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LAND WEST OF GARDEN HOUSE, BRIERY YARDS

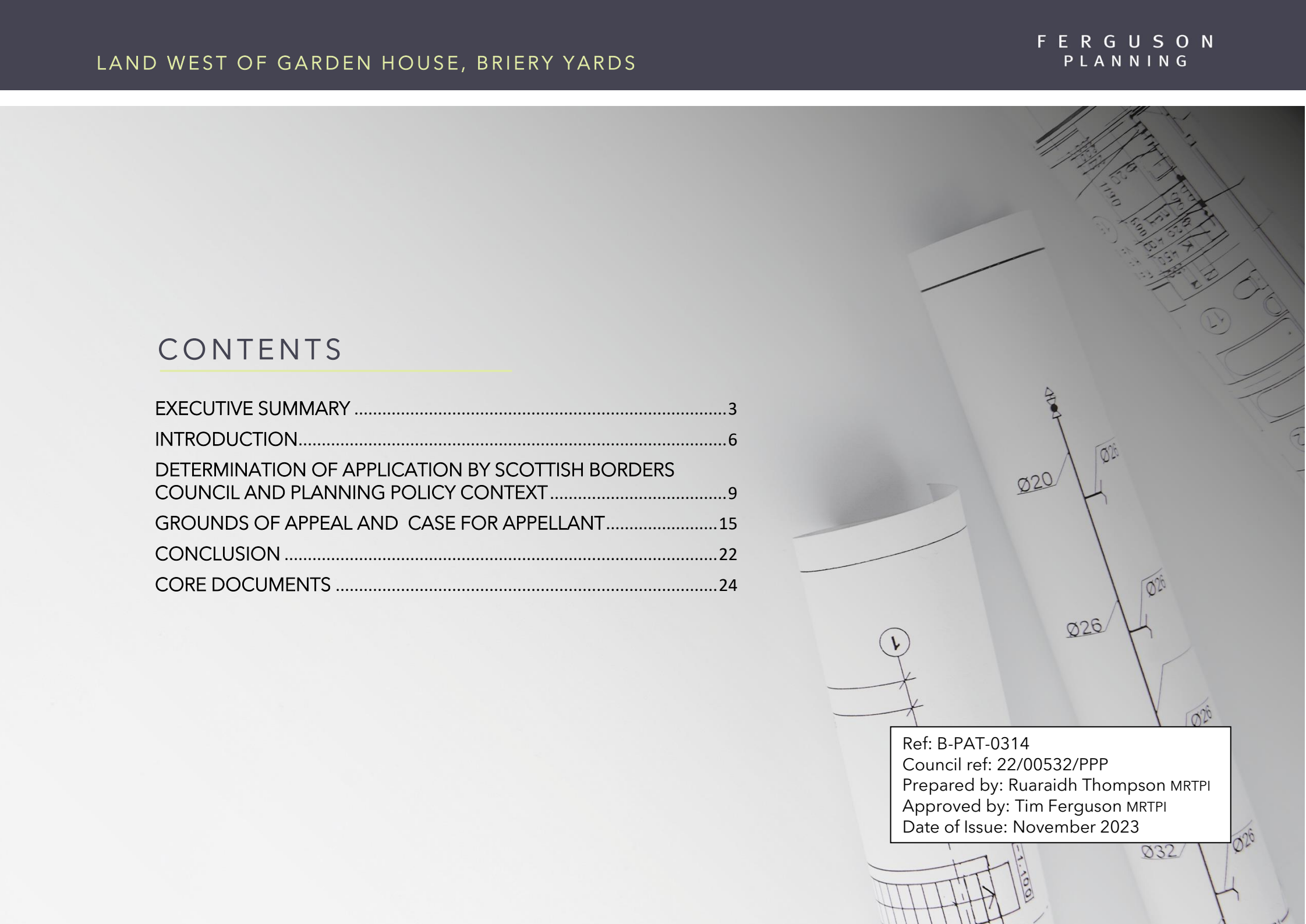
MICHAEL JOHNSON

NOVEMBER 2023

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Prepared by: Ruairaidh Thompson MRTPI  
Approved by: Tim Ferguson MRTPI  
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NEW DWELLING AT BRIERY YARDS

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EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

This Local Review Statement is submitted on behalf of Michael Johnson “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission in Principle 22/00532/PPP proposing erection of a new dwelling on land west of Garden House, Briery Yards, Hawick. All Core Documents (CD) are referenced in Appendix 1.

