



Rec'd 10/8/17 Hand delivered

Notice of Review
17/00806/FUL
17/00034/IRREF

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)

Agent (if any)

Name **CLEEK POULTRY LTD**

Name

Address **TRACTOR SHED, KIRKBURN, PEEBLES**

Address

Postcode **EH45 9HU**

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail* **NONE AVAILABLE**

E-mail*

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

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority **SCOTTISH BORDERS COUNCIL**

Planning authority's application reference number **17/00806/FUL**

Site address **LAND TO SOUTH OF 3 KIRKBURN COTTAGES, CARDRONA, SCOTTISH BORDERS**

Description of proposed development **ERECTION OF AGRICULTURAL BUILDING AND FORMATION OF NEW ACCESS TRACK**

Date of application **5TH JUNE 2017** Date of decision (if any) **1ST AUGUST 2017**

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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" 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:

THE SITE OF THE SHED CAN BE VIEWED FROM THE KIRKBURN FORESTRY TRAILS BUT THE SMALL-HOLDING OVER WHICH THE ACCESS IS TAKEN IS A WORKING HOLDING AND ACCESS IS NEEDING TO BE ACCOMPANIED

Statement

Notice of Review

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.

SEE ATTACHED STATEMENT

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.

THE OFFICER MADE NO REQUEST FOR FURTHER INFORMATION DURING THE APPLICATION PROCESS.

SEVERAL ATTEMPTS TO FURTHER THE BUSINESS OF FATTENING CATTLE HAVE BEEN MADE OVER PREVIOUS YEARS, WHICH HAVE ALL BEEN UNSUCCESSFUL. THE BUILDINGS AND OTHER ACCOMMODATION HAVE BEEN WITHIN FIELD 0308.

WITH THIS REVIEW I ATTACH A PROFESSIONALLY PREPARED BUSINESS PLAN DEMONSTRATING HOW THE BUSINESS CAN BE VIABLE WITHIN THE LEASED LAND BELOW LAVERLAW FARM. I WISH THIS TO BE CONSIDERED WHEN THE REVIEW IS DEALT WITH.

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.

STATEMENT OF APPEAL PART 3 REPORT FROM THE PLANNING OFFICER REFUSAL NOTICE DRAWINGS HAN 01 REV A & HAN 02 WITH REFUSAL STAMPS 'FATTENING CATTLE BUSINESS PLAN'
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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 15/8/17

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

STATEMENT OF APPEAL OR REVIEW
17/00806/FUL
ERECTION OF AGRICULTURAL BUILDING AND FORMATION OF NEW ACCESS TRACK
LAND TO SOUTH OF No 3 KIRKBURN, CARDRONA, PEEBLES

The proposal is to form an agricultural shed and farmyard in the heart of a 40-acre agricultural holding adjacent to my holding at Kirkburn, Cardrona. The shed is tucked back into the hill to pose as little impact on the surrounding countryside as possible, and accessed by a farm access track from my existing access track which currently terminates at the south west corner of the graveyard at Kirkburn.

I have previously applied on a number of occasions for a unit in field 0308 for fattening cattle. Whilst proving through a business plan that the venture could be a self-supporting and viable business, the planning officer has chosen to ignore this and always criticised the scale of the buildings as being too large and not appropriate for their intended use.

I have an agreement to lease the 40-acre smallholding – indeed I have been leasing part and sometimes all of this for some time. In order to make the cattle venture viable, I need to construct the cattle shed. This is what is currently being considered under this review.

In the attached business plan, you will note the recommended shed size is 50X10m (ie 500 sqm). As a mark of acknowledgement to Mr Miller's concerns, I have discussed this and in order to see the business progress, reduced the size of the unit to 243 sqm (27X9m). Once the business proves to be a success, we can possibly revisit this via the planning process if the facilities prove to be too restrictive.

I understand the sensitivity of the site and should this review be successful I would happily acknowledge that the landscaping, choice of building materials and final route of the access track be looked at in more detail. I note that Roads Planning raised an objection but can only imagine they assumed the access to be from the Kirkburn Road access rather than from the existing access into field 0308.

I have also read the comments from the archaeology officer and should the consent be granted under review, I would suggest a 'watching brief' be a condition of any development of the site.

Mr Miller has also raised concerns about the status of the lease between myself and the owner which I do not believe to be a planning matter. However, the building could be conditioned such that if the use proposed were to cease a future restrictive clause could be applied (by Section 75, I believe).

I ask that this application is carefully considered as part of this review as my activities as a smallholder have been severely curtailed by the planning officer's belief that these are not sustainable. By increasing the holding size as proposed and incorporating the proposed new farmyard and building I would be able to re-appraise my livelihood and the viability of the holding.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00806/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural building and formation of new access track

LOCATION: Land South Of
3 Kirkburn Cottages Cardrona
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
HAN 01A	Site Plan	Refused
HAN 02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 5
SUMMARY OF REPRESENTATIONS:

Roads Planning:

I am unable to support this application. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. I would not wish to support any development which would add additional traffic movements at this junction.

