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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells on
Monday, 23 October 2023 at 10 a.m.

Present: - Councillors S. Mountford (Chair), M. Douglas, J. Cox, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small, V. Thomson.

In Attendance: - Lead Planning Officer, Solicitor (F. Rankine), Democratic Services Officers (F. Henderson and D. Hall).

1. CONTINUATION OF REVIEW 23/00023/RREF

1.1 With reference to paragraph 7, of the Minute of 14 August 2023, the Local Review Body continued their consideration of a request from Mrs Nancy Hunter, per Sam Edwards, Ferguson Planning, 37 One George Street, Edinburgh to review the decision to refuse the planning application in respect of the Erection of dwellinghouse with detached garage on Land South of Headshaw Farmhouse, Ashkirk, Selkirk. The supporting papers included a) the submission by the Planning Officer on new information; b) Notice of Review including Decision Notice and Officer's report; c) papers referred to in the Officer's Report; d) additional information; e) Consultation Replies and f) List of Policies.

1.2 Members noted that full planning permission was sought for the erection of a dwellinghouse with detached garage when the application was initially considered on 14 August 2023. Both parties agreed that there was a building group at Headshaw and were satisfied that the building group had the numerical capacity to accept further housing within the current local development plan period. The Local Review Body then considered whether the site was well related to the sense of place of the building group. In terms of the siting and design of the dwellinghouse, Members concluded that the siting and single storey height of the proposal would not be visually dominant within the surrounding landscape with the rising land and mature planting to the north providing ample containment. After considering all relevant information, The Local Review Body reversed the decision of the appointed officer and indicated that it intended to grant planning permission subject to conditions and the applicants entering a Section 75, or other suitable Legal Agreement.

VOTE

Councillor Douglas, seconded by Councillor Scott moved that the application be approved.

Councillor Thomson, seconded by Councillor Moffat moved as an amendment that the application be refused.

On a show of hands Members voted as follows:-

Motion – 7 votes

Amendment – 2 votes

The motion was accordingly carried.

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 further procedure;**
- (c) the development was consistent with Polies HD2 and PMD2 of the Local Development Plan Policy 17 of NPF4 and relevant Supplementary Planning Guidance. The development was well related to an existing building group where the siting, scale and design of the proposal respected the character of the group and the visual amenity of the surrounding rural area.**
- (d) the officer's decision to refuse the application be overturned.**

2. REVIEW OF 23/00034/RREF

- 2.1 There had been circulated copies of a request from U-Stor Business Units Ltd per Ray Cherry, Hillmount Cottage, Main Street, Birgham to review the planning application in respect of a proposed change of use for Units 8 -2 and 8-3 to mixed use to include classes 1 and 10 at U-Stor Business Units, Spylaw Road, Kelso. The supporting papers included a) the Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in the Officer's Report; c) Additional Information; d) Consultation Replies; e) Support Comments, f) Objections; g) further representations and h) List of Policies. The Planning Adviser drew attention to information on the available retail space within the Unit, which had been submitted with the Notice of Review 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 matter could not be considered without enabling the Planning Officer and Economic Development Service to respond to the information on the available retail space within the Unit. Members, therefore, agreed that the application be continued for further procedure in the form of written submission to seek comments from the Planning Officer and Economic Development.

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 amended retail space calculations 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 and Economic Development Service be given the opportunity to comment on the amended retail space calculations contained within the review papers; and**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

3. CONSIDER REVIEW OF 23/00036/RREF

- 3.1 There had been circulated copies of a request from Mr Peter Caunt per Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on Land South of 1 Netherwells, Jedburgh. The supporting papers included a) Notice of Review (including the Decision Notice and Officer's Report); b) Consultation Replies; c) Objections and d) List of Policies.
- 3.2 The Planning Advisor drew attention to new evidence submitted with the Notice of Review documentation in the form of 3D visualisations of the proposed development x 3 and Site Plan showing where the viewpoints were taken from, which had been submitted with the review, but which had not been before the Appointed Planning 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 not material to the determination of the review. It was therefore agreed that the new information be rejected and the application in terms of Option A be determined without further procedure.
- 3.3 Members accepted that there was an identifiable building group at Netherwells which consisted of more than three residential properties and were satisfied that the building group had numerical capacity within the current local development plan period. The Local Review Body noted third party representations were concerned with the road safety implications associated with the additional vehicle movements generated by the proposed application and agreed with the Council's Roads Planning Service that the existing road network would have the capacity to safely accommodate the traffic movements associated with this development. 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.

