

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 1

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:

A HEARING IS REQUIRED TO ENSURE ALL ABOVE ALLEGATIONS ARE CLEARLY UNDERSTOOD AND THAT ASSUMPTIONS ARE NOT MADE THAT WOULD MATERIALLY AFFECT THE APPEAL RESULT.

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 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:

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.

See attached document for all reasons for review.

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.

- 1) Planning Ref. 2835434 - 'Supporting Information' for 17/00380/FUL supplied to SBC Planning, dated on website as 10/3/17 - copy provided
- 2) Planning Ref. 2863729 - Correspondence 'Chris Edge' for 17/00380/FUL supplied to SBC Planning, dated on website as 4/5/17 - copy provided
- 3) Planning Ref. 2865413 - 'Decision' for 17/00380/FUL supplied by SBC Planning and dated on website as 5/6/17 - copy provided
- 4) Planning Ref. 2244945 - 'Decision Notice' for 10/00156/FUL supplied by SBC Planning and dated on website as 13/6/17 - copy provided
- 5) Planning Ref. 2865419 - Location plan for Jordonlaw Granary - copy provided

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

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

**Appeal to Rejection of Planning Application 17/00380/FUL for Jordonlaw Granary, Westruther
'Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting'**

Summary of Appeal

We wish to appeal to the rejection of planning application 17/00380/FUL as detailed in the planning officer's report. We contend that the report did not consider the current planning consents accurately, made incorrect assumptions on the risks to road users of the development, did not rigorously check the accuracy of objector's statements, and hence flawed conclusions were used to reject the application. Specifically :-

- 1) Jordonlaw Granary can be fully occupied under existing planning consents without any limitations on vehicle movements and therefore short-term letting will not promote any additional vehicle movements.
- 2) Proposals for mitigating concerns about possible B&B use were not considered.
- 3) Unfamiliar visitors to a short-term let will reduce road safety risks as statistics clearly show they are more cautious; familiar drivers show 'complacency due to familiarity' and have 2/3 of all accidents close to their home.
- 4) The entrance to Jordonlaw Road can safely accommodate two passing vehicles.
- 5) A survey of users of Jordonlaw Road shows that it's access to and from the B6456 presents minimal risk to road users, confirmed by the fact that there has never been a road traffic accident at the junction over the last 17 years at least.

This document will show that the assumptions made in the planning officer's report with respect to a potential increase in vehicle movements if this application were to be granted are flawed. For an increase to occur this would have to assume that Jordonlaw Farmhouse and Jordonlaw Granary could not be fully occupied by a single household, and this is contrary to the current planning consents set out in 10/00156/FUL. This document also shows that considerations of road safety were not rigorous nor based on accepted methods of Risk Analysis, and that supporting information was inaccurate or followed incorrect assumptions. The appeal to 17/00380/FUL should therefore be granted as the development can only be reasonably seen to represent no increased risk to road users.

Susan & Chris Edge
Jordonlaw Farmhouse
26/8/17

**Appeal to Rejection of Planning Application 17/00380/FUL for Jordonlaw Granary, Westruther
'Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting'**

We wish to appeal to the rejection of planning application 17/00380/FUL, as detailed in Refs. 1&2, due to the following reasons :-

- 1) The consideration of road safety issues was not rigorous nor consistent.
- 2) Incorrect facts, assumptions and extrapolations from facts were presented to support the decision.
- 3) Proposals for mitigation of specific concerns communicated with the planning officer were not considered.
- 4) Subjective rather than objective views were used in key statements used to derive conclusions.
- 5) The conclusions of the report being based on items 1 to 4 above are therefore flawed.

The reason for the rejection of planning application 17/00380/FUL (Ref. 1) is stated as being that it 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*'.

The justification for this reason is stated (Ref. 2) as (my bold) '*the shortterm/holiday let use is only reasonably considered to be in addition to the operation of the Applicant's private residential use. This is, firstly, because further to any approval to allow a short-term letting use of 'The Granary', the Applicant's private residence would then be capable of accommodating bed and breakfast guests in line with what is allowed within a residential use of the property without any account having to be taken of any accommodation within 'The Granary'. This therefore has potential to increase the accommodation that the Applicant is able to offer to paying guests, and by extension, the number of vehicles liable to access 'Jordonlaw Farmhouse'. Secondly (and while it may be that the Applicant has no intention of offering bed and breakfast accommodation within the remainder of his property), it is still the case that any approval of the current application which would allow for 'The Granary' to be used for short-term letting/holiday let use, would in itself promote the use of this outbuilding as a separate residence, and therefore by extension, it would promote an increase in the number of vehicles liable to use the Jordonlaw Farm access road and junction.*'

It is clear that road safety is the key concern in the report, however, it is our contention that no additional vehicle movements could result from this application above those that are reasonably permitted under the existing planning consent afforded by 10/00156/FUL; our reasons why are detailed below.

