

APPENDIX II

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

Local Review Reference: 17/00024/RREF

Planning Application Reference: 17/00118/FUL

Development Proposal: Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

Location: Redundant steading, North West of Pots Close Cottages, Kelso

Applicant: Roxburghe Estates

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The proposal is contrary to Policy HD2 of the Local Development Plan 2016 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that:
 - i. the proposal does not appropriately constitute a conversion in that it is not physically capable of conversion;
 - ii. the building is not worthy of conversion in terms of its architectural or historic merit;
 - iii.) the site lies outwith any recognised settlement or building group and the need for a new dwellinghouse on this site has not been adequately substantiated.

- 2 The proposal is contrary to PMD2 of the Local Development Plan 2016 and the advice contained within Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Placemaking and Design (January 2010), in that the resulting building would not be in keeping with the design and character of the existing building.

- 3 The proposal is contrary to policies EP2 and EP3 of the Local Development Plan 2016 in that the potential impact on local biodiversity and protected species is unknown as surveys of the surrounding buildings and trees have not been carried out, informed by a Preliminary Roost Assessment.

DEVELOPMENT PROPOSAL

The application relates to the change of use and alterations of a redundant steading building north-west of Pots Close Cottages, Kelso. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	1175 PO3 A
Block Plan	1175 PO1 B
Planning Layout	1175 PO2 A

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21st August 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review, including the Decision Notice and Officer's Report; b) Consultations; and c) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan Policies: PMD1, PMD2, HD2, HD3, EP2, EP3, EP8, EP12, EP13, IS2, IS7, IS9 and IS13

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Review Body noted that the application was for a conversion but that only the side walls and front returns were being used as walls for the new building itself and that there would be problems with trees had the northern wall also been proposed as a wall of the actual building. The proposal was to use the existing brick walls of the building and add new internal walls together with new walls to link each outer section together. They understood that the retained walls would be clad on the outside with stonework and a new roof erected, a section of existing wall and returns being kept to the north as a courtyard enclosure.

In considering the evidence of the presentation slides and the indicative drawings for the building they concluded that the proportion of new-build addition was greater than that being kept and that on balance, the proposal did not properly constitute an acceptable conversion but had to be considered as a new-build dwellinghouse. As the site was not part of a building group and the need for a new dwellinghouse had not been adequately substantiated it was not in compliance with Local Development Policy HD2

The Review Body noted that the building offered limited visual appeal and that, whilst an argument could be made around architectural or historic merit, the submitted drawings and information did not convince them that the proposals would retain any merit sufficiently. The Review Body formed the view that the external concealment of the existing brick and the proposed pattern and style of windows and doors were inappropriate interventions.

Members indicated that it may be possible to design a scheme with a more appropriate architectural and historical treatment, including external brick retention. Any changed and improved scheme of external treatment would need to be weighed against the concerns over the proportion of the original building that was evident in any conversion.

The Review Body noted the comments of the Ecology Officer on biodiversity and acknowledged that the applicant would have been prepared to carry out the relevant surveys. They accepted that a Preliminary Roost Assessment would need to be carried out pre-determination and could not be reserved as a condition. They also noted that other matters could have been addressed by condition, including the watching brief required to safeguard archaeological interest at the site.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application

to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed....Councillor T. Miers
Chairman of the Local Review Body

Date.....29 August 2017