

# Public Document Pack



## PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 2 OCTOBER, 2023

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS AND VIA MICROSOFT TEAMS on MONDAY, 2 OCTOBER, 2023 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

25 September 2023

<b>BUSINESS</b>	
1.	<b>Apologies for Absence</b>
2.	<b>Order of Business</b>
3.	<b>Declarations of Interest</b>
4.	<b>Minute</b> (Pages 3 - 12)  Minute of Meeting held on 4 September 2023 to be approved and signed by the Chairman. (Copy attached.)
5.	<b>Application</b> (Pages 13 - 30)  Consider the following application for planning permission:-  <b>Cavers House – 22/01588/FUL &amp; 22/01587/LBC</b> Reinstatement, alterations and extensions to dwellinghouse. (Copy attached.)
6.	<b>Appeals and Reviews</b> (Pages 31 - 40)  Consider Briefing Note by Chief Planning and Housing Officer. (Copy attached.)
7.	<b>Any Other Items Previously Circulated</b>
8.	<b>Any Other Items which the Chairman Decides are Urgent</b>

## **NOTE**

**Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

**Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :**

- **Need to ensure a fair proper hearing**
- **Must avoid any impression of bias in relation to the statutory decision making process**
- **Must take no account of irrelevant matters**
- **Must not prejudge an application,**
- **Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting**
- **Must avoid any occasion for suspicion and any appearance of improper conduct**
- **Must not come with a pre prepared statement which already has a conclusion**

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

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**SCOTTISH BORDERS COUNCIL  
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on Monday, 4th September, 2023 at 10.00 am

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

Apologies:- Councillors V. Thomson

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Democratic Services Team Leader and Democratic Services Officer (W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 August 2023.

**DECISION**

**AGREED to approve the Minute for signature by the Chair.**

2. **APPLICATIONS**

There had been circulated copies of a report by the Chief Planning and Housing Officer on applications for planning permission which required consideration by the Committee.

**DECISION**

**DEALT with the applications as detailed in Appendix I of this Minute.**

3. **APPEALS AND REVIEWS**

There had been circulated copies of a briefing note by the Chief Planning and Housing Officer on Appeals to the Scottish Ministers and Local Review.

**DECISION**

**NOTED that:**

(a) **An appeal decision had been received in respect of:**

(i) **Installation of illuminated signage (retrospective) – 23/00332/ADV – reporter’s decision: sustained.**

(b) **There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 21 July 2023 which related to sites at:**

• 32 Dunglass Road, Coldstream	• Keppel Gate, Nettingflat, Heriot
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(c) **The following reviews had been determined as shown:**

(i) **Erection of agricultural building (retrospective), Ravelaw Farm, Duns – 22/00576/FUL – Decision of Appointed Officer Overturned (Subject to a**

**Legal Agreement);**

- (ii) Alterations and dormer extension to dwellinghouse, 11 Tweed Avenue, Peebles – 22/00788/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);**
  - (iii) Erection of dwellinghouse, Land South of Greenbraehead Farmhouse, Greenbraehead, Hawick – 22/00869/PPP – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);**
  - (iv) Erection of 2no dwellinghouses, Land South of 1 Kelso Road, Coldstream – 22/01416/PPP – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);**
  - (v) Erection of 4 no dwellinghouses, Land West of Greenburn Cottage, Auchencrow – 22/01666/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
  - (vi) Erection of dwellinghouse with detached garage, Land West of The Old Barn Westwater, West Linton – 22/01739/FUL – Decision of Appointed Officer Upheld;**
  - (vii) Erection of dwellinghouse with access, landscaping and associated works, Land South and West of Greywalls, Gattonside – 22/01824/PPP – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);**
  - (viii) Demolition of shed and erection of dwellinghouse (approval of all matters specified in planning permission 20/00874/PPP), Land North West of Rosebank Cemetery Lodge, Shedden Park Road, Kelso – 22/01903/AMC – Decision of Appointed Officer Overturned (Subject to Conditions);**
  - (ix) Installation of timber gates (retrospective), Church House, Raemartin Square, West Linton – 22/01935/FUL – Decision of Appointed Officer Overturned;**
  - (x) Erection of dwellinghouse with outbuilding and formation of new access (approval of all matters specified in conditions of planning permission 21/00030/PPP), Land at Rachan Woodlands, Broughton – Decision of Appointed Officer Overturned (Subject to Conditions);**
  - (xi) Change of use of shop and alterations to form 2 no dwellinghouses, Shop, 22-24 South Street, Duns – 23/00026/FUL;**
  - (xii) Change of Use from Class 4 to Class 2 Veterinary Practice, 2 Rowan Court, Cavalry Park, Peebles – 23/00056/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);**
  - (xiii) Erection of a dwellinghouse with access, landscaping, garden space, and associated works, Land West of Greywalls, Gattonside – 23/00260/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
- (d) There remained 8 reviews previously reported on which decisions were awaited when the report was prepared on 24 August 2023 which related to sites at:**

<ul style="list-style-type: none"> <li>• Land South of Ebbastrand, Coldingham Sands, Coldingham</li> </ul>	<ul style="list-style-type: none"> <li>• Land North of Belses Cottage, Jedburgh</li> </ul>
<ul style="list-style-type: none"> <li>• Land South of Headshaw Farmhouse, Ashkirk, Selkirk</li> </ul>	<ul style="list-style-type: none"> <li>• Land Northeast of The Bungalow, Crosshill, Chirnside</li> </ul>
<ul style="list-style-type: none"> <li>• Site Adjacent The Steading Whiteburn Farm, Lauder</li> </ul>	<ul style="list-style-type: none"> <li>• W Pearce and Sons St Ronan's Works, 2 Miller Street, Innerleithen</li> </ul>
<ul style="list-style-type: none"> <li>• 22 Weensland Park, Hawick</li> </ul>	<ul style="list-style-type: none"> <li>• U-Stor Business Units, Spylaw Road, Kelso</li> </ul>

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 24 August 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

*The meeting concluded at 10.37 am.*

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**APPENDIX I**  
**APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
23/00249/FUL	Extension to the existing substation and erection of two hybrid synchronous compensators	Land North Of Eccles Substation, Eccles, Coldstream

DECISION: Approved as per officer recommendation subject to the following conditions and informatives:

**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.
  
2. No development shall commence until a scheme of phasing has been submitted to and agreed in writing by the Planning Authority. This shall include a programme for completion of the main elements within the development, including extension of the existing substation, siting of two Hybrid Synchronous Compensators, erection of buildings to house the two Hybrid Synchronous Compensators and commencement of landscaping works. Once approved, the development shall then be carried out in accordance with the approve scheme.  
Reason: To ensure that the development of the estate proceeds in an orderly manner.
  
3. Prior to the installation of the two Hybrid Synchronous Compensators, precise elevation drawings of the two buildings which will house this apparatus, including external finishes and colours shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.  
Reason: Final details of the structures to house the Hybrid Synchronous Compensators are required to ensure a satisfactory form of development which respects the character and amenity of the rural area.
  
4. No development shall commence until a scheme of landscaping works has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include;
  - a) Existing and finished ground levels in relation to a fixed datum (preferably ordnance) to illustrate the full extent of all ground works including how the site levels tie in with surrounding topography.
  - b) Indication of existing trees and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration and thereafter no trees or hedges shall be removed without the prior consent of the Planning Authority.
  - c) Location of all new trees, shrubs and hedges, which includes extending the landscaping around the northern boundary of the site and landscaping at the reinstated roadside verge following closure of the construction access.
  - d) Landscaped treatment for the embankment within the site compound
  - e) Schedule of plants to comprise species, plant sizes and proposed numbers/density
  - f) Programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.

