

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/00695/PPP

**APPLICANT :** Mr R And Mrs A Shanks

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of two dwellinghouses with access and associated works

**LOCATION:** Land East Of  
Buckletons  
Stichill Stables  
Kelso  
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
10325_1202	Proposed Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 6**  
**SUMMARY OF REPRESENTATIONS:**

Three neighbour notifications were made and adverts placed in the Southern Reporter and tellmescotland. Six objections were received citing the following:

- Contrary to local and national policy;
- No amenities in the locality resulting in reliance on the car;
- Poor access/ dangerous for vehicles and pedestrians;
- Loss of wildlife;
- Detrimental to residential amenity/overlooking/privacy;
- Fire safety;
- Increased traffic;
- Not contributing to affordable housing;
- Impact on visual amenity of the area/unacceptable adverse impact on the character of the area;
- Water pressure problems/capacity;
- Waste/recycling capacity and storage problems/odour;
- Loss of prime quality agricultural land;
- Road is not adopted and there are 10 Houses in the group;
- Light pollution;
- Access road opposite the telephone exchange is extremely hazardous;
- Woman's safety;
- Mental health.

Consultations

Community Council: Not in line with policy. Strained infrastructure, particularly access routes and mains water pressure levels.

Roads Planning: Object. Two accesses to the public road identified: The existing access from the public B6364 (at North Lodge) quickly becomes unsuitable for normal residential vehicles. Easterly private road access with the B6364 (at the telephone exchange) - the road surface is marginally better but suffers from poor junction visibility where it meets the B6364. The private road leading west from Buckletons to Garden Cottage is impassable for normal residential use.

Four dwellinghouses are served by this private access road that were constructed post 1984 (that are not conversions, replacements or a change of use).

The proposals would result in a level greater than that which can be served by a private access (5 maximum), as per the Council's Proposed Local Development Plan.

Waste and Recycling: No objections. Communal bins on a hardstanding. Extension/alteration to the bin stand may be required.

Scottish Water: Sufficient water capacity 600m from the site, subject to further discussions. No public waste water treatment facilities are available.

Outdoor Access Officer: No response.

Education: No response.

## **PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 14: Design, Quality and Place

Policy 17: Rural Homes

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

IS2: Developer Contributions

IS6: Road Adoption Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

Supplementary Planning Guidance

Placemaking and Design (2010)

Development Contributions (Revised 2023)

New Housing in the Borders Countryside (2008)

**Recommendation by** - Euan Calvert (Assistant Planning Officer) on 21st September 2023

This is an application for planning permission in principle for the erection of two dwellinghouses with access and associated works within the corner of a grass field located at Laird's Hill, Stichill, Kelso.

## SITE DESCRIPTION

This site is located 0.8 mile north west of Stichill. This site is an agricultural field close to the site of the former Stichill House. The land is improved grassland and sits about 150m AOD. The site is enclosed from the surrounding private roads by stock fencing. There is no evidence of the House but two dwellings: Butler's Chase (06/00901/FUL, 08/02063/FUL) and Bucktons (04/01769/FUL) now occupy the site of the House. North of the site is Lairdshill (01/00918/COU, 05/00424/FUL) a residential dwelling conversion from agricultural/ stables. Highfield is the fourth dwelling (06/02125/FUL), which forms the northern end of the group.

All dwellings are accessed by the north drive, which is a private road, 0.5 mile in length extending from North Lodge, which is a dwellinghouse and the former gate lodge at the junction of the B6364. There is another building group also served from this vehicular access comprising of Stichill Stables House, Drumbeg, Stichill Stables, Fouracres, Ardbeg (03/00519/OUT, 16/01195/FUL) and Woodend (04/01685/REM).

A second vehicular access to these sites was formed between 2009 and 2011. This road junction is located at the telephone exchange opposite the entrance to Queenscairn Farm on the B6364. No planning permission has been granted for this and the junction visibility is poor.

## PROPOSED DEVELOPMENT

Two indicative plots are shown, Plot A: 1520m<sup>2</sup> and Plot B: 1650m<sup>2</sup>, which would be formed by enclosing a southern boundary from the remaining field. Illustrative views are provided showing rectilinear planned dual pitched and gabled roofed houses, 2 storey in height, with single storey garden rooms on the south elevation.

## PLANNING HISTORY

There is no history on this site.

