

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 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

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:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

THE SITE IS WITHIN A WORKING SMALLHOLDING AND A SITE VISIT CAN BE ARRANGED BY CALLING THE OWNER USING 07768 682646

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.

WITHIN THE EXISTING CROFT OR SMALLHOLDING THERE IS NO OPEN SHED WITH ADEQUATE HEIGHT FOR MANAGING AND STORING ROUND HAY AND STRAW BALES. THIS IS CAUSING A FINANCIAL IMPEDIMENT AS SMALLER SQUARE BALES ARE EXPENSIVE AND GETTING HARDER TO SOURCE.

THE SITE CHOSEN IS NOT SEEN FROM OUTWITH THE SMALLHOLDING BECAUSE OF THE TREE PLANTING CARRIED OUT A NUMBER OF YEARS AGO. TO CONFIRM THIS ONE HAS TO VISIT THE SITE. THE HEIGHT OF THE STRUCTURE IS DWARFED BY THE RISING BANKING TO THE REAR OF THE PROPOSED STRUCTURE. THE BUILDING IS TUCKED INTO A SMALL CORNER WHICH IS WRAPPED BY THE STEEP BANKING.

THE MATERIALS CHOSEN FOR THE BUILDING ARE SYNONYMOUS FOR A BUILDING OF THIS TYPE AND THE COLOURS WILL HELP THE BUILDING BLEND INTO ITS ENVIRONMENT. FURTHERMORE, ON THE BLOCK PLAN YOU WILL NOTE THE TREE-TOP HEIGHTS HAVE BEEN SURVEYED TO ENSURE THE BUILDING LIES BELOW THE SCREEN FORMED BY THE TREES.

TRAFFIC IMPACT WILL BE LESS IN THAT THE INCREASED VOLUME OF STORAGE WILL ENABLE LESS DELIVERIES TO BE MADE AS MORE HAY/STRAW CAN BE STORED WITHIN THE CROFT. THE CURRENT SITE ACCESS HAS BEEN THE SUBJECT OF A PLANNING CONSENT (GRANTED) FOR IMPROVEMENT AND THIS WORK IS TO BE IMPLEMENTED IN DUE COURSE.

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.

N/A

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.

REFUSAL NOTICE 17 01112/FUL
 STATEMENT SUBMITTED WITH THE ORIGINAL PLANNING APPLICATION
 DRAWINGS 196 HAY 01/02/03

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 [REDACTED] Date

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

CLEEK POULTRY LTD

Application for Planning Consent to erect a Hay Shed
Site to West of Existing Building
Kirkburn, Cardrona

Statement

The site is a small area of yard to the west end of the existing buildings at my small-holding at Kirkburn. The ground is enclosed on two sides by an existing concrete retaining wall.

Given the sensitivity of the site (previous applications for a building here have all been refused) it was felt necessary to take an in-depth look at the heights of the ground and the height of the trees which screen the site from the A72. I commissioned a further topographical survey that has investigated these matters. This can be found on Drawing No '196 HAY 1'.

The height of the existing yard is currently 104.07m. The proposed new building is designed to accommodate 'round' bales of Hay and Straw and hence the height requirement, to enable a telehandler to access and manage the bales. The height to eaves is 6.5m, whilst the height to ridge is 6.9m. Therefore, the height of the ridge is 110.97m.

I asked the surveyor specifically to pick up the tree-top heights of the trees which screen the site from the A72. These heights are marked on the same drawing. They are reference 'TRL' and you will note that the TRL values immediately to the north of the proposed structure are generally 116.5m, some 5.5m above the ridge line of the building.

I have also shown on drawing No '196 HAY 02' the rear banking slopes relative to the gables of the proposed building. These demonstrate how the building is 'dwarfed' by the land rising behind it. The bankings here are generally planted with trees and to lessen the impact it is proposed the new building will be green in colour. The materials are also noted on this drawing.

My farming activities at Kirkburn require this building. I have previously asked Scottish Borders Council for consent for larger buildings for the same use, but have been unsuccessful. Hence my approach now - to ask for a simple and modest structure within the group of existing buildings.

Signed

A J Cleghorn for Cleek Poultry Ltd

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01112/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles Scottish Borders

With reference to your application validated on **8th August 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of hay shed

At : Field No 0328 Kirkburn Cardrona Scottish Borders

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

**Dated 5th October 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01112/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 HAY 03	Location Plan	Refused
196 HAY 1	Site Plan	Refused
196HAY 02	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.
- 2 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 any traffic generated by the proposal can access the site without detriment to road safety.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.