

**REPRESENTATION TO THE SCOTTISH BORDERS COUNCIL
PROPOSED LOCAL DEVELOPMENT PLAN**

SUBMITTED BY SUZANNE MCINTOSH PLANNING LIMITED

ON BEHALF OF:

JUDITH AND DAVID HEDGES,

THE FLATT,

MIDLEM,

SELKIRK, TD7 4QB

SUZANNE MCINTOSH PLANNING LIMITED

2.3.14

1. INTRODUCTION

- 1.1 Mr and Mrs David Hedges made written representations to the Main Issues Report stage of the Local Development Plan in 2012 in relation to the site that is the subject of this representation. For ease of reference those documents are attached as Appendix 1 to this document. In addition to the issues raised at that time, a number of other points are raised in this document that are directly relevant to the consideration of their representation.
- 1.2 In summary, the request is that Scottish Borders Council amends the boundary of the settlement of Midlem in relation to an area of land within the control of the Hedges at the eastern end of the village. This land is identified on the plans in Appendix 1.

2. LOCATION

- 2.1 The land lies outside the village of Midlem conservation area and presents itself in the proposed LDP as an unusual dent or kink in the settlement boundary. The land is illustrated in Figs 1, 2 and 3 submitted by Mr and Mrs Hedges in representation to the MIR as contained in Appendix 1.
- 2.2 Planning Permission in Principle was refused, reference no 13/01208/PPP on 13th December 2013, for the erection of a single dwellinghouse on this land. Suzanne McIntosh Planning Limited advised Mr and Mrs Hedges not to appeal that decision but to work with the council in seeking to reallocate the status of the land and have it included within the settlement boundary. The purpose of this would assist the consideration of the status of the land at the correct point in the planning process and those considerations to examine the opportunities for enhancement, restoration and redevelopment as a modest single dwellinghouse within the building group. It would also enable the council to revisit the decision to alter the boundary in recent years and whether this was intentional or not.
- 2.2 The land in question was an open field prior to 1977. In 1977 the barns on site were constructed.

3. THE PROPOSAL

- 3.1 The line of the settlement boundary contained in the LDP Midlem Settlement Statement Profile plan does not relate to the physical presence of buildings or boundaries on the land or a field boundary. In practice, the arbitrary line in the LDP at this point splits an area of single ownership, a potential development site for a single modest house and indeed a building. It is requested that this line be amended so that it does relate to a physical feature on the ground and as a result moved to where the field boundary exists in reality. It serves no purpose to have half a building within the settlement boundary and the lean-to area and land around the building which is in use associated with it as outside the settlement boundary. It is understood that purely relocating the boundary of the settlement is not a pre-requisite to gaining planning permission for a single house and that there are many considerations that come into play.
- 3.2 The consolidated Scottish Borders Local Plan boundary of the settlement indicates this land to be within the settlement boundary. No explanation has been given for its removal in relation to the LDP Proposed Plan. The amended settlement boundary in the MIR is not explained in

any of the documentation provided by the council and doesn't represent an open and inclusive approach to village planning.

- 3.3 The benefits of amending the settlement boundary in this location would relate to a number of issues. Firstly it would represent the actual physical containment of the village as we find on site. Secondly, it would relate to the historical use of the land as land with a previous use and not greenfield/ pasture land. Thirdly, the inclusion of this land within the settlement boundary would enable the boundary to be straightened to reflect the ancient track that circles the village. Fourthly, a more natural, coherent edge to the settlement will result. Fifthly, the opportunity to improve the appearance of this dilapidated edge of the settlement through the inclusion of the land will bring about the opportunity to enhance it and relate it further to the building group at present. We find that the building group is split by the dilapidated agricultural sheds and amending the settlement boundary could bring about great improvements to this.
- 3.4 It is also considered that the inclusion of Mr and Mrs Hedge's land within the settlement boundary would assist the enhancement of the appearance of the village and bring the settlement boundary into a closer relationship with the historical settlement boundary. At present the site does not relate well visually to the character of the settlement or quality of the public realm there.
- 3.5 This proposal represents a more appropriate extension to the village boundary than could be suggested at any other point around the settlement edge given that it is the only site that has been previously included within the settlement boundary.

