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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Monday, 18 September 2017 at
10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton,
S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

In Attendance:- Chief Planning Officer, Chief Legal Officer, Democratic Services Team
Leader, Democratic Services Officer (F. Walling).

1. **REVIEW OF 16/00947/FUL**

There had been circulated copies of the request from Mr Malcolm Pearson, per Smith & Garratt, The Guildhall, Ladykirk, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse with attached garage on land north east of The Old Church, Lamberton. Included in the supporting papers were the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; objections; and a list of relevant policies. In their initial discussion Members accepted that there was a building group at Lamberton and agreed that the proposed development site was a suitable addition to the group. Opinion was divided in respect of the scale, design and visual impact of the new house. The comparative level of the proposed site alongside the adjoining building group was considered to be a significant factor. Consideration was also given as to whether there was any impact on the setting of the Scheduled Ancient Monument – Lamberton Church.

VOTE

Councillor Aitchison, seconded by Councillor Anderson, moved that the decision to refuse the application be upheld.

Councillor Mountford, seconded by Councillor Laing, moved as an amendment that the decision to refuse the application be reversed and the application approved.

On a show of hands Members voted as follows:-

*Motion - 3 votes
Amendment - 5 votes*

The amendment was accordingly carried and the application approved.

DECISION

DECIDED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be overturned, subject to conditions and a legal agreement, for the reasons detailed in Appendix I to this Minute.**

2. **REVIEW OF 17/00323/FUL**

There had been circulated copies of the request from Mrs Patricia Crippin, per Erich Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application in respect of erection of a dwellinghouse and retaining wall (part retrospective) on land west of Craigerne Coachhouse, Edderston Road, Peebles. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; and a list of relevant policies. Members noted the extensive planning history to the site and recognised that the applicant had attempted to address the reasons for the previous refusal by reducing the footprint of the house and moving the position of the proposed building within the plot to allow sufficient space for adjacent trees. Differing views were expressed as to the suitability of this infill site in terms of residential amenity and whether the new house would constitute over-development in its close proximity to the Coach House development.

VOTE

Councillor Fullarton, seconded by Councillor Miers, moved that the decision to refuse the application be upheld.

Councillor Small, seconded by Councillor Anderson, moved as an amendment that the decision to refuse the application be reversed and the application approved.

On a show of hands Members voted as follows:-

Motion - 3 votes
Amendment - 5 votes

The amendment was accordingly carried and the application approved.

DECISION

DECIDED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be overturned, subject to conditions and a legal agreement, for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 17/00239/FUL**

There had been circulated copies of the request from Mr Robin Tuke, per Clarendon Planning & Development Ltd, 5a Castle Terrace, Edinburgh, to review the decision to refuse the planning application in respect of erection of a micro meat processing unit and byre on land at Hardiesmill Place, Gordon. Included in the supporting papers were the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; and a list of relevant policies. The Planning Advisor referred

to new evidence in the form of letters of support that had been submitted with the Notice of Review, but which had not been part of the original application. Members agreed that, if these letters were to be considered as part of the review the appointed planning officer must be given the opportunity to comment on their content. In the discussion that followed there was recognition of the economic justification of the proposal and the animal welfare benefits associated with an on-site abattoir to operate alongside the established butchery business. However, Members noted that the appearance of the meat processing unit, partly implemented on site and shown in the officer's presentation slides, did not reflect the drawings submitted with the planning application. The question was also raised as to whether it was proposed to make the facility available to process stock from out with the applicant's landholding. It was therefore agreed that more information was required and that the review could not be considered without further procedure in the form of written submissions from the applicant and an accompanied site visit to gain an understanding of the appearance of the proposed unit, operational activities relative to its design and details of proposed screening.

DECISION

AGREED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could not be considered without further procedure in the form of written submissions and an accompanied site visit;**
- (c) the applicant be asked to provide the following:-**
 - (i) plans showing the finished design and appearance of the micro meat processing unit and byre together with details of proposed screening;**
 - (ii) the reason why the design was different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;**
 - (iii) details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products;**
 - (iv) whether it was proposed to make the facility available to process stock from out with the applicant's landholding;**
- (d) the letters of support would be accepted as new evidence and submitted to the appointed planning officer for comment; and**
- (e) an accompanied site visit be held on a date to be arranged.**

The meeting concluded at 12.10 pm

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APPENDIX I

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY INTENTIONS 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: 17/00030/RREF

Planning Application Reference: 16/00947/FUL

Development Proposal: Erection of dwellinghouse with attached garage

Location: Land North East of The Old Church, Lamberton

Applicant: Mr Malcolm Pearson

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions and the applicant entering into a Section 75 agreement as set out below.