Given the above, I must recommend refusal of this application on road safety concerns.

Economic Development: Response awaited.

Archaeology Officer:

The proposed access track is adjacent to the medieval and post-medieval churchyard surrounding the ruins of Our Lady's Church. The original layout of the churchyard is unknown, the current being of likely 18th century date. There is therefore some potential for buried archaeology to exist within the footprint of the proposed track including human remains. Human burials are protected under Scots Law and should remain in situ. In addition, a bronze axe, likely Bronze Age in date, was found within or near to the field through which the track is proposed. This may indicate buried archaeological features from which the object came within the area of the proposed development. However, the scale of what is proposed, and the unfinished nature of the track presents a low potential for encountering buried archaeology of this nature.

Given the separation of the proposed agricultural building from Our Lady's Church and churchyard, and its setting lower within the valley, I do not feel there would be setting implications from this proposal.

While I support the principle of development, I note the potential for buried archaeology. Given the scale of the proposal, and in particular the use of existing and non-metalled access tracks, I do not recommend mitigation at this time. However, I do recommend adding the informative below as the chance discovery of buried archaeology, and human remains in particular, may require further assessment per PAN2(2011).

If consent is granted I recommend the following informative:

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

Landscape:

Description of the Site

The site lies wholly within the Tweed Valley Special Landscape Area. The site comprised a strip of land within the field immediately to the south of Kirkburn graveyard, on which an access track would be formed, and a block of land approximately 50 x 28m in the next field south on which an agricultural shed 27 x 9m x 7.5m tall would be located.

The fields lie on the west side of the Kirk Burn valley and are moderately steeply sloping from the Laverlaw road down to the burn, including areas of more gently sloping ground and steeper areas with scree. The fields are used for pasture and are separated by a line of mature, mainly deciduous, trees. There are a number of gaps in this line of trees, one, towards the lower half of the field, has a gated field access through it.

Nature of the Proposal

The proposal is to form a track across the field from the north westernmost corner of the field, immediately to the south of the grave yard, across the field to a point on the southern boundary. The track will go through this field boundary and will expand to form a yard on which it is proposed to locate the agricultural shed.

Implications of the Proposal for the Landscape including any Mitigation

The track from the adjacent field to the north east, in the ownership of the applicant, appears to cross the field, mostly following a reasonably route. It then continues through the field boundary to be formed into a larger 'Farmyard'.

I have looked at the site from a point on the A72, across the Tweed valley and representative of views from this busy road, and I am of the opinion that neither the track nor the shed will be seen from this location, the shed largely screened from views from the north by the line of mature field boundary trees.

I also looked at the site from the Forestry Commission (FC) road that runs north - south from the FC Cardrona carpark along the east side of the Kirk Burn into Cardrona Forest. The fields are visible from here but I do not consider that the track across the field would be out of keeping with the existing land use or a visual intrusion into the local landscape. Travelling up the valley the agricultural shed would be visible to walkers across the Kirk Burn for a good stretch of the track but again it would not be out of keeping with the land use and the visual impact could be mitigated by some appropriate tree planting, of a scale to suit the proposed development and immediate landscape.

I also looked at the site from the Laverlaw road and consider that the shed would not be a visual intrusion, and its setting in the landscape could be improved by an appropriate planting scheme.

If this proposal is to be approved I would want to see the route of the track across the field following the 185m contour from the NE corner of the field to where it meets the southern field boundary. This appears to correspond with a break in the tree line and it should be a prime consideration of finalising

the route of the track and the location of the shed that it does not affect any of the existing trees or require any of them to be removed.

Conclusion

Given that the proposal, in landscape and visual terms, is not inappropriate to the current land use nor is it highly visible, if the exact route of the track, the location of the shed and a scheme of tree planting could be agreed, I would not object to this proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Nuisance

Water Supply

The uses of some agricultural buildings can impact on amenity and public health.

This development proposes to use a private water supply and drainage system. These can impact on amenity and public health if not properly installed and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informative.

Conditions

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

Reason: To ensure that the development does not have a detrimental effect on public health.

Any waste materials arising from the development shall not be stored or disposed of in any manner which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

Reason To protect the residential amenity of nearby properties.

No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to

secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Informatives

Private Water Supply

To fulfil this condition, the following information should be provided.

1. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
2. The location of the source(s) of the supply - i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
3. The name and address of every relevant person in relation to the supply.
NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
4. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
5. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
6. Where there are existing users of the proposed supply, the addresses of all such properties.
7. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
8. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
9. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled & monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in order for it to be classed as wholesome.

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system

have been clearly established by way of a binding legal agreement. Access rights should also be specified.