## APPLICANT'S PLANNING STATEMENT

The agent notes the application site and its surroundings comprise an existing Building Group of 5 no. dwellings all accessed directly from the two private ways which interconnect to the east of the site.

The proposal represents the enlargement of an existing Building Group by two new dwellings upon a site which is well related to the existing dwellings and within both the setting and sense of place of the Building Group in compliance with policy 16 of National Planning Framework 4.

## ASSESSMENT

### POLICY PRINCIPLE

It is appropriate consider the principle of development against NPF4 Policy 17. Policy 17 relates to Rural Homes which is defined by policy HD2 of the Local Development Plan 2016 as "Housing in the Countryside". Also relevant is the Supplementary Planning Guidance on New Housing in the Borders Countryside, 2008.

Policy HD2 allows for new housing associated with existing building groups, conversion of suitable buildings, and in cases where economic justification is present.

Policy 17 of National Planning Framework 4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. Proposals will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. The policy contains a number of criteria by which to assess proposals.

Development proposals for new housing will consider how the development will contribute to towards local living, take account of local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural area.

In respect of the criteria within policy 17 part a) the site is not allocated for housing in the Local Development Plan; the proposal does not relate to the use of a historic environment asset; the proposal does not support the sustainable management of a viable rural business and there is no essential need for a worker to live permanently at or near their place of work; the proposal is not a single home for the retirement succession of a viable farm holding; and the proposal is not for the subdivision of an existing dwelling.

This is a Remote Rural Area as identified by the Urban Rural classification. The Scottish Government (SG) Urban Rural Classification provides a consistent way of defining urban and rural areas across Scotland. The classification aids policy development and the understanding of issues facing urban, rural and remote communities. NPF4 policy 17 part c) identifies that development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

NPF4 and Local Development Plan 2016 dovetail successfully in this instance. Policy HD2 states that the Council will support rural housing where it is associated with existing building groups but the starting point for consideration will be the requirement for "suitable roads access".

It is contended that these proposals are not in compliance with policy 17 Part c) of NPF4 or Policy HD2 Part A of the LDP because of road safety and design concerns.

Policy PMD2 requires developments to incorporate adequate access.

Policy IS6 of the LDP sets Road Adoption Standards. On non-trunk roads, new roads, footpaths and cycleways within developments must be designed and constructed in accordance with the Council's adopted standards to secure Road Construction Consent, with the exception of development which can be served by a private access.

The adopted LDP 2016 identifies a four unit threshold for dwellinghouses served from a private access (Appendix 3, p166).

The proposed LDP 2020 identifies a five unit threshold for dwellinghouses served from a private access (Appendix 3, p211). This forthcoming policy is now a material consideration given there were no objections to the change at Examination. The Roads Planning Service has objected as this proposal would take the number of "new" dwellings approved since 1984 to six.

Several objections have cited concerns for road safety and standards. Objections highlight the poor state of the current access and safety concerns of having further development served off either road.

It is concluded that the proposal is not in compliance with Policy IS6 as the road serving this development would need to be brought up to adoptable standard to accommodate the additional movements generated by this proposal. The design standard of the north drive is not suitable for the level of traffic this proposal would generate and the eastern access fails design standards, contrary to Policy PMD2. Improvements to these roads are not matters than can be conditional on any future approval. The reason is twofold: to achieve (road) safety and design standards of policy IS6 there needs to be a proposed scheme of upgrading including surfacing, layby provision, and visibility splays. These upgrading works are liable to require planning permission in their own right and such application must be considered in advance or concurrently with this determination. Secondly, the control or ownership of the chosen access may not even be within the gift of the applicant to upgrade.

The agent has provided a scheme of works for upgrading the North Lodge access:

1. Bins would be collected from the existing collection point opposite North Lodge.
2. Visibility sightlines of 150 metres southward and 130 metres northward onto the B6364 would be achieved.

3. The existing road shall be resurfaced in road plainings in a compacted finish.
4. Where damage has been done to bed courses this will be repaired in the same material.

These proposed road improvements are not to adoptable standard. "Suitable access" has not been demonstrated therefore the proposals are contrary to LDP 2016, LDP 2020 and NPF4 Policy 17 Part C.