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;**
- (c) **the development was contrary to policy PMD2 of the Local Development Plan 2016, the SPG on Placemaking and Design and Policy 17 of NPF4 as the poor-quality design of the development would not be compatible with or sympathetic to the character and visual amenity of the surrounding area.**
- (d) **the officer's decision to refuse the application be upheld and the reason for refusal varied.**

MEMBER

Councillor Moffat did not return to the meeting following the adjournment.

DECLARATION OF INTEREST

Councillor Orr declared an interest in the following items of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber.

REVIEW OF 23/00037/RREF REVIEW OF 23/00037/RREF

- 4.1 There had been circulated copies of a request from Aver Chartered Accountants per Bidwells, Broxden House, Lamberkine Drive, Perth to review the decision to refuse the planning application in respect of the erection of dwellinghouse at Plot C, Land West of Hedgehope Cottage, Winfield, Berwick-Upon Tweed. The supporting papers included a)

the Notice of Review (including the Decision Notice and Officer's Report) and b) List of Policies.

- 4.2 The Review Body noted that the application sought consent in principle for the erection of a dwellinghouse on a site located at the corner of an existing field which was accessed via a minor public road which connected Sunwick and Fishwick. Members agreed that a building group was not identifiable at the location and was not determined to represent a rural housing development which complied with Building Group addition policy requirement of Policy HD2. Members considered the proposal against all other sections of Policy HD2 and concluded that the development failed to comply with any of the forms of rural housing development promoted by Policy HD2 of the LDP. 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.

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;**
- (c) **The development was contrary to policy HD2 (Housing in the Countryside) and ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) of the Local Development Plan 2016, the National Planning Framework 4 policies 5 (Soils), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 17 as it would result in the permanent loss of greenfield, prime quality agricultural land without any necessary exceptional justification. The conflict with the development plan was not overridden by any other material consideration. The proposed development was contrary to Local Development Plan 2016**
- (d) **the Officers decision to refuse the application be upheld and varied.**

REVIEW OF 23/00038/RREF

- 5.1 There had been circulated copies of a request from Aver Chartered Accountants per Bidwells, Broxden House, Lamberkine Drive, Perth to review the decision to refuse the planning application in respect of the erection of dwellinghouse at Plot C, Land West of Hedgehope Cottage, Winfield, Berwick-Upon Tweed. The supporting papers included a) the Notice of Review (including the Decision Notice and Officer's Report) and b) List of Policies.
- 5.2 The Review Body noted that the application sought consent in principle for the erection of a dwellinghouse on a site located at the corner of an existing field which was accessed via a minor public road which connected Sunwick and Fishwick. Members agreed that a building group was not identifiable at the location and was not determined to represent a rural housing development which complied with Building Group addition policy requirement of Policy HD2. Members considered the proposal against all other sections of Policy HD2 and concluded that the development failed to comply with any of the forms of rural housing development promoted by Policy HD2 of the LDP. 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.

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;**
- (c) The development was contrary to policy HD2 (Housing in the Countryside) and ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) of the Local Development Plan 2016, the National Planning Framework 4 policies 5 (Soils), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 17 as it would result in the permanent loss of greenfield, prime quality agricultural land without any necessary exceptional justification. The conflict with the development plan was not overridden by any other material consideration. The proposed development was contrary to Local Development Plan 2016**
- (d) the Officers decision to refuse the application be upheld and varied.**

5.0 REVIEW OF 23/00038/RREF

- 5.1** There had been circulated copies of a request from Aver Chartered Accountants per Bidwells, Broxden House, Lamberkine Drive, Perth to review the decision to refuse the planning application in respect of the erection of dwellinghouse on Land East of Dunedin Lodge, Crossrig, Berwick Upon Tweed. The supporting papers included a) the Notice of Review (including the Decision Notice and Officer's Report) and b) List of Policies.
- 5.2** The Review Body noted that the site previously accommodated WWII buildings associated with the nearby Winfield airfield, which had since been demolished. Members observed that a building group of at least three existing houses was not identifiable at this location. The proposal was not determined to represent a rural housing development which complied with Building Group addition policy requirement of Policy HD2. Members considered the proposal against all other sections of Policy HD2 and concluded that the development failed to comply with any of the forms of rural housing development promoted by Policy HD2 of the LDP. The Local Review Body noted that part of the reason the application was refused was due to its car dependency as a result of its rural location which was perceived to be unsustainable. Members accepted that the development would generate vehicle movements. However, the number of movements would not be disproportionate to the number of vehicle movements associated with other housing developments within rural parts of the Scottish Borders. Members determined that 'car dependency' concerns be removed from the reason for refusal. 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.