5. No development shall commence until the detailed drainage design which complies with SUDs principles has first been submitted to, then approved in writing by the Planning Authority. Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site

6. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: In order to protect the residential amenity of nearby properties.

7. On receipt of any noise complaint relating to plant and machinery noise associated with the development hereby approved, the site operators shall:

- a) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the site operator shall, at its expense, employ a consultant to assess an appropriate background level and the level of noise immissions from the plant on site at the complainant's property. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to.
- b) The methodology for the assessment of the background level and the rating level of noise immissions shall be undertaken in accordance with BS 4142:2014+A1:2019. The assessment procedure shall be submitted for approval by the Planning Authority prior to assessment. The proposed time of day for assessing the background level shall be those times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (a), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- c) The site operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken within 2 months of the date of the written request of the Planning Authority unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the assessment. The instrumentation used to undertake the measurements shall be calibrated and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions. The assessment shall contain recommended mitigation measures that should ensure compliance with the condition if non-compliance is determined.

Reason: To ensure Condition 7 is adhered to and nearby residential amenity is protected

8. No development shall commence until a detailed Traffic Management Plan has first been submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved plan.

Reason: In the interests of road safety.

9. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures has been submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all



decommissioning has been completed in accordance with the approved scheme and the scheme shall be implemented within 12 months of the final date electricity is exported from the site.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

10. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved. The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-
- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. and thereafter
  - b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
  - c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
  - d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to the satisfaction of the Council.
  - e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place shall be required by the Developer before any development hereby approve commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment property, and, ecological systems arising from any identified land contamination have been adequately addressed.

11. No development shall commence until the following Ecological Mitigation Measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
- a) a Species Protection Plan (SPP) for badgers and otters
  - b) evidence that a Badger licence has been obtained from NatureScot
  - c) a SPP for breeding birds which shall include a pre-development supplementary survey, in the event that development works are sought to be commenced during the breeding bird season (March to August)
  - d) a proportionate Biodiversity Enhancement Plan

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

Informatives

1. The applicant is advised that they should ensure that they are satisfied that the development can remain operational during and flooding and further flood risk advise is available within Section 5 of SEPAs standing advice on flood risk.

NOTE

1. Mr Denis O’Kane, Scottish Power Energy Networks, spoke in support of the application.

**Reference**  
23/00787/FUL

**Nature of Development**  
Erection of dwellinghouse

**Location**  
Land North East of The  
Lodge Philiphaugh Mill  
Ettrickhaugh Road, Selkirk

DECISION: Approved as per officer recommendation subject to the following conditions and informatives:

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 evidence confirming that mains water and foul drainage connections have been approved by Scottish Water has been submitted for the written approval of the Planning Authority. The development shall be serviced only using the approved mains water and foul drainage connections, unless otherwise agreed in writing with the Planning Authority.  
Reason: To ensure the development is adequately serviced.
3. The development shall be implemented in accordance with the plans and drawings, including external material specifications, approved under this consent unless otherwise required by any other condition in this schedule.  
Reason: To ensure the development has a sympathetic visual impact.
4. The development shall be serviced only using mains water and foul drainage connections, unless otherwise agreed in writing with the Planning Authority.  
Reason: To ensure the development is adequately serviced.
5. Development shall be implemented in accordance with the ecological mitigation measures approved under Conditions 11 and 12 of 19/01687/PPP and under 22/00019/AMC, where applicable to the approved site.  
Reason: To ensure suitable ecological mitigation is implemented during construction of the development.
6. Hedging specified on the approved site plan 10349-CSY-XX-XX-D-A-1302 Rev C shall be implemented to the same specifications as approved for Plots 1-6 under 22/00019/AMC within the first planning season following completion of the development and subsequently maintained in accordance with the measures agreed under that consent for Plots 1-6.  
Reason: To ensure the development has a sympathetic landscape and visual impact.
7. Surface water drainage within the site shall be provided to the same specification as approved for Plots 1-6 under 22/00019/AMC prior to occupancy of the dwellinghouse, and the parking area/driveway shall be of permeable construction unless alternative means are otherwise agreed in writing with the Planning Authority.  
Reason: To ensure sustainable management of surface water.
8. Protective fencing, of a specification that accords with BS5837:12, shall be erected along the route shown on the approved site plan (10349-CSY-XX-XX-D-A-1302 Rev C) prior to development commencing and shall be retained until development is complete.

No works shall be carried out within the protected areas unless compliant with BS5837:12.

Reason: To minimise risk to trees with public amenity value.

9. Bin storage shall be provided within the site in accordance with the approved site plan 10349-CSY-XX-XX-D-A-1302 Rev C prior to the dwellinghouse being occupied sufficient for one general waste and one recycling wheelie bin and subsequently retained unobstructed for such purposes.

Reason: To ensure the visually sympathetic and accessible storage of bins.

10. The parking area specified on the approved site plan 10349-CSY-XX-XX-D-A-1302 Rev C, and access to and improvement works, including footway, on Ettrickhaugh Road (all in accordance with 22/00019/AMC) shall be implemented prior to occupancy of the dwellinghouse. The parking area shall be subsequently retained free from obstruction for the movement and parking of at least two cars.

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety.

11. The approved dwellinghouse shall not be completed prior to the completion of all houses within plots 1-5 approved under 22/00019/AMC.

Reason: To ensure the development has a sympathetic visual impact

#### Informatives

1. The new footway, turning head, road widening, drainage, and any enhanced street lighting required on Ettrickhaugh Road is currently subject to a Road Construction Consent (22/01420/RCC) and these features will potentially be adopted by the Council upon satisfactory completion. The carriageway widening will have to tie in with the existing carriageway in a manner acceptable to the Council as Roads Authority. All prospectively adoptable work must be undertaken by a contractor first approved by the Council.
2. Scottish Water advise that there is live infrastructure in the proximity of the site that may impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via their Customer Portal for an appraisal of the proposals.
3. It is recommended that the Applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188; review the Online Planning Advice on Flood Risk; develop an evacuation plan for the building during times of flood warning and adopt water resilient materials and construction methods as appropriate within the development. Flood protection products such as floodgates and air-vent covers should also be considered for the development. Details of these can provided by SBC Flood & Coastal Management team who will be able to offer advice and provide discounts for the products.

#### NOTE

1. Application requires referral to Scottish Ministers due to outstanding objection from SEPA.

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**2 OCTOBER 2023**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 22/01588/FUL & 22/01587/LBC

**OFFICER:** Alla Hassan  
**WARD:** Hawick and Denholm  
**PROPOSAL:** Reinstatement, alterations and extensions to dwellinghouse  
**SITE:** Cavers House  
**APPLICANT:** Ms Julie Sharrer  
**AGENT:** CSY Architects

**PLANNING PROCESSING AGREEMENT:**

A planning processing agreement is in place to allow the application to be determined by the 5<sup>th</sup> October 2023.

**CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE:**

Both applications were considered by the PBS Committee on 15 June 2023. Members agreed to defer determination until they had visited the site. The applications were subsequently continued, and a site visit took place on Thursday 29 June.

**UPDATE REPORT**

Since the applications were considered at the PBS meeting on 15 June 2023, it was brought to our attention that protected species may be occupying the application site. The Council's Ecologist advised that further surveys of the pond should be carried out pre-determination. Accordingly, the applicant has submitted a second ecological survey which set out recommendations to ensure the protection of those species.

