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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTES of Meeting of the LOCAL REVIEW
BODY held in Via Microsoft Teams on
Monday, 7 March 2022 at 2.00 pm

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

Apologies:- Councillors N. Richards, D. Moffat.

In Attendance:- Principal Planning Officer, Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **CONTINUATION OF REVIEW 21/01257/FUL**

With reference to paragraph 4 of the Minute of 17 January 2022, the Local Review Body continued their consideration of the request from Mr S Aitchison, 3 Glenfield Crescent, Galashiels on behalf of Mr A Elliot to review the decision to refuse the planning application for the erection of a dwellinghouse on garden ground, Kilnknowe House, East Green, Earlston. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information; Objection comments; Consultation replies, List of policies and submission by the Roads Planning Officer, Planning Officer and Flood Risk Officer on the plan showing an alternative access to the proposed dwellinghouse. After considering all relevant information, the Local Review Body concluded that the development was contrary to IS8 of the Local Development Plan in that the site was at significant risk of flooding and allowing a dwellinghouse to be erected on this site would put persons and property at risk of flooding. In addition, access and egress could not be safely achievable during a flood event. There were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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 was contrary to the Local Development Plan and there were no other material considerations that would justify departure from the Development Plan.**
- (d) **the officer's decision to refuse the application be upheld and the application refused for the reasons set out in Appendix I to this Minute.**

2. **REVIEW OF 21/00710/PPP**

There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the Erection of a dwellinghouse with access, landscaping and associated works on Land South and West of

Greywalls, Gattonside. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; correspondence; consultation replies; objections, general comments and list of policies. The Planning Adviser drew attention to information, in the form of two historical maps which had been submitted with the Notice of review documentation but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the new information could not be considered without affording the Planning Officer, the opportunity of commenting on the new information and agreed that the application be continued for further procedure.

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) new evidence submitted with the Notice of Review in the form of two historical maps met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) the Planning Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review.**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

3. REVIEW OF 21/01344/FUL

There had been circulated copies of the request from Mr Christopher Brass, 1 Robson Close, Ryton, Gateshead to review the decision to refuse the planning application for the siting of 2 no. shepherds huts for short term holiday accommodation on Land East of the Old Stables, Lennel. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information, Correspondence; consultation replies and response from Applicant; support comment; Objection comments and response from applicant; further objection comments and response from applicant and List of policies. The Planning Adviser drew attention to information, in the form of three Scottish Borders LRB Appeal/Review decisions for holiday/hut accommodation and the outcome of a court case which had been submitted with the Notice of review documentation but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD1, PMD2, ED7 and IS5 of the Local Development Plan. The development was considered to be an appropriate provision of tourist accommodation for the location with a justified business case, complying with sustainability and tourism strategies for the area, connecting with and avoiding adverse impacts on public access routes. Consequently, the application was approved subject to conditions.

VOTE

Councillor Hamilton, seconded by Councillor Laing moved that the Officer's decision be overturned and the application approved.

Councillor Ramage, seconded by Councillor Anderson moved as an amendment that the Officer's decision be upheld and the application refused.

As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-

Motion – 5 votes

Amendment – 2 votes

The motion was accordingly carried.

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) new evidence submitted with the Notice of Review in the form of three Scottish Borders LRB Appeal/Review decisions for holiday/hut accommodation and the outcome of a court case which had been submitted with the Notice of review met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) the development was consistent with Policies PMD1, PMD2, ED7 and IS5 of the Local Development Plan. The development was considered to be an appropriate provision of tourist accommodation for the location with a justified business case, complying with sustainability and tourism strategies for the area, connecting with and avoiding adverse impacts on public access routes. Consequently, the application was approved subject to conditions; and**
- (e) the officers decision to refuse the application be overturned and the application approved, subject to conditions, for the reasons detailed in Appendix II to this Minute.**

4. REVIEW OF 21/00002/FUL

There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the Erection of a dwellinghouse on Plot1, Land South East of Steading Buildings, Greystonelees Farm, Burnmouth. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; correspondence; consultation replies; objections, general comments and list of policies. After considering all relevant information, the Local Review Body concluded that the development was contrary to policy HD2 of the Local Development Plan (Housing in the Countryside) as there was no remaining capacity for the extension of the building group within the current plan period. This capacity was taken up by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 stated that no further development above this threshold would be permitted, and there are no material considerations which would outweigh this. Consequently, the application was refused.

