

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/01165/PPP
APPLICANT : Mr Peter & Catherine Grimley
AGENT : Camerons Strachan Yuill Architects
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of Morebattle Mains Cottages Morebattle
Morebattle
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P04	Proposed Plans	Refused
A LOCATION PLAN	Location Plan	Refused
SITE PLAN	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 12

SUMMARY OF REPRESENTATIONS:

Five neighbours were notified and an advert placed in the Southern Reporter and on tellmescotland.

There were 12 representations received, eleven of which stated objection to the proposals, raising the following issues:

- Access unacceptable/ road safety
- Access to septic tank
- Contrary to local plan
- Water supply
- Ribbon development
- Creates a precedent - breaks into an arable field
- Second home
- Loss of garden ground
- Backland development/ building line
- Siting and overshadowing
- Increased traffic
- Need small affordable houses and flats for young people not large private houses
- Out of place/ not in keeping
- Loss of light
- Privacy

Consultations:

Roads Planning Service: No objections subject to conditions.

Re-consultation: Have considered drawing P04; it lacks the entirety of the road to the north east, however there should be scope to provide the full 160m splays.

Scottish Water: Public water supply available.

Education: No response.

Kalewater Community Council: Object. Concerns for amenity of neighbours, traffic increase, over provision and impacts on trees. Over provision of further holiday homes. Building line. Preference for a bungalow..

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 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

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 (2020)

Trees and Development (2020)

Recommendation by - Euan Calvert (Assistant Planning Officer) on 22nd December 2023

This is an application for planning permission in principle for the erection of a dwellinghouse within a field located east of Morebattle Mains Cottages, Morebattle, Kelso.

SITE DESCRIPTION

The site lies to the south west of Morebattle and is accessed from Mainsfield Avenue. The site is located on the eastern side of a row of terraced cottages. Cottages 1-4 occupy the roadside. The garden for Cottage no. 4 is located adjacent to the roadside. It is behind the roadside hedge and enclosed by a stone dyke to the rear, separating it from the adjacent scrub ground. This V-shaped area of grass scrub is contiguous with the off-street parking developed under planning permission 10/00414/FUL. This is an area of communal parking laid to hardstanding to the rear of the cottage gardens. It is unfenced/ undefined and surrounded by rank grassland. Within this grass area there is a shared waste water septic system. This off-street parking is accessed by a shared bell mouth located adjacent to the gable of Cottage no1. A detached house,

Vindobona, shares this road access. Further along this road are detached dwellings: Rosenli, the Farmhouse and Hillside Cottage. These all sit within large, enclosed plots.

PROPOSED DEVELOPMENT

A planning Statement has been submitted. A dwellinghouse is proposed to be located on this land located to the east of Cottage no.4. The development proposal would make a new direct access from the public road through the garden ground of no4. The proposed plot would occupy both fallow and arable land surrounding the side and rear of the shared parking area. The site is flat and would feature a new field boundary measuring 65m in length, which would be drawn perpendicular from Mainsfield Avenue. The field access would remain as is. Revisions made throughout the course of determination have shown a reduction in contiguous garden, now extending to only 50m in plot width. Along the rear of the parking court the plans have been altered to now show an existing waste water system and "reconfigured land", as opposed to being private curtilage. Proposals are for use of the shared waste water system.

This is an application for planning permission in principle but indicative details of a proposed house have been provided. A sketched oblique elevation and a site layout have been provided. The proposal is for a L-planned house over two levels.

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. The site is said to be part of the building group. The Agent contests the site sits on the field margin, which is used for organising machinery, used in arable cultivation, and is not used for agricultural production itself. The site is considered to be well related to the existing Building Group and to accord with criterion a) of section (A).

PLANNING HISTORY

10/00414/FUL: Change of use of agricultural land to form off-street parking area. Approved 7th September 2010.

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.

The application is for an unrestricted open market dwelling and may therefore only be considered against LDP 2016 Policy HD2 Part A "Building Groups". Several objections cite concerns for the proposal becoming a second home/ holiday home and not serving the local demand for housing in the village. These concerns are acknowledged but are not material to this determination.

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.

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 Morebattle Mains but it is considered that this application site does not form part of this identified group and is not well related to it. The site is absent of natural containment and would appear divorced from the built environment. The result would be a sporadic appearance by breaking into an arable enclosure and not relating to the building line of the Cottages. The result would be a development which would be visually prominent.

Changes to garden layout arising throughout the course of determination have not resolved this issue. The site would still appear as backland development owing to the choice of building line.

Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside require a "sense of place." The site forms part of the wider field system and has recently been cropped/harvested therefore the chosen site is contrary to the SPG in so much as; "sites should not normally break into previously undeveloped fields". The result is an isolated site which would not mirror the spacing of the building group or the historical pattern of development.

The proposal would not respect or reflect the character and amenity of the group at Morebattle Mains. This site would represent sporadic and unjustified development contrary to policy HD2 Part A.

Any support of this planning application would lead to further similar applications - building groups being 'compiled' in agrarian spaces rather than policy decisions. Policy HD2 Part A, Criterion c) cautions about the cumulative impact of new development. Concerns are raised that this building group may even be termed "complete". Further development on this side of the Cottages will be character changing and appear as ribbon development stretching beyond the natural and man-made containment. The public objections cite concerns for development which is out-of-keeping.

The Planning Authority determine that this site is not well related to the building group at Morebattle Mains and the proposal fails to fulfil qualifying criteria of Policy HD2 Part A. This Policy is consistent in LDP2020. In addition, it is contended that the proposal is not in compliance with policy 17 of NPF4.

The proposals are considered not to comply with policy PMD2 in that they do not fit or integrate appropriately into 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 is intervisible with Morebattle village. The proposal would result in significantly adverse impacts upon existing landscape character and rural visual amenity. The landscape proposals are acknowledged. The proposed hedges are welcomed but they do not alter the overall planning balance in favour of development.

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.

This is a planning permission in principle application and so the submitted design is indicative at this stage. However, the chosen design would not mitigate the adverse landscape impacts of breaking into this undeveloped field. Any detached dwelling is liable to appear awkward in this location when juxtaposed against the traditional terraced dwellings.

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. The specific impacts would be fully assessed at the Approval of Matters Specified in Conditions stage.

ROAD SAFETY

Road safety, design standards and parking requirements (policies IS7 and PMD2) can be met and the Roads Planning Officer offers no objection, subject to conditions. To achieve visibility requirements there would be requirements to reduce and remove roadside hedges.

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 a condition to be applied to any approval to ensure adequate sufficiency and no unacceptable impacts on the amenity of neighbours.

Proposals for foul water to the shared septic/ treatment plant and soakaway would require a standard planning condition to ensure details are considered in terms of capacity but also to protect 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

Given the present arable use of the field no ecological evaluation is required but there would be requirement for a condition requiring biodiversity enhancements in the event of any approval in accordance with policies on biodiversity.

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 Morebattle Mains 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 proposals would be contrary to policy PMD2 in that the proposed development would result 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, policy HD2 of the Local Development Plan 2016 and the 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 Morebattle Mains 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 proposals would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed development would result 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”.