

# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 21 January 2019 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford and E. Small

Apologies:- Councillor C. Ramage

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

### 1. **REVIEW OF 18/01332/PPP**

There had been circulated copies of the request from Mr and Mrs Ferguson, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application in respect of the erection of a dwellinghouse and detached garage/stable on land North East of River Cottage, Linthill, Melrose. The supporting papers included the Notice of Review (including the Officer's Report); Decision Notice, papers referred to in the Officer's Report; support comment; consultations; and a list of relevant policies.

Members agreed that the indicative elevation drawing submitted with the Notice of Review met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be considered. Having agreed that there was a building group at Linthill they focussed their discussion on whether the proposed site was an appropriate addition to the building group. They noted that the erection of a garage associated with River Cottage already formed an extension to the building group. The view of the majority of Members was that, provided a strong wooded boundary was established to the east of the proposed site the erection of a dwellinghouse at that location would complement the sense of place and would enhance the building group. Councillor Aitchison held an opposing view and proposed that the officer's decision be upheld but there was no seconder to this motion.

### **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 indicative elevation drawing submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be taken into consideration;**
- (c) the review could be considered without the need for any further procedure on the basis of the site visit and the papers submitted;**
- (d) the proposal would be in keeping with the Development Plan; and**
- (e) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and a legal agreement, for the reasons detailed in Appendix I to this Minute**

2. **REVIEW OF 18/01341/PPP**

There had been circulated copies of the request from Mr and Mrs Eriend Milne, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application in respect of erection of dwellinghouse and detached garage on land South East of Tarf House, West Linton. The supporting papers included the Notice of Review; Decision Notice, Officer's Report; consultations; and a list of relevant policies. Having concluded that there was not a building group in the vicinity of the site of the proposed dwellinghouse Members went on to debate whether there was economic justification for a house on that particular site in terms of the ancillary business referred to in the application. Members were aware of the lack of land allocated for businesses in the West Linton Area but noted that in this case insufficient information to support a business case had been submitted.

**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 site visit and 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 and the application refused for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 18/00956/FUL**

There had been circulated copies of the request from Mr and Mrs Alexis and Rose Kennedy, per Architeco Limited, 43 Argyll Street, Dunoon, for review of refusal of the planning application for erection of dwellinghouse on land North West of Chapel Cottage, Melrose. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; consultations; and a list of relevant policies. The Planning Advisor drew attention to new evidence, in the form of a Tree Survey and a drawing proposing Visibility Sight Lines, which had been submitted with the Notice of Review documentation and which had not been before the Appointed Planning Officer at the time of determination. As the Review Body considered that the new information could be considered as it met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review, it was agreed that there was a need for further procedure in the form of written submissions and that the Appointed Planning Officer, Landscape Architect and Roads Planning Officer be afforded the opportunity of making representations on this new evidence. The Legal Advisor directed Members to disregard a further piece of new evidence submitted with the Notice of Review, in the form of a plan which showed a site boundary line along the driveway, which was different from the boundary on the site plan submitted with the original application, as it was not admissible to change the site boundary at this juncture.

**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 new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request representations from the Appointed Planning Officer, Landscape Architect and Roads Planning Officer on the new evidence in the form of the Tree Survey and the drawing 'Visibility Sight Lines'; and**
- (d) **consideration of the review be continued on a date to be arranged.**

**4. REVIEW OF 18/01215/FUL**

There had been circulated copies of the request from Mr K Patterson, per Richard Amos Ltd, 2 Golden Square, Duns, to review the refusal of the planning application for extension to dwellinghouse at 10, Townhead Way, Newstead. The supporting papers included the Notice of Review (including the Decision Notice); Officer's Report; consultations; and a list of relevant policies. The Planning Advisor drew attention to new evidence, which included information on daylight and impact on neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property, which had not been before the Appointed Planning Officer at the time of determination. As the Review Body considered that the new information could be considered as it met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review, it was agreed that there was a need for further procedure in the form of written submissions and that the Appointed Planning Officer be afforded the opportunity of making representations on this new evidence.

