
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

27th March 2017

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

Nil

2.2 Enforcements

- 2.2.1 Reference: 16/00126/UNDEV
Proposal: Erection of fence
Site: 12 Merse View, Paxton
Appellant: Steven McClymont

Reason for Notice: Unauthorised Development

Grounds of Appeal: The area highlighted on the enforcement notice covers an area of boundary fence. The majority of the fence has been standing for well in excess of 4 years which is the specified time for any enforcement to be made.

Method of Appeal: Written Representations

- 2.2.2 Reference: 16/00146/UNDEV
Proposal: Boundary fence and summerhouse erected in front garden
Site: 1 Borthwick View, Roberton, Hawick
Appellant: Mr and Mrs Ramsay

Reason for Notice: Unauthorised Development

Grounds of Appeal: 1. The line of the fence is incorrectly sighted. 2. The lack of privacy due to No. 2 occupants, due to height of fence. 3. The fence is of variable height, sometimes as low as 1.5m. 4. No. 2 neighbour has constructed onto the fence she complains of. 5. No. 2 is responsible

for sighting of fence within one metre of walled boundary to road, (so as to clock exit/entrance sight line to our house). 6. The summerhouse is a moveable item, like a vehicle, and is not situated in any one spot permanently.

Method of Appeal: Written Representations

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 4 appeals previously reported on which decisions were still awaited when this report was prepared on 17th March 2017. This relates to sites at:

• Land North West of Whitmuir Hall, Selkirk	• Broadmeadows Farm, Hutton
• Office, 80 High Street, Innerleithen	• 1 Borthwick View, Robertson, Hawick (Murphy-McHugh)

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 16/01464/FUL
Proposal: Erection of agricultural storage building with welfare accommodation
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

5.2 Reference: 16/01506/FUL
Proposal: Erection of straw storage building
Site: Field No 0328 Kirkburn, Cardrona

Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location. 3. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

5.3 Reference: 16/01507/FUL
Proposal: Erection of machinery storage building
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

5.4 Reference: 16/01513/FUL
Proposal: Erection of machinery storage building
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this

rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location. 3. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

5.5 Reference: 16/01536/PPP
 Proposal: Erection of dwellinghouse
 Site: Land East of Highland Brae, Lilliesleaf
 Appellant: Miss Kerrie Johnston

Reason for Refusal: 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.

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 17th March 2017. This relates to sites at:

- | | |
|-------------------------------|------------------------------------|
| • Land East of Keleden, Ednam | • Field No 0328 Kirkburn, Cardrona |
|-------------------------------|------------------------------------|

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 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 17th March 2017. This relates to sites at:

- | | |
|---|-------------------------------|
| • (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir | • Fallago Rig 1, Longformacus |
| • Fallago Rig 2, Longformacus | • |

Approved by

**Ian Aikman
Chief Planning 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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