**SITE DESCRIPTION**

The application site is a Category B listed building which is currently a ruin and is identified on the Buildings at Risk Register. It is accessed via a private track and there are a number of residential dwellings to the north.

The site is subject to the following site constraints:

- Core Path (DENH/128/3)
- Situated within the Teviot Valleys Special Landscape Area
- Within an archaeologically sensitive location
- Parts of the site are at risk of surface water flooding
- Parts of the woodland subject to a Tree Preservation Order
- The River Tweed Special Area of Conservation (SAC) and Site of Scientific Interest (SSSI) located approximately 1.5km to the west of the site.
- Kirkton Burn Meadow SSSI approximately 1.2km to the south of the site

## **PROPOSED DEVELOPMENT**

Full Planning Permission and Listed Building Consent is sought for the restoration, adaptation and extension of Cavers House, upgrades to the surrounding landscape, provision of parking and associated/ ancillary works.

The design and use of the proposal has been amended to address concerns raised by the case officer and internal consultees. The initial proposal was for a Class 7 use (Hotel, bed and breakfast or hostel). This has now been revised to Class 9 (house) only.

This report covers both applications.

## **DETERMINATION BY PLANNING AND BUILDING STANDARDS COMMITTEE**

The applications require to be determined by the PBS committee under the Council's scheme of delegation as a substantial body of opposition exceeding five objections from separate households has been received each containing material planning considerations.

## **PLANNING HISTORY**

21/00937/LBC – Works to restore 13th century piscina located within the ruins of Cavers House – application withdrawn.

21/00936/FUL – Change of use of forestry land to increase area of garden ground, erection of a temporary welfare building and associated access road – application withdrawn.

## **REPRESENTATION SUMMARY**

A total of 92 representation letters across both applications have received. Some of those were from the same households/persons received during several rounds of consultations. The principal grounds of objection can be summarised as follows.

- Adverse impacts on residential amenities
- Inadequate access/ road safety
- Increased traffic
- Lack of sufficient parking
- Harmful to the listed building
- Harmful to trees and landscape
- No water supply
- Track ownership disputes
- B&B/ commercial development inappropriate
- Lack of business plan to support B&B/ commercial use
- Poor design
- Harmful to local ecology
- Potential land contamination

Twelve letters of support were also received raising the following points:

- Proposal helps to safeguard and important building
- Will benefit the local economy and local area
- Legal matters over access are not material considerations

In addition, 1 general comment was received confirming that part of the site is subject to an active conditional felling permission.

## **APPLICANT'S SUPPORTING INFORMATION**

In support of the application, the following were submitted:

- Design and access statement
- Traffic management plan
- Arboricultural impact assessment
- Historic landscape appraisal
- Woodland management Plan
- Conservation statement and heritage impact assessment
- Ecology assessment
- Structural appraisal

### **DEVELOPMENT PLAN POLICIES:**

#### **National Planning Framework 4 (NPF4)**

Policy 1 – Sustainable places  
Policy 2 – Climate mitigation and adaptation  
Policy 3 – Biodiversity  
Policy 4 – Natural places  
Policy 6 – Forestry, woodland and trees  
Policy 7 – Historic assets and places  
Policy 9 – Brownfield, vacant and derelict land and empty buildings  
Policy 12 – Zero waste  
Policy 13 – Sustainable transport  
Policy 14 – Design, quality and place  
Policy 16 – Quality homes  
Policy 17 – Rural homes  
Policy 20 – Blue and green infrastructure  
Policy 22 – Flood risk and water management  
Policy 29 – Rural Development

#### **Scottish Borders Local Development Plan 2016**

PMD1 – Sustainability  
PMD2 – Quality standards  
HD2 – Housing in the countryside  
HD3 – Protection of residential amenity  
EP1 – International nature conservation sites and protected species  
EP2 – National nature conservation sites and protected species  
EP3 – Local biodiversity  
EP5 – Special Landscape Areas  
EP7 – Listed Buildings  
EP8 – Archaeology  
EP13 – Trees, woodlands and hedgerows  
IS2 – Developer Contributions  
IS5 – Protection of access routes  
IS7 – Parking provision and standards  
IS8 – Flooding  
IS9 – Wastewater treatment standards and SUDS  
IS13 – Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

Supplementary Planning Guidance:

Development Contributions (2011) Updated 2023  
Landscape and Development (2008)  
Local Landscape Designations (2012)  
Sustainable Urban Drainage Systems (2020)  
Trees and Development (2020)  
Waste Management (2015)  
Placemaking and Design (2010)  
Guidance on Householder Development (2006)

## **CONSULTATION RESPONSES:**

Please note that full responses have been published online but for the purposes of brevity; consultee responses are summarised below.

### **Scottish Borders Council Consultees**

**Heritage and Design Officer:** No objections however design amendments requested with respect to the following:

- Design development required for the junction between the north elevation and fourth storey / roof terrace.
- Design development required to the battlement walkway (removal of glazed balustrade).
- Confirmation of approach to gate piers, well, steps and any other surviving features within the grounds.
- Confirmation of current condition and nature of ha-ha and proposed works to ha-ha (could be conditioned if required).
- Improved door design to door within the bow
- Transoms should be retained where these exist

The applicant has revised the scheme in line with the aforementioned comments. The amended proposal is considered to be acceptable and further details can be adequately controlled via condition. As a result, no objections are raised subject to conditions.

**Archaeology Officer:** No objections subject to conditions and informative

**Roads Planning Service:** No objection to the principle of development however, additional information was requested with respect to the provision of parking, a Traffic management Plan, proposed improvements to the access and confirmation that these works can be carried out on land out with the applicants control. The applicant has addressed the outstanding matters to the satisfaction of the roads officer and therefore no objections are raised subject to conditions.

**Outdoor Access Officer:** Initially requested further information with respect to non-vehicular use, signage and additional details of surfacing and boundary treatment to the core path. The applicant has provided this to the satisfaction of the outdoor access office therefore no objections raised subject to an informative.

**Landscape Architect:** Initially requested further information/ clarification in the form a detailed inventory and appraisal of the historic landscape and remaining features, the submission of a tree survey (including an Arboricultural Impact Assessment (AIAI) and a



Woodland Management Plan. Those have been submitted to satisfaction of the landscape architect and therefore no objections are raised subject to conditions.

**Ecology Officer:** A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. This confirmed the main following points:

- Signs of badgers found near the site boundary
- Site has negligible suitability for roosting bats however the habitat is suitable for commuting and foraging bats
- Structure provides limited opportunity for breeding birds although woodpigeon nests were identified in cervices
- Shed appears to be used as perch by Barn Owls
- Trees and habitats suitable for reptiles and amphibians, although no evidence was found

Following this, the Ecology officer raised no objections but requested the submission of an Arboricultural Assessment in relation to the proposed tree removal. This has been provided by the applicant and considered by the Ecologist. No objections are raised subject to conditions and informative.

As noted above, a second survey has also been submitted with respect to how protected European Species use the site. No objections are raised subject to a condition.

**Environmental Health Service:** No objections subject to condition

**Contaminated Land Officer:** No objection subject to condition

**Flood Officer:** No objections

#### **Statutory Consultees**

**Denholm and District Community Council:** Objected to both the original and revised proposal, mainly on the following grounds:

- use of single track road to access and serve the site to the proposal, which is not owned by the applicant
- disruption and inconvenience to neighbours and track users
- lack of visibility on track will adversely impact road safety

**Historic Environment Scotland:** Supportive of application

**Architectural Heritage Society of Scotland:** No reply

**Scottish Civic Trust:** No reply

**Scottish Water:** No objections

#### **Non-Statutory Consultees**

**The Society for the Protection of Ancient Buildings (SPAB Scotland):** Objected to the overall form, scale and detailing of the proposed extensions which are considered to be harmful to the special interest and significance of the tower and its setting.