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 further procedure on the basis of the papers submitted;
- (c) the development was contrary policy HD2 of the Local Development Plan 2016 (Housing in the Countryside) and that there were no other material considerations that would justify departure from the Development Plan; and
- (d) the decision of the appointed officer be upheld and the application refused, for the reasons detailed in Appendix III to this Minute.

5. REVIEW OF 21/00595/PPP

There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the Erection of a dwellinghouse with access and associated works on Land East of Deuchar Mill House, Yarrow. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objections, further representations and Applicant response and list of policies. The Planning Adviser drew attention to information, in the form of a new site plan indicating a hedge which had been submitted with the Notice of Review but had not been before the Appointed Officer at the time of determination. The Review Body considered that the new evidence 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 and could be considered. After considering all relevant information, the Local Review Body concluded that the development was contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road. The proposal did not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there was no adverse impact on road safety. Consequently, the application was refused.

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) new evidence submitted with the Notice of Review in the form of a new site plan indicating a hedge which had been submitted with the Notice of review met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;
- (d) the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and
- (e) the decision of the appointed officer be upheld and the application refused, for the reasons detailed in Appendix IV to this Minute.

The meeting concluded at 5.00 pm



**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: 21/00030/RREF

Planning Application Reference: 21/01257/FUL

Development Proposal: Erection of dwellinghouse

Location: Garden ground of Kilnknowe House, East End, Earlston

Applicant: Mr A Elliot

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 proposal is contrary to policy IS8 of the Local Development Plan 2016 in that the site is at significant risk of flooding and allowing a dwellinghouse to be erected on this site would put persons and property at risk of flooding. In addition, access and egress could not be safely achievable during a flood event.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on garden ground of Kilnknowe House, East End, Earlston. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	
Floor Plans	
Site Plan	570-1
Access	570-2
Elevations	570-3

PRELIMINARY MATTERS

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th January 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Additional Information; d) Objection Comments; e) Consultation replies; and f) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to further information in the form of an amended drawing 570-2 showing access to the site being taken from the Main Street in Earlston.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. However, there was a requirement for further procedure in the form of written submissions to enable the Appointed Officer, Flood Risk Officer and Roads Planning Officer to comment on the new information.

The Review was, therefore, continued to the Local Review Body meeting on 7th March 2022 where the Review Body considered all matters, including responses to the further information from the Appointed Officer, Flood Risk Officer and Roads Planning Officer. The Review Body also noted that the applicant had requested further procedure in the form of written submissions and a site visit but did not consider it necessary in this instance and 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, PMD5, HD3, EP13, IS2, IS3, IS7, IS8 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2020
- Scottish Planning Policy 2014
- Scottish Government Flood Risk – Planning Advice 2015

The Review Body noted that the proposal was for planning permission to erect a dwellinghouse on garden ground of Kilnknowe House, East End, Earlston.

Members firstly considered the principle of the dwellinghouse on the site, which they noted lay within the settlement boundary of Earlston as defined in the Local Development Plan. The Review Body considered the proposal against the relevant infill Policy PMD5 and criteria within Policy PMD2 on quality standards. They noted that the Appointed Officer had accepted the infill site when considering these Policies and Members were of a similar view. They noted the position and size of the site and, given its relationship with the surroundings, they viewed the site as an acceptable infill opportunity within the settlement. Members also had no issue with impacts on residential amenity when considering the proposals under Policy HD3, nor with the precise siting and design of the proposed house, which they noted had been accepted by the Appointed Officer and would be subject to conditions.

