

APPENDIX IV

**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: 16/00003/RREF

Planning Application Reference: 15/00769/FUL

Development Proposal: Siting of Caravan for Permanent Residence (Retrospective)

Location: Land south of Camphouse Farmhouse, Camptown

Applicant: Kerr Renwick

DECISION

The Local Review Body reverses the decision of the appointed planning officer and gives notice that it intends to grant temporary planning permission subject to condition that the permission is for up to a maximum of four years and further conditions as set out in this notice.

DEVELOPMENT PROPOSAL

The applicant has applied for permanent residence in this caravan situated at Camphouse Farmhouse, Camptown. The application consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	M4P-00434081
Block Plan	1
Elevations	2
Elevations	3
Elevations	4
Elevations	5
Floor Plans	6

PRELIMINARY MATTERS

The review was initially presented to the Local Review Body at its meeting on 14th March 2016. The Local Review Body considered that the Review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) decision notice; b) Notice of Review; c) Officer's Report; d) Consultations, and e) List of Policies, the LRB concluded for the reasons below, that it did not have sufficient information to determine the review and that further procedure was required in the form of additional written submissions.

The Local Review Body reconvened to consider the appeal on 18th July 2016.

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:

- HD2 (Housing in the Countryside)
- PMD2 (Quality Standards)

Other key material considerations the Local Review Body took into account related to:

- HD3 (Protection of Residential Amenity), IS2 (Developer Contributions), EP8 (Archaeology), IS7 (Parking Provision and Standards), IS9 (Waste Water Treatment Standards and SUDS).
- SPG on New Housing in the Borders Countryside, SPG on Placemaking and Design, SPG on Householder Developments.

Members noted that the property is a temporary structure situated to the north of the farm buildings at Camphouse Farm, Camptown. Members noted that the building is retrospective, and had yet to go through the building standards process.

Members noted that the applicant has applied for permanent residence in this building on the basis that he is farming Camphouse Farm holding for the first time since 2015, whilst another family member (who formerly farmed the holding) is residing in the attached farmhouse.

Members noted that the applicant has supported the application stating that applicant tends livestock, in the form of sheep husbandry, and requires to be on-site for 24 hour supervision. The farm size is approximately 154 acres, and the appellant states that the title to the farm is a business comprising three family members and an inventory of livestock has been

provided within a brief Business Plan. The applicant is also running a fencing contracting business from this site.

Members confirmed the site is not in the southern HMA where a more flexible dispersed building group policy would apply.

Members noted the building was 2 portacabins fitted together with external timber cladding. Members noted that the property does not comply with the Council's SPG on Placemaking and Design, and raised concerns on its suitability as a permanent residence.

The LRB noted that no application had been submitted for a building warrant. There were likely to be consequent issues to be addressed in terms of drainage, insulation and fire regulations. These matters would require to be dealt with separately via Building Control process should the LRB grant consent.

Members discussed the possibility of a site visit, but decided not to pursue the matter.

Members agreed there was no building group in the area and the application should therefore be judged on whether an economic/business need case had been made which could justify a house on site.

Members debated the proposal in the context of the proposed farming/contracting business, and whether there may be justification for a temporary permission.

The Local Review Body agreed that some information had been submitted by the applicant regarding a business venture, but considered it insufficient. The Local Review Body agreed to seek further written information in the form of a professionally prepared long term Business Plan for the whole of the farm, and confirmation of the ownership of the farm holding and the interests that other family members had in this.

At the reconvened meeting on 18th July 2016, members noted that a professional business plan had now been provided in relation to the proposed growth of the business, and that the economic development section considered it to be a viable plan. Members agreed that the business plan had the potential to be implemented by the applicant. The Local Review Body agreed that an economic/business need case had been made which could justify a house on the site.

Members discussed again their concerns that this was an inappropriate structure for a permanent dwelling, and whether it could be considered for a temporary permission. A temporary permission would allow the applicant to grow the business in line with the business plan, and also afford him time to put in place arrangements to bring forward a proposal for a house that complied with policy PMD2 on Quality Standards and Supplementary Planning Guidance on Placemaking and Design.

Members agreed that they could allow the structure on a temporary basis but on the strict understanding that this would be for a maximum of 4 years. Members also agreed that any future application for a permanent dwelling would require to be justified in terms of Policy HD2 (section F) which would require a reassessment of progress in relation to the business plan submitted, as well as policy PMD2 on Quality Standards, Supplementary Guidance on Placemaking and Design, and other relevant policies.

CONCLUSION

After considering all relevant information, the Local Review Body concluded on balance that the proposal was acceptable in terms of the Development Plan conditional to it being on a temporary basis for up to a maximum of 4 years.

CONDITIONS

1. The permission established by this decision notice will be for a maximum of 4 years from the date of this decision letter.

Reason: To ensure the proper planning of the area and to achieve a satisfactory form of development.

2. The temporary use hereby permitted shall be discontinued and the building removed on or before 10 August 2020 unless a further permission is obtained.

Reason: To enable the Local Planning Authority to review the matter at the end of a limited period.

3. Access to the site from the trunk road will be via the existing access. No new access will be permitted.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

Informative

1. The applicant is advised to be in immediate contact with the Council's Building Standards service and to make a building warrant application in relation to this temporary permission so that the property can be assessed with regards to construction, services, health and safety.

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