## **KEY PLANNING ISSUES:**

The key planning issues with these applications are whether the proposed development constitutes appropriate development in accordance with the National planning Framework (NPF4) Local Development Plan 2016, particularly as regards to roads safety, access, siting, scale, form and design of the development; and impact on the listed building.

## **ASSESSMENT OF APPLICATION:**

### **Policy Principle**

Policy 9 of the NPF4 is supportive of the reuse of brownfield derelict land and buildings. Policy 17(viii) also supports the reinstatement of former dwellings. The principle of the proposal is therefore considered to be acceptable at the national level. This is further reflected in Policy HD2(d) of the Local Plan which supports the restoration of houses provided that its overall design is acceptable to the host building and wider landscape setting. Consequently, the principle of a residential dwelling is supported; however it is considered vital that a condition strictly controlling its use solely as Class 9 is attached to any forthcoming consent.

### **Design and Impact on the Listed Building**

The application site is a part-demolished Category B listed tower house, constructed of sandstone of varying sizes with a mix of squared rubble and random rubble with ashlar quoins. Some sections have been altered with brickwork. The remaining structure consists of a basement and five upper floors. There is no roof and the interior structure is no longer evident.

The supporting Conservation Statement confirms that the existing structure is of evidential, historical, aesthetic, socio-economic and archaeological value. It has been subject to numerous changes over time therefore much of the original evidential fabric has been lost or modified through time.

The proposal has been submitted following an earlier pre-application undertaken by the applicants in December 2020. The proposal involves significant works to retain and extend the ruin including; the refurbishment of the tower and Georgian building remains, the addition of extensions to the north and south (one more traditional and the other hybrid/ contemporary) and the reinstatement of associated landscaping including the reconstruction of walled gardens. Traditional material palette is proposed which consists of restoring and repairing existing stone, harling, slate roofs and timber fenestration details. The supporting structural appraisal confirms that the existing structure can be adequately repaired, structurally strengthened and incorporated into the proposed refurbishment scheme

It is accepted that the proposed extensions are substantial and will change the character and appearance of the existing building. However, the proposals have been amended and are now in line with the Heritage and Design Officers' initial comments. The revised scheme is now considered to be acceptable and details in relation to materials, methodology and repair schedule and their potential implications can be suitably controlled via condition. It is considered that the proposals will positively contribute to the historic evolution of the building. The alterations and extensions have been sensitively designed, including contemporary architecture, helping to improve its legibility and securing its long-term viability. As amended, the proposals will conserve, protect and enhance the character, integrity and setting of the listed building, compliant with the aims of Policy EP7 of the LDP and Policy 7 of NPF4.

## **Road safety and parking**

The site is accessed via a private track that lies outwith the ownership of the applicant. The roads officer has been consulted on the proposal and no objections were raised to the principle of development. However, additional information was requested with respect to the provision of parking, a Traffic Management Plan, proposed improvements to the access and confirmation that these works can be carried out on land outwith the applicant's control.

As noted above under representation, the majority of the objections received were on the grounds of inadequate/unsafe access and an unacceptable increase in the level of traffic. Furthermore, concerns were also raised that the applicant does not have any rights/ ownership to upgrade the track, as part of the remedial works needed to provide a satisfactory access.

It should be noted that matters regarding ownership and rights of access are not strictly planning matters afforded full weight in the decision making process. Legal rights of access and ownership would normally fall outwith the realms of planning. However, in this case, for the proposed development to be considered favourably, improvement works to the existing access are required to provide an adequate access. This would involve land outwith the applicant's ownership, and failure to deliver the required level of improvements could prejudice implementation of the whole development.

Consequently, reasonable assurance is needed that upgrades to the access which include; the widening and tarmacking of the access and trimming back overhanging branches to provide adequate visibility can be implemented and secured via conditions. This must meet the 6 tests of enforceability as set out in the Planning Circular 4/1998 (the use of conditions in planning permission). The applicants have provided a solicitor's letter (originally submitted for a previous application on the site) confirming that they have a legal right of access, and to carry out some works for its upgrade.

On that basis, it is considered that there is a reasonable prospect that the required level of road improvements can be implemented. Precise details of the extent of works required to improve the access can be secured via an appropriately worded suspensive planning condition requiring the works to be carried out before development commences. Provided the works required by RPS are carried out in a satisfactory manner, there will be no harm in terms of vehicular access or road safety as a result of the proposed development.

With respect to parking, there is ample space for the provision of four car parking spaces turning. This will ensure adequate parking and turning is available, in accordance with the standards set out in the LDP.

On balance and following receipt of legal confirmation of the applicant's right to carry out some upgrading works to the track, it is considered that the proposal will not have an unacceptable adverse impact on road safety or parking.

## **Outdoor Access**

The access track to the site is classified as a Core Path (128). The tarmac track, including verges is currently used by non-vehicular path users. As noted above, a large number of objections were received on the grounds of making this access unsafe to existing users. The Outdoor Access Officer has been consulted on the proposal and did raise initial concerns that the tarmac track may result in less room for walkers, cyclists and horse riders. However, the applicant has provided further clarification on this matter, confirming that the access will be maintained and additional signage will be added to improve its legibility. The Outdoor Access Officer is satisfied with this approach subject an informative reminding the applicant that the access must remain for public use.

## **Residential Amenity**

Due to the siting of the proposal and considerable distances to the nearest neighbours. There are considered to be no significant adverse impacts in terms of overlooking, loss of privacy, daylight, sunlight, or overshadowing. However, it is acknowledged that there will be an increase in noise and activity generated by the comings and goings of the future occupants of the proposal and construction workers during the construction phase.

The supporting Traffic Management Plan states that the construction period will be approximately 18 months and there will be a maximum of 50 workers at peak times. Whilst it provides some mitigation measures to minimise adverse impacts on amenities and users of the path, it is considered important that a detailed construction Method Statement is submitted and approved, prior to development. Additionally, a condition will also be attached to restrict construction work times.

Subject to compliance with the terms of the suggested conditions, the proposals are considered to have an acceptable impact on the residential amenity of nearby properties.

## **Archaeology**

The remains of the standing tower house are of national significance with significant archaeological evidential information. As noted by the archaeology officer, archaeological finds/ and or deposits will be present and therefore formal historic building recording will be required of those remains, the new walled garden and the renovation and repair of the ha-ha boundary feature. Furthermore, with respect to the debris and below-ground work of the house and immediate area, a programme of archaeological works will also need to be carried out. Such matters can be sufficiently conditioned with any forthcoming consent. This will ensure full compliance with development plan policies covering archaeology and the historic environment.

## **Ecology**

The initial Preliminary Ecological Assessment (PEA) submitted identifies the site as providing low suitability to support protected species, and sets out recommendations for the site's ecological enhancement. The Ecology Officer has reviewed the supporting information and requested an Arboricultural Assessment due to the removal of some of the trees. This has been provided and the Ecology officer is satisfied, subject to conditions that there will be no adverse impacts on local biodiversity as a result of the proposal.

Notwithstanding initial comments provided by SBC's Ecologist, and following the submission of the aforementioned PEA, the Council was notified of the presence of European Protected Species on site. An additional survey was requested to establish the extent of occupation, and how they are using the pond and surrounding habitat. The methodology of the survey has been separately agreed by Nature Scot and the appointed Ecologist. This survey recommends that the protected species can be suitably protected via a condition requesting the erection of barrier fencing. Subject to the compliance with this condition (and aforementioned conditions), there are considered to be no adverse impacts on local biodiversity as a result of the proposed development.