Members then considered the issue of flood risk and whether the proposal would be in compliance with Policy IS8 and Government guidance. They noted that this was the reason the application had been refused by the Appointed Officer, based upon the advice from the Council's Flood Risk Officer that the site and access would be at risk of flooding. They noted that this advice was based on both the SEPA Flood Maps and the 2017 Earlston Flood Study, relating to both 1 in 100 and 200 year scenarios. The Review Body noted that the level of projected water inundation was such that the Flood Risk Officer had objected to the application and that, even if mitigation such as raised floor levels was considered, there would still be no access or egress safe from flooding.

Whilst Members took into account the applicant's comments about a lack of flood history in the area and expressed sympathy with regard to the proposal being an otherwise acceptable infill opportunity surrounded by existing properties also at risk, the Review Body acknowledged that with climate change, predicted flood levels were increasing. Given this, they attached significant weight to the advice of the Flood Risk Officer and concluded that flood risk seemed insurmountable at the site, contrary to the requirements of Local Development Plan Policy IS8. Members, therefore, upheld the decision of the Appointed Officer based upon the objection from the Flood Risk Officer.

The Review Body finally considered other material issues relating to the proposal including access, trees, water, drainage and developer contributions. They were of the opinion that the issues either did not influence the overall decision on the Review or could have been controlled by appropriate conditions and a legal agreement had the proposal been supported.

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. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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 S Mountford
Chairman of the Local Review Body

Date 15th March 2022



**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: 21/00038/RREF

Planning Application Reference: 21/00710/PPP

Development Proposal: Erection of dwellinghouse with access, landscaping and associated works

Location: Land South and West of Greywalls, Gattonside

Applicant: Mr N & Mrs C Cameron

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 is contrary to Policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, within a previously undeveloped field, outwith the sense of place, out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area. This conflict with the development plan is not overridden by other material considerations.

Development Proposal

The application relates to the erection of a dwellinghouse with access, landscaping and associated works on land South and West of Greywalls, Gattonside. The application drawings and documentation consisted of the following:

Plan Type		Plan Reference No.
Site Location Plan	(Comparison)	P01 B2
Site Location Plan	(Indicative)	P01 B2
Indicative Floor Plan and Elevation		S01 B

First Floor Plan	S02 B
Access Road Plan	21/011/01
Access Road Long Section	21/011/02
Access Road Cross Sections 1	21/011/03
Access Road Cross Sections 2	21/011/04

Preliminary Matters

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 7th March 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; and e) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to further information in the form of two historical Ordnance Survey maps of the area.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. However, there was a requirement for further procedure in the form of written submissions to enable the Appointed Officer to comment on the new information.

The Review was, therefore, continued to the Local Review Body meeting on 18th April 2022 where the Review Body considered all matters, including a response to the further information from the Appointed Officer and the applicant's comments on that response. The Review Body then 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, PMD4, HD2, EP1, EP2, EP3, EP4, EP6, EP7, EP8, EP13, IS2, IS3, IS7, IS8, and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Countryside Around Towns 2011

- Scottish Planning Policy 2014

The Review Body noted that the proposal was for the erection of a dwellinghouse with access, landscaping and associated works on land South and West of Greywalls, Gattonside.

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that there were a number of existing houses in the immediate vicinity to the north and east of the site, based around Friars Hall and including a new dwellinghouse at Friarshaugh View. Members were satisfied that this constituted a building group under Clause A of Policy HD2. In terms of whether there was capacity for the group to be expanded, the Review Body also noted that there were no existing permissions for any further houses at the group and they concluded that, subject to the site being considered to be an acceptable addition to the group, there was capacity for the development in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the group's sense of place and in keeping with its character. In this respect, they noted the location of the site within the northern part of an open field, immediately adjoining the curved boundary of Greywalls which was formed by a wall and by beech hedging. Members also noted the other boundaries in the vicinity including woodland to the north of the site and conifer hedging enclosing the garden of Friars Hall to the east of the site.