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;**
- (c) The development was contrary to policies 1, 2 and 17 of National Planning Framework 4 and PMD1 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.**

(d) the Officers decision to refuse the application be upheld.

6.0 REVIEW OF 23/00039/RREF

- 6.1 There had been circulated copies of a request from Aver Chartered Accountants per Bidwells, Broxden House, Lamberkine Drive, Perth to review the decision to refuse the planning application in respect of the erection of dwellinghouse on Land Northeast of Alba Cottage, Fishwick, Berwick-Upon-Tweed. The supporting papers included a) the Notice of Review (including the Decision Notice and Officer's Report); c) additional Information and c) List of Policies.
- 6.2 The Review Body noted that hardcore had been laid and stanchions erected in relation to previous works at the site. The members considered the proposals against development plan policy provisions covering rural housing and brownfield land, principally Policies HD2 and ED5 of the LDP and Policies 9 and 17 of NPF4 as well as the SPG on Housing in the Countryside and noted that a building group of at least three existing houses was not identifiable at the location. The proposal was not determined to represent a rural housing development which complied with Building Group addition policy requirement of Policy HD2. Members considered the proposal against all other sections of Policy HD2 and concluded that the development failed to comply with any of the forms of rural housing development promoted by Policy HD2 of the LDP.
- 6.3 The Local Review Body noted that part of the reason the application was refused was due to its car dependency as a result of its rural location which was perceived to be unsustainable. Members accepted that the development would generate vehicle movements. However, the number of movements would not be disproportionate to the number of vehicle movements associated with other housing developments within rural parts of the Scottish Borders. Members determined that 'car dependency' concerns should be removed from the reason for refusal.

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;**
- (c) The development was contrary to policies 1, 2 and 17 of National Planning Framework 4 and PMD1 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan was not overridden by any other material considerations.**
- (d) the Officers decision to refuse the application be upheld.**

The meeting concluded at 12.40 pm



**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY INTENTIONS 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: 23/00023/RREF

Planning Application Reference: 22/01947/FUL

Development Proposal: Erection of dwellinghouse with detached garage

Location: Land South of Headshaw Farmhouse, Ashkirk, Selkirk

Applicant: Mrs Nancy Margaret Hunter

DECISION

The Local Review Body reversed the decision of the appointed officer and indicated that it intended to grant planning permission for the reasons set out in this intention notice subject to conditions 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 with detached garage on land south of Headshaw Farmhouse, Ashkirk. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	073P-01
Proposed Site Plan	873P-02
Proposed Plans	873P-03
Proposed Elevations	873P-04
Proposed Elevations	873P-05
3D View	873P-06
Proposed Plans & Elevations	873P-07
Other	Sequential Plan

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 14th August 2023.

After examining the review documentation at that meeting, which included a) Submission by Officer on New Information; b) Notice of Review; c) Decision Notice; d) Officer's Report; e) Papers referred to in Officer's Report; f) Additional Information; g) Consultation Replies and g f) List of Policies; the Review Body noted that new evidence had been submitted which related to annotated aerial images and photographs. This information was not in front of the Appointed Officer at the time of determination. 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. Comment on the new information was sought from the Planning Officer.

The Review was, therefore, continued to the Local Review Body meeting on 20th October 2023 where the Review Body considered all matters, including the responses from the Planning Officer. Members 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: the Scottish Borders Local Development Plan 2016 (LDP) and National Planning Framework 4 (NPF4). The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD2, HD2, HD3, EP1, EP2, EP3, EP13, IS2, IS3 IS7, IS9
- NPF4 Policies: 3, 4, 6, 9, 14, 17

Other Material Considerations

- 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
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Development Contributions 2022
- SBC Supplementary Planning Guidance on Landscape and Development 2020
- SBC Supplementary Planning Guidance on SUDS 2020

The Review Body noted that full planning permission was sought for the erection of a dwellinghouse with detached garage. Members noted that the site was laid to grass and generally sloped towards the southeast.

