

**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through  
this representative:

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED LETTER FOR THE ATTENTION OF THE LOCAL REVIEW BODY.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

ORIGINAL COVERING LETTER SUBMITTED WITH APPLICATION  
 PLANNING APPLICATION FORM  
 SITE PLAN  
 CONTEXT PLAN  
 DECISION NOTICE - REFUSAL 12 DECEMBER 2016  
 LOCAL REVIEW BODY APPEAL LETTER (INCLUDING PHOTOGRAPHS)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 03 | 03 | 2017

**The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.**

Planning Department  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
TD6 OSA

Miss K Johnston  
47 Curror Street  
Selkirk  
TD7 4HG

9<sup>th</sup> December 2016

Dear Sir / Madam

**ERECTION OF DWELLINGHOUSE (PLANNING PERMISSION IN PRINCIPLE)  
LAND EAST OF HIGHLAND BRAE, LILLIESLEAF, MELROSE, TD6 9JN**

Please find enclosed a completed planning application form in respect of the above along with the requisite fee.

My partner and I are both first time buyers and have been actively looking to buy our first property in or around Lilliesleaf for a number of years. Unfortunately our search has been unsuccessful, primarily as the properties which have come on the market have simply been out of our reach financially.

The principle reason for wishing to locate to Lilliesleaf is in order for me to be close to my Mother. She resides at Highland Brae (to the immediate west of the application site) with my Father and has suffered from Parkinson's Disease for a number of years. My Mother now increasingly requires assistance at home and will in the future rely on our care. In order for us to prepare for the years ahead, I would like to be able to live close to her in order to provide the care she needs. I am a nurse by profession.

In exploring our options, this site has become available to us as it is owned by my Grandfather. Being at this location would not only enable me to be close to my Mother, it would also give us the opportunity to reside in an area we are so desperately keen to live.

Having researched recent planning decisions in the area we note that there has been a similar proposal which is not dissimilar by way of circumstance at Easter Lilliesleaf (13/00104/PPP) where a dwellinghouse has been permitted outside the settlement boundary in order to allow for care to be provided.

The planning application site would have access from the existing access to the south. Landscaping would also be provided to provide a screen so the property would not be prominent from the roadside.

Please do not hesitate to contact me should require any further information. I look forward to hearing from you in due course.

Yours faithfully

Kerrie Johnston



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scofborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100033889-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Kerrie"/>	Building Number:	<input type="text" value="47"/>
Last Name: *	<input type="text" value="Johnston"/>	Address 1 (Street): *	<input type="text" value="Curror Street"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Selkirk"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD7 4HG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

0.20

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Grazing land

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets)

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.



Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Septic tank and soakaway.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

**CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013**

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

Do you have any agricultural tenants? \*  Yes  No

Are you able to identify and give appropriate notice to ALL the agricultural tenants?  Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

## Land Ownership Certificate

**Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or --

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Walter Inglis

Address:

St Dunstan Farm, Lillesleaf, Melrose, UK, TD6 9JA

Date of Service of Notice: \*

18/11/2016

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Mr Robert Livsey

Address:

The Firth Farm, Upper Netherrow, Lillisleaf, Melrose

Date of Service of Notice: \*

18/11/2016

Signed:

Miss Kerrie Johnston

On behalf of:

Date:

09/12/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Proposed access arrangements are included within the supporting letter as well as information relating to proposed landscaping.