4 OTHER ISSUES

- 4.1 The desire by the Mr and Mrs Hedges to redevelopment their land and construct a modest dwelling on it comes about as a result of them seeking to remain in the village and downsize to a smaller dwelling. They have lived at The Flatt for many years and raised their families there. They have been residents of the village since 1986 and 1991. Their current home is a 5 bed, 3 reception room property. Attempting to find a smaller more suitable property now to their stage in life in the village has not been possible as nothing that's been on the market meets the criteria as a smaller home. The only option is to construct a new house and occupy that if they are to remain in the village they've stayed in for so long. Being valuable and active members of this community they have no desire to relocate to another village. If in time Mr and Mrs Hedges relocated to a modest new house on the land in question this would bring about the release of a sizeable family home to the market which is another benefit.
- 4.2 The LDP in chapter 5 Place Making and Design (PMD) - 5.4 PMD4: Development Boundaries - Paragraph 5.4.2 states that exceptions apply. We would comment that there may also be other exceptions that should be considered and included in this policy in relation to allowing development outwith defined settlement boundaries. These should reflect changes in government policy in relation to sustainable housing design and issues of sustainability in relation to social capital and housing provision. For example, retention of a family within a community where there is no other housing stock available to meet their needs such as a family with a disabled child or adult family member as we have seen in recent LRB decisions in

SBC. This could also apply, as it would in the case of Mr and Mrs Hedges, in relation to a person retiring and scaling down from a family sized home to a smaller home but finding nothing appropriate within the settlement. A net gain of freeing up a family sized home within the settlement boundary may be incorporated within the criteria as the level of new build would be less onerous in spatial terms to provide a retirement home than to provide a larger family home.

- 4.3 The range and choice of housing stock available in the village does not allow flexibility in meeting the needs of retiring residents/ couples who require smaller housing. The amendment of the settlement boundary in this location as submitted would allow this to happen.
- 4.4 The aesthetic impact of the proposed boundary change would result in an improvement to the edge of the village in this location and will result in more emphasis to this boundary and a greater degree of defensible enclosure.

5 CONCLUSIONS

- 5.1 A small scale modification to the settlement boundary of Midlem is requested as noted in this representation. An amendment to the criteria in 5.4 PMD4: Development Boundaries is also requested to take account of retiring residents in village locations and families with special needs or requirements.

Suzanne McIntosh BA(Hons)MRTPI

APPENDIX 1 REPRESENTATION TO THE MAIN ISSUES REPORT STAGE OF THE LDP

Scottish Borders Development Plan

Submission to Main Issues Report:

Proposal to Revise Midlem Village Development Boundary

Introduction

This document sets forward a proposal to alter the development boundary of the village of Midlem along its north-western edge, with two benefits: first to create a more normalised boundary and secondly to enable the creation of a reasonably-sized building plot.

Location

The village of Midlem is a broadly rectangular shape, aligned on a south-west to north-east axis. The change proposed is on the long north-western edge, as represented in Figure 1. A satellite view has been provided in Figure 2, with the area of the proposed change highlighted.

The area for the proposed change is just outside the Conservation area.

Current Situation

The boundary to the north of the village is defined by the northern side of an ancient track which encircles the village. At its north most position, this track turns south-east: the village boundary follows this turn, before turning left to run through a dilapidated barn; it then returns to a continuation of its former line, taking in the house and garden of Springfield.

Figure 3 provides a more detailed illustration of the area – and particularly of the site which the current boundary divides. The building on this site actually consists of two barns: to the south-east there is a black-roofed barn, which belongs to Templehall Farm; to the north-west is a white roofed barn with an extension, clearly visible in the satellite view. The white-roofed barn belongs to Mrs Judith Hedges, as does the land to the north-west, including the small rectangular field (all highlighted in green in Figure 3). The barn on Mrs Hedges' land is in poor condition and currently houses agricultural machinery.

Proposal

The proposal is to "straighten" the village boundary as shown clearly in Figure 4 and also visible in Figures 2 and 3.

Rationale

If this proposal were to be accepted, the revised village development boundary would follow a more natural and coherent line. It would also limit the potential for a future land developer to force through development on the agricultural land to the north east of this particular part of the village boundary.

Thirdly, it would allow for the erection of a house, filling what is currently a gap site in the village.