It is also considered that the nearby Site of Special Scientific Interest and Special Area of Conservation, including their qualifying features, will not be at risk from the proposed development.

Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include additional planting and/or bird/bat boxes as appropriate.

### **Trees, landscaping and visual impacts**

The site consists of tree groups and woodlands whereby some are subject to a Tree preservation Order (SBC33). The applicant has submitted an Arboricultural Impact Assessment Woodland Management Plan and Historic Landscape Appraisal in support of the application. Those have been reviewed by the Arboricultural officer who is satisfied that the only a modest number of trees will be removed to accommodate the proposal. Furthermore, the trees covered by the TPO will not be adversely affected by the proposal.

Consequently, subject to the attachment of conditions, the proposal will have an acceptable impact on the existing trees woodlands, biodiversity and the wider Special Landscape Area.

### **Services**

The application form states that the proposal will be connected to the mains water supply but foul drainage will be via a new septic tank, discharged to land via a soakaway.

Scottish Water have raised no objections and confirm that there is sufficient capacity to in the Robertson Treatment Works to service the development. However, there is no waste water infrastructure in the immediate vicinity.

The Environmental Health Officer has been consulted on the proposal and has raised no objections to the proposed drainage arrangement. Notwithstanding this, a condition will be attached requesting written confirmation from Scottish Water that the development can be adequately serviced. Additionally, a condition is also recommended, requesting further details of the foul drainage strategy, to ensure that there are no adverse impacts to public health as a result of the proposal. Surface water drainage shall follow sustainable drainage techniques and can also be covered by condition.

### **Flood risk**

The Council's internal planning mapping records indicate that parts of the site are prone to surface water flooding. The vulnerable areas only relate to small section of the northern and south western boundaries. The Council's flood officer has no objections to the proposed development. The development is considered compliant with relevant development plan policies covering flooding.

### **Land Contamination**

The application site appears to have been previously used by the military and is therefore potentially contaminative. Consequently, the contaminated land officer has requested that a pre-commencement condition requiring investigation, and where required remediation. On that basis, there are considered to be no adverse impacts on land contamination as a result of the proposal.

### **Waste storage**

There is considered to be ample space within the curtilage of the proposal to accommodate refuse storage. Notwithstanding, a condition is recommended, requiring precise details to be submitted and approved.

## **Contributions**

A legal agreement will be necessary to secure financial contributions towards Denholm Primary School in order to comply with Policy IS2.

## **CONCLUSIONS**

Subject to a legal agreement, conditions and informatives the development will accord with the relevant provisions of the Development Plan and there are no material considerations that would justify a departure from these provisions. Furthermore, and subject to conditions, it is considered that the development will not detract from the special architectural and historic interest of the Listed Building.

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

### **22/01588/FUL**

I recommend the application be approved subject to a legal agreement and the following conditions and informatives:

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
3. The use of the development hereby permitted shall fall within Use Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, and no other use shall be permitted unless further written consent is obtained from the Planning Authority.  
Reason: to allow the Planning Authority the ability to exercise control future intensification of the application site.
4. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity Enhancement scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved scheme.  
Reason: To enhance the ecological interest in accordance with Local Development Plan EP3 and NPF4 policy 3.
5. Prior to commencement of development, a Species Protection Plan for badgers shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
6. Prior to commencement of development, a Species Protection Plan for breeding birds and barn owls shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a

mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority a sensitive lighting scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved plan. Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
8. No development shall take place unless in strict accordance with the tree protection measures and Method Statement contained in the Arboricultural Impact Assessment (TD Tree & Land Services Ltd, March 2023). Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.
9. Only the trees identified on site (as per approved Arboricultural Impact Assessment) and agreed in writing by the Planning Authority shall be removed. Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.
10. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which shall be first have been submitted to and approved in writing by the Planning Authority, and shall include:
  - i. Details of proposed tree planting (including species, sizes, indicative numbers) which is referred to but not detailed at Item T1 of the Operations Schedule 2023-2028 Woodland Management Plan
  - ii. Details of all fencing and boundary treatment
  - iii. Details of all surfacesReason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
11. No development shall take place except in strict accordance with the Woodland Management Plan. All works, amendments and updates to the plan must be agreed in writing by the Planning Authority and thereby implemented. Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
12. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of

recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

13. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

This should include historic building recording and evaluation work, but it may not be limited to these aspects alone;

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority



Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.

Reason: To preserve by record a building of historical interest.

16. No development shall commence until precise engineering details for the upgrading of the access route (to include construction and visibility) have first been submitted to and approved in writing by the Council. Thereafter, the agreed upgrading works to the access track shall be completed in accordance with the agreed details prior to the commencement of development hereby approved.

Reason: To ensure the access route is suitable for the anticipated vehicular traffic generated by the development hereby approved.

17. The parking area and access specified on the approved site plan shall be implemented prior to the occupancy of the dwellinghouse and subsequently retained free from obstruction for the parking of four vehicles in perpetuity thereafter.

Reason: To ensure the provision of adequate off-street parking.

18. Before any works commence a scheme shall be submitted to and approved in writing by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in accordance with BS.5906. The approved scheme shall be implemented upon occupation of the development and thereafter retained.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

19. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

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

20. The development hereby permitted shall not be commenced before a fully detailed foul drainage strategy, demonstrating that there will be no negative impact to public health has been submitted to and approved by the Planning Authority.

Reason: in the interests of public health.

21. No development shall commence until detailed proposals for surface water drainage have first been submitted to and approved in writing with the planning authority. The dwellinghouse hereby approved shall not be occupied until the approved surface water drainage arrangements are installed. All hardstanding areas shall be drained by means of porous surfacing, or drained to a permeable or porous area or surface within the application site. All drainage measures shall be maintained in perpetuity in order to manage surface water run-off within the site.

Reason: To ensure surface water is sustainably managed.

22. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development.

23. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure satisfactory form of development.

24. Construction or remediation work comprising the use of plant, machinery, or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

25. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall include:

- Details of sequence of operations
- Details of segregated pedestrian walkway
- Site delivery management and frequency
- Site waste management
- Site lighting during
- Noise dust and dirt mitigation measures

Reason: In the interest on residential amenities, road safety and public access to core path.

26. Prior to the commencement of works on the new footpath around the existing pond, a barrier fence should be erected comprising of newt barrier fencing separating the construction area from the pond. The fence should be constructed using 1000-gauge polythene newt and reptile barrier fencing held tightly in place with wooden stakes. The top 10cm of the polythene should be folded back on itself so that it faces the outside area of the fence. The fence should be installed by preparing a narrow trench by hand and burying the polythene sheeting such that it extends 50cm down into the ground. The fence should be checked daily in the morning and any damaged parts should be repaired, as necessary. The fence should remain in place until all works are completed.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

### Informatives

1. In the event that bats are discovered following the commencement of works, works must stop immediately and the developer must contact NatureScot for further guidance. Works can only recommence by following any guidance given by NatureScot. The developer and all contractors are to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk).
2. The ALGAO Scotland Historic Building Recording Guidance can be found at; [ALGAO Scotland Buildings Guidance 2013.pdf](#).