DEVELOPMENT PROPOSAL

The full application relates to the erection of dwellinghouse with attached garage on land North East of The Old Church, Lamberton The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	1:2500
Plan – NE Elevation	PL-001-001
Plan – SE Elevation	PL-002-001
Plan – SW Elevation	PL-003-001
Plan – NW Elevation	PL-004-001
Plans & Elevations All Levels	PL-100-001
Plan – Ground Floor	PL-101-001
Plan – First Floor	PL-102-001
Plan – Roof Plan	PL-103-001
Site Plan (Aerial)	PL-900-001
Visualisation	-

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 18th September 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in report; c) Consultations; d) Objections; and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision Members considered the applicant's request for further procedure in the form of a site visit.

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 most relevant of the policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP8, EP13, IS2, IS5, IS7 & IS9

Other Material Considerations

- 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 Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Local Review Body was satisfied there was a building group at Lamberton, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside, that consisted of 7 dwellinghouses located in the immediate vicinity of Lamberton Church.

The Review Body then turned its attention to whether the site was a suitable addition to the building group. After considering the presentation slides in detail, they concluded that the site was well related to the group and that its development would be consistent with the pattern of development at Lamberton. They also gave weight to the fact that historically there had been buildings on the site.

In terms of the capacity of the group to accommodate the proposed house this was within the limits set by Policy HD2 of 2 or 30% within a Local Plan period.

The Review Body gave detailed consideration to the scale, design and appearance of the new house and ultimately concluded that it was an attractive traditionally

designed house and that subject to its being set into the site at an appropriate level it would complement the character and appearance of the group.

The Review Body was satisfied that the protection of the trees adjoining the site and the right of way that runs through the site, along with the servicing of the site, could be covered by appropriately-worded planning conditions. In respect of the right of way, Members also noted that there was potential for the route to be diverted should that prove necessary.

CONCLUSION

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

DIRECTIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the house have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details. The external walls of the proposed house shall not be white or off-white in colour.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - existing and finished ground levels in relation to a fixed datum preferably ordnance
 - existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - location and design, including materials, of walls, fences and gates
 - soft and hard landscaping works
 - existing and proposed services such as cables, pipelines, sub-stations
 - other artefacts and structures such as street furniture, play equipment
 - A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. The existing mature trees to the southern boundary of the site with No.3 Lamberton Holdings shall be protected at all times during construction and building operations, by the erection of a substantial timber fence around the trees, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.
Reason: To ensure that adequate precautions are taken to protect trees during building operations.
4. No development shall take place on site until the position of the proposed house has been plotted on site and approved in writing by the Local Planning Authority. The house thereafter shall be erected to accord with the agreed position.
Reason: To ensure that the house minimises the potential impact on adjoining mature trees.
5. No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
6. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority providing evidence that arrangements are in place to ensure that the private drainage system is provided and thereafter maintained in a serviceable condition. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the development does not have a detrimental effect on public health.
7. Right of Way BB53 that runs through the site must be maintained open and free from obstruction in the course of development and in perpetuity. There should be no additional gates, steps, stiles, fences, walls or hedges on this route shown which would restrict public access.
Reason: To protect general rights of responsible public access.
8. Prior to the commencement of the development, a cross section drawing through the site illustrating the finished floor level of the dwellinghouse and the relationship of the proposed dwelling with No.3 Lamberton Holdings shall be submitted to and approved in writing by the Planning Authority. The dwellinghouse thereafter shall be erected to accord with the agreed level.
Reason: To ensure that the house has a satisfactory relationship with the neighbouring property and is not unduly prominent in the landscape.
9. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written

Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

10. In terms of the vehicular access and servicing of the site, the following shall be provided:

- A service lay-by constructed to the Council's specification (DC-3) at the junction of the site access with the public road.
- A passing place constructed to the Council's specification (DC-1) on the public road at a location to be agreed by the Local Planning Authority prior to any construction work on the dwellinghouse.
- Parking and turning for a minimum of two vehicles, not including any garages, provided within the curtilage of the property. These facilities shall be retained thereafter perpetuity for that purpose only.
- Measures to prevent the flow of water onto the public road.

Reason: In the interests of road safety and to ensure that the site is adequately serviced.

INFORMATIVE

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge condition 6 above relating to the private drainage arrangements, documentary evidence must be provided that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

LEGAL AGREEMENT

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards education facilities in the locality.