Whilst the Review Body acknowledged the points advanced by the applicant in contending that the site was part of the sense of place at the group, on balance, Members disagreed. They considered that the proposal represented incursion into an undeveloped field and, whilst it was adjoining the building group, it did not integrate with the group nor did it relate well to the character or sense of place. Members considered that the boundary to the group in the vicinity of the site was formed by the curved wall and hedge of Greywalls, the site being both outwith that and distant from other houses within the building group. This isolation led to a poor relationship with the building group which was exacerbated by the lengthy access road taken from the westerly field access. Members concluded that the site was not an appropriate addition to the building group and was contrary to Policy HD2 and the relevant Supplementary Planning Guidance. The Review Body also noted that there had been no economic justification advanced for the need for the site under Part F of Policy HD2.

Members then considered the issues of landscape and residential amenity impacts, noting that the site was covered by the Countryside Around Towns Policy EP6. The Review Body agreed with the Appointed Officer that the isolation and detachment of the site from the building group led to contravention of this Policy and that the length and location of the proposed access road both detracted from the amenity of the area and could lead to development pressure in the future.

The Review Body finally considered other material issues relating to the proposal including water, drainage, impacts on trees and hedges, ecology, archaeology, flood risk and the need for compliance with developer contributions. Members were of the opinion that appropriate conditions and a legal agreement could have addressed these issues satisfactorily, had the application been supported.

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. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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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Councillor S Mountford
Chairman of the Local Review Body

Date 27th April 2022

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**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: 21/00039/RREF

Planning Application Reference: 21/01344/FUL

Development Proposal: Siting of 2 no. shepherds' huts for short term holiday accommodation

Location: Land East of The Old Stables, Lennel House, Coldstream

Applicant: Mr Christopher Brass

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice, subject to conditions and informatives as set out below.

DEVELOPMENT PROPOSAL

The application relates to the siting of 2 no. shepherds' huts for short term holiday accommodation on Land East of The Old Stables, Lennel House, Coldstream. The application drawings and documentation consisted of the following:

Plan Type

Plan Reference No.

Site/Location Plan
Elevations of Shepherds' Huts
Photographs

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 7th March 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report; c) Additional Information; d) Correspondence; e) Consultation Replies and Response from Applicant; f) Support Comments; g) Objection Comments and Applicant Response; h) Further Objection Comments and Response from Applicant; and i) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to three Borders Appeal/Review decisions for holiday/hut accommodation and the outcome of a court case. After consideration, Members agreed that this information was new, met the Section 43B test and that it could be considered, given it was material to the applicant's case and, therefore, to the determination of the Review.

The Review Body also noted that the applicant had requested further procedure in the form of a hearing session but did not consider it necessary in this instance and 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, PMD4, ED7, ED10, HD2, HD3, EP1, EP2, EP3, EP7, EP10, EP13, EP16, IS4, IS5, IS7, IS8 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- Scottish Borders Tourism Strategy and Action Plan 2013-2019

The Review Body noted that the proposal was for the siting of 2 no. shepherds' huts for short term holiday accommodation on Land East of The Old Stables, Lennel House, Coldstream.

Members firstly considered the principle of the development under Policy ED7. They noted that the Policy required the submission of a business case to support tourist accommodation proposals in the countryside. They agreed with the Appointed Officer that the business case was acceptable, outlining a proposal based upon eco-friendly tourism accommodation and supporting more sustainable modes of transport such as walking, cycling and public transport. Members considered that such development should be encouraged. In those respects, Members also noted the location of the site adjoining the Tweed Trail and the network of paths in the area. The Review Body concluded that the business case had merit and was in compliance with Policy ED7 as well as with the sustainable access requirements of Policies PMD1 and PMD2. Members also considered the criteria set down in Policy ED7 and PMD2

on siting and relationship with adjoining uses but concluded that the development was modest in scale and form, with limited visibility and impacts.