Impact on Others

Changing the boundary in itself would give rise to no impacts on other village residents.

Future Situation

The dilapidated barn would be demolished, creating a reasonably-sized building plot of around a quarter of an acre.

The access to this site would be along the eastern side of the remaining barn: Mrs Hedges owns a 15 feet wide strip of land here, as shown in Figure 3. This access has recently been checked by Roads Department and assessed as having no obvious issues, under the latest guidance.

The land owners would therefore be in a position to apply for planning permission for the erection of a single dwelling house for their own use.

The land to the north of the revised village boundary (that is, the green area above the red line in Figure 3) would become an orchard.

Summary

By allowing this minor change to the village development boundary, the Council would normalise the boundary line of the village. It would also release a building plot, with no adverse effects on the village of Midlem.

David & Judith Hedges
The Flatt
Midlem
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19th June 2012

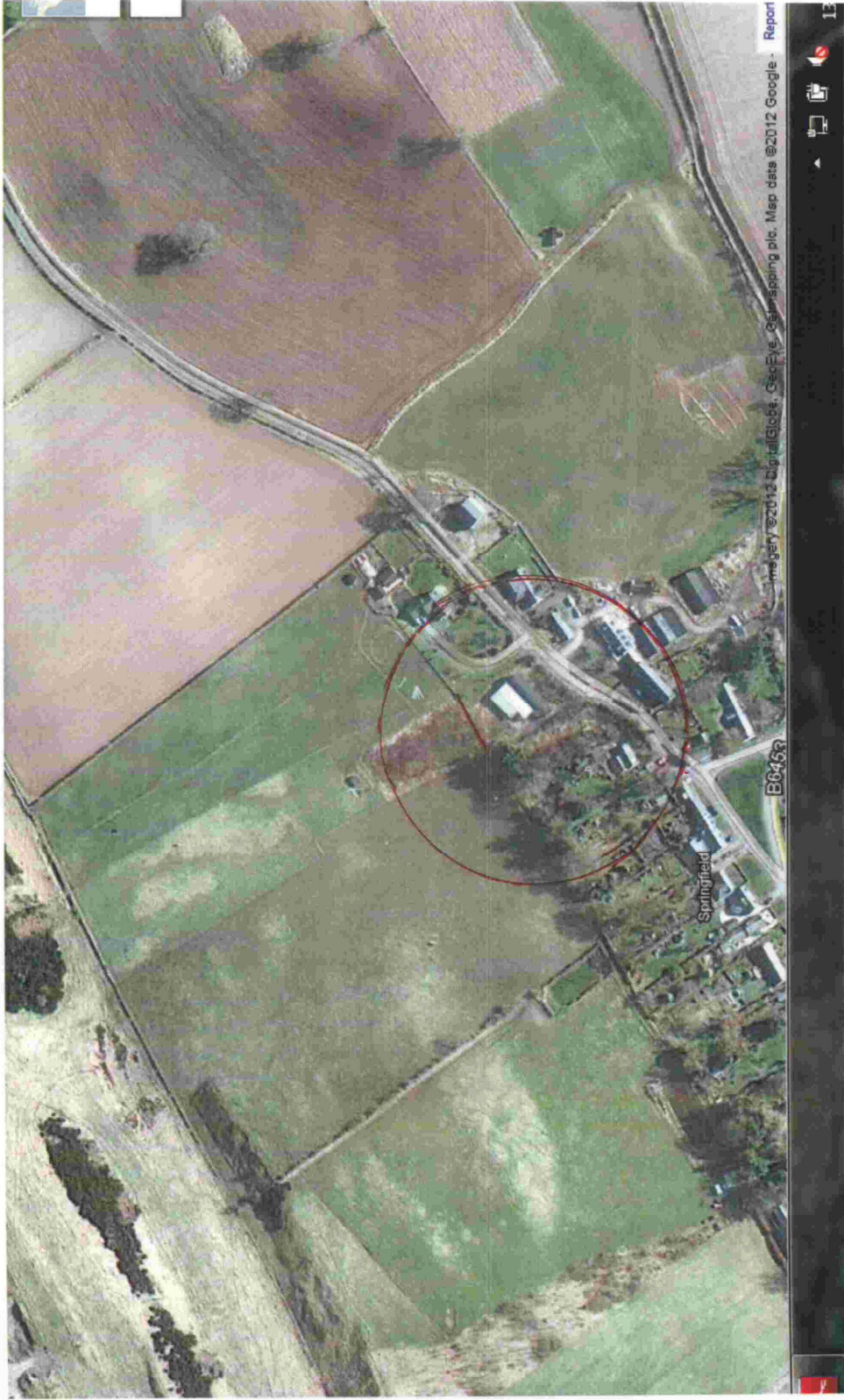


Figure 2

Scottish Borders Council
Consolidated Local Plan 2011

Midlem

Scale 1:5,000

Key

Policy Boundaries



Development Boundary (G8)



Conservation Area (BE4)

Protection of the amenity of established residential areas (HZ) and open space (BE6) cover the whole area within the Development Boundary. Refer to Policy Maps P0-P5 for policy protection of environmental assets.