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss Kerrie Johnston

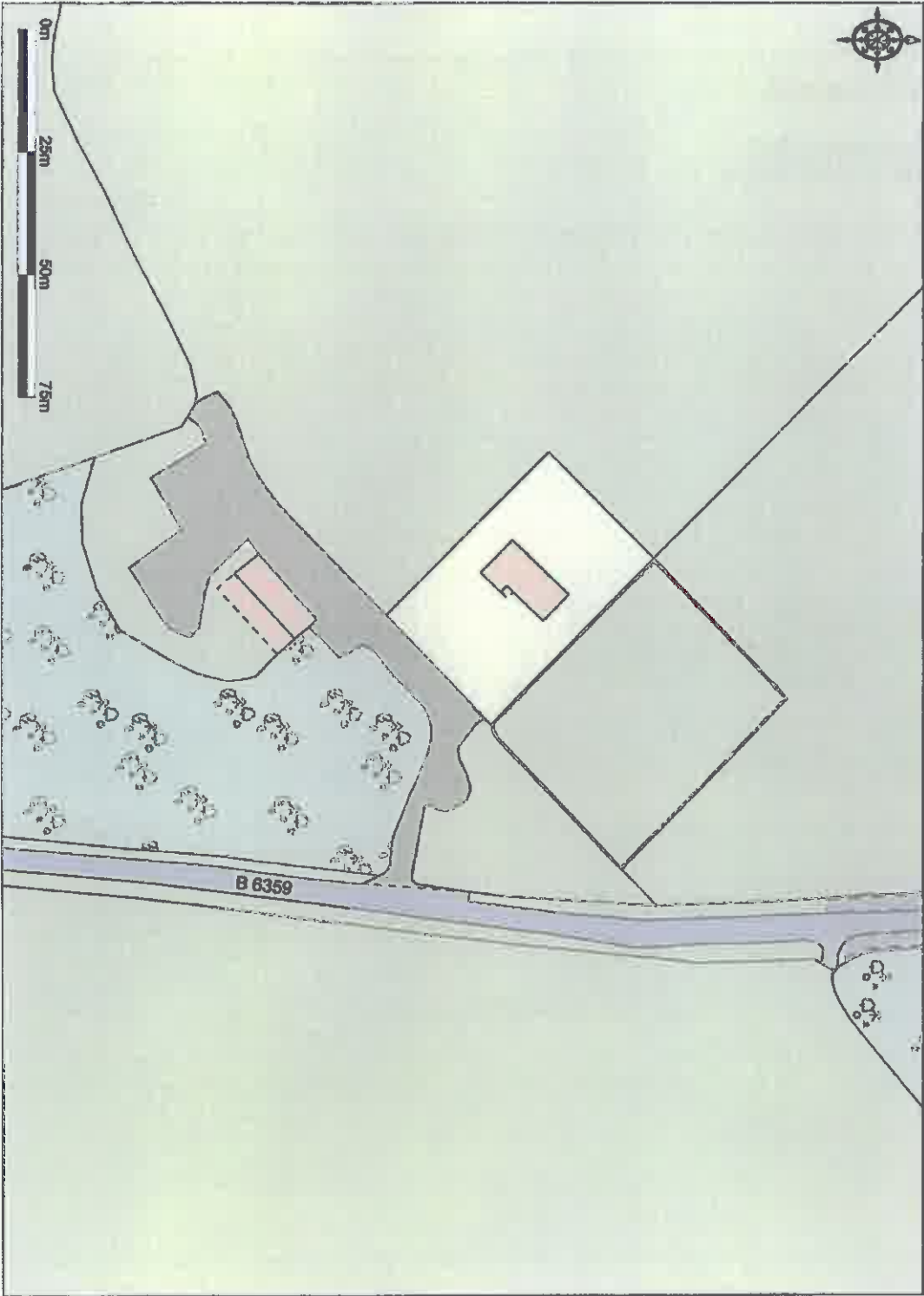
Declaration Date: 09/12/2016

## **Payment Details**

Online payment: XM0100000983

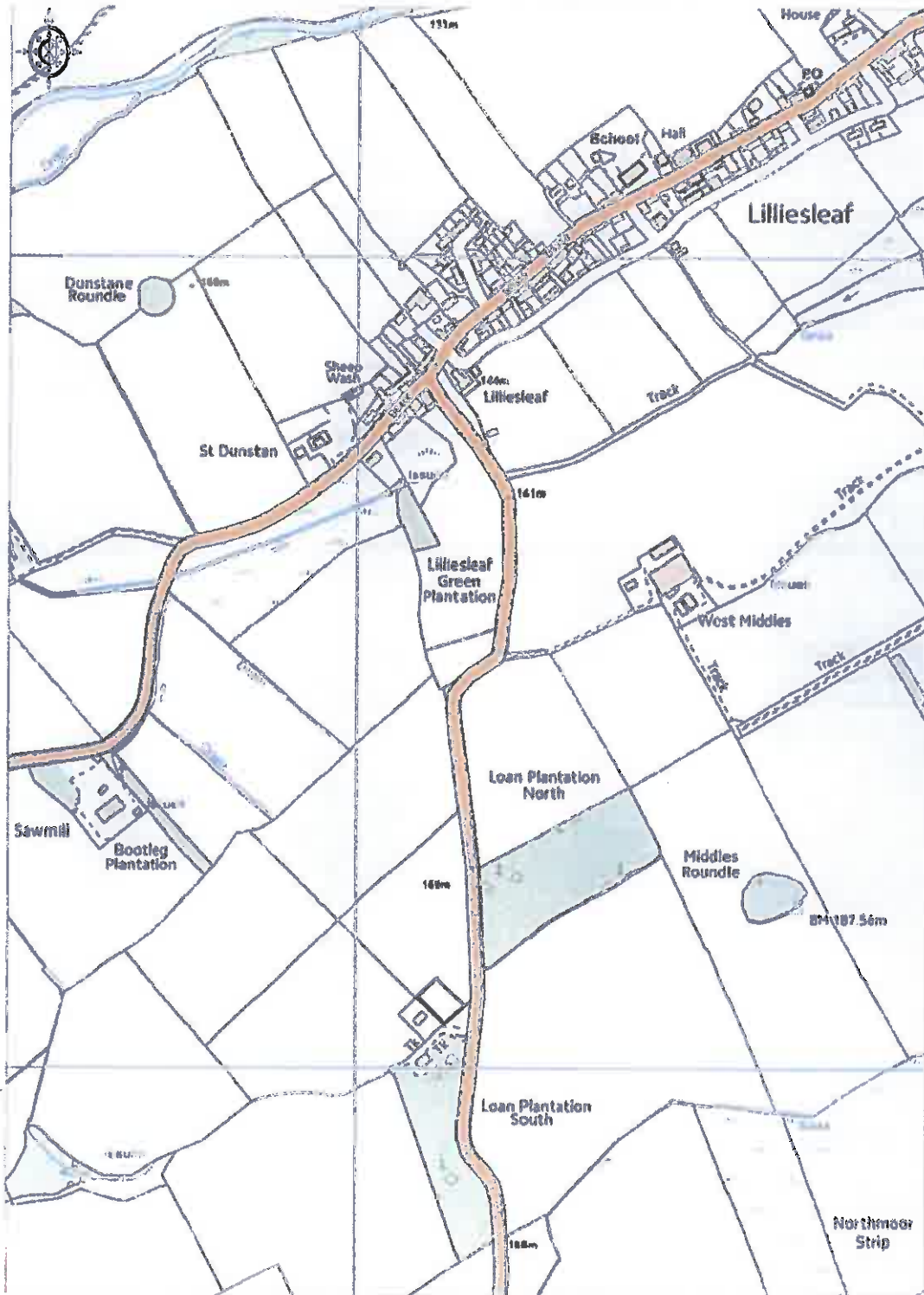
Payment date: 09/12/2016 20:41:00

Created: 09/12/2016 20:41



**Promap**  
LANDMARK PRODUCTION GROUP

Site plan showing the Administration of the project (Project) - Scale: 1:2000



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

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 16/01536/PPP**

**To : Miss Kerrie Johnston 47 Curror Street Selkirk United Kingdom TD7 4HG**

With reference to your application validated on **12th December 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

**at : Land East Of Highland Brae Lillesleaf Melrose Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the reason(s) stated on the attached schedule.

**Dated 25th January 2017  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**



**APPLICATION REFERENCE : 16/01536/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
OS EXTRACT	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

**FOR THE INFORMATION OF THE APPLICANT**

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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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.

Planning Application Reference: 16/01536/PPP

Proposal: Proposed erection of dwellinghouse

Site: Land east of Highland Brae, Lilliesleaf, Melrose

Applicant: Miss Kerrie Johnston

3<sup>rd</sup> March 2017

## APPEAL LETTER TO LOCAL REVIEW BODY

Dear Local Review Body

I write in respect of my recent planning application for the erection of a dwellinghouse on land to the east of my parent's property at Highland Brae near Lilliesleaf and request a review of the reasons for refusal which read as follows:

*The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.*

The dwellinghouse would not be highly visible or prominent at the proposed site and would relate well to the existing property, Highland Brae. This is illustrated in the photos overleaf. As the photographs show, the site is well screened from the road by existing hedging.

