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5 February 2014

Our Ref: GMC /AMN / 213455

Martin Wanless
Forward Planning Manager
Scottish Borders Council
Council Headquarters
Newton St Boswells
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ENVIRONMENT &
INFRASTRUCTURE

6 FEB 2014
[Signature] CS

Note this is
a replacement.

Dear Martin,

Scottish Borders Local Development Plan: Proposed Plan
Objections on behalf of Mr & Mrs N Millar and Mr & Mrs F Millar

Please find enclosed our representation on behalf of Mr & Mrs F Millar. A copy of this report was sent earlier this week, but may have been an incorrect version. Please replace the version already in your possession with the version enclosed with this letter.

Please do not hesitate to contact me, should there be any further information you require.

Kind regards,

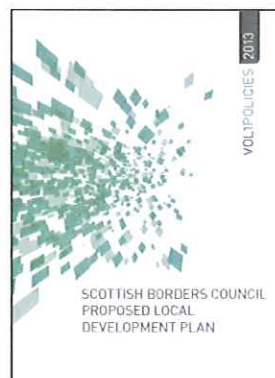
Yours sincerely



Gordon MacCallum
Director



Representations on behalf of Mr & Mrs F Millar
Nethermains Farm – Single House



Mr & Mrs F Millar

January 2014

Ref: GMC / 213455

Borders Council Local Development Plan

**Nethermains Farm
Single House / Countryside Policies**

Representations

on behalf of

Mr & Mrs F Millar

January 2014

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1.0 INTRODUCTION & BACKGROUND

- 1.1 Keppie Planning & Development have been instructed by Mr & Mrs F Millar, who reside at Oaklea, Broomdykes, Allanton, Duns to comment on the relevant policies affecting their ability to erect a single dwelling house on land within Nethermains Farm.
- 1.2 Mr Frederick Millar is the part-owner of Nethermains Farm and wished to construct a replacement house within the farm but, was discouraged by Borders Council and, subsequently moved to their current address at Oaklea having been advised that they would be unable to justify a new house at Nethermains Farm, despite being in effect, semi-retired.
- 1.3 The farmhouse has now been occupied by Mr N Millar (son of Mr & Mrs F Millar) and, having assessed the Council's proposed policies as HD2 (and peripherally PMD4), we would wish to comment on the prospect for the previous farmer relocating within his last occupation address/business.

2.0 PROPOSED LOCAL DEVELOPMENT POLICY

- 2.1 Policy PMD4 Development "*Outwith Development Boundaries*" is not particularly relevant to this case and its terms are generally supported. This policy however does cross refer to Policy HD2 which is the main focus for this submission.
- 2.2 As the Council are aware, the circular on Planning Agreements has been recently revised to reduce the number of justifiable circumstances when occupancy conditions should be imposed on rural buildings (both existing ones and new buildings). One of the main problems being the inability to sell-on such properties when circumstances require the owners to move.
- 2.3 Policy HD2 Housing in the Countryside
We support the Council policy of consolidating building groups, per HD2 A.
- 2.4 (F) Economic Requirement (b)
We support the principle of allowing a person, such as Mr F Millar, who is semi-retired but was previously fully employed in agriculture on the farm unit at Nethermains, to build a new house on that property.
- 2.5 We, however, object to the reference in the policy under these circumstances, that a Section 75 is required to be entered into by the said semi-retired farmer. This would be contrary to National Planning Policy and would lead to difficulties in selling the property at market value when it came time to dispose of it for whatever reason or, indeed, to bequeath the property.
- 2.6 We consider that this reference should be deleted, or made specific to the precise circumstances that it would apply, as it most certainly should not apply in the case of a semi-retired farmer wishing to build a house within his partly owned farm.
- 2.7 We further object to the requirement to meet 4 out of the 5 sub-categories (b – e) in policy HD2 F.

3.0 CONCLUSION AND RECOMMENDATIONS

- 3.1 In conclusion, whilst Mr & Mrs F Millar would appear to meet many of the criteria under Policy HD2 (F) we are firstly concerned that after sub-category (b), the word 'and' is used rather than 'or'.

This makes the policy very difficult to achieve as there cannot be many, if any, situations where an applicant could meet all 5 criteria.

In other words, the policy, as written, is overly prescriptive and, in our view, contrary to National Planning Policy.

- 3.2 Secondly, the reference to the Section 75 occupancy condition should be removed or, at least made very specific to the justified circumstances that it would apply. It should not apply to a semi-retired farmer wishing to reside within his partly-owned employment site.
- 3.3 It is recommended Policy HD2 (F) be re-worded to remove the 'and' between sub-section (b) and (e) and be replaced with 'or'. In addition, the reference to the Section 75 should be deleted or its terms made specifically clear as not to include circumstances where semi-retired/retired farmers wish to reside on their partly owned farm.