**DECISION  
AGREED:-**

- (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 new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request representations from the Appointed Planning Officer on the new evidence which included information on daylight and impact on neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property; and**
- (d) **consideration of the review be continued on a date to be arranged.**

*The meeting concluded at 11.45 am*

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**APPENDIX I**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY INTENTIONS NOTICE**

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**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**

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**Local Review Reference:** 18/00036/RREF

**Planning Application Reference:** 18/01332/PPP

**Development Proposal:** Erection of dwellinghouse and detached garage/stable

**Location:** Land North East of River Cottage, Linthill, Melrose

**Applicant:** Mr & Mrs T Ferguson

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and indicates that it intends to grant planning permission for the reasons set out in this decision notice subject to conditions and informatives and the applicants entering into a Section 75 or other suitable legal agreement as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse and detached garage/stable. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	P515-PL 004 A
Conceptual Site Plan	P515-PL 003
Conceptual Floor Plan	P515-PL 001
Conceptual Elevations	P515-PL 002
Road Splays	ASK 140709/01

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> January 2019.

After examining the review documentation which included: a) Notice of Review (including Officer's Report); b) Decision Notice; c) Papers referred to in officer's report; d) Support comment; e) Consultations; and f) List of Policies, the Review Body proceeded to determine 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 Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP7, EP8, EP10, EP13, EP15, IS2, IS3, IS7 and IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Review Body noted that the proposal was for Planning Permission in Principle to erect a dwellinghouse and detached garage/stable on the site.

Members firstly considered whether there was a building group present at Linthill and concluded that, in terms of Local Development Plan Policy, sufficient houses existed in the locality around the Stables to constitute a building group. They also recognised that the group could expand by up to two houses and that the proposal for one house was within that scale of addition capacity.

The Review Body then considered whether the site was a natural and acceptable extension to the building group. They noted the Appointed Officer's concerns that the site was ribbon development extending away from the Stables courtyard and River Cottage. Whilst they understood this view, they were of the opinion that there were a number of mitigating factors that allowed them to accept that the site and development were part of the sense of place and could be considered an acceptable addition to the building group.

Members noted that the field was not undeveloped in that a garage had been erected associated with River Cottage and this had also extended the building group eastwards. They also noted that the intervening boundary between the site and the rest of the group was only a post and wire fence and they felt that, as advised by the Landscape Architect, a new wooded boundary to the east of the site, imposed by condition, would create a strong new edge to the building group. The Review Body also noted the applicant's response to the

concern over continued development within the field by means of private legal restriction. They concluded that, subject to appropriate conditions, the site could be considered to be a natural extension to the building group.

The Review Body also noted the accompanying elevation and site plans which, whilst indicative, suggested a development and design of high quality which they felt could contribute positively to the sense of place and enhance the group. There were some concerns expressed over the proposed garage/stable and the requirements of Scottish Natural Heritage but Members were content that the necessary safeguards over positioning and scale could be controlled by appropriate conditions. This was also the case with issues relating to tree protection, access, ecology, water and drainage.

Members also noted that development contributions would be required only for the Borders Railway and not for education.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2 and HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to the building group, well related to, and in keeping with the character of the group, subject to creation of a strong planted boundary to the eastern side of the site. Consequently, the application was approved.

## **DIRECTIONS**

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - a. the expiration of three years from the date of this permission, or
  - b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## **CONDITIONS**

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and trees to be retained, protected and, in the case of damage, restored
  - a detailed scheme for replanting outwith the visibility splay
  - location and design, including materials, of walls, fences and gates
  - soft and hard landscaping works including establishment of firm planted boundaries to the plot, particularly down the eastern side to form an edge to the building group
  - existing and proposed services such as cables, pipelines, sub-stations
  - A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. No development to be commenced until a tree survey and site/tree constraints plan are submitted to, and approved by, the Planning Authority. The survey should be in accordance with BS 5837:2012 to establish the location, condition and Root Protection Area of all trees that would be affected by the development. Once approved, the development then to proceed in accordance with the survey and site/tree constraints plan and any protection provisions and mitigation included therein, all trees then to be protected in perpetuity thereafter.

Reason: To safeguard existing trees on or adjoining the site.

5. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. The details to include:
  - a) parking and turning for two vehicles, excluding garages, within the site
  - b) visibility splays (2.4m x 90m and 2.4m x 160m) to be provided at the main junction with the public road. Thereafter the splays are to be retained in perpetuity.
  - c) The route, alignment and construction specification of the private access to the site
  - d) A programme for completion and maintenance.

Thereafter the development shall only take place in strict accordance with the details so approved.

Reason: In the interests of road safety on the junction of the Linthill estate road and the B6359.

6. As part of the first submission of Matters Specified as Conditions, a plan to be submitted for the approval of the Planning Authority demonstrating a minimum 10m

“no buildings” buffer between the River Tweed SAC and the proposed development. Once approved, the development then to proceed in accordance with the approved plan and the buffer protected from building erection thereafter in perpetuity. Within the buffer zone and notwithstanding the terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended 2011 and any subsequent Order, no development under Schedule 1 Class 1 or 3 to be carried out without the prior approval of the Planning Authority.

Reason: To safeguard the River Tweed Special Area of Conservation

7. No development to commence until further details of the provision of foul and surface water drainage are submitted to, and approved by, the Planning Authority. The details should include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. Thereafter, development shall proceed in strict accordance with the approved details.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

8. The development to be provided with a public water supply unless otherwise agreed with the Planning Authority. If a private water supply is proposed, then no development shall commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

9. Prior to determination of any subsequent full planning application, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Planning Authority. The CMS shall incorporate:

- Measures to protect the freshwater environment, including the River Tweed SAC
- Mitigation measures to avoid potential impacts on protected species that may be present on site, including bats, badgers and red squirrel
- Measures to enhance biodiversity through planting native tree species of local provenance.

Once approved, the development then to be carried out in accordance with the CMS and any mitigation contained therein.

Reason: To safeguard ecological interests at the site.

10. No development shall commence during the breeding bird season (March – August inclusive), unless in strict compliance with a Species Protection Plan for breeding birds that shall be firstly submitted to and approved in writing by the Planning Authority. The SPP shall include provision for mitigation and a pre-development checking survey.

Reason: To safeguard ecological interests at the site

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution for the Borders railway.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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**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.

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**Signed...**Councillor T. Miers  
Chairman of the Local Review Body

**Date...**28 January 2019

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**APPENDIX II**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**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**

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**Local Review Reference:** 18/00037/RREF

**Planning Application Reference:** 18/01341/PPP

**Development Proposal:** Erection of dwellinghouse and detached garage

**Location:** Land South East of Tarf House, West Linton

**Applicant:** Mr & Mrs Erlend Milne

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**DECISION**

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

**DEVELOPMENT PROPOSAL**

The application relates to erection of a dwellinghouse and detached garage. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	1344.PL_01 A
Indicative Site Plan	1344.PL_02 D

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> January 2019.

After examining the review documentation which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultations and e) List of Policies, the Review Body proceeded to determine 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 Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP13, IS2, IS5, IS7 and IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- Scottish Planning Policy 2014

The Review Body noted that the proposal was for Planning Permission in Principle to erect a dwellinghouse and detached garage on the site.

Members firstly considered whether there was a building group present in the vicinity of the site and concluded that there was none in terms of relevant policies and guidance. They acknowledged that whilst there was a total of four dwellinghouses, these were split into two groups of two houses which, in themselves, did not constitute a building group in terms of Policy HD2 and there was little relationship between the groups of houses as they were separated by topography, screening etc. The Review Body also noted that the lack of a defined building group was consistent with previous planning decisions at the site.

As they did not consider a building group to be present, the Review Body then considered whether there was any substantiated economic need for a dwellinghouse to be positioned on the site. They were aware of the lack of employment space and buildings in the West Linton area and noted that, although the applicants did not intend their leather and saddlery business to be the justification for their application nor anything other than an ancillary use, Members were still required to give the matter consideration under the relevant Policy. They concluded, however, that there was insufficient business information to justify the need for a house at this particular site.

The Review Body also considered the visual and landscape impacts of the site and noted that the site was outwith the Pentland Hills Special Landscape Area and that a development would not necessarily result in any adverse impact on the landscape.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and Supplementary Planning Guidance and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

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### **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.
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**Signed....**Councillor T. Miers  
Chairman of the Local Review Body

**Date.....**28 January 2019

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