The proposed development is considered to accord with adopted policy and represent sustainable development. The case for the Appellant is summarised below:

- The proprietors (Mr Patterson and Miss Deans) have owned and managed an agricultural unit which focuses on horses at Briery Yards for around six years. Unfortunately, they were required to sell Garden House (adjacent to the site) which had been owned by Miss Deans’ mother to settle the estate and move into Hawick in 2022.
- The appeal site lies within the sense of place and setting of the existing Building Group at Briery Yards. The existing Building Group comprises three existing dwellings (Briery Lodge, Briery Yards, and Garden House) orientated around the private way that runs east from the D14/3 minor public road and separated from the surrounding countryside by established woodland.
- The proposed dwelling stands opposite Garden House across the private way and is enclosed on three sides by woodland so would have little impact on either residential amenity or

landscape setting. No new dwellings have been approved at Briery Yards in the period of the current LDP.

- The agricultural holding owned and operated by the proprietors has need of a residential presence on-site for animal welfare purposes. The proprietors are currently visiting the site twice per day (once in the morning, once in the evening). Care requirements for the horses are heavy during the day through the winter and heavy at night in the summer.
- The proposed dwelling would allow the proprietors to obtain a family home at the agricultural unit, which would significantly reduce the number of vehicle trips to and from the site. Animal welfare would also improve as a presence on-site could be guaranteed throughout the night, in a way that would not be possible without the house.
- The consultation response of the Roads Planning team has not taken cognisance of the existing use of the private way and junction with the public road.
- The proprietors make a minimum of 28 no. vehicle trips to and from the site each week at present. If a new dwelling was obtained on-site then daily trips to and from the site to attend to the horses would stop. Typical vehicle movements associated with a single dwelling is 20 no. individual trips (10 no. return trips). This represents a reduction of 8 no trips per week or 29%.
- A review of Crashmap records confirms no road incidents (slight, serious, or fatal) were recorded at the access or surrounding road in the Years 2013-22. The absence of road incidents is demonstrative of the safe operation of the junction.

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- The proposed dwelling is required for the proprietors to become resident on the agricultural unit again and directly attend to the care of the animals and management of the unit. This will not be possible without the proposed dwelling to obtain a family home on-site. It is considered that the proposed dwelling accords with Policy HD2.
- As the principal dwelling of an agricultural unit, erection of the proposed dwelling is supported by NPF4 under both Policy 17 (branch a), criterion v.) and Policy 29 (branch a), criterion i.).