The Local Review Body considered the proposals against development plan policy provisions covering rural housing and placemaking, principally Policies HD2 and PMD2 of the LDP and Policies 17 of NPF4 as well as the SPG on Housing in the Countryside. The impact of the development on the greenfield site was considered against Policy 9 of NPF4.

Members noted that the appointed officer and the applicant agreed that there was a building group at Headshaw. Against the requirements of Section (A) Building Groups of Policy HD2, the Local

Review Body agreed that there was an identifiable building group at Headshaw which consisted of more than three residential properties. Under the scale of addition rule, Members were satisfied that the building group has the numerical capacity to accept further housing within the current local development plan period.

The Local Review Body proceeded to consider whether the site is well related to the sense of place of the building group and in keeping with its character. Members noted that this was the area of contention with the determination of the application. It was observed that existing properties within the group were located on the northern side of the access road **and** set behind mature hedging and trees.

The Local Review Body noted that the site fronts on to the access driveway and importantly its southwestern boundary is defined by a drystone dyke. Weight was given to the importance of this wall which was viewed to be a man-made boundary which formed an integral boundary to the building group. The LRB were satisfied that the plot was still close to other properties in the group and benefited from intervisibility to some of the existing houses, in particular with the 'The Bungalow' which lies directly opposite the site. In this case, the LRB were satisfied that the driveway was not the identifiable boundary of this building group, and the location of the site integrated with the sense of place and character of the building group provided that sufficient site landscaping and means of tree protection were agreed.

Members then turned their attention to the siting and design of the dwellinghouse. The LRB judged that the siting and single storey height of the proposal would not be visually dominant within the surrounding landscape with the rising land and mature planting to the north providing ample containment. The design of the house and garage was accepted to represent a high-quality development which respects the character of the rural environment and comply with relevant design requirements of NPF4 Policy 17 and Policies PMD2 and HD2 of the LDP. Members supported the proposed palette of external material finishes but owing to the siting of the development within the rural landscaping agreement of the precise specifications of the finishes were required to be agreed by condition.

Members moved on to consider other material matters covering access, parking, site services, biodiversity enhancements and developer contributions towards the Wavery Line. The Review Body were of the opinion that appropriate conditions and legal agreement could address each of these matters satisfactorily.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Polies HD2 and PMD2 of the Local Development Plan Policy 17 of NPF4 and relevant Supplementary Planning Guidance. The development was considered to be well related to an existing building group where the siting, scale and design of the proposal respected the character of the group and the visual amenity of the surrounding rural area. Consequently, the application was approved, subject to conditions and legal agreement.

CONDITIONS

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.
2. No development shall commence until precise details including colour finish of the external building materials finishes shall be submitted for the written approval of the Planning

Authority and the development shall be implemented in accordance with the approved details.

Reason: To ensure that the development respects the character and visual amenity of the surrounding area.

3. No development shall commence until precise details of the water supply and of both foul water and surface water drainage have been submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved details. The surface water drainage shall be handled by way of sustainable urban drainage techniques.

Reason: To ensure the site is adequately serviced.

4. Parking and turning for a minimum of two vehicles to be provided within the curtilage of the plot, excluding garages, prior to occupation of the dwelling and retained in perpetuity thereafter unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure appropriate parking is provided for the new dwelling.

5. 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:

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. trees to be retained within the site
- iii. existing landscaping features, hedgerows and trees to be retained, protected and, in the case of damage, restored
- iv. location and design, including materials, of walls, fences and gates
- v. soft and hard landscaping works
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. A programme for completion and subsequent maintenance.

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

6. No development shall commence until a Biodiversity Enhancement plan has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be undertaken in accordance with the approved details unless otherwise agreed with the Planning Authority.

Reason: To enhance the ecological interest in accordance with Local Development Plan policies EP3 and NPF4 Policy 3.

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.

