

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/01007/PPP

**APPLICANT :** Buccleuch Estates Ltd

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse with access and associated works

**LOCATION:** Land East Of  
Mos Easley  
Teviothead  
Hawick  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>	
A Location Plan	Location Plan	Refused	
10000-CSY-XX-XX-D-A-1202		Proposed Site Plan	Refused
10270-CSY-02-XX-D-A-6201		Proposed Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

Education and Lifelong Learning: No response

Roads Planning Service: No objection, subject to condition

I shall have no objections to the principle of this proposal provided a condition is attached to any consent given. I would note that given there is an existing field access for the site at the rear of the turning head it would be expected that the new access to the property from the public road would also be taken from this location as per the proposed site plan drawing no.10000-CSY-XX-XX-D-A-1202 rev D.

Environmental Health: No objection, subject to conditions and informatives

Environmental Health has no objections in principle to the application, however we have the following comments to make:

Private water supply

The Planning Statement refers to the dwelling being connected to a private water supply on the estate, however no further detail is provided at this point. Full details should be submitted in order to ensure the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties. It is therefore recommended that the condition provided below (Condition 1) is attached to the consent if granted. The information

required to be submitted to satisfy this condition is provided by the private water supply informative, also provided below.

#### Private drainage arrangements

Private drainage arrangements are proposed, however no further detail has been provided at this stage. Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. It is recommended that a condition is attached to the planning consent requiring evidence to be submitted of the arrangements in place to ensure the system will be maintained in a suitable condition. Condition 2 is proposed in order to secure this and an informative on how to fulfil this condition is provided below.

#### Community Council: Observations only

Generally as a CC we welcome new houses or upgrades to existing buildings in our area as we are keen to see more good quality homes to improve the housing stock for residents and more houses help to maintain the rural population. There is obviously scope for a few new houses within the Teviothead 'village' area.

This planning application is for a new house on a plot adjacent to existent residences. As this is just an application in principle there are no details given of any proposed building but any detail given by the applicant would suggest that the plot would be sold on for a 'self provided home' and a fairly substantial 2 storey building is envisaged. We would comment that we feel that the biggest requirement in our area is for affordable houses, affordable houses to rent that would be suitable for older people and families with young children.

The applicant states that the plot would adjoin 3 existing plots and states "All three existing dwellings are detached houses which are bound together by a direct, linear relationship without setoff or separation". Whilst this may be true of the plots the dwellings themselves on these plots are well separated and each retains its privacy and there is no affect on light or shade between the properties. A new 2 storey residence as shown on the site plan would however have a considerable impact on the adjoining Mos Eisley both in terms of privacy, views and light. The new house would be much closer to its neighbour than the distance separating the existing residences. The morning sunshine especially could be completely cut out. As detailed by the owner of Mos Eisley there would be a huge impact on privacy. If as mentioned a high hedge was planted on the boundary this may partially mitigate the privacy issue but would exacerbate the light and view issues. This would be an unacceptable outcome for the residents of Mos Eisley especially given that there are options within the field to provide a site which would drastically reduce the impact on the existing residences.

The application states that the new house would connect to a private water supply. Given the number of other properties already reliant on this supply the CC endorses the response from Environmental Health and agrees that a full report on the water supply is completed to reassure the existing users that the supply will be able to accommodate another user.

Finally we feel that as well as the owners of Mos Eisley being on the neighbour notification list, the residents in the other 2 properties in the 3 existing properties should also have been notified.

#### Scottish Water: No objection

One letter or representation was received from a Mr Richard Mackie, his full objection can be viewed on Public Access. In summary the objection letter raised the following concerns:

- Water Supply
- Not in keeping with existing buildings
- Overlooking
- Loss of Light
- Loss of Privacy
- Impact on local nature habitats

## **PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4 (2023)

Policy 1: Tackling the Climate and Nature Crises  
Policy 2: Climate Mitigation and Adaptation  
Policy 3: Biodiversity  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 14: Design, Quality and Place  
Policy 16: Quality Homes  
Policy 17: Rural Homes  
Policy 18: Infrastructure first  
Policy 22: Flood risk and water management

Scottish Borders Local Development Plan (2016)