There have also been objections received from five separate local households on the following grounds:

the roadway connection from the public road is privately owned and not just within Forestry Authority ownership, who may not have given their permission to use the road.

the existing junction with the B road and the road leading to the site are inadequate to deal with increased agricultural traffic safely and there would be conflict with parked vehicles.

the B Road itself is not capable of catering for additional traffic.

the application is on land owned by others who no longer live in the area.

detrimental impact on the Special Landscape Area and walking route.

impact on water supply.

no justified agricultural need.

detrimental impact on residential amenity through traffic noise.

drainage impacts on the Kirk Burn.

odour impacts from any sewage treatment.

new access route may cause impacts on the archaeological site at the churchyard and on the yew hedging. Mitigative measures needed. Also impact on a view from within the churchyard.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy EP13 Trees, Woodlands and Hedgerows

Policy IS8 Flooding

"Local Landscape Designations" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 1st August 2017

This application has been submitted by Cleek Poultry Ltd but is on land owned by adjoining farmers who no longer live in the area. The agricultural shed is proposed on a sloping field which lies to the south of the Cleek unit, between the Laverlaw public road and the Kirk Burn. Access was initially to be taken from the end of the Kirkburn road which serves the hamlet but this has since been changed to an access from within the Cleek unit, running south of the churchyard and curving across the field to the north of the application site. This access road and the field to the north are also the subject of application reference 17/00809/FUL for mobile log cabins.

The shed will be constructed immediately south of a small shelter belt at the northern end of the field in question, on a flatter area of land amidst a general slope from the Laverlaw Road down to the Kirk Burn. It will measure 27m by 9m established within a new farmyard 48m long by 26m wide. The shed will be 7.5m to ridge, 6m to eaves and clad on the roof with eternit sheeting and half clad with green steel wall sheeting. One central vehicular door is provided with three pedestrian doors and a separate internal area for staff welfare.

Although on adjoining land within different ownership, the material factors of landscape impact, justification, road access, archaeology and environmental health all still apply in this case and have all been rehearsed many times on proposals nearby. In terms of justification for the building on this land, the proposal is made by Cleek Poultry and is now accessed through their land. Whilst it was stated once in the past that Cleek Poultry may have use of the land which is now the subject of the application, no evidence by way of a signed lease has ever been submitted nor any business justification to demonstrate what additional land and farming enterprises there may be that could begin to substantiate the need for more buildings of the scale

proposed on the land - especially so detached from the existing steading buildings. As with all other applications, the application is lacking such information and the proposal cannot be considered to be in compliance with LDP Policy ED7 without adequate demonstration. This is against the background of a small adjoining landholding already with a range of buildings present on site.

The other main determining issue with applications on the main Cleek landholding was landscape impact and fit, within a relatively newly designated Special Landscape Area. Much of the problem has been the impact of development on steeply rising land above the natural screening afforded by the roadside and riverside trees between the landholding and the public roads either side of the Tweed. The higher up the slopes, the poorer the landscape fit and the greater the impact, thus the reasons for refusal on previous proposals above the holiday chalet field. The Landscape Architect has constantly opposed such proposals but feels differently about this proposal, given it is on more remote land away from public road vantage points and across further tree and hedge belts provided at the boundary of the churchyard and field containing the proposed shed.

Although I am not entirely convinced that the building will be wholly concealed from the A72 by the patchy tree screening, a combination of greater distance, landform and the screening that does exist determines that there will be lesser impact on the landscape of the area and the quality that led to the designation. With suitable micro-siting, floor level and additional planting, the landscape impact of the shed can be mitigated to the extent that this would not constitute a valid reason for opposing the application. It is accepted that there will be more localised impacts but these have not been objected to by either the Landscape Architect or Archaeologist, thus I cannot consider the local objections to have sufficient weight to oppose the application on such grounds.

Other objections relate more to the associated mobile log cabin development and will be addressed within that application. The legitimate objections over the use of the Kirkburn road have been addressed by routing the access from within the Cleek Poultry site and utilising the access onto the B road. Nevertheless, whilst Roads Planning objected to the use of the Kirkburn Road, the change in access arrangements to the use of the existing bellmouth still concerns Roads Planning in the absence of any details about the intended use of the proposed building. As they cannot judge type or frequency of vehicles to be generated by the proposal, they are unable to accept that the current access, with improvements as previously agreed, would be capable of safe usage by traffic associated with the new building proposed. This must remain as an unresolved issue and reason to consider the proposal still breaches LDP Policy ED7.

The comments received from Environmental Health do not question the principle of the building but the impacts that could arise from it in terms of environmental impacts, including noise and water/drainage impacts. These could all be addressed, however, through conditions had other aspects of the application been acceptable.

In summary, the proposal remains contrary to Policy ED7 due to the lack of any justification to either show that the building is necessary and related to the land and enterprises for which it is intended. Also, that the application has failed to demonstrate that the site access is capable of safely accommodating the traffic that may be generated by the development.

REASON FOR DECISION :

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 and 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 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.

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.

Recommendation: Refused

- 1 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 and 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 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.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00806/FUL

To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **5th June 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of agricultural building and formation of new access track

At : Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

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

**Dated 1st August 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00806/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
HAN 01A	Site Plan	Refused
HAN 02	Elevations	Refused

REASON FOR REFUSAL

- 1 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 and 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 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.

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.