The Review Body then considered the issues of vehicular access, pedestrian and road safety which had been the reasons for refusal under Policy PMD2. They noted the objections from the Roads Officer and carefully considered the reasons for the objections, noting the nature of the track leading from the public road to the site, the visibility at the junction with the public road and the general condition, width and gradient of the track. Members noted that the track was a public right of way and also provided access to the applicant's existing agricultural building and the River Tweed.

The Review Body understood that, although the applicant had a right of access to the site, there was no ability to undertake any track or junction improvements. However, Members also noted the applicant's clearly stated intentions to market and book the shepherds' huts on the basis of no car access or parking provision and that there was Policy encouragement for alternative, more sustainable means of transport. Whilst the Review Body took into account all the objections from the Roads Officer and third parties on the issue of road and pedestrian safety, Members considered that, with the small scale nature of the proposals, the unsuitable nature of the track for private cars and the booking controls intended by the applicant, the impacts on road and pedestrian safety were not sufficient in this instance to justify opposing the development under Policy PMD2.

Members then considered the issue of claimed public access through the site and noted all the submissions made by objectors and the applicant. After discussion, the Review Body agreed with the Access and Appointed Officers, that the issue of claimed access was a matter for resolution outwith the remit of the planning application, noting in any case that the siting of the shepherds' huts would be unlikely to impact on the line of the claimed access. The Review Body were content that the precise siting and curtilage treatment around each hut could be further agreed by a planning condition, the Appointed Officer being able to take into account all site constraints during that process.

The Review Body finally considered other material issues relating to the proposal including development outwith settlement boundaries, trees, ecology, water, drainage, waste disposal, flood risk, prime agricultural land and use of the existing agricultural building, but were of the opinion that such issues either did not outweigh their decision to support the proposal or were able to be addressed through appropriate conditions.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD1, PMD2, ED7 and IS5 of the Local Development Plan. The development was considered to be an appropriate provision of tourist accommodation for the location with a justified business case, complying with sustainability and tourism strategies for the area, connecting with and avoiding adverse impacts on public access routes. Consequently, the application was approved subject to conditions.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

1. The occupation of the shepherds' huts shall be restricted to genuine holidaymakers, any person staying for a maximum of 3 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: Permanent residential use in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until a scheme of all external colours and materials for the huts are submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved scheme.
Reason: To safeguard the visual amenity of the area.
3. No development to be commenced until a plan is submitted to, and approved in writing by, the Planning Authority, detailing the precise location of each hut on the site, the extent of curtilage around each hut intended for guests to use in association with their stay, the boundary treatments for each curtilage and provision for pedestrian and cycle access to the huts. The development then to be implemented in accordance with the approved scheme and maintained thereafter.
Reason: To ensure the satisfactory form, layout, operation and relationship of the development with the site constraints.
4. No development to be commenced until a scheme of waste storage for the development is submitted to, and approved in writing by the Planning Authority. Once approved, the development then to be operated in accordance with the approved scheme.
Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.
5. No development to be commenced until a scheme for the provision of a water supply and of disposal of foul and surface water for the development are submitted to, and approved in writing by the Planning Authority. Once approved, the development then to be operated in accordance with the approved scheme.
Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.
6. No development to be commenced until a Preliminary Ecological Appraisal by a suitably qualified professional is carried out, submitted to, and approved in writing by the Planning Authority. The development then to be implemented in accordance with the findings of the Appraisal, including any mitigation measures or additional surveys as necessary.
Reason: To safeguard nature conservation interests and potential protected species at the site.

INFORMATIVES

1. If stoves are intended to be installed in the huts, these have the potential to create smoke and odour nuisance. You would, therefore, be recommended to contact the Environmental Health Service of the Council for advice in relation to the potential impacts of stove operation and what mitigation may be advised.
2. In relation to Conditions 1 and 3, consideration should be given to disabled access to the huts.

