

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 04/02011/FUL

**APPLICANT :** Mr And Mrs Charlie Cockburn

**AGENT :** Andrew Davie Timber Frame Homes

**DEVELOPMENT :** Erection of dwellinghouse and change of use of existing shed to business use

**LOCATION:** Site Off Blainslie Road Near Craigsford Farm  
Earlston  
Scottish Borders  
TD4 6DJ

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
04/249	Location Plan	Approved
04/250A	Site Plan	Approved
04/248A	Elevations	Approved
04/195B	Floor Plans	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**CONSULTATION RESPONSES:**

Scottish Borders Council Consultees

Director of Technical Services (Roads): No details of the new access to the house have been provided, and no indication of what type of business is proposed for the shed. Both these points must be addressed to my satisfaction if I am going to support this application. I also need clarification that the business unit will access onto the minor road and that the existing access onto the A68 Trunk Road will be closed in the interests of road safety.

Other Consultees

Earlston Community Council: No objections.

Scottish Water: Awaiting response.

**OTHER RESPONSES:**

None.

**PLANNING CONSIDERATIONS AND POLICIES:**

## DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

### POLICY E16 - Rural Economic Development

Business and industrial development will be encouraged which will support the rural economy provided it can be achieved in accordance with the Plan's other policies, particularly those on the environment. Particular encouragement will be given to proposals which:

- (i) provide employment in villages or the countryside,
- (ii) contribute to the wider rural economy,
- (iii) are part of farm diversification schemes,
- (iv) re-use vacant and derelict buildings.

Policy E13 also includes sites that fall within the Council's Area Regeneration priorities. Reference should also be made to Policy E19 and paragraph 7.3.

### POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements<sup>1</sup> and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Ettrick and Lauderdale Local Plan 1995

Policies 8 and 84 apply which state:

#### Policy 8

Within the areas specified on the Proposals Map, there will be a presumption in favour of sensitively designed and well sited isolated housing in the countryside. Elsewhere, there will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63;
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### Policy 84

The Regional Council will ensure that all development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;
2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;

3. Appropriate site services and access available;
4. Any new building must be of sympathetic design and materials;
5. Any new building must be well sited in terms of location and landscape setting.
6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

N.B. The particular case of development by telecommunications operators is subject to Policy 104A

#### OTHER PLANNING CONSIDERATIONS:

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000 and August 2004.

Executive Committee report of 5 October 2004 entitled Waverley railway project developer contributions.

**Recommendation by** - Stuart Herkes (Planning Officer) on 20th December 2004

#### REASON FOR DECISION :

The Council has accepted proposals for dwellinghouses associated with businesses which do not necessarily require to be located within a rural location. In light of the above, it is considered that the approval of this application would be consistent with recent decisions of the Council in respect of similar proposals. It is therefore considered that this application can be supported subject to a Section 75 legal agreement to ensure that no further dwellinghouses are built on the adjoining land within the applicant's ownership and to ensure that the house and business unit cannot be sold separately. Suitably worded conditions should also be attached to the consent requiring that the businesses are in operation prior to, or in tandem with, the occupation of the dwellinghouse and ensuring that the dwellinghouse is occupied by a person employed in the business.

#### **Recommendation:** Approved - conditions & Legal Agreement

- 1 The colour of the render to be agreed by the Planning Authority before the development is commenced.  
Reason: To safeguard the visual amenity of the area.
- 2 The details of all boundary walls and/or fences to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To safeguard the visual amenity of the area.
- 3 The occupation of the dwellinghouse hereby approved shall be limited to a person solely or mainly employed in the operation of the adjoining land and building as a Horse Breeder, Potato Merchant, Horse Feed Merchant or Farrier or other business approved by the planning authority.  
Reason: The erection of a dwellinghouse for normal residential occupation would be contrary to the Council's policy on housing in the countryside.
- 4 The buildings associated with the applicant's businesses to be in operation prior to, or in tandem with, the occupancy of the dwellinghouse.  
Reason: To comply with the requirements of the Housing in the Countryside policy
- 5 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

20 DECEMBER 2004

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 04/02011/FUL

OFFICER: Karen Hope  
LOCAL MEMBER: Councillor Browne  
PROPOSAL: Erection of dwellinghouse and change of use of existing shed to business use  
SITE: Site off Blainslie Road near Craigsford Farm, Earlston  
APPLICANT: Mr & Mrs Charlie Cockburn  
AGENT: Andrew Davie Timber Frame Homes

#### SITE AND APPLICATION DESCRIPTION:

The site is situated between the A68 and the minor C76 road to Blainslie, to the south of Earlston. The site is an uncultivated field. There is a farm access from the Blainslie road. The field slopes down to the north to the A68 where there are existing buildings comprising of stables and a shed, with an access from the A68.