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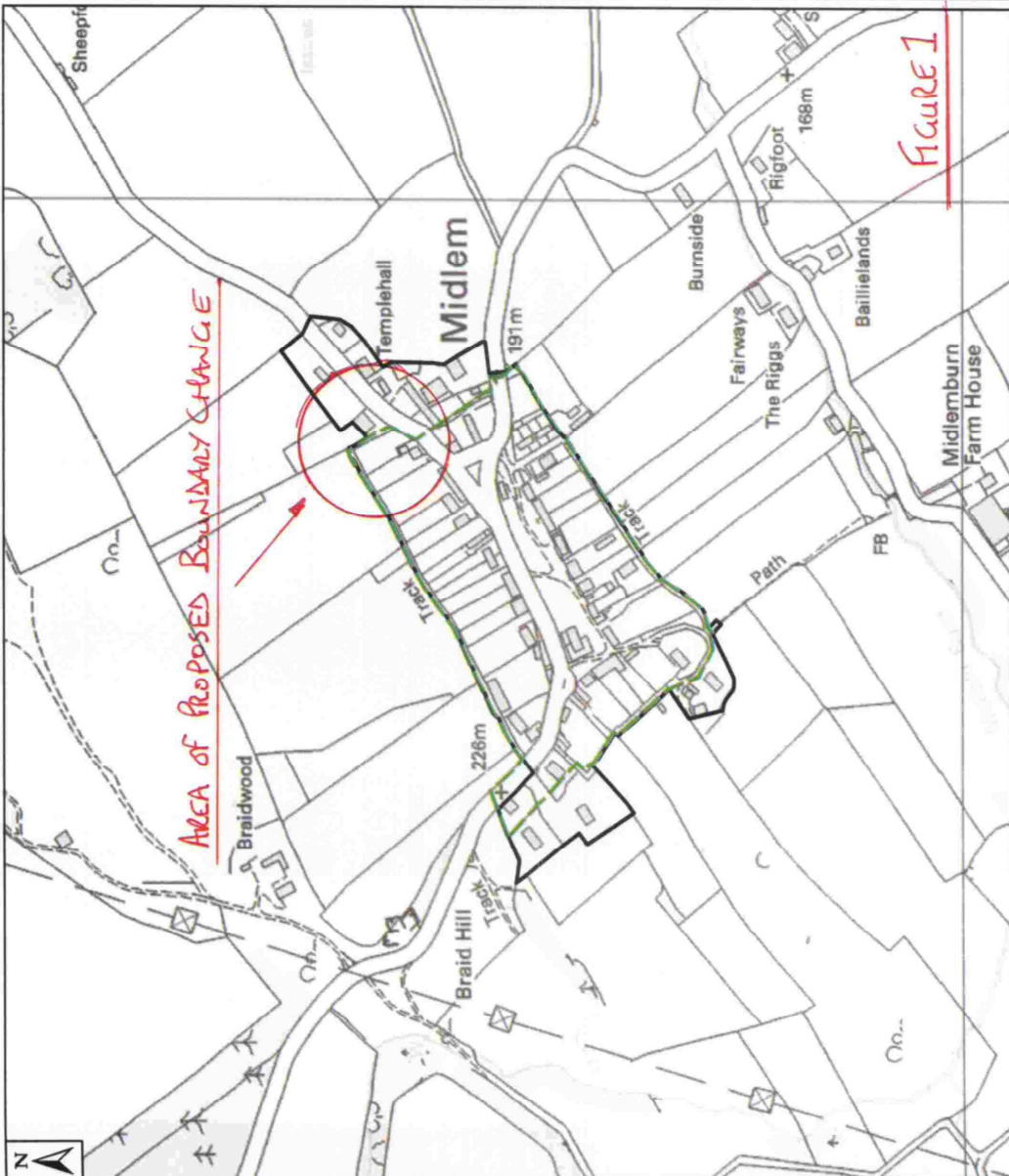
