

**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 **CLEEK POULTRY LTD**

Address **TRACTOR SHED, KIRKBURN, CARDRON**

Postcode **EH45 9HU**

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 ☒

Planning authority **SCOTTISH BORDERS COUNCIL**

Planning authority's application reference number **17/00090/FUL**

Site address **FIELD NO 0328, KIRKBURN, CARDRONA, SCOTTISH BORDERS**

Description of proposed development **ERECTION OF AGRICULTURAL STORAGE BUILDING WITH WELFARE  
ACCOMMODATION**

Date of application **23.1.2017** Date of decision (if any) **24.3.2017**

Notice of Review

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.

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#### 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 A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

## Statement

## Notice of Review

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.

THE SITE IN QUESTION HAS BEEN GRANTED PLANNING PERMISSION FOR HOLIDAY LODGES OF A SIMILAR SIZE AND SCALE AND MASSING.

THE OWNER WISHES TO MAINTAIN THE DESIGNATION OF HIS LAND AS A SMALLHOLDING. THE PURPOSE OF THESE BUILDINGS (THIS APPLICATION IS FOR ONE OF EIGHT SIMILAR BUILDINGS) IS TO CREATE 'NEST' WORKSPACE FOR OTHER AGRICULTURAL USERS SUCH AS SELF EMPLOYED FORESTERS, MARKET GARDENERS, AGRICULTURAL ENGINEERS AND SUCH LIKE. ALL OF THESE WOULD BE SYNONYMOUS WITH THE SMALL-HOLDING USE.

ACCESS IS BY WAY OF AN EXISTING BELLMOUTH WHICH HAS CONSENT TO BE UPGRADED AND WHICH WOULD HAVE SERVED THE HOLIDAY DEVELOPMENT. THE INTENSITY OF USE IS LIKELY TO BE CONSIDERABLY LESS THAN IF THE HOLIDAY DEVELOPMENT WAS BROUGHT INTO USE.

THE UPHOLDING OF THE GRANTING OF THIS CONSENT WOULD ENABLE THE APPLICANT TO CREATE A MARKET RENTAL INCOME TO SUPPORT THE ACTIVITIES AT KIRKBURN WITHOUT DIVERSITY INTO HOLIDAY ACCOMMODATION.

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.

17/00090/FUL - REFUSAL NOTICE  
DRAWING 196 72 A  
DRAWING 196 73G

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

24/4/17

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

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission****Reference : 17/00090/FUL****To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **23rd January 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of agricultural storage shed with welfare accommodation****At : Land West Of Former William Cree Memorial Church Kirkburn Cardrona Peebles Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s)** stated on the attached schedule.

Dated 24th March 2017  
**Regulatory Services**  
**Council Headquarters**  
**Newtown St Boswells**  
**MELROSE**  
**TD6 0SA**

**Signed**

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**Chief Planning Officer**

**APPLICATION REFERENCE : 17/00090/FUL****Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 73G	Site Plan	Refused
196 72A	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.
- 3 The application is contrary to Policies EP7 and EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the development will not adversely affect the setting of the adjoining statutorily listed building and sites of archaeological interest.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.