the Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire Supplementary Planning Guidance document has also been considered. The proposed turbine is of micro-scale and would be located within a landscape character area defined as rolling lowland margin. The SPG considers that turbines of up to 20m can be readily accommodated within this landscape type. The turbine siting takes account of the guidance at Section 22 of the SPG by forming a cluster of development with the existing stone building. Taking account of local landform, tree cover and other screening, and the modest number of local visual receptors, it is considered that the landscape and visual impact of the proposed turbine would be very low and is acceptable.

- Residential Amenity

The nearest existing dwellinghouse is some distance from the application site, at Swansfield Farm.

The proposed wind turbine has the potential to generate noise. The Environmental Health Service was consulted and sought further information in relation to turbine noise. The Service is satisfied by the information subsequently submitted and consider that there is unlikely to be an impact to amenity. The Service recommends a condition that would add additional control in the event of the approval of the application.

Given the distances to neighbouring dwellings, the proposed dwellinghouse does not raise any significant amenity concerns.

Subject to the aforementioned turbine noise condition, relevant planning policies in relation to residential amenity are considered to be satisfied.

- Ecology

The existing building would appear to have habitat potential for protected species such as bats and breeding birds. A preliminary ecological appraisal (PEA) was undertaken in June and has since been submitted. No Ecology Officer has been in post to assess the findings of the study. The study area for the PEA was the triangular portion of the site only. The report recommended biodiversity enhancements that could be secured by planning condition if the application was approved. As regards impacts to protected species, these could not be fully determined until the completion of further bat activity surveys. No further reports have been provided so it is not known whether these have been carried out. It has not therefore been demonstrated that the development would not harm nationally or internationally protected species or their habitats. The proposals are therefore contrary to the Council's planning policies EP2 and EP3 though as it may be possible to avoid or mitigate such impacts this has not been deemed a reason for refusal in this instance.

- Other Matters

The following matters would not affect the overall outcome of the application and could be dealt with, where necessary, by condition or legal agreement:

There are no significant vehicular access, road safety or parking concerns. The Roads Planning Service requests conditions to ensure the vehicular access, parking and turning is in place prior to occupation.

The boundary of the triangular portion of the site is marked by fine mature trees (though a number have been lost since Storm Arwen). The new vehicular access may impact the RPA of a mature tree to the west though it is not clear any more preferable access arrangements are feasible. If such impacts were required to facilitate the appropriate conversion of the existing building, they would be accepted.

Private water supply and foul drainage arrangements are proposed. The response from Scottish Water indicates a connection could be made to the public water mains. This should be explored before a private borehole water supply is considered, though it is not known whether the connection is practically achievable. In any event, a robustly worded planning condition would be required to ensure suitable arrangements are in place prior to occupation. For foul waste, a sewage treatment plant is proposed with outfall to existing field tiles. A condition would be required to ensure suitable arrangements were in place prior to occupation.

The Council's Archaeology Officer recommends that a record of the building is secured by planning condition on account the building's historic interest. No further archaeological work is deemed necessary at this site.

There remains insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property would be needed. This could be secured by condition.

Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

REASON FOR DECISION :

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.

Recommendation: Refused

- 1 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.

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