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, 4th 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.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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 S Mountford
Chairman of the Local Review Body

Date 15 March 2022

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**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: 21/00040/RREF

Planning Application Reference: 21/00002/FUL

Development Proposal: Erection of dwellinghouse

Location: Plot 1 Land South East of Steading Buildings, Greystonelees Farm, Burnmouth

Applicant: Mr Richard Wood

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 proposed erection of a further dwellinghouse at this location would be contrary to Local Development Plan 2016 Policy HD2 (Housing in the Countryside) as there is no remaining capacity for the expansion of the building group within the current plan period. The building group's capacity for expansion within the current Local Development Plan 2016 period was two units. This capacity was taken up by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 states that no further development above this threshold will be permitted, and there are no material considerations which would outweigh this.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse at Plot 1, Land South East of Steading Buildings, Greystonelees Farm, Burnmouth. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	103
Site Location and Layout	010
Proposed Site Plan	101B
Floor Plans and Elevations	100E

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 7th March 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Additional Information; d) Correspondence; e) Consultation Replies; f) Objections; g) General Comment; and h) 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, ED9, ED10, HD2, HD3, EP5, EP7, EP8, EP13, EP14, IS2, IS7, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2021
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Renewable Energy 2018
- SBC Supplementary Planning Guidance on SUDS 2020
- Contaminated Land Inspection Strategy 2001
- PAN33 Contaminated Land
- SPP 2014
- Proposed LDP 2

The Review Body noted that the proposal was for planning permission for the erection of a dwellinghouse at Plot 1, Land South East of Steading Buildings, Greystonelees Farm, Burnmouth.

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that the Appointed Officer accepted the presence of a building group at Greystonelees, comprising of seven existing houses under the terms of Policy HD2. As this was more than the minimum number of existing houses required to constitute a building

group in order to comply with Policy HD2, the Review Body accepted that there was a clear group present.

Members then considered the issue of whether the building group had capacity to be expanded under the scale of addition maximum threshold contained within Policy HD2, which they understood to be two additional houses within the period of the current Local Development Plan. The Review Body considered the planning history of development within the building group and noted that two houses had already been approved in 2021 and were already under construction on adjoining plots. Members considered all material factors relating to the development of a further house on the Review site, including the applicant's claims that the site already held an extant consent through commencement and that completion of the group was an overriding material factor.

After consideration, the Review Body did not consider that other material factors outweighed the issue of exceeding the scale of addition figure of two houses during the Local Development Plan period and agreed with the Appointed Officer that there were no justifiable reasons for exceeding the capacity threshold. Members considered it important to apply the threshold consistently and noted that, had the Appointed Officer accepted that a consent was extant on Plot 1, then consent would not have been granted for two houses on the other plots as they understood that the scale of addition capacity would be reduced by any pre-existing extant consents.

Given that houses were now actively being erected on Plots 2 and 3, the Review Body noted that these would be considered as part of the existing number of houses within the building group at the time of adoption of the new Proposed Local Development Plan and would not then effectively reduce the scale of addition through being extant permissions without construction having started. Members also noted that there had been no economic or agricultural justification submitted for the house, under Clause F of Policy HD2. Members, therefore, concluded that there would be an opportunity to re-apply for permission at a later stage and agreed with the Appointed Officer that the current application at Review should be refused for exceeding the scale of addition threshold.

Notwithstanding the issue of scale of addition, Members considered all other aspects of the proposal in terms of whether the site was an appropriate addition to the building group and whether the siting and design of the house were appropriate for the group in terms of impacts on landscape and adjoining properties. After assessment under Policies PMD2, HD2 and HD3, together with the relevant Supplementary Planning Guidance, the Review Body were satisfied that the site would secure completion of the group in an appropriate manner with sympathetic scale and design. They noted that the rising land would visually terminate the group and that the design and aspect of the house would both achieve attractive outlook and preserve residential amenity.

