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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 15 August, 2016 at 10.00 am

- Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, S. Mountford and B White
- Apologies:- Councillors I. Gillespie and D. Moffat
- In Attendance:- Planning Policy and Access Manager, Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **REVIEW OF APPLICATION 16/00136/FUL**

There had been circulated copies of the request from Mr & Mrs James Cook, per IRD Design Ltd, New Harbour Building, Gunsgreen Quay, Eyemouth to review the decision to refuse the planning application in respect of change of use from storage barn, alterations and extension to form a dwellinghouse on land east of Flemington Farmhouse, West Flemington, Eyemouth. Included in the supporting papers were the Notice of Review including the Decision Notice and officer's report; consultations; emails regarding the Decision Notice date; and list of relevant policies. The Planning Advisor gave clarification about the error in respect of the original date of the Decision Notice. An invitation to resubmit the Notice of Review had not been taken up by the applicant therefore Members agreed to give no weight to the commentary in the Notice of Review regarding the initial Decision Notice date. In their discussion Members recognised the interesting proposal to convert a farm building of this kind to a dwellinghouse. However, they concluded that the conversion failed to meet the criteria set out in the Local Plan policies for conversion of buildings to a house and that, as there were no other material considerations to justify departure from the Development Plan, to accept the proposal could set a precedent in respect of other applications to convert similar buildings.

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 be considered without the need for any further procedure on the basis of the papers submitted;**
 - (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
 - (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix I to this Minute.**
- ### 2. **REVIEW OF APPLICATION 16/00114/FUL**
- There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of a cattle court incorporating storage areas and staff facilities and erection of animal feed silo in field No. 0328 at Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; previous

application referred to in the report; consultations; and a list of relevant policies. In their discussion Members were sympathetic to the appellant's position in respect of the attempt to establish a viable business on this smallholding. However, they concluded that the business plan was lacking necessary detail for the proposal to be justified under policy, particularly in respect of the details of the purchase of cattle, lease of additional land to support the cattle and the sale of the end product. Members also concluded that the scale and mass of the proposed cattle court and silo would have a negative impact on the Special Landscape Area in which it was situated and the adjacent archaeological site. Concern was expressed about the relationship of this proposal with the approved proposal for chalets in an adjacent part of the field and the apparent lack of an overall masterplan for this site.

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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

3. REVIEW OF APPLICATION 16/00205/FUL.

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of timber processing building incorporating biomass plant room and staff welfare provision in field No. 0328 at Kirkburn, Cardrona. The supporting papers included the Notice of Review; Decision Notice; officer's report; previous applications referred to in the report; consultations; and a list of relevant policies. Members discussed the impact of the proposed biomass processing building within the Special landscape Area and noted that at the height proposed the building would project above the trees to the north of the public road. They were also concerned that there was no business plan to support the enterprise, no detail of from where timber would be sourced and no indication of how this proposal for timber processing related to previous proposals for cold storage on the same site. Members recommended that the applicant put together a masterplan for this piece of land to clearly demonstrate the linkages between the development proposals.

DECISION

AGREED:-

- (a) that 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 contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**

- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix III to this Minute.**

4. REVIEW OF APPLICATION 16/00126/FUL

There had been circulated copies of the request from Mr Alan John Redpath, 62 Castle Street, Duns to review the decision to refuse the planning application in respect of replacement windows and door at 62 Castle Street, Duns. The supporting papers included the Notice of Review; Decision Notice; officer's report; consultation; and a list of relevant policies. Members noted that there was also a current appeal in respect of Listed Building Consent for this application with the DPEA. It was noted that the building was Grade B listed and that the adopted policy for such buildings recommended that windows and doors should only be replaced if they were beyond repair. Under the terms of this policy Members agreed that they could not consider the proposal to replace the windows and the design of the replacement windows without clarification regarding the condition of the existing windows. Members accepted that the existing door was not original and were of the opinion that it was not attractive and could be replaced. However, the request was made for a more detailed technical specification in respect of the proposed replacement door.

DECISION

AGREED:-

- (a) that the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) that the review could not be considered without further procedure in the form of further information as follows;**
- (i) an independent condition survey of the windows which the applicant was proposing to replace, carried out by a chartered architect or other suitably qualified professional; and**
- (ii) a more detailed technical specification in respect of the proposed replacement door.**
- (c) to continue consideration of the review on 19 September 2016 if the information requested could be provided by that time or at the meeting of 17 October 2016 at the latest.**

5. REVIEW APPLICATION 16/00162/PPP

There had been circulated copies of the request from Mr H. Armstrong, per HM Architecture Ltd, Bloomfield, Heatherlie Park, Selkirk, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse and garage in the garden ground of Lindisfarne, Gattonside. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; paper referred to in the report, consultations, objection; and list of relevant policies. Members noted that the application site was within the settlement boundary and agreed that in most respects the development would comply with the Local Development Plan 2016. Their discussion then focused on the adequacy of the access with which the proposed site would be served in terms of road and pedestrian safety. Recognising the limitations of the access, from both directions but particularly to the east through the Loan as regards gradient, visibility and passing opportunities, Members' opinion was divided as to whether traffic generated by the addition of a single house would lead to significant additional potential implications on road safety. After lengthy discussion Members agreed that they wished to take a more detailed appraisal of the access by way of an unaccompanied site visit.