This is a full planning application for the erection of a dwellinghouse on a 0.2 hectare site within the 3.5 hectares owned by the applicant at Craigsford. The field access would be upgraded and a 60.0m long driveway would lead down to the dwellinghouse. This application also seeks consent to change the use of an existing shed to business use.

The proposed single storey dwellinghouse would provide accommodation for a kitchen, utility room (with WC and store), dining room, lounge, study, bathroom and three bedrooms (one with en-suite). The L-shaped dwellinghouse would have a dry dash external render finish and concrete roof tiles.

The applicants have submitted a statement in support of the application, which is copied in full with this report. In summary, the applicants currently reside in the centre of Earlston and acquired the land at Craigsford with a view to expanding their interest in horses by starting a breeding programme with brood mares. Mr Cockburn has established his own business as a self-employed Potato Merchant, Horse Feed Merchant and Farrier. While he is still resident in the centre of Earlston, it is difficult to expand the business at Craigsford and there are problems of lack of supervision and security. It is also considered unsuitable to deal with customers from a small office in his house separated from his business premises. It is also difficult to provide a service for customers outside normal business hours because his store is some distance from his house. Having a house beside his business would rectify these problems.

Furthermore, the agricultural building, which was granted planning permission in May 2002, would be used for the storage of potato sacks, fruit baskets and shoeing equipment presently stored in rented premises in St. Boswells. In addition, the building would accommodate the horse feed business and the expansion of the farriers business. Mr Cockburn owns a broad mare for breeding purposes and a foal. At present, the only facility for shoeing horses is at the applicants garage at his home. It would be of benefit to have customers bring their horses to an equipped base, and to be on hand to respond in urgent cases.

#### PLANNING HISTORY:

Mr and Mrs Cockburn applied for outline planning permission for the erection of a house on this site in September 1997. They advised that they own and manage the stable block on the land and breed and rear horses; the house was required for security reasons as a constant presence was required on site. The application was refused in November 1997 as the proposal was contrary to Policy 8 of the Ettrick and Lauderdale Local Plan in that the site is outwith any recognised building group and the need for the house was not adequately substantiated. The proposed access was considered to have substandard visibility on a section of road subject to undulations.

A further application was refused for the erection of a dwellinghouse and agricultural building on the same site in August 2001. It was considered that, despite the diversification of the applicant's business, the level of commercial activity at the site did not justify a different recommendation to that reached in 1997.

Planning consent was granted in May 2002 for the erection of an agricultural shed to be located to the south of an existing stable block.

A further application for the erection of a dwellinghouse on the same site was refused in October 2002.

#### DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

#### POLICY E16 - Rural Economic Development

Business and industrial development will be encouraged which will support the rural economy provided it can be achieved in accordance with the Plan's other policies, particularly those on the environment. Particular encouragement will be given to proposals which:

- (i) provide employment in villages or the countryside,
- (ii) contribute to the wider rural economy,
- (iii) are part of farm diversification schemes,
- (iv) re-use vacant and derelict buildings.

Policy E13 also includes sites that fall within the Council's Area Regeneration priorities. Reference should also be made to Policy E19 and paragraph 7.3.

#### POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements<sup>1</sup> and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Ettrick and Lauderdale Local Plan 1995

Policies 8 and 84 apply which state:

#### Policy 8

Within the areas specified on the Proposals Map, there will be a presumption in favour of sensitively designed and well sited isolated housing in the countryside. Elsewhere, there will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63;
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### Policy 84

The Regional Council will ensure that all development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;
2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
3. Appropriate site services and access available;
4. Any new building must be of sympathetic design and materials;
5. Any new building must be well sited in terms of location and landscape setting.
6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

N.B. The particular case of development by telecommunications operators is subject to Policy 104A

#### OTHER PLANNING CONSIDERATIONS:

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000 and August 2004.

Executive Committee report of 5 October 2004 entitled Waverley railway project developer contributions.

#### CONSULTATION RESPONSES:

##### Scottish Borders Council Consultees

Director of Technical Services (Roads): No details of the new access to the house have been provided, and no indication of what type of business is proposed for the shed. Both these points must be addressed to my satisfaction if I am going to support this application. I also need clarification that the business unit will access onto the minor road and that the existing access onto the A68 Trunk Road will be closed in the interests of road safety.