Signed Councillor S Mountford
Chairman of the Local Review Body

Date 7 November 2023



**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: 23/00036/RREF

Planning Application Reference: 23/00331/FUL

Development Proposal: Erection of dwellinghouse

Location: Land South of 1 Netherwells, Jedburgh

Applicant: Mr Peter Caunt

DECISION

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

1. The proposal would be contrary to policy PMD2 of the Local Development Plan 2016, the SPG on Placemaking and Design and Policy 17 of NPF4 as the poor-quality design of the development would not be compatible with or sympathetic to the character and visual amenity of the surrounding area.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land south of 1 Netherwells, Jedburgh. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	A LOCATION PLAN
Topographical Plan	SITE SURVEY PLAN
Proposed Plans, Section & Elevations	2302-L05
Proposed Site Plan	2302-L03REVB

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 20th October 2023.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultation Replies; e) Objections; and f) List of Policies), the Review Body noted that alternative proposals presented as 'Option B' are proposed which provide an alternative siting and design for the proposal. The Local Review Body noted that this information was not in front of the Appointed Officer at the time of determination. After consideration, it was judged that the alternative proposals presented as 'Option B' represented a material change and did not meet the Section 43B Test as more particularly set out the Town & Country Planning (Scotland) Act 1997. Members determined that 'Option B' should not be admitted and if the applicant wishes to pursue the alternative proposals, then the correct process would be via a new planning application. Members then proceeded to determine the case based on the original proposals.

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: the Scottish Borders Local Development Plan 2016 (LDP) and National Planning Framework 4 (NPF4). The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, IS2, IS7, IS9
- NPF4 Policies: 1, 2, 9, 17

Other Material Considerations

- SBC Supplementary Planning Guidance on Householder Development (incorporating Privacy and Sunlight Guide) 2006
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- 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 Sustainable Urban Drainage Systems August 2020
- SBC Supplementary Planning Guidance on Development Contributions 2011 (updated 2023)

The Review Body noted that full planning permission was sought for the erection of a dwellinghouse. Members noted that the proposal seeks to develop a strip of grass paddock ground and that hardcore has been laid to the front of the site.

The Local Review Body considered the proposals against development plan policy provisions covering rural housing and placemaking, principally Policies HD2 and PMD2 of the LDP as well as Policy 17 of NPF4 as well as the SPG on Housing in the Countryside.

Members noted that the appointed officer and the applicant both agreed that there was a building group at Netherwells. Against the requirements of Section A) Building Groups of Policy HD2, the Local Review Body accepted that there was an identifiable building group at Netherwells which consisted of more than three residential properties. Under the scale of addition rule, Members were satisfied that the building group has the numerical capacity to accept further housing within the current local development plan period.

The Local Review Body proceeded to consider whether the site was well related to the sense of place of the building group and in keeping with its character. Members noted that the site was directly adjacent to a semi-detached cottage to the northeast and three properties were located on the opposite side of the road. The Review Body accepted that the group is characterised by the siting of properties on both sides of the access road. The application site was considered to fall within the enclave of ground which had been developed for non-agricultural purposes. Members considered that the site did not break into a previously undeveloped field and would positively redevelop a previously abandoned site, which had appeared to have last been used for storage purposes.

The site was judged to integrate with the linear pattern of the building group and be well related to the access road. Concerns were raised that the proposal may give rise to an unsatisfactory form of ribbon development however it was considered that the inclusion of a strong landscaped strip along the sites southwestern boundary would enclose the development and reinforce the edge to the building group. In principle, the LRB were satisfied that the proposal was well related to the character and sense of place of the existing group, in accordance with siting requirements for building group additions under Section A of Policy HD2 and Policy 17 of NPF4.

Members then turned their attention to design considerations. The Review Body considered that the proposal represented a modern form of development with positive energy efficiency credentials. However, it was determined that its design failed to represent a high-quality development where its external appearance was unattractive and did not sensitively integrate with the sense of place of its rural context and the character of the surrounding area.

The Local Review Body noted third party representations were concerned with the road safety implications associated with the additional traffic and vehicles movements that the development would generate along the private road and its junction with the public road. Members agreed with the Councils Roads Planning Service that the existing road network would have the capacity to safely accommodate the traffic movements associated with this development.

Members moved on to other material matters covering residential amenity, parking and site services. The Review Body were of the opinion that appropriate conditions and legal agreement could address each of these matters satisfactorily.