PMD1: Sustainability  
PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP3: Local Biodiversity  
IS2: Development Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and SUDS

Supplementary Planning Guidance

Biodiversity Supplementary Planning Guidance 2005  
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)  
New Housing in the Borders Countryside Supplementary Planning Guidance (2008)  
Privacy and Amenity Supplementary Planning Guidance (2006)  
Placemaking and Design Supplementary Planning Guidance (2010)

**Recommendation by** - Stuart Small () on 5th September 2023

This application seeks planning permission in principle for the erection of a dwellinghouse with access and associated works at Land East of Mos Eislely, Tevitohead. An indicative site plan and visuals of a proposed dwelling have been provided. The application is also supported by a planning statement. The site is greenfield land outside of any defined development boundary. The proposed site is not subject to any historical or natural designations.

Assessment

Principle

The key policies in which this proposal will be assessed are Local Plan Policy HD2 and NPF4 Policy 17 which set out the criteria for the acceptability of new houses in the countryside. Only criterion A) of Policy HD2 is relevant to this proposal which relates to an existing building group. There are three further tests in which the proposal must satisfy to be compliant with criterion A). These are:

- a) the application site must relate well to an existing group of three houses;
- b) the cumulative impact of new development on the character of the building group and on the landscape and amenity of the surrounding area will be taken into account and;
- c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

It is accepted that there is an existing building group at this location. Part C) of criterion A is satisfied as there has been no other development of this building group during the plan period. However, it is proposed

to erect the dwellinghouse on a large undeveloped greenfield plot that could likely result in further pressure for more development between Mos Eislely and the existing properties to the north east. Our SPG recommends against extending into undeveloped fields, as this one will do. The lack of a strong natural boundary between Mos Eislely and the site is not justification in itself for extending into the field. There is no natural enclosure to the group in that direction until it meets properties to the north-east. This proposal may have limited impact in its own right, being screened from the A7, but it will result in encroachment into the field beyond which it would be extremely difficult to resist further development. Any further development proposals for housing could make essentially the same case. Each application must be determined on its own merits, but the commencement of development into this field is likely to underpin any future decisions. To grant planning permission in principle for a house on this undeveloped greenfield site would amount to ribbon development which, though not extending along a public road, would conflict with the form and character of the existing building group by risking its future coalescence with the buildings to the north-east. This risk would not be appropriately addressed by planting, which is a method of artificially curtailing groups that our current SPG does not promote. For this reason the proposal is considered to be contrary to Part A) and B) of Criterion A.

The development of greenfield land conflicts with NPF4 Policy 9 since the proposal does not comply with LDP Policy HD2. The proposal also does not satisfy the criteria for the acceptability of rural homes in Policy 17 of NPF4 and is therefore considered to be contrary to this policy also.

#### Visual Impact and Design

Indicative plans submitted with this application propose a large two storey dwelling but the acceptability of this would be considered at the AMC stage and not as part of this application.

#### Impact on Residential Amenity

The proposed site is large and would accommodate ample separation between this property and Mos Eislely allowing for little to no harm to residential amenity. It is considered that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan, and the Householder Development SPG. Again this would be assessed in full at the AMC stage.

#### Parking and Road Safety

Policy PMD2 requires that development incorporates adequate access and turning space for vehicles, and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards. There is suitable space for two parking spaces on this site and the Roads Planning Service have raised no objection subject to conditions.

#### Biodiversity and Ecology

A Preliminary Ecological Assessment was submitted with this application. This found that there were several protected/notable species and a large number of bird species within 2km of the site. Suitable mitigation would be required should planning permission be granted in the future. The site is not subject to any natural heritage designation but given the site is greenfield land a biodiversity enhancement scheme would be required.

#### Services and Drainage

The application form states that the proposed dwelling would be connected to a private water supply. Scottish Water have confirmed that there is no public water and waste water infrastructure within the vicinity of this proposed development. Environmental Health raised no objection to the proposal and confirmed in their response that exact details of the private water supply and overall drainage could be secured by conditions to comply with Policy IS9.

#### Development Contributions

Development contributions are currently not being sought for this area.

## **REASON FOR DECISION :**

The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations.

### **Recommendation:** Refused

- 1 The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations.

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