



Decision by David Buylla, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-140-2087
- Site address: land west of 8 Ballantyne Place, Peebles
- Appeal by Mr Rob Begg against the decision by Scottish Borders Council
- Application for planning permission 20/00691/FUL dated 29 June 2020 refused by notice dated 2 November 2020
- The development proposed: erection of two dwellinghouses and provision of two additional car parking spaces and removal of condition 4 of original planning permission 02/01783/FUL
- Date of site visit by Reporter: 9 April 2021

Date of appeal decision: 10 June 2021

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Special attention must also be paid to the desirability of preserving or enhancing the character or appearance of the Peebles conservation area.
2. The development plan comprises the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and the Scottish Borders Local Development Plan 2016 (the LDP). I agree with the parties that this proposal does not raise strategic issues so I have concentrated on the LDP in my assessment of the proposal.
3. A proposed replacement for the LDP has been published but has yet to be submitted for examination. No party has asked me to take this into account and there is no reason to believe it would alter the planning policy position to a degree that would affect the assessment of this proposal.
4. Having regard to the provisions of the development plan, the main issue in this appeal is the effect that developing the appeal site would have on the character, appearance and amenity of Ballantyne Place and the wider conservation area.
5. Ballantyne Place is a cul de sac of three blocks of houses of between two and two and a half storeys, each with a small rear garden. Parking is within the road boundary, perpendicular to the flow of traffic. The proposed development would take the form of a two



house extension to one of the blocks. This would extend the development from 28 to 30 units.

6. On the date of my inspection, the appeal site was laid out as a small but attractive area of amenity space, comprising seating, a paved area, shrub planting and raised planting beds. It would seem that these works (which appeared incomplete at that time) have been carried out by local residents within recent months.

7. The appeal site provides the only visual break in the otherwise dominating presence of built development (both the Ballantyne Place blocks and the tall boundary wall that separates the housing from adjacent industrial premises. It also offers an opportunity for residents to interact socially, which the accounts of such residents in response to this proposal suggest has been welcomed in recent times. Given the high density nature of the development and the visual dominance of the edge of carriageway parking, I find the appeal site's undeveloped status and the opportunities it affords for passive recreation, to be of great importance to the character, appearance and amenity standards of the development.

8. LDP Policy PMD5 is supportive of proposals for infill development within settlements provided that six criteria are satisfied. The proposal would not conflict with the established land use of the area and, subject to appropriate conditions, could satisfy most of the other criteria, which relate to matters such as overlooking, car parking, and infrastructure provision. However, due to the harm that would be caused to the character and amenity of the surrounding area by the loss of this open amenity area, the proposal would conflict with the second criterion of Policy PMD5.

9. LDP Policy PMD2 expects all new development to be of high quality and sets out a long list of standards that will apply to all development. Of relevance to this proposal is the requirement for all development to provide "meaningful open space". I agree with the council that the loss of the only area of open space within this development would conflict with that expected standard.

10. LDP Policy HD3 aims to protect the amenity of both established residential areas and proposed housing developments. Development that would have an adverse amenity impact will not be permitted. When making an assessment of amenity effects, a number of factors are required to be taken into account. These include whether the loss of any open space should count against the principle of development. For the reasons already stated, I find the principle of developing this open space to be contrary to this policy due to the adverse impact it would have upon the amenity of the existing development.

11. The development of this open space would harm the character and appearance of the Ballantyne Place development. However, due to the small scale of the proposal and the inward-looking nature of Ballantyne Place, I would not expect the effect on the conservation area as a whole to be materially adverse. As such, I find no conflict with LDP Policy EP9, which requires development to preserve or enhance the character or appearance of a conservation area.

12. LDP Policy EP11 aims to prevent the unjustified piecemeal loss of open space within settlements (referred to in the LDP as "greenspaces"). The LDP identifies particularly important "Key Greenspaces", but this policy of protection also applies to other

greenspaces such as the appeal site, if justified by an assessment against three criteria. The LDP refers to non-statutory supplementary planning guidance (SPG) “Green Space”. The version I have been provided with dates from 2009 but is presumably still extant. This deals with both “functional green spaces” such as playing fields and play areas and “amenity green spaces” such as informal open space within developments.

13. The appeal site is an amenity green space under the terms of the SPG. I am satisfied that, due to the value of this small amenity area to the Ballantyne Place development in social and functional terms, it qualifies for protection under Policy EP11. I find that the proposal to redevelop it for housing is contrary to that policy because there is no demonstrable social, economic or community justification for its loss, or evidence that the need for an additional two homes outweighs the need to retain the only area of open space within the Ballantyne Place development.

14. In 2002, when planning permission was granted to develop Ballantyne Place, condition 4 required adequate provision for children’s play area(s) within the site. The current appeal site does not appear to have been identified specifically as a play area, but is the only land within the Ballantyne Place development where such a facility could be provided. As such, it could be argued that the site should also be regarded as a “functional green space” due to the role it could play in providing the play area that was expected to be provided when Ballantyne Place was developed.

15. The council’s report of handling states that play provision policy has changed since 2002, with the council now seeking to consolidate such provision in larger, more strategic locations rather than scattered across individual developments. Against that background, my view is that, had I been minded to allow this appeal, a developer contribution towards improved facilities within the grounds of Halyrude Primary School would have addressed the play space requirements of the Ballantyne Place development. Therefore, the absence of on-site play provision, in itself, need not count against this proposal.

16. Some local residents are concerned that the likely traffic increase from two additional houses could not be accommodated safely. However, this view is not shared by the roads authority and, although access to the development is perhaps less than ideal (reflecting its infill nature within a mixed residential and industrial area), there is no evidence to support a conclusion that a further two houses would cause a noticeable detriment to road or pedestrian safety.

17. An important factor in favour of this proposal is the provision of additional housing accommodation, at a relatively affordable price point, in a location that has good access to services. As with any construction project, the proposal would also deliver benefits to the local economy during the construction period and upon occupation.

18. Taking all factors into account, I find the proposal to be contrary to the development plan overall and I conclude that there are no considerations that would outweigh this development plan conflict.

David Buylla
Principal Reporter