3. The responsibility of any tree works identified lies with the land owner. Any constraints in relation to trees, such as felling licences, should be applied for through the relevant Government Body. All tree works will be carried out by qualified arborists in accordance with British Standard BS3998:2010.
4. With regards to Condition 16, the required engineering details should include the proposed construction makeup, clarification over which area this is to be implemented, areas where vegetation is to be trimmed back to provide adequate visibility and areas where widening is to be provided to allow vehicles to pass within the carriageway.
5. Core path 128 is on the shared use tarmac road and corridor and includes the verge of the route. Core Path 128 is outwith the curtilage of a residential property. Public rights of access apply for non-vehicular path users on the Core path. There is public interest for recreation to use the Core path and woodland area to access locations where it is possible to view the outside of the derelict building of Cavers House.

## **22/01587/LBC**

I recommend the application be approved subject to compliance with the following schedule of 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 the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until the following have been submitted to and approved in writing by the planning authority:
  - a) Schedule, with methodology and specifications, for repairs to existing fabric at Caver House, the walled garden and other landscape features
  - b) Details of internal wall finishes, including materials (which shall be vapour open) and treatment of historic features.  
Thereafter, no development shall take place except in strict accordance with the approved details.  
Reason: To ensure satisfactory preservation of this Listed Building
3. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which preserves the Listed Building
4. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.  
Reason: To ensure satisfactory preservation of this Listed Building

## **DRAWING NUMBERS**

9430/0-LP	Location Plan
9430-3.02 Rev A	Existing Site Plan
9430/3-15 Rev A	Existing floor plans
9430/3-17 Rev A	Existing Elevations
9430/3-18 Rev A	Existing 3D views
9430/3-19 Rev A	Proposed plans 1
9430/3-20 Rev A	Proposed plans 2
9430/3-22 Rev A	Proposed Elevations
9430/3-21 Rev C	Proposed Roof Plan
9430-0-PL-02C	Proposed Site Plan
9430/3-23 Rev A	Proposed Sections
9430/3-24 Rev A	Proposed 3D views
9430/3-25 Rev A	Contextual Elevations 1
9430/3-26 Rev A	Contextual Elevations 2
9430/3-27 Rev A	Walled Garden
9430/3-28 Rev A	Proposed Owl House
Drawing 1	Plan of Wooden Fingerposts

## **Reports**

Cavers Castle Traffic management Plan dated 22.02.2023  
Arboricultural Impact Assessment dated March 2023  
Historic Landscape Appraisal dated March 2023  
Woodland Management Plan 2023-2028  
Conservation Statement dated September 2022  
Preliminary Ecological Assessment (PEA) dated September 2021  
Structural Appraisal dated September 2022

## **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

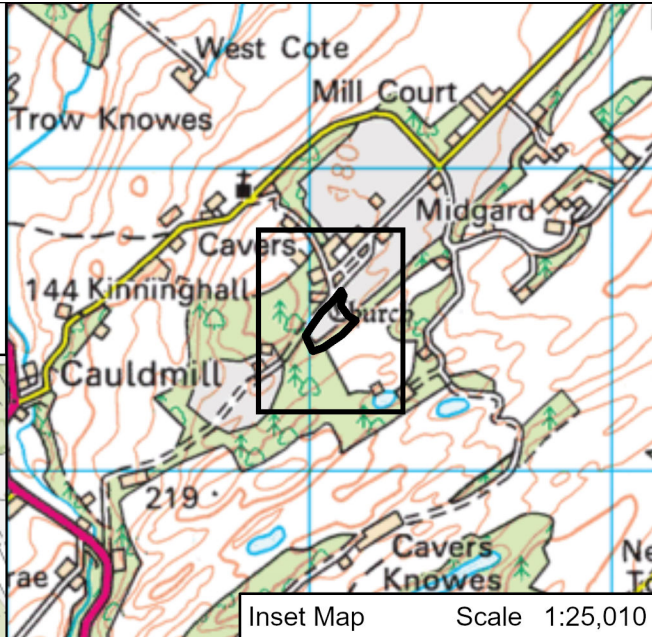
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

## **Author(s)**

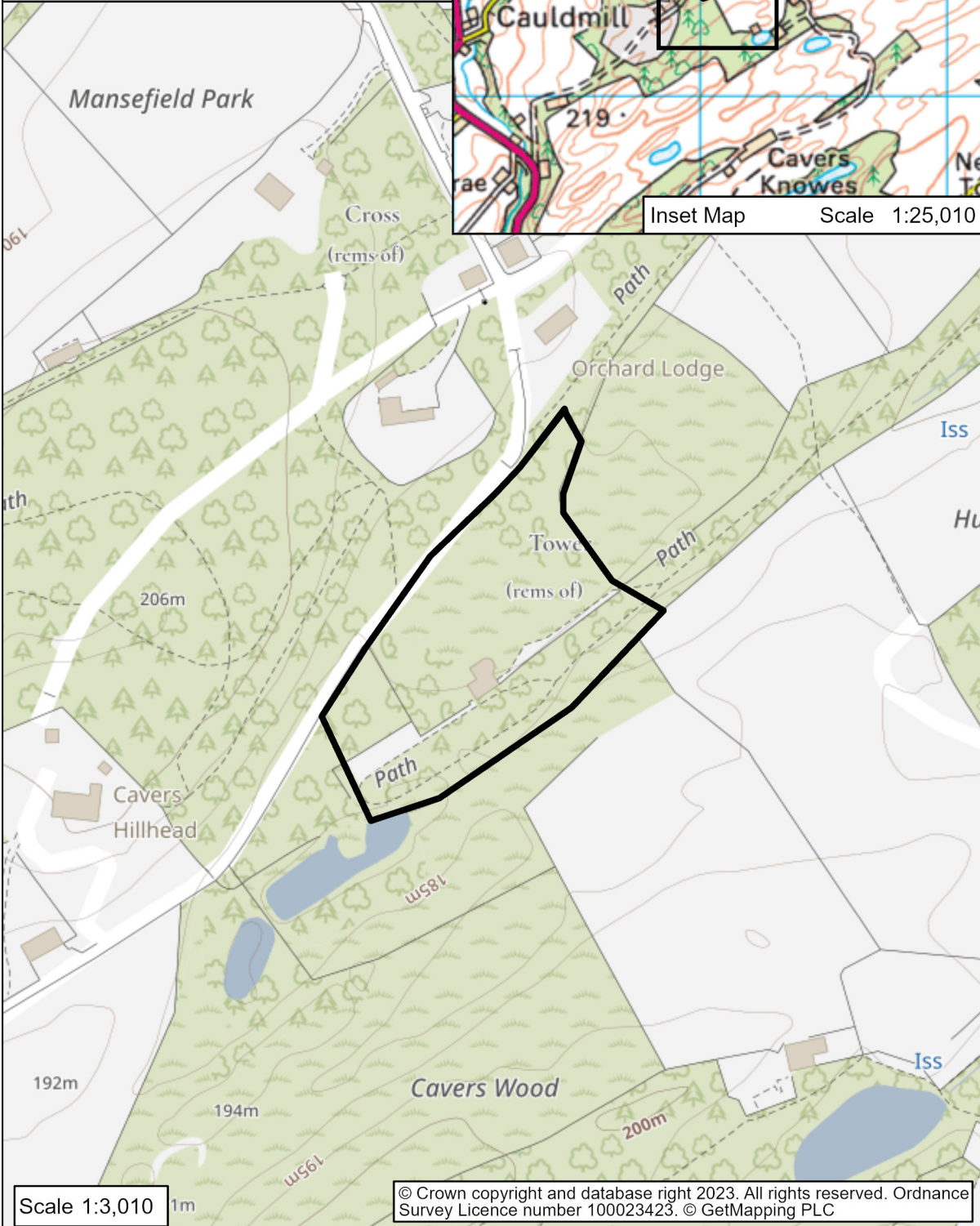
Name	Designation
Alla Hassan	Assistant Planning Officer