Notwithstanding the fundamental non-compliance with road standards, the submission is considered against other criteria of Local Development Plan Policy HD2 (Part A). This site would be well related to an existing building group of at least three houses. No other permissions have been issued in the plan period. The choice of site would appear cohesive but, because of the requirement for an adopted road, the development will result in adverse cumulative impact to the character of the building group, landscape and amenity of the surrounding area.

Urbanisation is specifically identified as a concern in the New Housing in the Borders Countryside Supplementary Planning Guidance December 2008, 4.1 Roads and Access:

"Just as the rural economy has changed in the past century so has the pattern and volume of traffic on rural roads. Yet, despite some improvements the road network in rural areas and the geometry of minor rural roads is largely unchanged. In the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on site facilities for vehicle movement and parking. Unless such provision can be made, planning consent will not normally be granted for development. The vehicular access to the site will require to be of adequate width and gradient and have visibility splays appropriate to both the location and the speed of traffic on the adjoining road system. Within the site a minimum of two car parking spaces will be required. A garage will not be accepted as contributing a parking space to the development. Where access is direct on to a classified road a turning space will also be required within the site and a lay-by may be required for visiting service vehicles where the public road might otherwise be obstructed. Where an access is to serve five or more houses, the Council normally requires that the access be constructed/upgraded to a public road standard. As part of this standard, street lighting will normally be required. In some cases, such public roads and street lighting are urban in character and development of a scale involving such infrastructure could be inappropriate and may result in planning consent being withheld. A particular concern with street lighting is the daytime impact of standard lamp columns and lanterns and the night time impact of light intrusion and pollution. A concern with allowing too much development in a rural location is the negative impact this can have on sustainable transport."

This site breaks into undeveloped field and therefore goes beyond the sense of place of the group but the existence of Buckltons adjacent somewhat undermines this assertion. As a result, the proposal would appear less sporadic but the development, taken as a whole (including the necessary road improvements) would be visually prominent. The Roads Planning Service notes that the Planning Authority must balance whether this is an appropriate place to have this level of residential development (requiring a public road). It is concluded that such urbanisation in this location would not be a positive addition to the countryside and therefore this proposal is contrary to the Supplementary Planning Guidance.

#### RESIDENTIAL AMENITY

Policy HD3 and Supplementary Planning Guidance on Householder Development, 2006 set out standards for protection of neighbours. There are no significant amenity concerns in terms of overlooking, privacy, overshadowing or loss of light.

#### ROAD SAFETY

Policies IS6 and PMD2. The proposals would not be compliant with road safety and design standards and approval would be potentially harmful to other road users.

#### WATER SUPPLY AND DRAINAGE

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be direct connection to the public sewerage system. In the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

A public water supply is available 600m away but the precise design details would be a condition of any approval to ensure adequate sufficiency and avoid unacceptable impacts on the amenity of neighbours. Concerns of the neighbours are noted.

Proposals for foul water to a septic/ treatment plant and soakaway have not been demonstrated and would require standard planning conditions to ensure details are considered in terms of protecting the water environment and public health.

#### DEVELOPMENT CONTRIBUTIONS

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policy IS2.

The property would be within catchment of Kelso High School. Contributions are required. There was no consultation response from Education.

#### OTHER ISSUES

All the objections are noted. No natural or cultural heritage issues are identified with this choice of site. The objection of the Community Council is also noted.

The waste and recycling team have confirmed that further expansion of waste collection facilities at North Lodge could be a condition of any approval. There has been no response from the Outdoor Access Officer.

#### CONCLUSION

The proposal is considered contrary in principle to policy 17 of National Planning Framework 4 and policies PMD2, HD2 and IS6 of the Local Development Plan 2016 and no material considerations are identified which outweigh requirement for the Planning Authority to make this the subject of any exceptional approval.

#### REASON FOR DECISION :

It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policies HD2 and IS6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the development would not be served by suitable road access, contrary to road safety and design standards. In addition, the proposal would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed vehicular access would have an adverse impact on road safety, both on users of the private road and on users of the B6364 public road.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

No material considerations are identified to make this the subject of any exceptional approval.

#### **Recommendation:** Refused

- 1 The proposals are contrary to National Planning Framework 4 policy 17 and policies HD2 and IS6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that they do not have suitable road access contrary to road safety and design standards. In addition, the proposal would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed vehicular access would have an adverse impact on road safety, both for users of the private road and users of the B6364 public road.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

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