

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**2<sup>nd</sup> October 2017**

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**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

- 2.1.1 Reference: 17/00765/FUL  
Proposal: Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services)  
Site: Units 9 and 10, 6 - 8 Douglas Bridge, Galashiels  
Appellant: Westminster Job Centre

Reason for Refusal: The change of use from Class 1 (Shop) to Class 2 (Financial, Professional and Other Services) would be contrary to Policies ED3 and ED4 of the Scottish Borders Local Development Plan 2016 in that the use of the premises by a Job Centre would result in the loss of prime retail floor space in a prominent location within the Core Activity Area, which forms part of a principal shopping street and key approach to the town centre.

Grounds of Appeal: The reason for refusal cites that the proposed development is contrary to Policies ED3 and ED4 of the adopted Local Development Plan; however, these policies do not directly deal with the reasoning set out within the reason for refusal. Both the Applicant and the Planning Officer find the proposed development to be in accordance with these policies. The reason for refusal fails to recognise the matters set out on Page 42 of the Local Development Plan, that when read with Policy ED4, would result in Class 2 uses being found in accordance with the Policy should those policy matters be satisfied by the proposed development. The Applicant has provided policy justification to SBC to address the six policy matters on page 42.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

### 3 APPEAL DECISIONS RECEIVED

#### 3.1 Planning Applications

Nil

#### 3.2 Enforcements

Nil

### 4 APPEALS OUTSTANDING

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 22<sup>nd</sup> September 2017. This relates to sites at:

- |  |  |
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| • Land North of Howpark Farmhouse, Grantshouse | • Poultry Farm, Marchmont Road, Greenlaw |
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### 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 17/00239/FUL  
Proposal: Erection of micro meat processing unit and byre  
Site: Land at Hardiesmill Place, Gordon  
Appellant: Mr Robin Tuke

Reason for Refusal: The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

5.2 Reference: 17/00380/FUL  
Proposal: Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting  
Site: Jordonlaw Granary, Jordonlaw Road, Westruther  
Appellant: Susan And Chris Edge

Reason for Refusal: The proposal does not comply with Adopted Local Development Plan Policies PMD2 and ED7 in that it has potential to generate increased road safety concerns principally because the proposed variation to Planning Condition No 3 attached to Planning Consent 10/00156/FUL would allow the existing residential annexe ('The Granary') to be operated as a short-term or holiday let accommodation unit, which would be a new separate residential use over and above (that is, in addition to) the operation of the existing residential use of 'Jordonlaw Farmhouse'. This would promote an increase in the volume of traffic

requiring to use the sub-standard junction between the public road (B6456) and access road at Jordonlaw Farm, with potential to increase road safety concerns for road users at and around the same road junction.

- 5.3 Reference: 17/00472/FUL  
Proposal: Alterations and extension to dwellinghouse  
Site: 1 Glenkinnon, Ashiestiel Bridge, Clovenfords  
Appellant: Mr & Mrs Rutherford

Reason for Refusal: The proposed extension to the dwelling would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale that would be visually appropriate to the existing building or its surroundings.

- 5.4 Reference: 17/00479/FUL  
Proposal: Erection of dwellinghouse  
Site: Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston  
Appellant: Austin Travel

Reasons for Refusal: 1. The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere. 2. The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form. 3. The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety. 4. The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

## **6 REVIEWS DETERMINED**

- 6.1 Reference: 16/00947/FUL  
Proposal: Erection of dwellinghouse with attached garage  
Site: Land North East of The Old Church, Lamberton  
Appellant: Mr Malcolm Pearson

Reasons for Refusal: 1. The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 - Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting. 2. The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 - Archaeology, in that the development would have an

unacceptable adverse impact on the setting of the Scheduled Ancient Monument - Lamberton Church.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions and a Section 75 Legal Agreement)

- 6.2 Reference: 17/00323/FUL  
Proposal: Erection of dwellinghouse and retaining wall (part retrospective)  
Site: Land West of Craigerne Coachhouse, Edderston Road, Peebles  
Appellant: Mrs Patricia Crippin

Reason for Refusal: The application is contrary to Policies PMD2, PMD5 and EP13 of the Scottish Borders Local Development Plan 2016 in that the proposed development will represent overdevelopment, and significant reduction, of an area of ground which is required for landscaped and wooded setting for the Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road and providing insufficient space from existing preserved trees which would undermine their protection.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions and a Section 75 Legal Agreement)

## 7 REVIEWS OUTSTANDING

- 7.1 There remained 4 reviews previously reported on which decisions were still awaited when this report was prepared on 22<sup>nd</sup> September 2017. This relates to sites at:

• 5 High Street, Innerleithen	• Land North West of Kirkburn Parish Church, Cardrona (17/00384/FUL)
• Land North West of Kirkburn Parish Church, Cardrona (17/00647/FUL)	• Land South of 3 Kirkburn Cottages, Cardrona, Peebles (17/00806/FUL)

## 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 4 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 22<sup>nd</sup> September 2017. This relates to sites at:

<ul style="list-style-type: none"> <li>• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir</li> </ul>	<ul style="list-style-type: none"> <li>• Fallago Rig 1, Longformacus</li> </ul>
<ul style="list-style-type: none"> <li>• Fallago Rig 2, Longformacus</li> </ul>	<ul style="list-style-type: none"> <li>• Birneyknowe Wind Farm, Land North, South, East &amp; West of Birnieknowe Cottage, Hawick</li> </ul>

**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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