

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/00308/FUL

To : Mr Marc Ridgway 33 Justice Park Oxton Lauder Scottish Borders

With reference to your application validated on **2nd March 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of boundary fence (retrospective)

At : 33 Justice Park Oxton Scottish Borders TD2 6NZ

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

Dated 27th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



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Chief Planning Officer

APPLICATION REFERENCE : 17/00308/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
EMAIL 26 JUNE 17	Location Plan	Refused
	Site Plan	Refused
	Other	Refused
	Photos	Refused

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.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

The proposal in its current form is unacceptable and has therefore been refused. The Applicant must now remediate the position by removing and/or reducing the fence in order to comply with Householder Permitted Development Rights.

If the Applicant does maintain a concern to accommodate any section of fencing at 6ft in height in the area which lies within a forward position of the south elevation of the house relative to the public road, then it is anticipated that the Planning Authority would only be supportive of this, where such fencing (a) was sited on land that lies to the east of the point at which the public road narrows beyond the junction, and (b) was set back at least 1m from the public road verge on all sides. Some soft landscaping works would also likely be required to soften the appearance of any such fencing so installed.

In the event that the situation with the existing fence is not now addressed by the Applicant and to the Planning Authority's satisfaction within a reasonable period of time, the Council will seek to pursue enforcement action to require the removal of the subject fence in its entirety.

With specific regard to the section of fencing whose position is described on the site plan by the line highlighted in blue, the Applicant's proposal that this should be reduced to 1m in height raises no concerns in that this proposed revision does not require planning approval. Accordingly, were the Applicant now to reduce this section of fencing to 1m or less in height, the fence so described could be maintained in this location as a permitted development. However, there is no planning approval for any fencing over this height, and accordingly any such fencing that is maintained on the site, will remain actionable, and will be followed up the Planning Authority's Enforcement Section when it revisits the site to ensure that all fencing that has been unlawfully erected, has been removed or reduced to 1m in height.