

APPENDIX III

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00015/RREF

Planning Application Reference: 15/01521/PPP

Development Proposal: Erection of 3 dwellinghouses (in principle)

Location: Land north of Bonjedward Garage, Jedburgh

Applicant: Lothian Estates

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and agrees to refuse planning permission for the reasons set out in this decision notice on the following grounds:

The proposal is contrary to Policy HD2: Housing in the Countryside of the Local Development Plan and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.

The proposal is contrary to Policy HD3 of the Local Development Plan relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

DEVELOPMENT PROPOSAL

The application relates to a proposal for Planning Permission in Principle for the erection of three dwellinghouses at Bonjedward. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
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Location Plan	A4
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PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 18th July 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review (and Decision Notice, Officer's Report, Roads consultation response, Landscape Architect consultation response); b) Other Consultations; and c) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

Local Development Plan policies:

- Policy HD2 Housing in the Countryside
- Policy HD3 Protection of Residential Amenity

Other material policy and guidance included

- Policy PMD4 Development outwith Development Boundaries
- Policy EP7 Listed Buildings
- Policy EP8 Archaeology
- Policy EP10 Gardens and Designed Landscapes
- Policy EP13 Trees, Woodlands and Hedgerows
- Policy IS2 Developer Contributions
- Policy IS7 Parking Provision and Standards
- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SPG Placemaking and Design

The Local Review Body noted that the applicant seeks Planning Permission in Principle for the erection of three dwellinghouses, indicatively shown as a terrace of three dwellings located to the right of the paddock, aligned with the A698 road to the north, and accessed from a new single drive leading from the A6090.

Members noted that the indicative layout depicts a single building line fronted by a communal drive, with subdivided gardens to rear (allocated by plot number) and extending across the entire greenfield site. An "Augmented" landscape edge is shown by a freehand green line on the north and west boundaries.

Members noted that the agent has highlighted "Bonjedward Building Group" which they define as the 11 dwellings, not including the Joiner's Cottages (two dwellings) to the north.

In the first instance members discussed the proposal in terms of Policy HD2, and whether the proposal forms part of a building group. Members considered the proposal in terms of the principles for housing in the countryside, the potential boundaries to the group particularly in relation to field boundaries and roads. The Review Body concluded that the proposal was separate to and did not form part of a building group.

Members went on to consider whether there was a case for housing on the site, notwithstanding it did not form part of the building group. They considered whether there was any specific reason to override the policy principle on housing in the countryside. They also considered the site in relation to the proximity of the garage, and in relation to the three roads that enclose the area to which the site belongs. Members noted that the Roads Planning Service could support the proposal in principle but discussed concerns in relation to the quality of life that would be available to residents if the site was to be developed. Members concluded that there was no specific justification to allow the proposal to be supported.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R Smith
Chairman of the Local Review Body

Date.....29 July 2016
