

Appd. 25/517



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

Address

Postcode

Contact Telephone

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

NONE

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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:

- 1. Can the site be viewed entirely from public land?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
- 2. Is it possible for the site to be accessed safely, and without barriers to entry?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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NO. EASIST ACCESS & PARKING THROUGH WOODLAND - THE WALL

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

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.

SEE ATTACHED SHEET

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.

PLANNING STATEMENT ORIGINALLY SUBMITTED
 WITH THE APPLICATION + SITE PLANS
 SITE PLAN WITH SOME NEW NOTES ON
 LOCAL PLAN FOR ASHWAH SHAWAL SITE

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 24-5-2017

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

Notice of review Statement for 17/00005/ppp

We wish to raise the following points so the decision can be reconsidered.

- The decision was taken solely on the grounds that the the site was outwith the settlement boundary .
- The views of the statutory consultees are all favourable .
- The settlement boundary in the local plan is drawn around houses and gardens. The field on which the application site is located has been treated as part of the garden of our house named Woodlands since before 2000. It is not an agricultural field. There is no fencing between Woodlands and the plot (although it looks like there is on the site plan). It is mowed and planted with flowers regularly. The bottom access has a track mowed to it . No livestock have been on the land in this time. Pet pigs are keep in a small area fenced off in the western corner of the garden, well away from the proposed site.
- When viewed on the local plan the site could just as easily have been included as a natural rounding off of the settlement boundary as it abuts the development plan boundary on 3 sides. When viewed from above (from the passing place on the Woll estate access road) it naturally separates itself from the rest of the garden, and fits naturally as part of the existing housing group. There is a natural boundary on 2 sides. On one side the steep bank to the estate road (not land owned by Ninians as stated by the planning officer); on another a line of trees separate it off from the top of the field/ garden. By any logical assessment it is part of a building group. It is only the unnatural line of the local plan which separates it off . The original planning statement argues this well . New housing in the Borders countryside 1.2 p 5 states that "New housing is guided to existing "building groups " . Surely it makes no sense that if the building group and the plot had not been included in and adjacent to the local plan

boundary then the application would have been treated more favourably.

- The planning officer comments that there is nothing to prevent a further sporadic expansion including further south west into the same field. This concern will be negated by Woodlands giving its access rights and burdens to the new house so there can be no further development in the land owned by Woodlands. However, this is a legal not a planning matter .
- This is a windfall / backland site and the original application argues the case on p 4 of the planning statement. The local plan vol 1 p15 admits that the current economic situation will present severe challenges to meeting the current housing targets for the Borders..It later states vol 2 p153 4.8 "some demand for new housing will be met through windfall sites" . This is a typical windfall site with no other planning problems other than a unnatural line drawn on the local plan.
- The new house is not ribbon development it will not even be seen from the road, as it is hidden behind the existing building group .
- It is no surprise that 2 neighbours objected as nobody wants the disruption of a new built next door. But none of their objection were identified as issues by the statutory consultees or the planning officer.
- The new house will be built for our daughter who works in the borders and lives at home . A young person could not afford any of the houses for sale in Ashkirk at the moment as they tend to be between £300,000and £500,000. Perhaps with hindsight we could have expanded our pet pigs into a business and claimed an economic need . But the countryside already has many houses built on the excuse of a pet horse and stable block masquerading as a bona fide

business. But who knows what business could evolve and be run from this new house.

- the house plans submitted in the application are illustrative only. Our intention is to build in a country cottage style with roof lights, in keeping with The Floss.
- Ashkirk has become a retirement village and the cost of big houses is prohibitive to young people. Although not an affordable house in the social housing sense of the word, this will be at the affordable end for a younger person.
- The planning officer comments that the development does not offer significant community benefits that would justify a building outwith the current settlement boundary. We would point out that Ashkirk hall and church are in desperate need of support. Encouraging a young person to stay and put down roots in the village is surely a community benefit. The site is in walking distance of a good bus service which links to the transport hub. There is a good school bus to Selkirk High and Lilliesleaf Primary.