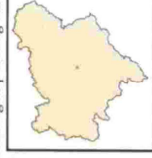
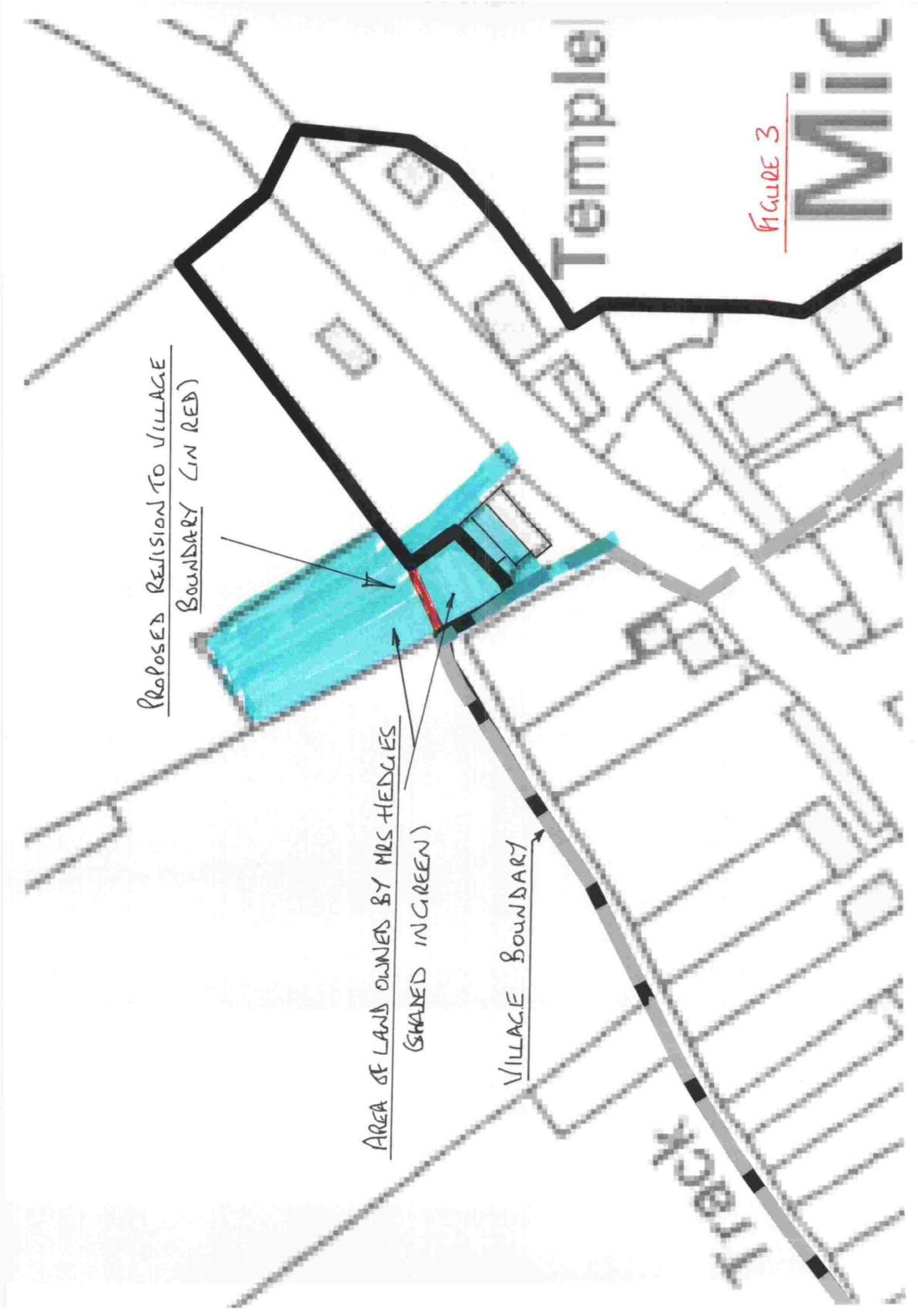