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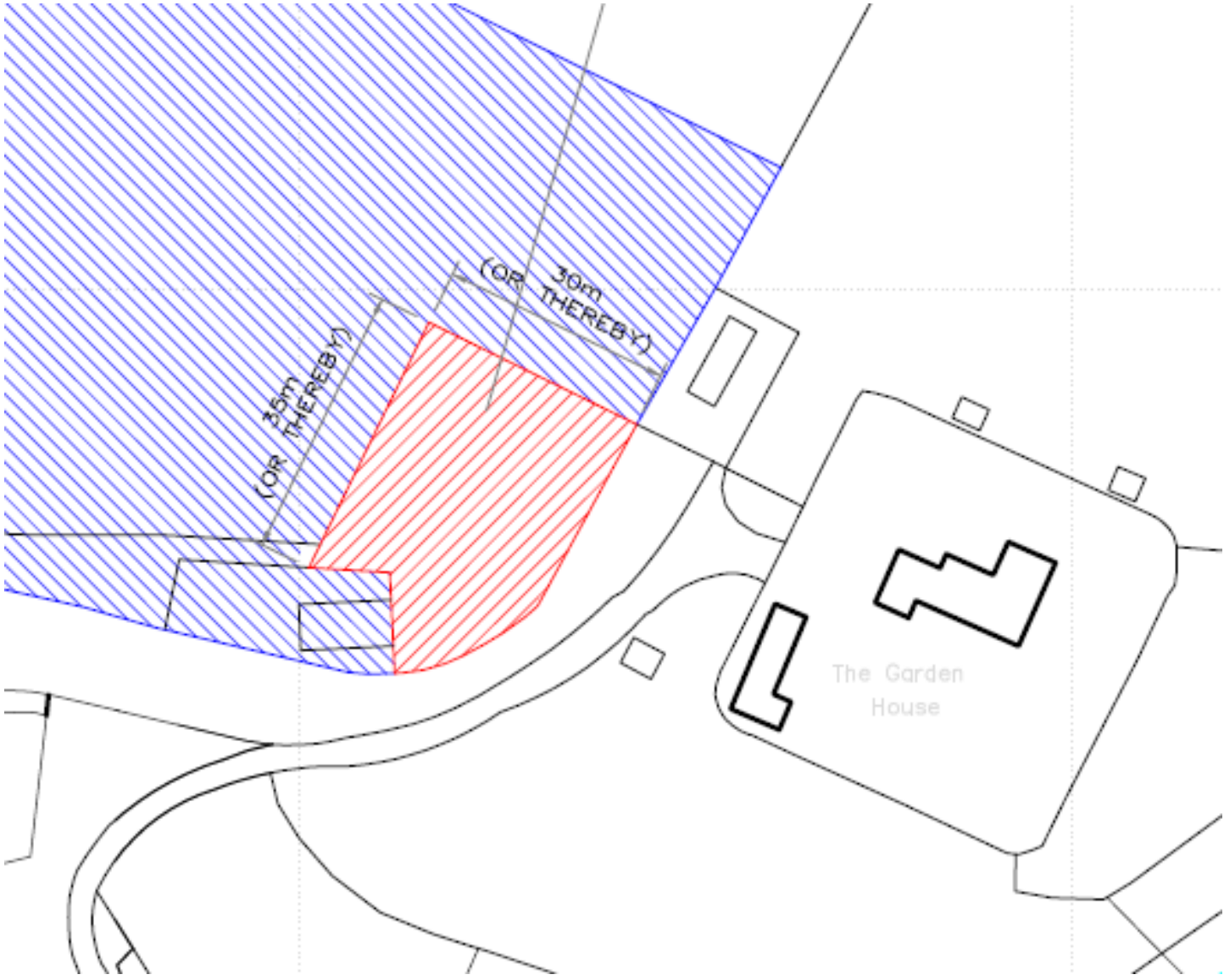
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INTRODUCTION

## INTRODUCTION

- 1.1. This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission in Principle for the erection of a dwelling on land west of Garden House, Briery Yards, Hawick.
- 1.2. The site lies east of the D14/3 minor public road along a private way which provides access to three existing dwellings. The appeal site and its surroundings stand on the north bank of the River Teviot, opposite the Riverside Carvan Park on the south bank. A traditional stone bridge spans the river to the east of both the appeal site and Riverside Carvan Park. The bridge is a Category C Listed Building (HES ref: LB8373) which was built between 1822 and 1840.
- 1.3. The private way which provides access to the site serves three other existing dwellings – Briery Yards, the Garden House, and Briery Lodge. Together the three existing dwellings are considered to represent an existing Building Group. The appeal site lies at the end of the private way, significantly removed from the public road and sharing a strong relationship with the nearby existing dwellings.
- 1.4. The appeal site and its surroundings at Briery Yards are operated as a small agricultural unit which focusses on equestrian use has now been established for around six years. The presence of the agricultural unit has informed the desire for the proprietors to become resident on-site. The appeal site is currently used to accommodate the stables within the agricultural unit.
- 1.5. The new dwelling is proposed to enable the proprietors to establish a new family home adjacent to their stables and horses. Animal welfare requirements necessitate an overnight residential presence on the agricultural unit to enable safe operation and subsequent expansion. The new dwelling is proposed to secure a house within the agricultural unit and meet the expected animal welfare requirements.
- 1.6. The site comprises a small field upon which the existing stable stands. Enclosed grazing extends from the south, east, and west elevations of the stable, fenced off from the rest of the field. The agricultural unit makes active use of the stable, enclosed grazing, and the larger field adjacent. New stabling would be consolidated within the site while the large field would be remain in equestrian grazing.
- 1.7. Besides equestrian rearing and grazing, the agricultural unit also incorporates sheep grazing. Sheep grazing is rotated around several fields although rarely occupies more than two at any one time.
- 1.8. It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellant is content to secure servicing details via condition.