No objections were submitted during the process of the planning application and the Roads Officer is content that an acceptable vehicular access can be achieved.

I am desperate to be able to live in or near Lilliesleaf in order that I can be close to my Mum who was diagnosed with Parkinsons Disease eighteen years ago. As you'll be aware this is a long-term degenerative disease and whilst my Mum was diagnosed a number of years ago, her condition continues to become more challenging. As a nurse I would like to be able to provide as much care for her as possible. It is her wish to remain at home in the countryside for as long as possible and me being there would enable me to provide the care she needs for as long as possible.

The Planning Officer suggests that it might be possible for me to consider extending my parent's property in order that I can reside with them. Whilst this is feasible in practise, I would not wish to invest money in such an extension as this would be fruitless in assisting me to find my first home as an investment for my future.

As well as wishing to provide care for my Mum, I would also like to live in a rural location but this has not been possible. Affordable rural properties are extremely hard to find. My search for a dwellinghouse within my budget as a first time buyer in or near Lilliesleaf has been unsuccessful. Scottish Borders Council's Affordable Housing Supplementary Guidance highlights the restricted availability of affordable housing within the Scottish Borders. It also mentions the need for the provision of sites for self-build affordable units. Young persons are not encouraged to stay in the Scottish Borders with the general lack of affordable properties on relatively low wages.

I do not consider that a house at this location would have a detrimental impact upon the beautiful area we live. I would be most grateful if you could consider these points in coming to a decision on my appeal.

Yours faithfully,

Kerrie Johnston



PHOTOGRAPHS



SOUTH VIEW



SOUTH EAST VIEW FROM ROADSIDE



SOUTH VIEW



SOUTH EAST VIEW