

**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 IT IS REQUIRED TO HAVE A BUILDING SUITABLE FOR THE STORAGE AND MAINTENANCE OF EQUIPMENT SUCH AS TRACTORS AND TELEPORTERS. THE PROPOSED BUILDING WILL FULFILL THIS NEED.

THE BUILDING IS TO BE TACKED AGAINST THE EXISTING RANGE OF BUILDINGS. THE HEIGHT IS REQUIRED FOR THE MAINTENANCE OF THE TELEPORTER USED TO HANDLE FEEDSTUFFS WITHIN THE CROFT.

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.

PREVIOUS PLANNING APPLICATIONS HAVE BEEN MADE FOR HIGHER BUILDINGS TO THE EAST OF THE CROFT. THESE HAVE GENERALLY BEEN REFUSED. THE EXISTING PROPOSAL KEEPS ALL THE AGRICULTURAL USE GROUPED INTO THE WEST SECTOR OF THE SITE WHERE THE LANDSCAPING BETTER HIDES THE STRUCTURES.

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 01113/FUL  
 STATEMENT SUBMITTED WITH THE ORIGINAL PLANNING APPLICATION  
 DRAWINGS 196 TRACTOR 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 3/11/17

**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 Tractor Shed  
Site to East of Existing Building  
Kirkburn, Cardrona

Statement

The site is within the existing yard at my small-holding at Kirkburn. The ground lies below and to the north of the existing concrete retaining wall which runs East to West.

Given the sensitivity of the site 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 TRACTOR 01'.

The height of the existing yard is currently 104.07m. The proposed new building is needed to protect and maintain a telehandler which is used for general feeding of the stock and the management of Hay and Straw. The height to eaves is 6.5m, whilst the height to ridge is 6.9m. Therefore, the height of the ridge is 110.97m. The height is needed to maintain the extending boom of the machine.

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 around 113.0m, some 2,0m above the ridge line of the building.

The new building will be green in colour. It will have a gable roller-shutter door and a pent-roof following the contours of the slopes behind. The building is designed to merge into the countryside, rather than dominate it. The massing of the building relative to the retaining wall and existing building is also shown on the elevations.

My farming activities at Kirkburn require this building. I have previously asked Scottish Borders Council for consent for larger buildings for similar use, but have been unsuccessful. Hence my approach now - to ask for a simple and modest structure within the group of existing buildings, enabling me to improve on the quality of the continued management of the small-holding.

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 : 17/01113/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 tractor 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



.....  
**Depute Chief Planning Officer**

**APPLICATION REFERENCE : 17/01113/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 TRACTOR 03	Location Plan	Refused
196 TRACTOR 01	Site Plan	Refused
196 TRACTOR 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.

**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.