

Rec'd 4/5/17

Notice of Review



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name PAUL LAWRIE / FIONA McCALLUM

Address LINFALL COTTAGE, WATERHEADS, PEEBLES

Postcode EH45 8QX

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]

Postcode [REDACTED]

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No [X] []

Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 16/00872/FUL

Site address BURNFOOT SIDING, EDDESTON. EH45 8PL

Description of proposed development ERECTION OF PERIMETER FENCING, FIVE FOOT HIGH, OF ROUND TIMBER POSTS AND DEER MESH CONSTRUCTION. ERECTION OF SHED FOR THE PURPOSE OF SHELTER FROM BAD WEATHER FOR THE DOGS. (RETROSPECTIVE)

Date of application 20th JULY 2016 Date of decision (if any) 8th FEBRUARY 2017

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS OCCUPIED WITH DOGS DURING THE DAY, MONDAY TO FRIDAY, AND IS LOCKED DURING THAT TIME AND AFTER LEAVING. DUE TO HOW OUR APPLICATION WAS HANDLED WE FEEL IT TO BE NECESSARY TO ACCOMPANY ANYONE INSPECTING THE SITE.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

STATEMENT ATTACHED .

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- PHOTO'S SHOWING THE EXTENT OF FLOODING OVER THE LAST YEAR SINCE THE CREATION OF THE NEW FLOOD PLAINS. ONE PHOTO ALSO SHOWS THE EROSION TO OUR ACCESS WHICH PROMPTED TWEED FOLK TO BUILD US A NEW ACCESS ON HIGHER GROUND AS SHOWN IN PHOTO'S.
- Business plan

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

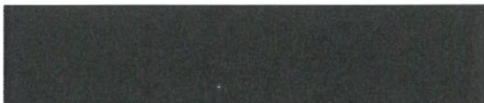
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

1st MAY 2017

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Chief Executive

- 4 MAY 2017

Democratic Services

FF

THE FAST AND FURRIEST

DOG DAYCARE CENTRE

STATEMENT OF PURPOSE

To create a safe, friendly and interactive centre for our customers to attend on a daily basis.

6 foot fences allow complete security for the dogs that attend, members of the public, road users and local farmers.

Having a dog is a really popular option for families now but parents have to work in most cases. Our service allows a safe and affordable option for dog care.

THE MARKET

There are many dog walking services within the local area and beyond but we are the first daycare centre within the Peebleshire area.

THE BUSINESS

We are a small family run company with one member of part time staff. The company prides itself in knowing our customers well and treating each of their dogs as if they were our own.

We have no interest in expanding to a large daycare centre. We created the business in the best interest of our dogs and they enjoy the space and freedom without it being over crowded.

This also means that only two vehicles access the site once on a daily basis and this is always out with peak times on the road.

COMPETITION

DOG DAYCARE CENTRE

There are no daycare centres within the Peebleshire area but there are several within Midlothian and Edinburgh. Most are on a much larger scale to ourselves.

PROFESSIONAL DOG WALKERS

Local professional dog walkers within the area provide a slightly different service to us that suit their clients, normally a 1 hour or 30 minute walk within the area.



EMAIL



FACEBOOK



TELEPHONE

PLANNING REVIEW STATEMENT

REFERENCE 16/00872/FUL

01/05/2017

In March 2015 my fiancé and I contacted Scottish borders planning department to seek advice regarding our proposed dog daycare centre, based in Eddleston. We asked for clarity on whether there was a form of trading license required, and if we needed permission to erect our dog shelter and inner perimeter safety fencing. We were told that as we would be the first dog daycare centre within the borders, and that is still the case, that no license existed and therefore would not be required. We were also told that the type of fencing we proposed to use was commonly used to deter deer from the roads and there would be no issue erecting it around our perimeter within the existing fence. We advised them that in the past there had been a large wooden stable on our site which had been dismantled as it was in a state of disrepair, we asked if there would therefore be an issue with us erecting a new, similar type of structure to give our dogs shelter from the everchanging bad weather at our site, again we were advised that this would not be an issue. The site had been used to keep horses on in the past and a stable had been built for their comfort. After our conversation, we contacted the land owner and told him that we would take the land on a long lease with the first option to purchase the land, we also started the construction of fences and shelter. As I'm sure you can understand we were utterly shocked and confused when in August 2015, having worked extremely hard and investing thousands of pounds, we were sent a letter from a planning enforcement officer called Linzi Davison, telling us that we had to go through a full planning application for the works we had carried out, the same works that we had been told would not require an application. During a site visit with Linzi when asked why we had been told that no application was necessary, why was it now deemed necessary, we were told that there was a 'distinct lack of communication between departments within the planning authority'. As we have always stated, we would do whatever it took to keep our centre running and agreed to submit our application, at considerable expense.

