
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

6th November 2017

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

2.1 Planning Applications

- 2.1.1 Reference: 17/00087/FUL
Proposal: Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and landscaping works
Site: Land North East of 3 The Old Creamery, Dolphinton
Appellant: Mr Alastair Brown

Reasons for Refusal: 1. The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with adopted Local Development Plan Policies PMD4, HD2 or ED7 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location and therefore the proposed development would represent unjustified, sporadic and prominent development in the open countryside. 2. The proposed dwellinghouse would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and therefore does not comply in principle with adopted Local Development Plan Policies PMD4 and HD2. 3. The proposed development would result in the unjustified and permanent loss of carbon-rich soils, contrary to Policy ED10 of the adopted Local Development Plan.

Grounds of Appeal: There is clear policy support through policies PMD4, HD2 and ED7 for the proposed development given the unique set of circumstances. The design of the proposed development and associated soft landscape works, including the creation of screening landform, will ensure it integrates into the countryside at the proposed location. There is not a range and choice of employment sites available which are highly accessible to communities throughout the area in proximity to the site of

the appeal. This is confirmed by the Economic Development response to the application.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 3 appeals previously reported on which decisions were still awaited when this report was prepared on 26th October 2017. This relates to sites at:

• Land North of Howpark Farmhouse, Grantshouse	• Poultry Farm, Marchmont Road, Greenlaw
• Units 9 and 10, 6 - 8 Douglas Bridge, Galashiels	•

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 17/00308/FUL
Proposal: Erection of boundary fence (retrospective)
Site: 33 Justice Park, Oxton
Appellant: Mr Marc Ridgway

Reason for Refusal: The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

6 REVIEWS DETERMINED

6.1 Reference: 17/00257/FUL
Proposal: Replacement windows and installation of chimney flue
Site: 5 High Street, Innerleithen
Appellant: Mr & Mrs David & Jane Gordon

Reasons for Refusal: Condition - The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed

flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers. – Informative - Please note that the replacement windows may still be proceeded with under planning permission reference 15/01079/FUL.

Method of Review: Review of Papers & Hearing

Review Decision: Decision of Appointed Officer Upheld

- 6.2 Reference: 17/00380/FUL
Proposal: Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting
Site: Jordonlaw Granary, Jordonlaw Road, Westruther
Appellant: Susan And Chris Edge

Reason for Refusal: The proposal does not comply with Adopted Local Development Plan Policies PMD2 and ED7 in that it has potential to generate increased road safety concerns principally because the proposed variation to Planning Condition No 3 attached to Planning Consent 10/00156/FUL would allow the existing residential annexe ('The Granary') to be operated as a short-term or holiday let accommodation unit, which would be a new separate residential use over and above (that is, in addition to) the operation of the existing residential use of 'Jordonlaw Farmhouse'. This would promote an increase in the volume of traffic requiring to use the sub-standard junction between the public road (B6456) and access road at Jordonlaw Farm, with potential to increase road safety concerns for road users at and around the same road junction.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions)

- 6.3 Reference: 17/00384/FUL
Proposal: Alterations to existing bellmouth and formation of new access
Site: Land North West of Kirkburn Parish Church, Cardrona
Appellant: Cleek Poultry Ltd

Reason for Refusal: The application is contrary to Policies PMD2, ED7, EP5 and HD3 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed access road will be locally prominent in the landscape and will create significant earthworks, loss of mature trees and reduction of proposed planting areas intended to screen the consented holiday developments, having a significant adverse effect on the character and quality of the designated landscape and the amenity of adjoining residents. Furthermore, the application has failed to demonstrate that the development can be achieved in terms of levels, geometry, drainage and that there is any ability to secure stopping up of the existing roadway.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.4 Reference: 17/00647/FUL
 Proposal: Formation of hardstanding, steps, retaining wall and new foot path
 Site: Land North West of Kirkburn Parish Church, Cardrona
 Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, HD3, EP7 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposal would create adverse effects on the setting of a Category B Statutorily Listed Building adjoining the site and on the amenity of nearby residential amenity properties. 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.5 Reference: 17/00806/FUL
 Proposal: Erection of agricultural building and formation of new access track
 Site: Land South of 3 Kirkburn Cottages, Cardrona, Peebles
 Appellant: Cleek Poultry Ltd

Reasons 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 and 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 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

- 7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 26th October 2017. This relates to sites at:

• Land at Hardiesmill Place, Gordon	• 1 Glenkinnon, Ashiestiel Bridge, Clovenfords
• Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston	•

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 4 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 26 October 2017. This relates to sites at:

<ul style="list-style-type: none">• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir	<ul style="list-style-type: none">• Fallago Rig 1, Longformacus
<ul style="list-style-type: none">• Fallago Rig 2, Longformacus	<ul style="list-style-type: none">• Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

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Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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