

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/00625/FUL

**APPLICANT :** Mr Jimmy Shanks

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse, formation of access and associated works

**LOCATION:** Land East Of Blinkbonny Farmhouse  
Kelso  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

| <b>Plan Ref</b>                    | <b>Plan Type</b>    | <b>Plan Status</b> |
|------------------------------------|---------------------|--------------------|
| Location Plan                      | Location Plan       | Refused            |
| 22001-RS-01-01-DR-A-1001-P01 REV E | Proposed Plans      | Refused            |
| 22001-RS-01-ZZ-DR-A-3011-P01 REV C | Proposed Elevations | Refused            |
| 22001-RS-01-ZZ-DR-A-3012-P01       | Proposed Elevations | Refused            |
| 22001-RS-01-ZZ-DR-A-3013-P01       | Proposed Elevations | Refused            |
| 2201-RS-01-00-DR-A-1000-P01 REV H  | Proposed Plans      | Refused            |
| 22001-RS-01-ZZ-DR-A-3014-P01       | Proposed Elevations | Refused            |
| 22001-RS-01-ZZ-DR-A-3015-P01       | Proposed Elevations | Refused            |
| 22001-RS-01-ZZ-DR-A-4001P01        | Proposed Sections   | Refused            |
| 22001-RS-ZZ-00-DR-A-1000-P01       | Proposed Site Plan  | Refused            |
| 22001-RS-ZZ-RF-DR-A-1010-P01       | Proposed Site Plan  | Refused            |
| 22001-RS-ZZ-ZZ-DR-A-5001           | 3D View             | Refused            |
| 22001-RS-ZZ-ZZ-DR-A-5002           | 3D View             | Refused            |

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No neighbours required notification. An advertisement was placed in the Southern Reporter and on tellmescotland.

There were no representations received.

Consultations.

Roads Planning: No objections. Parking and turning to be secured by condition.

Ecology Officer: Ellendale Environmental carried out a Preliminary Ecological Assessment (PEA) of the site in August 2022. No signs of protected species were found. A Species Protection Plan (SPP) for breeding birds and biodiversity enhancements to be secured by conditions.

Contaminated Land Officer: The application proposes the redevelopment of land adjacent to a quarry, which appears to have been infilled. The land is potentially contaminative and a condition is required requiring investigation.

Scottish Water: Public water capacity 1km from the site. No public waste water infrastructure is available.

## **PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 6: Forestry, Woodland and Trees

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

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

EP13: Trees, Woodland and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

IS12: Development within Exclusion Zones

IS13: Contaminated Land

Supplementary Planning Guidance

Placemaking and Design (2010)

Development Contributions (Revised 2023)

New Housing in the Borders Countryside (2008)

Landscape and Development (2008)

Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Sustainable Urban Drainage Systems August 2020

Trees and Development (2020)

**Recommendation by** - Euan Calvert (Assistant Planning Officer) on 31st October 2023

This is an application for full planning permission for the erection of a dwellinghouse within a field located east of Blinkbonny Farm, Kelso.

## **SITE DESCRIPTION**

This site is located 1 mile north of Nenthorn. This site is a grass field located north east of the farm. This part of the field is steeply sloping, becoming less steep the towards the eastern portion. The site is north east of a historic quarry working which is now colonised by natural landcover. The building group comprises a terrace of three cottages and Blinkbonny Farmhouse. There is a range of modern agricultural buildings and an aggregate quarry located north of the group. The quarry, farm and cottages are all served from one common road. There is a solar array in a field forming the western extent of the built group.

## PROPOSED DEVELOPMENT

The proposal has been revised to remove a shed that was originally proposed from the second iteration of the proposals and the dwellinghouse moved west by 25m to appear located central but to the rear of the site. A modernist dwellinghouse with integral garage is proposed. It would be roughly square in plan under a single dual pitched roof. The building would feature east and west gables built in natural stone. There would be a second storey enclosing 2 bedrooms and providing vaulted ceilings. The southern ridge would feature piended corners. Vehicular access to the site would be through the former quarry working and wrapping around the south and east boundaries of the plot. New landscape planting is indicatively shown on the boundaries. Sections demonstrate a split-level house but no proposed topography or floor levels have been provided.

## PLANNING HISTORY

There is no history on this site.

## APPLICANT'S PLANNING STATEMENT

The proposals seek to demonstrate that the dwelling is in compliance with policy 17 of National Planning Framework 4 and Local Development Plan 2016 policy HD2.

A sequential assessment has now been provided which discounts other locations in arriving at this as being an ideal opportunity which avoids loss of prime agricultural land. The proposal is said to support rural revitalization and investment and allow the applicant to move/retire on the local farm and enable siblings to take up the main farm house thereby sustaining the rural business.

No business plan or business case has been provided to demonstrate these employment/ retirement justifications.

## ASSESSMENT

### POLICY PRINCIPLE

#### Housing in the Countryside

The principle of development is assessed against NPF4 Policy 17 and policy HD2 of the Local Development Plan 2016 and 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.

It is acknowledged that NPF4 does allow for a retiring farmer or essential worker justification however no business plan or business case has been presented in this application therefore this cannot be a material consideration or form basis for this determination. The application is for an unrestricted open market dwelling and may therefore only be considered by LDP 2016 Policy HD2 Part A "Building Groups".