##### Other Consultees

Earlston Community Council: No objections.

Scottish Water: Awaiting response.

#### OTHER RESPONSES:

None.

#### PLANNING ISSUES:

The main planning issue with this application is whether or not the proposal complies with the terms of the Council's policy on housing in the countryside in that a house is justified on the strength of the information provided.

#### ASSESSMENT OF APPLICATION:

The proposed site lies outwith the settlement boundary of Earlston, within an undeveloped field. This application must therefore be assessed against Policy H6 of the Structure Plan which states that in such circumstances new dwellinghouses will only be supported where the house can be shown to be essential at that location for the needs of agriculture and other uses currently occupying or requiring an appropriate rural location.

Policy 8 of the Ettrick and Lauderdale Local Plan states that there will be a presumption against single houses in such locations, except where a need can be clearly justified on economic grounds.

The proposed change of use of the existing shed to business use aspect of this application should be assessed against Policy E16 of the Structure Plan and Policy 84 of the Ettrick and Lauderdale Local Plan. It



is considered that the use of this site for the applicant's business purposes is acceptable and appropriate in planning terms.

The applicant previously applied for planning permission for a house on this site in 1997. At that time the applicant used the land and stable block to breed and rear horses and required the house for security reasons, as a constant presence was needed on the site. The applicant had three horses and the level of commercial activity was considered to be insufficient to justify the need for a house for convenience and security reasons. The application was refused.

The applicant later applied for planning permission in May 2001 for the erection of a dwellinghouse and agricultural building on the site. It was considered that, despite the diversification of the applicant's business since the previous application in 1997, the level of commercial activity undertaken on the site still did not justify a different recommendation to that reached in 1997. The application was refused as the application failed to comply with Policy H6 of the Structure Plan and Policy 8 of the Ettrick and Lauderdale Local Plan.

The applicant again applied for planning permission in August 2002 for the erection of a dwellinghouse. The applicant had purchased a broad mare for breeding purposes and confirmed that he shod approximately 20 horses per week from his garage at his home in Earlston. Despite this further diversification of his business, it was concluded that the level of commercial activity operated from the application site at that time was not sufficiently different to justify a different recommendation from that reached in 1997 and 2001. The application was subsequently refused.

The applicant's business as a potato merchant is currently based in St. Boswells where potato sacks are stored in a hauliers yard. Planning consent was granted in May 2002 for the erection of an agricultural shed to be located to the north east of the proposed site. The supporting statement submitted with this application indicates that the applicant intends to use this building for receiving deliveries and for loading for distribution. The building would also be used to accommodate the horse breed business and the expansion of the farriers business.

The applicants consider that they could operate their businesses more efficiently if they resided next to their shed and if their businesses were pulled together in one location. The current requirement to operate from a number of different locations causes particular problems and is very inefficient. They have been reluctant to relocate their stock to the shed thus far due to the lack of supervision.

The Council has recently indicated a more relaxed approach to supporting houses in the countryside associated with business ventures and this is reflected in the most recent review of the housing in the countryside policy. Applications have been approved for the change of use of land at Smiddy Hill, West Mains, Blyth Bridge (01/01789/FUL) to form a yard area and erect a dwellinghouse and general purpose building and for the erection of a dwellinghouse and workshop on land at 55 Holding, Foulden (03/02061/OUT). The Council has therefore accepted proposals for dwellinghouses associated with businesses which do not necessarily require to be located within a rural location.

In light of the above, it is considered that the approval of this application would be consistent with recent decisions of the Council in respect of similar proposals. It is therefore considered that this application can be supported subject to a Section 75 legal agreement to ensure that no further dwellinghouses are built on the adjoining land within the applicant's ownership and to ensure that the house and business unit cannot be sold separately. Suitably worded conditions should also be attached to the consent requiring that the businesses are in operation prior to, or in tandem with, the occupation of the dwellinghouse and ensuring that the dwellinghouse is occupied by a person employed in the business.

The Housing in the Countryside Policy and Guidance Note states that it should be possible to ensure that any new building is sympathetic to, and compatible with, the traditional building form of the Region. The proposed dwellinghouse has a relatively low pitched roof with windows extending to the wall height. This is not consistent with older houses in the Borders. In a rural location such as this my Department would encourage the use of slate as a roof material. These design matters will be discussed with the applicant/agent and a verbal report will be made at Committee.