**Fig 1:** Extract from 16-544-PPP-1001 Location Plan  
(Source: Stuart Patterson Building & Timber Frame Design).



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DETERMINATION OF APPLICATION BY SCOTTISH  
BORDERS COUNCIL AND PLANNING POLICY CONTEXT

## REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

- 2.1 Planning Application 22/00532/PPP was refused on 7th September 2023. The Decision Notice (CD5) cited two reasons for refusal, set out below:

**“1. The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016, New Housing in the Borders Countryside Supplementary Planning Guidance and Policy 17 of National Planning Framework 4 in that the site does not form part of an existing building group of at least three houses or buildings currently in residential use, or capable of conversion to residential use and it has not been adequately demonstrated that the proposed house is a direct operational requirement to support an established rural business or other enterprise at this location. This would lead to an unsustainable form of development which would have a detrimental impact on the character and amenity of the rural area. This conflict with the development plan is not overridden by any other material considerations.**

**2. The development is also contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the proposed dwellinghouse would result in additional vehicular traffic on a substandard access to the public road to the detriment of road safety. This conflict with the development plan is not overridden by any other material considerations.”**

### Local Development Plan

- 2.2 Policy HD2 contains six sections, each of which details circumstances in which new houses will be considered acceptable. Section (F) which addresses development supported by an Economic Requirement is considered to represent the pertinent material consideration in the determination of the appeal proposal.
- 2.3 Section (A) of Policy is replicated below:  
*“(A) Building Groups*  
*Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:*
- a) *the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,*
  - 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 when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,*
  - c) *any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in*

*addition to the group during the Plan period. No further development above this threshold will be permitted.*

*In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group."*

2.4 Section (F) of Policy provides that:

*"(F) Economic Requirement*

*Housing with a location essential for business needs may be acceptable if the Council is satisfied that:*

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or*
- b) it is for use of a person last employed in an agricultural, horticultural, forestry, or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry, or other enterprise which is itself appropriate to the countryside, and*
- c) the housing development would help support a business that results in a clear social or environmental benefit to the*

*area, including the retention or provision of employment or the provision of affordable or local needs housing, and*

- d) no appropriate site exists within a building group, and*
- e) there is no suitable house or other building capable of conversion for the required residential use."*

**Policy PMD2: Quality Standards**

2.5 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space / biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;

- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes; and
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

- 2.6 Policy ED10 states that “development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless:
- a) the site is otherwise allocated within this local plan
  - b) the development meets an established need and no other site is available
  - c) the development is small and directly related to a rural business.

National Planning Framework 4

- 2.7 The National Planning Framework 4 was adopted in February 2023. The document addresses national planning policy and the Government’s approach to achieving a net zero sustainable Scotland by 2045.

- 2.8 **Policy 16** Quality Homes is relevant to the proposal. Criterion c) states that *“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.”*

- 2.9 **Policy 17** Rural Homes states that *“development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location:*
- i. *is on a site allocated for housing within the LDP;*
  - ii. *reuses brownfield land where a return to a natural state has not or will not happen without intervention;*
  - iii. *reuses a redundant or used building;*
  - iv. *is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;*

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- v. *is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;*
- vi. *is for a single home for the retirement succession of a viable farm holding;*
- vii. *is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or*
- viii. *reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house."*

2.10 **Policy 29** Rural Development is relevant to the proposed development. Branch a) states that *"development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:*

- i. *farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;*
- ii. *diversification of existing businesses;*
- iii. *production and processing facilities for local produce and materials, for example sawmills, or local food production;*
- iv. *essential community services;*
- v. *essential infrastructure;*
- vi. *reuse of a redundant or unused building;*

- vii. *appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;*
- viii. *reuse of brownfield land where a return to a natural state has not or will not happen without intervention;*
- ix. *small scale developments that support new ways of working such as remote working, homeworking and community hubs; or*
- x. *improvement or restoration of the natural environment."*

Supplementary Guidance

2.11 The Supplementary Guidance '**New Housing in the Borders Countryside**' includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

2.12 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:

- a) the presence or, otherwise of a group; and
- b) the suitability of that group to absorb new development.