Our application was processed by a planning officer called Dorothy Ames, and we had regular communication with her by email and telephone regarding all details with our application. Dorothy also took the time to come and meet Fiona and myself at site during a working day with the dogs, where she told us that she was very impressed with what we had created and that she took no notice of the few negative comments that our application had received. She saw no reason why our application could not be processed and we discussed ideas for improving the appearance of our shelter, and adding swallow boxes to encourage nesting around our site. In December 2016, having not heard from Dorothy for a while, I contacted her and received a message informing me that she had left the planning office and that our application had been passed to another member of staff. I then contacted the office to try and discuss what was happening with our application and to make sure that the officer taking over was in full possession of all relevant information. I asked for a meeting with them but this was refused twice. I also made a point about the application time scale but this wasn't commented on. When I eventually did get to speak to the officer, Euan Calvert, who had eventually been given our application, the only thing he had to say was that he had refused our application. I then spoke with the head of the department, Craig Millar, and asked for a further update. Why with one officer who had worked closely with us and had no problem granting our application was replaced by another officer who would not give us any time at all and subsequently

refused our application without a word between us. Craig Millar told me that the departure of Dorothy had put a huge strain on the workload of the department, that is clear considering that our application took 29 weeks, three weeks longer than that allowed by the Government guarantee, further to the fact that the newly appointed officer had no communication with us at all, apart from to tell us we were refused. We feel particularly aggrieved on both accounts. I would also like to make the point that an objection from Mr Grigor, who works for the roads division of planning, is completely without credibility. Mr Grigor has stated that the view from our entrance does not fall within the statutory 210 metre visibility levels in both direction, set back by two metres. We have measured this in both directions and visibility is in fact in excess of this measurement in both left and right directions. I would question whether these measurements were carried out properly by Mr Grigor as on two occasions I asked for a meeting at site to discuss his concerns and on both occasions he never got back to me, choosing only to reply to Craig Millar with his concerns. Mr Grigor's other point regarding 'intensified traffic usage' is also completely unjustified. Twice a day, Monday to Friday, we have two vans entering and leaving our centre. This hardly constitutes 'intensified traffic'.

We created our centre to offer security for dogs of all types and nature within our care. Public safety, for both walkers and road users was of paramount importance and also that of local livestock and nature. We have proven to do this on all accounts over the last two years. We are able to offer our owners peace of mind and assurance that their dogs are being well looked after and are safe. Many of the dogs in our care, due to their nature of venturing away whilst off a lead, only get to run free at our centre. We offer the security to allow that to happen and our fences are of utmost importance for this to be possible. As Fiona and I are both from Professional dog walking backgrounds we have both witnessed the problems that can arise from having large groups of dogs being walked in public areas. Fouling, attacks on public and livestock are all too frequent. Dogs within a dog walker's care are also more likely to run away from them and I personally witnessed the death of a dog after it had run off whilst out with a Professional walker and was hit by a car. This was an unnecessary loss of a dog's life and highlighted to both Fiona and I why we created what we have.

During the last two years that we have spent at our site there have been major changes to the routing of the Eddleston water, which runs alongside our land. The creation of the flood plains have had a very positive effect in reducing flood levels in Peebles whilst creating a wonderful place for all types of new birds and wildlife within the plains. We have worked closely with Hugh Chalmers from Tweedforum in order to make sure that our centre and the dogs within it do not cause any problems for the surrounding area. Because of the creation of the flood plains our land regularly floods on the bottom half of the first field. Due to this our land would be of no beneficial use for crops, livestock or building purposes. However, our dogs love when it happens as they have a large lake to play in. We have also been working with the organisers of the proposed new cycle route through our land and agreed to free up a top section alongside the road whilst allowing the route to come through our main entrance to allow it to continue along the river side. We see this as another important addition to the area as we have witnessed cyclists being injured on the road, and wish to help where we can.

Fiona and I have put a huge amount of effort, money, heart and soul into our centre. We do not fill it with huge amounts of dogs, bearing in mind that we have around 7 acres available. Our top priority

is the care and safety of the dogs. We have no intention of expanding from our current working model and we are happy that we have also managed to employ another person, who works with us three days a week, giving them financial security. We have also taken local children from the area for work experience, those of whom are looking to study Veterinary science and the like. In January we moved from Edinburgh to our new home in Waterheads, we love working and living in Peebles. It is very satisfying to offer a great service for the local community and all we wish for is the chance to be able to do this for many years to come.