The issues raised by the Director of Technical Services (Roads), in relation to proposed new access and the existing access onto the A68, also remain to be clarified with the applicant/agent and will also be reported verbally at Committee.

This application falls within an area subject to the Council's policy seeking developer contributions towards the funding of the Waverley project. Any decision to approve would therefore require to be subject to the conclusion of a Section 75 or alternative agreement securing the appropriate developer contribution.

**RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:**

I recommend that this application is approved subject to the following conditions and subject to a Section 75 or alternative agreement securing the appropriate level of developer contribution towards the Waverley railway project:

1. The colour of the render to be agreed by the Planning Authority before the development is commenced.  
Reason: To safeguard the visual amenity of the area.
2. The details of all boundary walls and/or fences to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To safeguard the visual amenity of the area.
3. The occupation of the dwellinghouse hereby approved shall be limited to a person solely or mainly employed in the operation of the adjoining land and building as a Horse Breeder, Potato Merchant, Horse Feed Merchant or Farrier or other business approved by the planning authority.  
Reason: The erection of a dwellinghouse for normal residential occupation would be contrary to the Council's policy on housing in the countryside.
4. The buildings associated with the applicant's businesses to be in operation prior to, or in tandem with, the occupancy of the dwellinghouse.  
Reason: To comply with the requirements of the Housing in the Countryside policy
5. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.

Original copy of report signed by  
BRIAN FRATER (Head of Development Control)



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

**Application for Planning Permission**

**Reference : 04/02011/FUL**

**To : Mr And Mrs Charlie Cockburn per Andrew Davie Timber Frame Homes Eastfield  
Business Park Newark Road South Glenrothes KY7 4NS**

With reference to your application validated on **14th October 2004** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse and change of use of existing shed to business use**

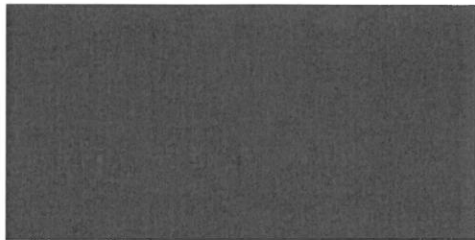
**at : Site Off Blainslie Road Near Craigsford Farm Earlston Scottish Borders TD4 6DJ**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

**subject to the conditions on the attached schedule imposed by the Council for the reasons stated**

**Dated 13th August 2010  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed

  
.....  
**Head of Planning & Building Standards**

**APPLICATION REFERENCE : 04/02011/FUL****Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
04/249	Location Plan	Approved
04/250A	Site Plan	Approved
04/248A	Elevations	Approved
04/195B	Floor Plans	Approved

**REASON FOR DECISION**

The Council has accepted proposals for dwellinghouses associated with businesses which do not necessarily require to be located within a rural location. In light of the above, it is considered that the approval of this application would be consistent with recent decisions of the Council in respect of similar proposals. It is therefore considered that this application can be supported subject to a Section 75 legal agreement to ensure that no further dwellinghouses are built on the adjoining land within the applicant's ownership and to ensure that the house and business unit cannot be sold separately. Suitably worded conditions should also be attached to the consent requiring that the businesses are in operation prior to, or in tandem with, the occupation of the dwellinghouse and ensuring that the dwellinghouse is occupied by a person employed in the business.

**SCHEDULE OF CONDITIONS**

- 1 The colour of the render to be agreed by the Planning Authority before the development is commenced.  
Reason: To safeguard the visual amenity of the area.
- 2 The details of all boundary walls and/or fences to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To safeguard the visual amenity of the area.
- 3 The occupation of the dwellinghouse hereby approved shall be limited to a person solely or mainly employed in the operation of the adjoining land and building as a Horse Breeder, Potato Merchant, Horse Feed Merchant or Farrier or other business approved by the planning authority.  
Reason: The erection of a dwellinghouse for normal residential occupation would be contrary to the Council's policy on housing in the countryside.
- 4 The buildings associated with the applicant's businesses to be in operation prior to, or in tandem with, the occupancy of the dwellinghouse.  
Reason: To comply with the requirements of the Housing in the Countryside policy
- 5 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.

- 6 The roofing material to be natural slate  
Reason: To safeguard the visual amenity of the area.
- 7 The access road to be formed to the satisfaction of the Planning Authority prior to the occupation of the house.  
Reason: In the interests of road safety.

#### **FOR THE INFORMATION OF THE APPLICANT**

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

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

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

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

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

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – 0800 800 333

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

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or

approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.