

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 22/00532/PPP  
**APPLICANT :** Mr Michael Johnson  
**AGENT :**  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land West Of  
The Garden House  
Brieryards  
Hornshole Bridge  
Hawick  
Scottish Borders  
  
**TYPE :** PPP Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

| <b>Plan Ref</b> | <b>Plan Type</b> | <b>Plan Status</b> |
|-----------------|------------------|--------------------|
| 16-544-PPP-1001 | Location Plan    | Refused            |

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

**CONSULTEES**

RPS: Unable to support his 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.

The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would be result in extra vehicular traffic on a sub-standard access to the detriment of road safety.

Scottish Water: There is currently sufficient capacity in the Roberton Water Treatment Works to service the development. However, further investigations may be required to be carried out once a formal application has been submitted. The nearest public water main is approx. 300m from the proposed site. There is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development. SW advise the applicant to investigate private treatment options.

CC: No response

ELL: No response

**REPRESENTATIONS**

None

## **PLANNING CONSIDERATIONS AND POLICIES:**

SBC LDP

PMD1  
PMD2  
HD2  
EP1  
EP2  
EP3  
EP5  
EP13  
IS8  
IS9

NPF4

Policies 1, 2, 3, 4, 14, 17, 22

Supplementary Planning Guidance

Biodiversity

New Housing in the Borders Countryside

**Recommendation by** - Barry Fotheringham (Lead Planning Officer) on 1st September 2023

Proposal and Site Description

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the west of the property known as The Garden House, Brieryyards near Hawick. The site is an existing paddock/field and is accessed via a private drive from the minor public road over the Hornshole Bridge, north of the A698.

To the southeast of the site and beyond a narrow belt of mature trees is the property known as Brieryyards. There are outbuildings to the north of this neighbouring property. At the junction of the private drive with the public road, some 450m west of the application site is Briery Lodge.

The Garden House is located within a former walled garden to the northeast of existing woodland. There are mature trees surrounding Brieryyards and also along the length of the private drive. To the north of the application site is open farmland, currently used for grazing.

History

There is no planning history associated with this site however the following applications are relevant:  
R030/93 Demolition of existing dwellinghouse and erection of dwellinghouse in walled garden - Approved April 1993

Principle

The application site is located outwith any defined settlement boundary and must therefore be assessed principally against Policy HD2 of the LDP 2016. The application was submitted before NPF4 was adopted but the application should also be considered against Policy 17 - Rural Homes. Policy HD2 promotes appropriate rural housing provided a number of criteria can be met. Under Part (A) housing of up to 2 additional dwellings or a 30% increase of the building group may be approved provided the site is well related to an existing group of at least houses or buildings currently in residential use.

It is considered that a building group of 3 or more houses (or buildings capable of conversion to residential use) does not exist at this location. 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

our SPG on Housing in the Countryside) but it is felt that Briery Lodge is too far divorced (and separated by substantial woodland) to be considered part of an existing building group.

As the site does not fall within or adjacent to an existing building group, it must therefore be considered against Part (F) Economic Requirement of Policy HD2. Housing with a location essential for business needs may be acceptable provided certain criteria are met. The house must be a direct operational requirement of an established rural business at this location or is for use by a person(s) employed in such a rural business. There should be clear social or environmental benefit to the area, no appropriate sites should exist within a building group and there should be no suitable existing house available for the required residential use.

In this case, the applicant was asked to provide additional supporting information to demonstrate the existence of an established building group and to justify the proposed dwelling as a suitable addition to that group. If this could not be demonstrated the applicant was asked to justify the need for the dwelling to support an established business at this location. The agent submitted a statement in support of the application but in my opinion, it does not confirm the presence of a building group. The statement confirms that there are 3 dwellings associated with Brieryyards, however they are not contained within an identifiable sense of place as per our SPG. The existing houses are separated by mature planting and the property known as Briery Lodge is not contained within the identifiable sense of place. Briery Lodge is located approximately 450m west of the application site along a long private driveway and is separated from the existing houses (and the application site) by mature woodland. In this case, the applicant has not submitted a compelling argument that a building group of three houses exists at this location. The proposals are therefore contrary to Policy HD2 (A) of the LDP.

The applicant owns 25 acres of land (approximately 10ha) and a registered smallholding number. Of the 25 acres, 22 acres are used for grazing with an additional 3 acres of land including stables buildings and horse exercise area. Based on the information made available by the applicant, there does not appear to be an established agricultural, horticultural, forestry or other business at this location and the need for a worker to be on site for the efficient operation of that business has not been justified. It appears that the applicant, who previously occupied The Garden House before it was sold, retains horses at this location, but does not operate an agricultural or other rural business at this location. Whilst it might be convenient for the applicant to live close to their horses, the need for a house as a direct operational requirement to support an established agricultural business has not been justified. The application therefore fails to comply with Part (F) of Policy HD3.

There has been a change in circumstances, but this does not result in the need for a new dwelling at this location. The applicant previously occupied The Garden House but this was sold following the passing of her mother. The property was sold to settle the estate and the applicant relocated to Hawick. 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.

Whilst the application was submitted before NPF4 was adopted, this is now the adopted policy position of the SG and forms part of the development plan. Under Policy 17 - Rural Homes, development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. The development must also comply with a number of additional criteria. The proposed house does not comply with criterion i - iv or vi - viii. Only Criterion v is relevant to this case, however, it the proposed dwelling must 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. As described above, there is no viable rural business or croft at this location, therefore the proposed dwelling fails to comply with Policy 17.

#### Roads/Access

RPS confirm that there is a significant shortfall in visibility at the junction of the private track with the public road and it is unlikely, given the alignment of the road and neighbouring ownership issues, that the any improvement works will resolve this matter. RPS object to the application on the grounds that the house would result in extra vehicular traffic on a sub-standard access to the detriment of road safety. The proposals would be contrary to Policy PMD2.

The applicant acknowledges that the junction is substandard and have confirmed that they do not own adjoining land that would allow them to alter the current arrangement. They advise that they are familiar with the road, and the junction and that they are prepared to make reasonable contributions to any traffic management calming measures that the planning authority deem suitable.

#### Flooding

The site is close to the River Teviot but does not fall within the 1 in 200 year flood envelope as defined by the SEPA flood maps. The proposed development complies with Policy IS8 of the LDP and Policy 22 of NPF4.

#### Landscape Designations

The site is located within the Teviot Valleys Special Landscape Area but it is considered that a dwelling on this site will not have an adverse effect on this designation.

#### Biodiversity

The site is also close to the River Tweed SSSI and SAC but would not have an impact on these designated sites if permission was granted.

The proposals would comply with Policies EP1, EP2 and EP5 of the LDP and Policies 3 and 4 of NPF4

#### **REASON FOR DECISION :**

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.

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 sub-standard 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.

#### **Recommendation: Refused**

- 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 sub-standard 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.

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