2.13 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:

- natural boundaries such as water courses, trees or enclosing landform, or
- man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”

2.14 When expanding an existing building group, the Guidance includes the following points:

- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
- New development should be limited to the area contained by that sense of place;
- A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
- Ribbon development along public roads will not normally be permitted.

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GROUNDS OF APPEAL AND  
CASE FOR APPELLANT

## GROUNDS OF APPEAL AND CASE FOR APPELLANT

3.1 It is submitted that the Planning Application should be approved on the basis of the Grounds of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.

**GROUND 1:** The proposed development represents the erection of a dwelling on a site which is well related to the existing Building Group at Briery Yards and would contribute positively to the local sense of place and setting.

**GROUND 2:** The proposed development represents the erection of a dwelling which is appropriate to the countryside location and is justified by an economic requirement.

**GROUND 3:** It is proposed to use an existing access to the public road network. The existing access already accommodates traffic for three existing dwellings and the agricultural unit and operates safely. The proposed development would reduce use of the access by domiciling the proprietors on the agricultural unit.

3.2 During the course of the Application’s determination, the following consultee responses were received from Council Officers and partners:

- **Roads Planning – Objection.**
- **Scottish Water – No objection.**

**GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO THE EXISTING BUILDING GROUP AT BRIERY YARDS AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.**

3.3 It is the Appellant’s position that the appeal site lies within the setting and forms part of an existing Building Group at Briery Yards orientated around the private way and that the proposed dwelling would enhance the sense of place.

3.4 It is common ground between the Appellant and the Planning Authority that the appeal site sits within the sense of place and setting of a *cluster* of existing dwellings. However, Report of Handling 22/00532/PPP states “there are 2 dwellings (Brieryyards and The Garden House) located within a reasonable distance of the application site and within an identified sense of place (as required by the SPG on Housing in the Countryside)”. However, the appointed Planning Officer considers that Briery Lodge (the third existing dwelling) lies too far from the appeal site “and separated by substantial woodland” to form part of the cluster.

3.5 Therefore, disagreement could be summarised as the Planning Authority consider the site lies within the sense of place and setting of an existing cluster of 2 no. existing dwellings – one too few to constitute an existing Building Group – by contrast the Appellant considers that the site lies within the sense of place and setting of an existing Building Group comprising 3 no. existing dwellings.



- 3.6 The Appellant’s position is that the appeal site lies on land used for equestrian stabling, in a parcel of land enclosed from surrounding fields by established woodland. The parcel contains 3 no. existing dwellings and therefore represents an existing Building Group, beyond the extent of the public road network accessed by a private way.
- 3.7 The feature around which the existing Building Group is orientated is the existing private way, which extends eastward from the D14/3 minor public road. Like the appeal site, all existing dwellings at Briery Yards can be accessed only across the hard surface of the private way. While Briery Lodge is dependent on a significantly shorter stretch of track, all three existing dwellings sit adjacent to the private way, as does the appeal site.
- 3.8 The whole Building Group sits distinct from the D14/3 (adopted road) to the west and has a sheltered setting, separated from the nearby large open grazing fields by established woodland. These landscape features are considered to satisfy the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 3.9 Given the location of the site within the land parcel which contains three existing dwellings, orientated around an existing private way, and enclosed from the surrounding countryside by established woodland, the site is considered to be contained within the sense of place and setting of the existing Building Group at Briery Yards and well related to the other existing dwellings; especially Briery Yards and Garden House. Therefore,
- the proposed development is considered to accord with criterion a) of section (A) of Policy HD2.
- 3.10 The appeal proposal is for the erection of a single detached dwelling in a relatively large plot – 0.13ha (0.32 acres). The density of proposed development is considered to be broadly representative of the existing pattern of development at Briery Yards and particularly with the Garden House (with which the proposed dwelling would have a partially symmetrical relationship).
- 3.11 The application site benefits from landscape enclosure in the form of established woodland extending round three sides of the appeal site. The north-east boundary of the site benefits from significantly less enclosure than the other three boundaries however this relationship is common to both the appeal site and the Garden House. As the Garden House is clearly acceptable in landscape terms it is considered that the proposed dwelling is also acceptable in landscape terms. Given the limited landscape and amenity impacts associated with the proposed development, it is considered that an *“unacceptable adverse impact”* would not be created and the proposed development accords with criterion b) of section (A).
- 3.12 As the existing Building Group at Briery Yards comprises three existing dwelling, extension by two additional dwellings is allowed for by the Policy. The proposed development is considered to accord with criterion c) of section (A) as one new dwelling is proposed and no dwellings have been approved or built in the Building Group since adoption of the current LDP.

