

Appeal against Scottish Borders Council notice of refusal of planning permission

ERECTION OF 2No DWELLINGHOUSE (Application Ref –23/01165/PPP)

AT

LAND EAST OF
Morebattle Mains Cottages
Morebattle
SCOTTISH BORDERS

Document reference: 10163-CSY-ZZ-ZZ-T-3001-APPEAL A

Revision: P01

Date: 12 January 2024

Prepared by: KB

Introduction

This statement has been prepared by CSY Architects on behalf of the applicants, Peter and Catherine Grimley. The statement should be read alongside all information exchanged throughout the planning process, and which forms part of this appeal submission. The site is located to the east of Morebattle Mains Cottages, Morebattle, and lies outside the settlement boundary of Morebattle. The proposal is for the erection of 1no dwellinghouse.

Reason for Refusal

The application was refused for the following reason:

“ 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.”

The following statement intends to set out why this should be overturned as part of this appeal.

Application Background

Of relevance:

10/00414/FUL: Change of use of agricultural land to form off street parking area

Approved 10th September 2010.



Scottish Borders Council
Local Development Plan 2016
Morebattle

-  Development Boundary
-  Conservation Area
-  Key Greenspace
-  Housing
-  Business and Industrial
-  Business and Industrial Safeguarding
-  Structure Planting /Landscaping



Figure 1: Site Location in relation to settlement boundary & Development Plan



Figure 2: Existing outlook to the site from east





Figure 3: Proposed view to site from street

Policy HD2: Housing in the Countryside

The proposal relates to the building group (b), does not exceed 2 houses and is less than a 30% increase (c) and is within walking distance of the village of Morebattle . The sites relationship with Morebattle should also merit support, as it provides more immediate access to amenities, and will help reduce the occupants carbon footprint, contributing to Net Zero emissions goals. The policy sets out the following:

POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

(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 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.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.



Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

In relation to breaking into an undeveloped field, and permanent loss of prime quality agricultural land; this point has been poorly considered. The field has never been used for anything other than for equipment storage.

Most of the land is currently unused and making this into a garden would improve the outlook as it would be more regularly upkept.

POLICY ED10: PROTECTION OF PRIME QUALITY AGRICULTURAL LAND AND CARBON RICH SOILS

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 scale and directly related to a rural business.

Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.

Appeal Statement

In relation to the National Planning Framework 4, the application should be supported firstly on account that it is in line with the documents three *Spatial Principles*– **Sustainable Places, Liveable Places, and Productive Places**.

SUSTAINABLE PLACES: - where we reduce emissions, restore and better connect biodiversity
'Several policies support more local living... Policy 15 which promotes local living, including where feasible 20 minute neighbourhoods, and Policy 16 which focuses on delivering new homes that are designed to a high standard and located in sustainable places. Minimising and reducing emissions are also integral to the six qualities of successful places, as set out in Policy 14. Policies 17 and 29 support rural development which is compatible with climate change targets. Policy 27 promotes a town centre first approach to development.' (see Page 9 of National Planning Framework 4)

LIVEABLE PLACES: - where we can all live better, healthier lives

'Policy 14, focusing on the six qualities of successful places recognises that diversity is an integral part of placemaking... Policy 16 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives.' (see Page 13/14 of National Planning Framework 4)



PRODUCTIVE PLACES : - where we have a greener, fairer and more inclusive wellbeing economy

'Policy 18 promotes the development of rural homes, to ensure the needs of communities are met in a sustainable way.' (see Page 18 of National Planning Framework 4)

RELEVANT POLICIES

Policy 14

The proposal is in line with the six principles of Policy 14 – *Healthy, Pleasant, Connected, Distinctive, Sustainable, and Adaptable*.

Policy 15

The proposal contributes towards the *Local Living 20 minute neighbourhood* of Morebattle whilst maintaining the key landscape and green features of the area.

Policy 16

The proposal provides the community benefit to Morebattle that it will deliver 1no new build home that currently aren't being provided by other allocated sites in the local development plan for Morebattle (AMORE001 & RM-6B). The proposal can be delivered to an agreed build out programme, consistent with the spatial strategy and provides housing that will provide a *Local Living 20 minute neighbourhood*, and is consistent with Rural Housing policy.

Policy 17

The proposal is suitably scaled, sited and designed to be in keeping with the character of the area and the development is an appropriate use of a historic environment asset.

Policy 18

The proposal can make use of infrastructure that has been implemented under approval **19/01562/FUL** (Change of use from agricultural land to form cemetery, formation of new access and associated works. Approved 20th April 2020) improving the sustainability of the development in that it takes an infrastructure first approach.

Policy 27

The proposal will provide a *Local Living 20 minute neighbourhood* in relation to the town centre of Morebattle, and will enhance and improve the vitality and viability of the town in terms of footfall.



Policy 29

The proposal contribute to the viability, sustainability and diversity of rural community and local rural economy of Morebattle. The home can provide a home base working environment that can be supported by local amenities.

Appeal Conclusion

The appeal response can be summarised as follows:

General principles :

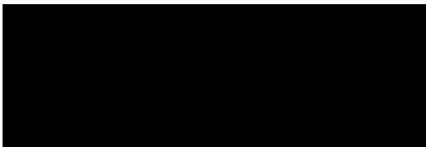
- 1: The proposal enhances the setting in which it resides, and both respects and complements the building group.
- 2: The proposal doesn't reduce prime agricultural land, and is located in a previously developed field.
- 3: The proposal benefits the community in that it will provide housing that isn't being delivered by existing local plan sites.
- 4: It provides housing that will help reduced the carbon footprint of residences based on its proximity to Morebattle, contributing to Net Zero emission targets.
- 5: The proposal does not erode the integrity of the building group boundary.

Relating to National Planning Framework 4:

1: The proposal is supported by policies 14, 15, 16, 17, 18, 27, 28 of the National Planning Framework 4, is in line with the spatial strategy of National Planning Framework 4. The proposal will provide a sustainable, liveable, and productive place.

Based on the quality of the outline design, along with all the supporting information submitted including the above statement; we believe that the application should be approved.

Yours faithfully,



Gavin Yuill

Managing Director / Senior Architect