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 7 November 2023



**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: 23/00037/RREF

Planning Application Reference: 23/00507/FUL

Development Proposal: Erection of dwellinghouse

Location: Plot C, Land West of Hedgehope Cottage, Winfield, Berwick-Upon-Tweed

Applicant: Aver Chartered Accountants

DECISION

The Local Review Body upholds and varies 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 1, 2 and 17 of National Planning Framework 4 and PMD1 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land west of Hedgehope Cottage, Winfield. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	A.57,647B
Location Plan	A.57,647I 3

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 23rd October 2023.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; and d) 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: the Scottish Borders Local Development Plan 2016 (LDP) and National Planning Framework 4 (NPF4). The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED5, HD2, HD3, EP1, EP2, EP3, IS2, IS7, IS9
- NPF4 Policies: 1, 2, 3, 4, 5, 9, 13, 14, 15, 16, 17, 18, 23

Other Material Considerations

- Proposed Local Development Plan 2020: Policy ED5 Regeneration
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011 (updated 2023)
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020

The Review Body noted that planning permission in principle was sought for the erection of a dwellinghouse. Members noted that the site previously accommodated WWII buildings associated with the nearby Winfield airfield and these buildings have since been demolished.

The Local Review Body considered the proposal against development plan policy provisions covering rural housing and brownfield land, principally Policies HD2 and ED5 of the LDP and Policies 9 and 17 of NPF4 as well as the SPG on Housing in the Countryside.

Members observed that a building group of at least three existing houses was not identifiable at this location. The proposal was not determined to represent a rural housing development which complied with Building Group addition policy requirement of Policy HD2. Members considered the proposal against all other sections of Policy HD2 and concluded that the development failed to comply with any of the forms of rural housing development promoted by Policy HD2 of the LDP.

The Local Review Body considered whether the proposal could be supported against NPF4 Policy 17 as the suitable reuse of brownfield land and LDP Policy ED5 as a regeneration opportunity. Members judged that the previous development of the site may allow it to be classified as brownfield land. Nevertheless, it was judged that the proposal would represent an isolated and sporadic form of development within the middle of an otherwise undeveloped field. This siting would fail to be in keeping with the character of the surrounding rural area and in doing so directly conflict with criteria a) of Policy 17 of NPF4 which requires all rural developments to respect the character of the area. Members did not conclude that the proposal aligned with the objectives of LDP Policy ED5.

The Local Review Body noted that part of the reason the application was refused was due to its car dependency as a result of its rural location which was perceived to be unsustainable. Members accepted that the development would generate vehicle movements. However, the number of movements would not be disproportionate to the number of vehicle movements associated with other housing developments within rural parts of the Scottish Borders. Members determined that 'car dependency' concerns should be removed from the reason for refusal.

The Local Review Body noted material matters covering access, parking, archaeology, land, contamination, site services and developer contributions. As Members did not consider that the proposal was an acceptable rural housing development, these issues did not influence their final decision.

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 6 December 2023

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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: 23/00038/RREF

Planning Application Reference: 23/00508/FUL

Development Proposal: Erection of dwellinghouse

Location: Land East of Dunedin Lodge, Crossrig, Berwick-Upon-Tweed

Applicant: Aver Chartered Accountants

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 policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 because it would not be well related to any existing building group, would break into an undeveloped field with strong natural boundaries, and no other supporting justification has been made. The development gains no support from policy 17 of National Planning Framework 4. This conflict with the development plan is not overridden by any other material considerations.
2. The proposed development is contrary to Local Development Plan 2016 policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and National Planning Framework 4 policies 5 (Soils) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) as it would result in the permanent loss of greenfield, prime quality agricultural land without any necessary exceptional justification.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land west of land East of Dunedin Lodge, Crossrig. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	A.57,647
Location Plan	A.57,647L 1

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 23rd October 2023.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; and d) 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: the Scottish Borders Local Development Plan 2016 (LDP) and National Planning Framework 4 (NPF4). The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED10, HD2, HD3, EP1, EP2, EP3, EP7, EP13, IS2, IS7, IS9
- NPF4 Policies: 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 15, 16, 17, 18, 20, 23

Other Material Considerations

- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Planning Guidance 2005
- SBC Supplementary Planning Guidance on Development Contributions 2011 (Updated 2023)
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Privacy and Amenity 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Review Body noted that planning permission in principle was sought for the erection of a dwellinghouse. Members noted that the site was located at the corner of an existing field which is accessed via a minor public road which connects Sunwick and Fishwick.

The Local Review Body considered the proposals against development plan policy provisions covering rural housing and prime quality agricultural land, principally Policies HD2 and ED10 of the LDP and Policies 17 and 5 of NPF4 as well as the SPG on Housing in the Countryside.

The LRB firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. Members accepted that there was an identifiable building group at this location. Under scale of addition rules, Members accepted that that the group had the capacity for further residential development within the current LDP period.