3.13 The Planning Authority and Appellant agree that the appeal site sits within the sense of place and setting of a cluster of existing dwellings. While the Planning Authority consider that the cluster comprises two existing dwellings only, the Appellant disagrees. The Appellant considers that the appeal site sits within the sense of place and setting of three existing dwellings comprising an existing Building Group orientated around the private way and enclosed from the surrounding countryside by established woodland. There have been no new dwellings consented within the current LDP period and it is considered that there are no significant cumulative impacts associated with the proposed development. Therefore, the appeal proposal is considered to accord with section (A) of Policy HD2.

**GROUND 2: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING WHICH IS APPROPRIATE TO THE COUNTRYSIDE LOCATION AND IS JUSTIFIED BY AN ECONOMIC REQUIREMENT.**

3.14 It is the Appellant’s position that the proposed development represents the erection of a new dwelling to serve as the principal dwelling of the agricultural unit. The necessity for the new dwelling grows out of animal welfare requirements.

3.15 It is common ground between the Appellant and the Planning Authority that an agricultural unit is established on-site and in surrounding fields which creates animal welfare requirement

for a house within the unit. The appointed Planning Officer takes the view that a residential presence for welfare of the horses does not necessitate the Appellant being resident or a permanent house being required. The Report of Handling explains this as “it is accepted that not living on site does not suit the Applicant's lifestyle, but this is not in itself sufficient justification for new dwelling at this location”.

3.16 Disagreement centres on the whether the proprietors require a home on-site to attend to pre-existing animal welfare issues. The Appellant does not agree with the appointed Planning Officer that it would be appropriate to seek alternative arrangements to obtain a residential presence. The proprietors of the agricultural unit and have always led the business since first launch, both commercially and operationally (rearing and caring for the horses). They require a new dwelling within the agricultural unit to retain leadership of the farm and rationalise costs associated with operating.

3.17 The Appellant’s position is that the proposed development is supported by an economic requirement and lies on an appeal site that is not used for grazing and accommodates the farm’s stabling, which faces the existing dwelling Garden House across the private way opposite. It is considered that the proposed development is supported by section (F) of Policy HD2.

3.18 The maintenance of horse welfare places a burden upon the stockperson that is significantly more onerous than almost any other livestock. While summer and winter present their own challenges,

neither is significantly lesser than the other. Again, this is almost distinct to the horse.

- 3.19 In winter, horses require to be housed (stabled). This creates a requirement to be fed every day, bedding replaced two to three times per week, and physically inspected a minimum of twice per day. Additionally, each horse needs to be exercised a minimum of two times and preferably three or four times per week.
- 3.20 In summer, horses can be grazed more freely. However, it is absolutely essential that brood mares are inspected regularly throughout the day and into the night to identify and attend to problems during birthing. The requirement for physical inspection reduces to as little as once per day during summer, with a particular focus on lameness. Exercising remains a necessity during summer, despite horses being put to pasture. It is preferable for exercise regimen to be maintained at least twice per week, including in longer exercise periods when conditions are favourable.
- 3.21 Sheep grazing within the agricultural unit creates animal welfare requirements of its own, which reinforces the overall need. However, the requirements placed upon the proprietors by sheep grazing are largely supplementary to those of the horses.
- 3.22 The animal welfare requirement for a dwelling on-site is considered to have been clearly demonstrated. Equestrian development is considered to represent a countryside use which is appropriate to the character of the rural area by its nature. On

this basis, the proposed development is considered to satisfy criterion a) of section (F).