Part A allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Justifications concerning sustaining a rural business or succession planning have not been evidenced.

The Planning Authority determine that this chosen site is not well related to the building group at Blinkbonny.

The agent has advanced a planning argument that no alternative sites (located closer to the farm stading) are suitable, viable or available. A Quarry Blast Zone Map has been presented. Five of the alternative sites are within this designation. The origin of the map is unclear but it shows a "Danger Zone" surrounded by a hand drawn yellow highlighter line around the quarry and farm. Four red dots denote sentry points. The cottages are not enclosed by this designation and the Planning Authority identify the optimal location for a new dwelling to be adjacent to the terrace cottages. Site 3 or site 6 (or a combination of both) would appear well related to the group whilst being outwith the "Blast Zone". Site 3 would negate the heavily engineered bench proposed.

The proposal fails to fulfil qualifying criteria a) and b) of Policy HD2 Part A. This Policy is consistent in LDP2020. It is contended that the proposal is not in compliance with policy 17 of NPF4.

Criterion c) concerns cumulative impact of new development and could be met at Blinkbonny, subject to a suitable site being selected.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Existing groups may be complete and may not be suitable for further additions.

A building group is identified at Blinkbonny but this planning application site does not form part of this identified group and is not well related to it. The site is beyond the natural containment. The proposed site would be divorced from the built environment and would appear sporadic. In combination with any proposed access track, the site would be visually prominent. Changes to layout arising throughout the course of determination have not resolved this issue.

The SPG identifies discussion on "Landform" (page 55) and "relating to the site" (page 70).

The formation of a construction platform on this steep site will be highly prominent and not in harmony with the surrounding landform. It would be a highly engineered solution which would be incompatible with the surrounding landscape and would not be an appropriate contribution to the group.

The proposals are considered not to comply with policy PMD2 in that they do not fit or integrate appropriately to the landscape. In particular, the proposals do not comply with criteria h), i) and k) of Policy PMD2, which require developments to create a sense of place, understand context and be compatible with and respect the character of the surrounding area. This is a highly prominent site and the development would require a long access track to serve the site resulting in significantly adverse impacts upon existing landscape character and rural visual amenity.

The proposal is incompatible with the rural character of the area and would result in an adverse visual impact. The landscape proposals are acknowledged but these do not negate or mitigate the landscape and visual impacts of the highly engineered solution.

Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside require a "sense of place." This isolated site would not be a positive addition to the countryside. It would not mirror the spacing of the building group or the historical pattern of development.

The site forms part of the wider field system therefore the chosen site is contrary to the SPG in so much as; "sites should not normally break into previously undeveloped fields".

The conclusion is that the proposed site is not well related to the building group and the proposal would not respect or reflect the character and amenity of the group at Blinkbonny. This site would represent sporadic and unjustified development contrary to policy HD2 Part A.

Any support of this planning application would lead to other building groups being 'compiled' around such agrarian spaces rather than policy decisions. No weight can be attributed to business or retirement justifications being presented.

The Contaminated Land Officer identifies the neighbouring quarry as potentially contaminative. It is not considered that the brownfield designation and potential contamination would materially affect the decision to grant permission in this instance. The site is evidenced as grazing land and naturalised therefore little weight can be apportioned to a brownfield designation in the overall planning balance.

## DESIGN

Policy 14 of NPF4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group

The 2-storey form and architectural response are accepted but the design merits are not in themselves over-riding material considerations which would outweigh the requirement to consider the application in accordance with policies 17 of National Planning Framework 4 and HD2 of the LDP. The merit of design does not mitigate the adverse landscape impacts of breaking into this steep site.

## 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 given the poor spatial relationship of the site to any building group in terms of overlooking, privacy, overshadowing or loss of light.

## ROAD SAFETY

Road safety, design standards and parking requirements (policies IS7 and PMD2) can be met and the Roads Planning Officer offers no objection.

## WATER SUPPLY AND DRAINAGE

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development 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 proposal for a public water supply would require conditions to be applied to any approval to ensure adequate sufficiency and no unacceptable impacts on the amenity of neighbours. The main is 1km from this site. 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 where contributions are required. There was no consultation response from Education.

## ECOLOGY

The Ecologist has considered the Preliminary Ecological Appraisal and identifies conditions requiring biodiversity enhancements and a Species Protection Plan for breeding birds in the event of any approval in accordance with Policies on Biodiversity.

## DEVELOPMENT WITHIN EXCLUSION ZONES

An HSE check has been undertaken and no unacceptable hazard has been identified from the chosen site, in accordance with Policy IS12.

## CONCLUSION

The proposal is considered contrary in principle to policy 17 of National Planning Framework 4 and policy HD2 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 policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Blinkbonny building group, outwith the sense of place of the building group and out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

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.

In addition, the proposal would be contrary to policy PMD2 in that it would result in access tracks leading to the site resulting in significantly adverse impacts upon existing landscape character and rural visual amenity.

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 policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Blinkbonny building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

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.

In addition, the proposal would be contrary to policy PMD2 of Local Development Plan 2016 in that it would result in access tracks leading to the site resulting in significantly adverse impacts upon existing landscape character and rural visual amenity.

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