DECISION

AGREED:-

- (a) that the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) that the review could not be considered without further procedure in the form of an unaccompanied site visit; and**
- (c) to hold an unaccompanied site visit at 9 am on Monday 5 September 2016 and to reconvene on the same day at Council Headquarters at 10 am, or as soon as possible thereafter, to continue consideration of the review.**

The meeting concluded at 12.30 pm



APPENDIX I

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION 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: 16/00016/RREF

Planning Application Reference: 16/00136/FUL

**Development Proposal: Change of use from storage barn, alterations and
extension to form dwellinghouse**

Location: Land east of Flemington Farmhouse, West Flemington, Eyemouth

Applicant: Mr and Mrs James Cook

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and agrees to refuse planning permission for the reasons set out in this decision notice on the following grounds:

The proposed development is contrary to Policy HD2: Housing in the Countryside of the Local Development Plan in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition, the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.

DEVELOPMENT PROPOSAL

The application relates to a proposal for full Planning Permission for the change of use from storage barn, alterations and extension to form a dwellinghouse. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Existing Layout	001
Floor Plans	004A
Floor Plans	005A

Elevations	006A
Other	007
Elevations	008

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th August 2016 that the Review had been competently 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 (and Decision Notice, Officer's Report); b) Consultations; c) Emails regarding Decision Notice date; and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

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 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

Local Development Plan policies:

- Policy HD2 Housing in the Countryside
- Policy HD3 Protection of Residential Amenity
- Policy PMD2 Quality Standards

Other material policy and guidance included

- Policy IS7 on parking provision and standards
- Policy IS9 on waste water treatment standards and suds
- Policy IS2 on developer contributions
- Policy IS13 Contaminated Land
- Policy EP3 (Local Biodiversity)
- Scottish Planning Policy
- SPG Placemaking and Design
- SPG New Housing in the Borders Countryside

The LRB noted that the applicant seeks full Planning Permission for the change of use from storage barn, alterations and extension to form dwellinghouse adjacent to a small building group at West Flemington which includes West Flemington House (B Listed), West Flemington Farm Steading, now derelict (B Listed), and properties The Cottage, The Bungalow and Lilybrooke.

Members noted that this was an interesting proposal to convert an industrial barn to a dwelling house that would benefit from modern standards of energy efficiency and provide large accommodations.

Members discussed the presence or otherwise of a building group, but concluded that this question was not of critical importance as the proposal before them was the conversion of an existing building, rather than the creation of a new dwellinghouse.

Members discussed the scale and form of the proposal and its compatibility with the surrounding area and properties particularly in relation to the SPG on Placemaking and Design. Members considered that while the scale of the proposal was large relative to the surrounding dwellinghouses this did not in and of itself render the proposal unacceptable as it was seeking to utilise the footprint of the existing barn. Members considered that visually the form of the proposal and how it related to the surrounding buildings would be an improvement on the existing barn. The LRB concluded however that the extent of the alterations sought to the fabric of the building went beyond the level of intervention that could acceptably be regarded as a conversion of a non-residential building to a dwellinghouse.

The LRB considered in detail whether the proposal complied with Policy HD2, section C on conversion of buildings to a house. The LRB did not consider that the building had historic or architectural merit. Therefore, the LRB concluded that the proposal was in breach of Policy HD2, section C as it failed to meet the criteria requiring that the building to be converted must have architectural or historic merit to justify conversion.

The LRB considered whether there were any other material considerations that would justify departure from LDP 2016 to allow the proposal be approved. Members discussed the issue of precedent, and whether acceptance of this proposal would be likely to lead to other similar proposals, contrary to Policy HD2, in relation to disused farm buildings without any intrinsic architectural or historic merit. They concluded that acceptance of this proposal could present an unacceptable risk to the Local Plan policies.

CONCLUSION

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

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..Cllr R Smith
Chairman of the Local Review Body

Date ...22 August 2016



APPENDIX II

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION 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: 16/00017/RREF

Planning Application Reference: 16/00114/FUL

**Development Proposal: Erection of cattle court incorporating storage areas and
staff facilities and erection of animal feed silo**

Location: Field No 0328 Kirkburn Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and agrees to refuse planning permission for the reasons set out in this decision notice on the following grounds:

1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.
3. The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the

archaeological site of Our Lady's Church and Churchyard adjoining the application site.