The Review Body finally considered other material issues relating to the proposal including access and parking for the house and existing cottages, water, drainage, archaeology, potential land contamination and the need for compliance with developer contributions, but were of the opinion that the issues did not influence the overall decision on the Review and could have been controlled by appropriate conditions and a legal agreement had the proposal been supported.

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. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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 S Mountford
Chairman of the Local Review Body

Date 15 March 2022

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**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: 21/00041/RREF

Planning Application Reference: 21/00595/PPP

Development Proposal: Erection of dwellinghouse with access and associated works

Location: Land East of Deuchars Mill House, Yarrow

Applicant: Buccleuch Estates Ltd

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 proposed development at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road.
2. The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse with access and associated works on Land East of Deuchars Mill House, Yarrow. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Site/Location Plan	10059-0-01
Site Plan as Proposed	10059-0-02 Rev A
Site Plan as Proposed	10059-0-02 Rev B

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 7th March 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; e) Objection comments; f) Further Representations and Applicant Response; and g) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to further information in the form of an amended drawing 10059-0-02 Rev B showing a proposed hedgerow along the southern boundary of the proposed access to the site.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. The Review Body did not require any further procedure in relation to the new information and 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, EP13, IS2, IS7, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SPP 2014

The Review Body noted that the proposal was for planning permission in principle for the erection of a dwellinghouse with access and associated works on Land East of Deuchars Mill House, Yarrow.

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that there were three existing houses on the south side of the public road, accessed from the same descending driveway which served the old mill. In terms of the number of houses and their arrangement, the Review Body were satisfied that this constituted a building group under Clause A of Policy HD2. With regard to whether there was capacity for the group to be expanded, the Review Body also noted that there were no existing permissions for any further houses at the group and they concluded that, subject to the site being considered to be an acceptable addition to the group, there was capacity for the development in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group, whether it was within the group's sense of place and in keeping with its character. They also considered the issues of landscape impact in relation to Policy HD2 and PMD2. In terms of relationship of the site with the group, the Review Body were in agreement with the Appointed Officer that the site would appear isolated, visually prominent and detached from the other houses forming the building group. The existing houses all accessed from the same driveway which unified and contributed to the group's character and sense of place. The houses were also at descending levels from the public road, resulting in them being relatively concealed from public view. The proposed site would be more elevated, visible and prominent in the landscape, resulting in detachment and a poor relationship with the remainder of the houses in the group. Members considered this poor relationship to be exacerbated by the lengthy access road which provided separate access to the site.

The Review Body also considered that the site represented ribbon development, given the location of the site outwith the sense of place, on higher land and accessed by a separate roadway with little visual connection with the group. Whilst they acknowledged the site lay within the Southern Housing Market Area and that dispersed group patterns could be considered under Policy HD2, they did not consider this sufficiently redressed the issues of detachment, prominence and poor relationship of the site with the remainder of the building group. Members also noted that there had been no economic or agricultural justification submitted for the house, under Clause F of Policy HD2. Members, therefore, concluded that the site was an inappropriate addition to the building group, contrary to Policy HD2 and the relevant Supplementary Planning Guidance.

Members then considered the issue of access to the site and noted that the access point from the public road had been amended during the processing of the application to attempt to address objections on road safety and lack of required visibility. Taking into account the requirements of Policy PMD2 in seeking to avoid adverse impacts on road safety, the Review Body noted that there was sustained objection from the Appointed Officer and Roads Officer to the amended access. Whilst there was some discussion over the merits of the original or amended access points, given the identified issues of detachment and building group relationship caused by the lengthy access road, on balance, Members ultimately accepted the advice of the Appointed and Roads Officers that the revised access would create additional traffic and impacts on the public road to the detriment of road safety.

The Review Body finally considered other material issues relating to the proposal including residential amenity, water, drainage, impacts on trees and hedges, ecology and land contamination but were of the opinion that the issues did not influence the overall decision on the Review and could have been controlled by appropriate conditions had the proposal been supported.

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. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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 S Mountford
Chairman of the Local Review Body

Date 15 March 2022

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