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.....25 September 2017



APPENDIX II

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY INTENTIONS 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: 17/00031/RREF

Planning Application Reference: 17/00323/FUL

Development Proposal: Erection of dwellinghouse and retaining wall (part retrospective)

Location: Land West of Craigerne Coachhouse, Edderston Road, Peebles

Applicant: Mrs Patricia Crippin

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions and the applicant entering into a Section 75 agreement, as set out below.

DEVELOPMENT PROPOSAL

The application relates to the erection of a house and retaining wall (part retrospective) on land to the west of Craigerne Coachhouse in Peebles. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Elevations	2014/12/104/C
Site Plan	2014/12/102/C
Floor Plans	2014/12/103/C
Location Plan	2014/12/101/A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 18th September 2017 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in report; c) Consultations; and e) List of policies, the Local Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicant for a site visit.

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 most relevant of the policies were:

- Local Development Plan policies: PMD5, PMD2, HD3, EP13, IS2, IS7 & IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Review Body noted that the site fell within the settlement boundary of Peebles, as defined in the Local Development Plan, in a predominantly residential area and that the land was associated with the development site at Craigerne Coach House. The Review Body was content that the development would not conflict with the established land use in the locality.

The Review Body noted the extensive planning history to this site and the adjoining housing development. Members were aware that the site had been excluded from the site boundary of the Coach House development in recent planning approvals and concluded that, as the land was now in a different ownership, there was now limited prospect of the site being landscaped. In any event, they were of the view that the site was a natural rounding-off of the Coach House development and was a logical infill site.

The Review Body acknowledged that the applicant had made significant efforts to address the reasons for the previous refusal by reducing the footprint and frontage of the house, along with moving the house within the plot to allow sufficient space for the replacement trees at the northern boundary to grow. Members also noted that the house had been re-designed and they were satisfied that it would blend in well with the adjoining housing development.

Whilst the site was limited in size, they were content, on balance, that the revised development would be sympathetic to the character and appearance of the area and would not constitute over-development or town cramming. Members noted the relationship between the proposed house and the new western wing on the Coach

House but concluded that it did not result in any overlooking nor any detrimental impacts on privacy or amenity.

Members considered the impact of the proposed house on the protected trees to the south of the site and noted that part of the foundation of the house would fall within the Root Protection Area of a nearby oak tree. However, they were satisfied that there were practical solutions to address this issue which could be covered by a suitable planning condition. They did not accept that potential shading and overshadowing of the house would undermine the Tree Preservation Order by putting undue pressure on the remaining trees in the immediate area.

CONCLUSION

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

DIRECTIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

1. Vehicular and pedestrian access to the site shall be from the existing access into the Coach House development and no such new access shall be formed along the western boundary of the site onto Edderston Road.
Reason: In the interests of road safety and to protect the amenity of the area through the retention of the existing stone wall, hedgerow and trees along this edge of the development site.
2. The parking area identified for the proposed dwellinghouse, shown on the Site Plan (Dwg No. 2014/12/102/C), shall be a minimum of 5 metres wide by 5 metres long in order to accommodate two vehicles. The parking area shall be fully formed and available for use prior to occupation of the dwelling.
Reason: In the interests of road safety and to ensure that the site is adequately serviced
3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- existing and finished ground levels in relation to a fixed datum preferably ordnance
 - existing landscaping features and vegetation, including existing trees and the hedgerow along the western boundary of the site, to be retained and, in the case of damage, restored
 - location and design, including materials, of walls, fences and gates
 - soft and hard landscaping works
 - existing and proposed services such as cables, pipelines, sub-stations
 - other artefacts and structures such as street furniture, play equipment
 - A programme for completion and subsequent maintenance.
 - Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. All trees and the hedgerow (along the western boundary) on this site shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect the trees and hedgerow and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.
Reason: To ensure that adequate precautions are taken to protect trees and hedgerow during building operations.
6. No development shall take place on site until the position of the proposed house has been plotted on site and approved in writing by the Local Planning Authority. The house thereafter shall be erected to accord with the agreed position.
Reason: To ensure that the house minimises the potential impact on adjoining protected trees.
7. No development shall take place on site until details of a no-dig method of construction, incorporating either mini pile and beam, pads or reinforced slab, where the development comes within the Root Protection Area of the protected trees have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the details.
Reason: To ensure that the house minimises the potential impact on adjoining protected trees.

LEGAL AGREEMENT

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards education facilities in the locality and traffic management within Peebles.

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.

Signed....Councillor T. Miers
Chairman of the Local Review Body

Date.....25 September 2017

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