DEVELOPMENT PROPOSAL

The application relates to a proposal for full Planning Permission for the erection of a cattle court incorporating storage areas and staff facilities and erection of an animal feed silo. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Elevations	196 02 B

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th August 2016 that the Review had been competently 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; b) Decision Notice; c) Officer's Report; d) Previous Application referred to in report; e) Consultations; and f) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

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 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

Local Development Plan policies:

- Policy PMD2 Quality Standards
- Policy EP5 Special Landscape Areas
- Policy ED7 Business, Tourism, and Leisure Developments in the Countryside
- Policy EP8 Archaeology

Other material policy and guidance included

- SPG Special Landscape Areas
- SPG Archaeology

The Local Review Body noted that the applicant seeks full Planning Permission for a site that forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This cattle court/hay shed application occupies a triangular area of land which rises to the south and above the holiday chalets site, stretching to the public road to Laverlaw to the rear.

The building amalgamates previous hay shed and cattle court proposals into one building, it being erected adjoining a new 6m access road to the south of the chalet site and adjoining the corner of Our Lady's Church and graveyard remains.

The Local Review Body further noted that the site lies within the Tweed Valley Special Landscape Area.

Members noted that the cattle court was meant to accommodate 32 cattle and provide employment for 1 man. They considered that this was not adequately justified by the business plan, and considered that this size of cattle court would provide a larger number of animals. Members also discussed the lack of evidence in relation to the proposal's provision of meat to a burger van as the end use of the enterprise.

Members were further concerned that there was no evidence in relation to the leasing of additional grazing land for the cattle or the business relationship with the burger van.

Members concluded that the business plan overall was lacking in necessary detail and therefore could not be justified under policy.

Members discussed the importance of the Special Landscape Area of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale of the proposals of both the silo and the cattle court. They concluded that the scale and mass of the proposals would have a negative impact on the character and quality of both the landscape and the adjacent archaeological areas.

Members further expressed concern regarding the relationship of this proposal to the approved proposal for chalets in an adjacent part of the field.

Members expressed concern on the lack of an overall business/masterplan plan for the area which would allow consideration of proposals in a meaningful context.

CONCLUSION

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

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 R Smith
Chairman of the Local Review Body

Date ...22 August 2016



APPENDIX III

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION 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: 16/00020/RREF

Planning Application Reference: 16/00205/FUL

**Development Proposal: Erection of timber processing building incorporating
biomass plant room and staff welfare provision**

Location: Field No 0328 Kirkburn Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and agrees to refuse planning permission for the reasons set out in this decision notice on the following grounds:

1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan in that it has not been adequately demonstrated that there is an overriding justification for the proposed building 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. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

DEVELOPMENT PROPOSAL

The application relates to a proposal for full Planning Permission for the erection of a timber processing building incorporating a biomass plant room and staff welfare provision. The application included the following drawings:

Plan Type	Plan Reference No.
Elevations	196 38 REV A
Site Plan	196 36
Floor Plans	196 37 REV A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th August 2016 that the Review had been competently 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; b) Decision Notice; c) Officer's Report; d) Previous Applications referred to in report; e) Consultations; and f) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

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 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

Local Development Plan policies:

- Policy PMD2 Quality Standards
- Policy EP5 Special Landscape Areas
- Policy ED7 Business, Tourism, and Leisure Developments in the Countryside

Other material policy and guidance included:

- Policy EP8 Archaeology
- SPG Special Landscape Areas
- SPG Archaeology

The Local Review Body noted that the applicant seeks full Planning Permission for a site that forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. The site is a part of a larger north facing field on the southern side of the Tweed valley. The field slopes steeply down to the minor road that runs northeast/southwest immediately to the north.

The proposal is for the erection of a biomass processing shed over the consented cold storage block and next to an agricultural shed. The proposed building is a large two storey building for timber processing and biomass chip creation. The ridge height of the proposed development is almost 9 metres above existing lower yard level. There is a level of projection above the ridge of the existing buildings ranging from 3.7m to 5.6m. There is a line of tree cover north of the public road and the existing buildings are screened by those trees.

The Local Review Body further noted that the site lies wholly within the Tweed Valley Special Landscape Area (SPA) which recognises the special character of the valley landscape and that the Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north.

Members noted that the proposal was not supported by an adequate business plan in relation to the particular proposal. Members were further concerned that there was no evidence in relation to the juxtaposition of this proposal for timber processing and associated biomass room with previous proposals for cold storage within the same building.

The Review Body concluded that there was not a business plan that justified the requirement for the proposal within this sensitive landscape area. The Review Body concluded that the business plan overall was lacking in necessary detail to justify development within this sensitive landscape area, and therefore the proposal could not be justified under policy.

Members discussed the importance of the Special Landscape Area of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale and height of the proposals. The Review Body concluded that the scale and height of the proposal would have a negative impact on the character and quality of the landscape.

Members expressed concern that there was no clear relationship of the proposal to other proposals within the wider site. The Review Body recommended that the applicant draw together a clear vision for the smallholding that clearly demonstrates the linkages between all of the proposals within the area.

CONCLUSION

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

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 R Smith
Chairman of the Local Review Body

Date ...22 August 2016