22/01587/LBC & 22/01588/FUL  
Cavers House, near Hawick



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## PLANNING APPEALS & REVIEWS

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### Briefing Note by Chief Planning & Housing Officer

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## PLANNING AND BUILDING STANDARDS COMMITTEE

2<sup>nd</sup> October 2023

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### 1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

### 2 APPEALS RECEIVED

#### 2.1 Planning Applications

- 2.1.1 Reference: 22/01993/FUL  
Proposal: Erection of dwellinghouse  
Site: Land Adjacent Rose Cottage, Maxwell Street,  
Innerleithen  
Appellant: Mr Raymond Keddie

Reason for Refusal: The proposals are contrary to Policies PMD2 and PMD5 of the Scottish Borders Local Development Plan 2016 in that the site is not allocated for housing, the scale and density of the proposals are not appropriate for this site, and the erection of a house would result in inappropriate infill development. The proposals are also contrary to Policies EP9 and EP11 of the Scottish Borders Local Development Plan 2016 and Policy 7 of National Planning Framework 4 in that the erection of a house on this site will result in the loss of an area of green space and will not enhance the character of the conservation area.

Reasons for Appeal: The Committee's decision to refuse planning permission is contrary to the Planning Officer's recommendation to approve. The Local Review Body granted planning permission to erect a single house on the same site back in 2019 with an intentions notice. No LRB decision notice has been issued yet as the Legal Agreement has still to be concluded. The proposal complies with Policies PMD2, PMD5, ED9 & EP11 of the LDP. The proposal also complies with criteria (d) and (e) of the National Planning Framework 4 Policy 7.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

- 2.1.2 Reference: 23/00131/PPP  
Proposal: Residential development with access, landscaping  
and associated works

Site: Land East of Kirkwell House, Preston Road, Duns  
Appellant: Robert Lamont

Reasons for Refusal: 1. The proposal is contrary to Policies PMD2, PMD4, HD3 and EP13 of the Local Development Plan 2016, Policies 9 and 14 of NPF4 and the "Placemaking and Design" SPG as the site is outwith the Development Boundary for Duns and the development would not constitute a justifiable extension to the settlement, in that it is not a job generating development, not affordable housing, there is no shortfall in the 5 year effective housing land supply and there are no significant community benefits sufficient to justify development outwith the Development Boundary. The proposed development would also cause significant adverse effects on the landscape setting of the settlement, local landscape character, visual and residential amenity, representing a prominent and elevated greenfield incursion out of character with the settlement pattern and surroundings. 2. The development is contrary to Policy ED10 of the Local Development Plan 2016 and Policy 5 of NPF4 as the development would result in the permanent loss of prime quality agricultural land which is a valuable and finite resource. Furthermore, the land has not been demonstrated to be necessary for housing or infrastructure development, alternative sites are available and the proposal is neither small scale nor directly related to a rural business.

Reasons for Appeal: The proposed development represents erection of new dwellings fronting onto Preston Road from the north-west. The design of the proposed development would have the effect of completing the street by mirroring the existing developed frontage onto Preston Road from the south-east. The proposed development represents erection of 10 dwellings in a high-demand location which would contribute to filling the shortfall in the supply of land for market housing suitable for occupation by young families in the Berwickshire HMA and the Borders more widely, in accordance with NPF4 Policy 16. The proposed development is considered to have satisfied the other criteria of Policy PMD4 and represents sustainable development. The proposed development is considered to accord with Policy ED10 and Policy 5 of NPF4 as it does not represent the loss of Prime Quality Agricultural Land. It is considered that the proposal is in general accordance with relevant adopted policy of the Local Development Plan and NPF4 and is not afflicted by any other material considerations.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

2.1.3 Reference: 23/00777/FUL  
Proposal: Installation of communication lattice tower 35m high c/w headframe on new 6.5m x 6.5m RC concrete base and associated ancillary works  
Site: Land at Menzion Forest Block, Quarter Hill, Tweedsmuir  
Appellant: Hutchison 3G UK Ltd

Reasons for Refusal: 1. The proposed telecommunications mast is contrary to Policy 24 (e) of National Planning Framework 4 in that development would not minimise visual and amenity impacts. The proposed mast would also be contrary to Policy 25 of National Planning Framework 4 in that it does not contribute to community and local economic development that focuses on community and place benefits. 2. The proposed telecommunications mast is contrary to Policy ED6 of the



Scottish Borders Local Development Plan 2016 in that it will have an adverse impact on the natural environment, particularly landscape and visual impact. The proposed development is also contrary to Policy IS15 (a) in that equipment would not be positioned or designed sensitively and would have an adverse effect on the environment, in particular, the Tweedsmuir Upland Special Landscape Area. The developers have not adequately demonstrated that an alternative location has been sought.

Reasons for Appeal: The installation of the proposed upgrade would not be contrary to but would contribute to the achievement of the Policy objectives of SBC's Development Plan, the NPF4 and PAN62. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area. The proposal would further the delivery of sustainable development through intelligently managed and considered change. There will not be a 4G coverage hole in the area (as is currently the case) and all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected. Any perceived impact on amenity the site will be outweighed by the many positive benefits that telecommunications bring to the economy and community. The development meets the requisite criteria and standards, as well as contributing to and according with the 'Planning for Growth' objectives. [Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

## 2.2 Enforcements

Nil

## 2.3 Works to Trees

Nil

# 3 APPEAL DECISIONS RECEIVED

## 3.1 Planning Applications

3.1.1 Reference: 23/00430/CLPU  
Proposal: Erection of a double garage  
Site: 32 Dunglass Road, Coldstream  
Appellant: Mr & Mrs M & A Anderson

Reason for Refusal: The proposed development is not permitted under Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Reasons for Appeal: The proposed development is situated entirely within the residential curtilage of 32 Dunglass Road and is fully consistent with the Permitted Development rights granted under Class 3A. [Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

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Summary of Decision: The Reporter, Trudi Craggs, noted that the key issue in dispute is whether this land is within the curtilage of the property. On the site visit the Reporter saw that there were two parking spaces at the rear of the dwellinghouse beyond the rear garden. The spaces were accessible by a gate in the fence separating the spaces from the garden. A plaque with the number of the appellant's house was affixed to the fence in front of each space. All of the parking spaces immediately to the rear of the houses were numbered in this way and were clearly allocated for use by the associated property. Visitor parking was clearly designated as such. Communal parking across the road from the rear of the houses was not designated at all. Although the ridge of the proposed garage would be greater than 2.5 metres in height, it is sufficiently set back and within the curtilage of the site. The reporter concluded that the proposed development would be permitted development by virtue of Class 3A(1) of the 1992 Order as amended and therefore granted a certificate of proposed lawful use.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

3.1.2 Reference: 23/00648/CLEU  
Proposal: Erection of Stable  
Site: Keppel Gate Nettleingflat, Heriot  
Appellant: Mrs Lindsey Campbell

Reason for Refusal: On the basis of present evidence, it has not been demonstrated, on the balance of probability, that the stable building was substantially completed more than four years ago, as required by Section 124(1) of the Planning (Scotland) Act 1997. The application is, therefore, refused since the building comprises development under Section 26 of the Planning (Scotland) Act 1997 for which no Planning Permission has been granted or has been deemed to be granted.