- 3.23 Criterion b) of section (F) relates to people who were previously employed in uses that by their nature are appropriate to the countryside (e.g. agriculture, equestrian, forestry). As the proposed development satisfies criterion a) of section (F), criterion b) is not applicable.
- 3.24 The agricultural unit, which the proprietors own and manage, offers social benefits in its contribution towards horse riding recreation, for which the Borders is one of the principal areas in Scotland. Additionally, the appeal site lies further north than most horse-riding yards around Hawick and therefore removes the necessity for anyone coming from the north (Selkirk, Galashiels, Melrose, and further afield) or east (Jedburgh) to drive through Hawick town centre. On this basis, the proposed development is considered to satisfy criterion c).
- 3.25 The appeal site sits opposite Garden House across the private way. The appeal site sits down the private way in the sense of place and setting of the existing Building Group at Briery Yards and removed from the public road to the west. For these reasons, it is considered that the proposal satisfies criterion d) of section (F).
- 3.26 Other than the stabling, no existing buildings stand within the agricultural unit. Stabling is currently in use and to be retained in active use by the proposed development. Moreover, stabling is provided in timber buildings which are not capable of reuse. Therefore, there are no existing buildings within the agricultural unit

capable of conversion and criterion e) of section (F) is considered to be satisfied.

3.27 The principle of development of the erection of a new dwelling is considered to be acceptable in accordance with section (F) of Policy HD2. The proposal represents the erection of a new dwelling to provide a family home adjacent to the stables for the management of the agricultural unit. A clear animal welfare requirement for a house on-site has been demonstrated and is considered to be a significant issue in the determination of this Notice of Review.

3.28 The policy provisions of NPF4 are considered to strengthen the acceptability of the principle of development. Criterion v. under branch a) of Policy 17 supports development that is *“demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work”*.

3.29 As addressed above, the new dwelling is proposed as the principal dwelling of the agricultural unit. The proposed dwelling stands in the agricultural unit and is for the purpose of the proprietors becoming resident on-site and retaining leadership of the farm. This is necessary for animal welfare reasons and operational efficiency. Therefore, the proposed development is considered to accord with NPF4 Policy 17, under branch a).

3.30 Similarly, criterion i. under branch a) of Policy 29 supports *“farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected”*.

3.31 The proposed dwelling is a direct requirement of the agricultural unit. The appeal site is not used for grazing as existing and the proposed development would not remove any land from grazing. Therefore, the proposed development would not remove any land from production or affect business viability and is considered to accord with NPF4 Policy 29, under branch a).

**GROUND 3: IT IS PROPOSED TO USE AN EXISTING ACCESS TO THE PUBLIC ROAD NETWORK. THE EXISTING ACCESS ALREADY ACCOMMODATES TRAFFIC FOR THREE EXISTING DWELLINGS AND THE AGRICULTURAL UNIT AND OPERATES SAFELY. THE PROPOSED DEVELOPMENT WOULD REDUCE USE OF THE ACCESS BY DOMICILING THE PROPRIETORS ON THE AGRICULTURAL UNIT.**

3.32 It is noted that the consultation response of the Roads Planning team objects to the Planning Application on the basis that:

*“I am unable to support this application due to the significant shortfall in visibility at the junction of the private track with the public road. Given the neighbouring boundary and the alignment of the road, it is unlikely that any improvement works will resolve this issue.”*

- 3.33 Unfortunately, the consultation response of the Roads Planning team has not made a full informed assessment of the proposed development.
- 3.34 As existing, the proprietors are visiting the site twice per day, sometimes in separate cars, to attend to the horses. This creates a minimum of 2 no. return trips (4 no. total trips) per day, when a single car is used. When two separate cars are used 4 no. return trips (8 no. total trips) are recorded per day. It must be noted that this level of movement represents the minimum recorded, on days in which there are no deliveries and no visitors to the agricultural unit.
- 3.35 The establishment of a family home for the proprietors on-site would deliver a significant reduction in the number of vehicle trips on the private way. The proprietors are currently responsible for a minimum of 14 no. return trips (28 no. total trips) per week. Typical vehicle movement associated with a dwelling is 10 no. return trips (20 no. total trips) per week. 20 no. trips is equivalent to only 71% of 28 no. trips – which represents a 29% reduction in use of the private way by the proprietors.
- 3.36 Reduction of vehicle trips by 29% is considered to represent a significant decrease in use of the private way.
- 3.37 The road access and surrounding sections of the public road are currently operating safely. The Crashmap website ([www.crashmap.co.uk](http://www.crashmap.co.uk)) is populated with data from the public record. The local extract for the Hornshole Bridge and

surrounding area confirms there have been no incidents of any kind (slight, serious, or fatal) in the last ten years (2013 to present).

