

# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY conducted remotely by Microsoft  
Teams Live Event on Monday, 15 March  
2021 at 10.00 am

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Present:- Councillors S. Mountford (Chair), A. Anderson, J. A. Fullarton, S. Hamilton,  
H. Laing, D. Moffat, C. Ramage, N. Richards and E. Small

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

## 1. **REVIEW OF 20/00956/PPP**

There had been circulated copies of the request from Mr D. J. Irvine, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application for the erection of a dwellinghouse, with integral garage, on land North East of Balcladach, Easter Ulston, Jedburgh. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; consultations; objections; general comments; additional representations and response from applicant; and a list of policies. In their initial discussion Members agreed that there was a building group at Easter Ulston and that there was capacity to add to that building group within the current Local Development Plan period. After further discussion, paying particular attention to the natural existing boundary of the group and the fact that the site was located in an undeveloped field, Members concluded that the proposal was not an appropriate addition to the group.

### **DECISION**

#### **AGREED that:-**

- (a) **the request for 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 but varied and planning permission be refused, for the reasons detailed in Appendix I to this Minute**

## 2. **REVIEW OF 20/00923/PPP**

There had been circulated copies of the request from R. E. Wood & Sons, per Erich Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application for erection of dwellinghouse on land North West of Whinneybrae, Skirling. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer's

Report; consultations; objections; additional representation and response from applicant; and a list of policies. Members noted that the site of the proposed dwellinghouse was outwith any settlement or building group. They went on to give consideration to the applicant's submissions regarding the justification for the house which was intended for an agricultural worker to care for a flock of pedigree sheep on the land within which it was located. Whilst accepting the economic viability of the farm business and, to provide maximum health standards, the reason for keeping the pedigree flock on a separate holding from the applicant's other two farms, they questioned whether alternative accommodation for the farm worker had been sufficiently investigated. After lengthy debate, Members' opinion remained divided as to whether the case for a house, at that location, had been sufficiently justified.

### VOTE

*Councillor Anderson, seconded by Councillor Ramage moved that the decision to refuse the application be upheld.*

*Councillor Fullarton, seconded by Councillor Richards, moved as an amendment that the decision to refuse the application be reversed and the application approved, subject to a legal agreement tying the dwellinghouse and buildings to the land holding.*

*Members voted as follows:-*

*Motion - 6 votes*

*Amendment - 3 votes*

*The motion was accordingly carried and the application refused,*

### **DECISION**

#### **DECIDED that:-**

- (a) the request for 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 and the application be refused, for the reasons detailed in Appendix II to this Minute.**

*The meeting concluded at 11.25 am*