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. Members noted that Dunedin Lodge directly to the west of the site had been separately developed on economic requirement grounds for a retiring farmer and not as a building group addition. After deliberation, the LRB determined that the building group was restricted to the four Sunwick Farm Cottage to the east where the public road acted as the identifiable boundary of the group. The proposal was also judged to represent the incursion into an undeveloped field and whilst it was adjacent to Dunedin Lodge, this property was not viewed to form part of the building group. The site was found to be located on the opposite side of the road of the group where it fell outwith the groups sense of place. Furthermore, the triangular shape of the site coupled with the need to retain mature trees would make its development awkward where it would likely jar with the otherwise linear character of the group.

The Local Review Body concluded that the site was not an appropriate addition to the building group and was contrary to Policy HD2, Policy 17 of NPF4 and the relevant Supplementary Planning Guidance on housing in the countryside. 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.

The Review Body noted that the site was allocated as Prime Quality Agricultural Land (PQAL) in the LDP which is covered by Policy ED10 of the LDP and Policy 5 of NPF4. The proposed development was not identified to meet any of the exceptional forms of development which are supported to be undertaken on PQAL by both policies. Members concluded that the development would result in the unjustified loss of PQAL which conflicted with development plan policy provision on PQAL.

The Local Review Body noted material matters covering access, parking, archaeology, land, contamination, site services and developer contributions. As Members did not consider that the proposal was an acceptable rural housing development, these issues did not influence their final decision.

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.

Signed Councillor S Mountford
Chairman of the Local Review Body

Date 7 November 2023



**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: 23/00039/RREF

Planning Application Reference: 23/00509/FUL

Development Proposal: Erection of dwellinghouse

Location: Land Northeast of Alba Cottage, Fishwick Berwick-Upon-Tweed

Applicant: Aver Chartered Accountants

DECISION

The Local Review Body upholds and varies 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 1, 2 and 17 of National Planning Framework 4 and PMD1 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land Northeast of Alba Cottage, Fishwick. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	A.57,647c
Location Plan	A.57,647L 4

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 23rd October 2023.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; e) Additional Information 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: the Scottish Borders Local Development Plan 2016 (LDP) and National Planning Framework 4 (NPF4). The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED5, HD2, HD3, EP1, EP2, EP3, IS2, IS7, IS9
- NPF4 Policies: 1, 2, 3, 4, 5, 6, 9, 13, 14, 15, 16, 17, 18, 23

Other Material Considerations

- Proposed Local Development Plan 2020: Policy ED5 Regeneration
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Development Contributions 2011 (Updated 2023)
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Privacy and Amenity 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Review Body noted that planning permission in principle was sought for the erection of a dwellinghouse. Members noted that hardcore had been laid and stanchions erected in relation to previous works at the site.

The Local Review Body considered the proposals against development plan policy provisions covering rural housing and brownfield land, principally Policies HD2 and ED5 of the LDP and Policies 9 and 17 of NPF4 as well as the SPG on Housing in the Countryside.

Members observed that a building group of at least three existing houses was not identifiable at this location. The proposal was not determined to represent a rural housing development which complied with Building Group addition policy requirement of Policy HD2. Members considered the proposal against all other sections of Policy HD2 and concluded that the development failed to comply with any of the forms of rural housing development promoted by Policy HD2 of the LDP.

The Local Review Body considered whether the proposal could be supported against NPF4 Policy 17 as the suitable reuse of brownfield land and LDP Policy ED5 as a regeneration opportunity. Although the site been partially developed some years ago, these works were unauthorised. The application was considered to be an opportunistic proposal that does not align with the development opportunities promoted by Policy 9 of NPF4 which focused on reusing land which is no longer required for its original development purposes and where the

previous development had not related to unlawful development operations. Furthermore, the development of a house in this location was not considered to respect the character of the rural area which is a fundamental requirement of criteria a) of Policy 17 of NPF4.

The Local Review Body noted that part of the reason the application was refused was due to its car dependency as a result of its rural location which was perceived to be unsustainable. Members accepted that the development would generate vehicle movements. However, the number of movements would not be disproportionate to the number of vehicle movements associated with other housing developments within rural parts of the Scottish Borders. Members determined that 'car dependency' concerns should be removed from the reason for refusal.

The Local Review Body noted material matters covering access, parking, site services and developer contributions. As Members did not consider that the proposal was an acceptable rural housing development, these issues did not influence their final decision.

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.

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 6th December 2023