- 3.38 By comparison, there have been 98 no. road incidents in the Hawick local area in the same period. At this level of incidents, if the stretch of road was in any way unsafe at least one incident would have occurred in the vicinity. The absence of any incidents proves that the stretch of road in question, while far from perfect, is safe and has not been the cause of any incidents, still less injuries.
- 3.39 The consultation response of the Roads Planning team has omitted these facts from the context considered. This omission has resulted in a judgemental error in the assessment.
- 3.40 The road safety impact of the proposed development is considered to be acceptable. The proposed development represents an opportunity to significantly reduce use of the private way by eliminating daily return trips from the proprietors. The consultation response of the Roads Planning team has failed to provide a sound assessment of road safety impacts competent in the discipline of transport planning and deprived the appointed Planning Officer of the professional advice he required to determine the Application.

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NEW DWELLING AT BRIERY YARDS

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CONCLUSION

## CONCLUSION

- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 22/00532/PPP and grant consent for erection of a new dwelling on land west of Garden House, Briery Yards.
- 4.2 The proposed development represents the erection of a single dwelling to serve as the principal house within the agricultural unit at Briery Yards. The Appellant is prepared to accept the new dwelling being tied within the equestrian unit, which is supported by a full and robust justification of the need for a new house on-site. Therefore, the erection of the proposed dwelling upon the site is considered to be acceptable in accordance with Policy HD2(F).
- 4.3 The proposed development represents the expansion of the existing Building Group at Briery Yards by a single dwelling. The site sits within the sense of place and setting of the existing Building Group, orientated around the private way. The proposed dwelling both reflects the existing pattern of development and respects the local character of Briery Yards. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Finally as the Building Group has capacity to expand by two dwellings over the LDP period and no new dwellings have been approved to date – the Building Group has capacity to expand under the terms of adopted policy. Therefore, the proposal is considered to accord with section (A) of Policy HD2.
- 4.4 Vehicle access to the public road is proposed across the existing private way that provides access to agricultural unit and all three existing dwellings at Briery Yards. The consultation response received from the Roads Planning team neglects to consider the intensive existing use of the private way and its junction with the public road. It focuses on the simple fact that a new house is proposed and omits to consider the elimination of at minimum two return trips (four trips total) per day on the part of the proprietors. As a result the reduction of the proprietors' vehicle trips by 29% has been overlooked and the inaccurate conclusion that the proposed development would increase use of the private way has been reached. In full cognisance of this context, the proposed development is considered to be acceptable in access and road safety terms.
- 4.5 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.6 The Local Review Body is respectfully requested to allow the appeal and grant planning permission for erection of a new dwelling on land west of Garden House, Briery Yards.

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NEW DWELLING AT BRIERY YARDS

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CORE DOCUMENTS



## CORE DOCUMENTS

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The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 16-544-PPP-1001 Location Plan, prepared by Stuart Patterson Building & Timber Frame Design;
- CD3 23-01-L(-1)001 Landownership Plan, prepared by Rob Brydon & Sons;
- CD4 Report of Handling 22/00532/PPP; and
- CD5 Decision Notice 22/00532/PPP.

# F E R G U S O N P L A N N I N G

## GALASHIELS

Shiel House  
54 Island Steet  
Galashiels  
TD1 1NU

T: 01896 668 744  
M: 07960 003 357

## EDINBURGH

1st Floor, 38 Thistle Street  
Edinburgh  
EH2 1EN

T: 0131 385 8801  
M: 07960 003 358

## NORTHERN IRELAND

61 Moyle Road  
Ballycastle, Co. Antrim  
Northern Ireland  
BT54 6LG

M: 07960 003 358

E: [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

[WWW.FERGUSONPLANNING.CO.UK](http://WWW.FERGUSONPLANNING.CO.UK)