FIGURE 1



PROPOSED REVISION TO VILLAGE BOUNDARY (IN RED)

AREA OF LANDS OWNED BY MRS HEDGLES (SHADED IN GREEN)

VILLAGE BOUNDARY

Temple

Track

FIGURE 3

Mic

Scottish Borders Council
Consolidated Local Plan 2011
Midlem
Scale 1:5,000

Key

Policy Boundaries

- Development Boundary (G8)
- Conservation Area (BE4)

Protection of the amenity of established residential areas (H2) and open space (BE6) cover the whole area within the Development Boundary. Refer to Policy Maps P0-P5 for policy protection of environmental assets.

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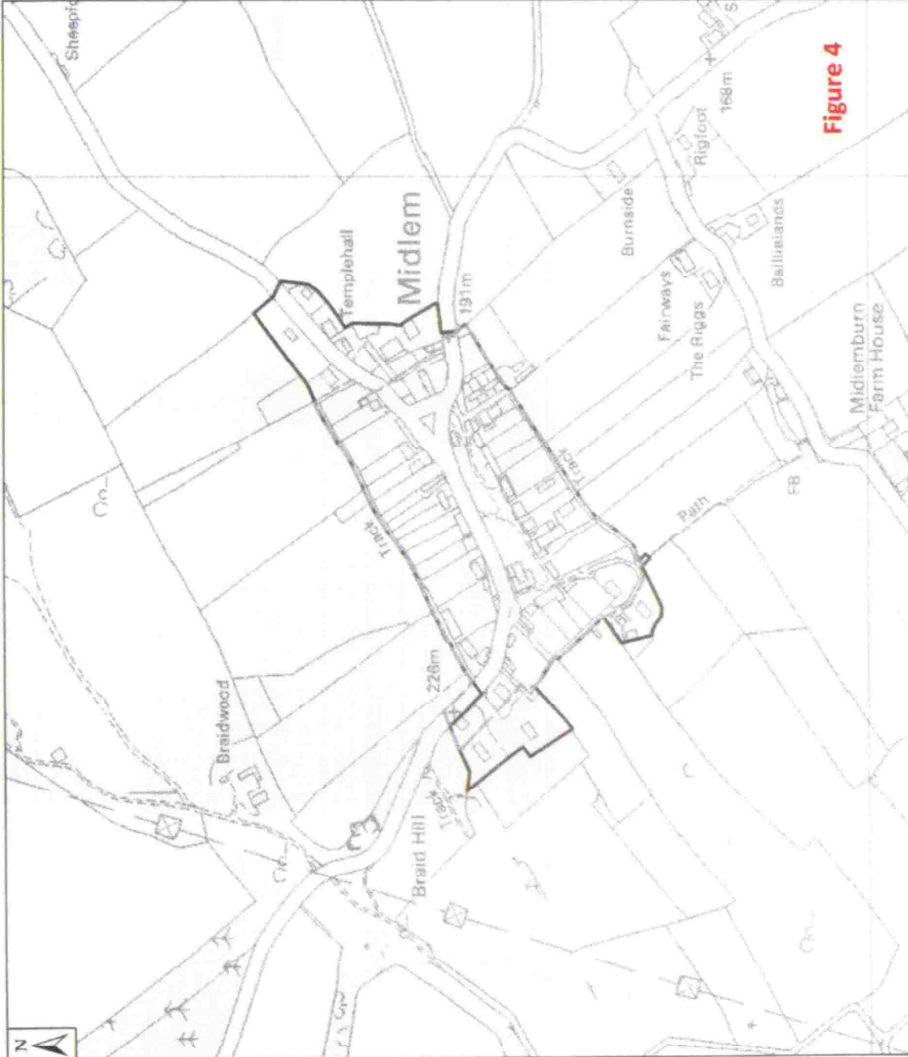


Figure 4