Reasons for Appeal: The Council has denied the Certificate on the basis of 3 inconclusive photographs it holds, taken around July/September 2018. However, for the stables to be deemed unlawful, the Council must be able to provide evidence that contravenes both the Appellant's Affidavits and demonstrate that the stables were not substantially completed by 13 July 2019 (4 years from Appeal date). The Council has acted unreasonably in taking the delegated decision to refuse to issue a Certificate.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Paul Cackette, noted that the main issues of this appeal are firstly whether a building at the site was substantially completed as at 19<sup>th</sup> May 2019. Secondly, whether the stables building should have been included as part of a 2018 retrospective application for another building. On the first point there is a range of photographs from before this time, a range of statements including from the builder of the whole works and a plan from the 2018 application, which establishes that the stable building was substantially completed by the 19<sup>th</sup> May 2019. The second point is less clear. The application plan accords with the position the Reporter saw on his site visit. However, this differs from the 2018 application plan in two respects. The edge of the secondary building and the shape & area of the larger building are different. The Reporter stated that the building shown in the 2018 plan has had an

extension added. The appellant does not appear to accept that the 2018 plan and the application plan are different and offers no evidence or indication as to when the layout dates from. The reporter concluded that the building substantially completed in 2018 is not the same building as at present and as sought in the appellant's application, the appellant has not established to the required standard that the stables building shown in the application has existed as substantially completed for the period of four years prior to the 19<sup>th</sup> May 2019. Accordingly, the appeal in relation to the application as made required to be refused.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

### 3.2 Enforcements

Nil

### 3.3 Works to Trees

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained no appeals previously reported on which decisions were still awaited when this report was prepared on 22<sup>nd</sup> September 2023.

## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 23/00331/FUL  
Proposal: Erection of dwellinghouse  
Site: Land South of 1 Netherwells, Jedburgh  
Appellant: Mr Peter Caunt

Reasons for Refusal: 1. It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. 2. The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

5.2 Reference: 23/00507/PPP  
Proposal: Erection of dwellinghouse  
Site: Plot C Land West of Hedgehope Cottage, Winfield  
Appellant: Aver Chartered Accountants

Reason for Refusal: 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, car dependent, 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.

- 5.3 Reference: 23/00508/PPP  
Proposal: Erection of dwellinghouse  
Site: Land East of Dunedin Lodge, Crossrig  
Appellant: Aver Chartered Accountants

Reasons for Refusal: 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.

- 5.4 Reference: 23/00509/PPP  
Proposal: Erection of dwellinghouse  
Site: Land North East of Alba Cottage, Fishwick  
Appellant: Aver Chartered Accountants

Reason for Refusal: The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, 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.

## 6 REVIEWS DETERMINED

- 6.1 Reference: 22/01236/FUL  
Proposal: Erection of dwellinghouse  
Site: Land Northeast of The Bungalow, Crosshill, Chirnside  
Appellant: Miss Janette Hall

Reason for Refusal: The proposed development is contrary to Local Development Plan policy PMD5 (Infill Development). The proposal would amount to over-development of the site, also known as 'town cramming', resulting in a dwellinghouse with a poor level of amenity which would relate poorly to the surrounding streetscene and would harm the setting of the neighbouring listed building. Consequently, the proposed development is also contrary to National Planning Framework 4 policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place), and Local Development Plan policies PMD2 (Quality Standards), EP7 (Listed

Buildings) and HD3 (Protection of Residential Amenity). This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 22/01357/FUL  
Proposal: Erection of dwellinghouse and associated work  
Site: Land South of Ebbastrand, Coldingham Sands, Coldingham  
Appellant: Mr Rob Cameron

Reasons for Refusal: 1. The proposed development is contrary to Local Development Plan 2016 policy HD2 (Housing in the Countryside) and EP14 (Coastline) in that the site is not well related to the Coldingham Sands building group and the building group has no further capacity for expansion within the current plan period. The development would result in unacceptable harm to Coldingham Sands' sense of place and would cause unacceptable cumulative impact to the character of the building group and the undeveloped coast. 2. The proposed erection of a dwellinghouse at this location would be contrary to Local Development Plan 2016 policy PMD2 (Quality Standards) criterion (Q) in that the additional traffic generated by the development would have an adverse impact on road safety. The section of road between St Veda's House and the application site is considered incapable of accommodating such further traffic. In particular, the lack of forward visibility at a blind corner outside St Veda's House results in vehicles meeting on a narrow section of road with the need for one vehicle to reverse to the detriment of road and pedestrian safety. 3. The proposed development is considered contrary to Local Development Plan 2016 policies PMD2 criterion (L), EP1 (International Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP5 (Special Landscape Areas) in that it has not been demonstrated that the development can be satisfactorily accommodated within the site without unacceptable harm to the Berwickshire Coast Special Landscape Area, internationally designated sites, and to the local environment. It has not been demonstrated that the risk of coastal erosion and land slippage can be avoided or mitigated in a manner without unacceptable detrimental impacts to these interests.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

6.3 Reference: 22/01936/FUL  
Proposal: Erection of raised decking (retrospective)  
Site: 33 Weensland Park, Hawick  
Appellant: Mr Thomas Kemp

Reason for Refusal: The development is contrary to Policy HD3 of the Scottish Borders Local Development Plan (2016) and Policy 16 of the National Planning Policy Framework 4 (2023), in that the raised decking, by reason of its scale, height and positioning would result in an unacceptable impact in terms of outlook, overlooking and loss of amenity and privacy to neighbouring residential properties and their associated garden grounds.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.4 Reference: 23/00034/PPP  
Proposal: Erection of dwellinghouse  
Site: Land North of Belses Cottage, Jedburgh  
Appellant: Mr Kenneth Short

Reasons for Refusal: 1. The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. In any case, the capacity of the building group has exceeded the limitations allowed for by Policy HD2. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. Furthermore, there is no overriding economic justification to support the development, and the development has no support from NPF4. This conflict with the development plan is not overridden by any other material considerations. 2. The development is also contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements. This conflict with the development plan is not overridden by any other material considerations.

Method of Review: Review of Papers & Site Visit

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.5 Reference: 23/00129/FUL  
Proposal: Erection of dwellinghouse  
Site: W Pearce and Sons St Ronan's Works, 2 Miller Street, Innerleithen  
Appellant: Mr Alex Clapperton

Reason for Refusal: The proposed development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would introduce a Highly Vulnerable Use (as defined in SEPA's Flood Risk and Land Use Vulnerability Guidance) into a flood risk area, with potential displacement of flood water and loss of flood plain storage, thus placing additional residential property and persons at risk of flooding, and potentially increasing flood risk to other properties. The resulting risk of harm is not overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Notification to Scottish Ministers)

## 7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 22<sup>nd</sup> September 2023. This relates to sites at:

<ul style="list-style-type: none"><li>Land South of Headshaw Farmhouse, Ashkirk, Selkirk</li></ul>	<ul style="list-style-type: none"><li>Site Adjacent The Steading Whiteburn Farm, Lauder</li></ul>
<ul style="list-style-type: none"><li>U-Stor Business Units, Spylaw Road, Kelso</li></ul>	<ul style="list-style-type: none"><li></li></ul>

## 8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

## 9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

## 10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained One S36 PLI previously reported on which a decision was still awaited when this report was prepared on 22<sup>nd</sup> September 2023. This relates to a site at:

<ul style="list-style-type: none"><li>Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick</li></ul>	<ul style="list-style-type: none"><li></li></ul>
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### Approved by

**Ian Aikman**  
**Chief Planning & Housing Officer**

**Signature .....**

### Author(s)

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**Background Papers:** None.

**Previous Minute Reference:** None.

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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