Consequences for Vehicle Movements

To make a rigorous, objective and consistent analysis of any change to potential vehicle movements as a result of 17/00380/FUL then clearly, using standard practices of Risk Analysis and Near-Miss Analysis, the worst-case must be considered, which is one of full occupancy of both Jordonlaw Farmhouse and Jordonlaw Granary by either current and/or future owners. The existing planning consent afforded in 10/00156/FUL is restrictive only in as much as it stipulates a) occupation as ancillary accommodation to Jordonlaw Farmhouse and b) no conversion to a separate dwelling or to business use (both Condition 3). It provides no restriction on who can occupy, eg children of school age, daily commuters, the elderly requiring levels of nursing or social care, etc, nor how many vehicles they can own, nor on how many vehicle movements they can make. People who occupy Jordonlaw Granary on a short-term let will not be driving children to schools, will not be commuting to work, will not require nurses to tend them, will not have postal/courier deliveries made to them, and thus clearly do not represent the worst-case occupancy situation as regards vehicle movements. The PO's report simply proposes there will be more vehicle movements '*by extension*' yet does not provide any evidence to support this; here we provide the evidence that this reasoning is flawed and that there will in fact be the potential for fewer vehicle movements if Jordonlaw Granary is let short-term. For the PO's report to suggest that letting of the Granary '*is only reasonably considered to be in addition to the operation of the Applicant's private residential use*' is wrong in fact as it can only reasonably be considered an alternative to fully-occupied private residential use. In simple terms, for an increase in vehicle movements to occur this would have to assume that Jordonlaw Farmhouse and Jordonlaw Granary could not be fully occupied by a single household, and this is contrary to the current planning consents. We therefore conclude that the PO's analysis of change to potential vehicle movements is not rigorous, does not objectively consider worst-cases of current permitted vehicle movements, and hence is inconsistent with standard practices of Risk Analysis and Near-Miss Analysis.

Bed & Breakfast Accommodation

We find it disappointing that our proposal for a planning condition to remove rights to offer B&B at Jordonlaw Farmhouse, as discussed with the planning officer (PO) in May 2017, were not included in the report. We reiterate that we have no intention to provide this facility and would be very happy to accept a planning condition to this effect. This would mitigate any concerns that B&B would result in more vehicle movements. Notwithstanding the above, the same argument on vehicle movements above can legitimately be applied to B&B residents as those for short term-letting. Specifically, people using a property for B&B will not be driving to schools, will not be commuting to work, will not require nurses to tend them, will not have postal/courier deliveries made to them, and thus do not represent the worst-case fully-occupied situation as regards vehicle movements. Accordingly the statement '*This [B&B use] therefore has potential to increase the accommodation that the Applicant is able to offer to paying guests, and by extension, the number of vehicles liable to access 'Jordonlaw Farmhouse'*' is factually inconsistent with worst-case full-occupancy.

Within the PO's report there are some statements used to support or amplify concerns that do not hold. The most important (but not all) of these are detailed below.

Unfamiliar Visitors

The PO's report states that *'It could be added that the operation of a tourist accommodation use at the site (as opposed to use by the Applicant's private guests) might be liable to bring a higher number of visitors to Jordonlaw who are unfamiliar with the area; and with the road junction in particular'*. The clear implication here is that these visitors represent a greater risk to road users yet this is not supported by statistics of road accidents and classic Risk Analysis where 'complacency due to familiarity' is one of the 5 major causes of accidents; surveys report that typically 1 in 3 accidents happen within 1 mile of your home and 2 in 3 within 5 miles (Ref. 3). The reverse is in fact true for unfamiliar surroundings, with more care being taken by drivers on unfamiliar roads, so in the context of this application, there will in fact be a small reduction in the risk of an accident if Jordonlaw Granary is short-term let to those unfamiliar with the area compared to those of a single household that will be familiar with the area.

Passing Vehicles at Junction of Jordonlaw Road and B6456

The SBC Roads consultation report proposes that the access to the B6456 from Jordonlaw Road is not wide enough to accept two vehicles in cases where one vehicle is trying to enter the driveway as another is leaving, as noted in objection (Ref. 4). The PO's report further states that *'The objection raised by a neighbour is also highlighted as being a very useful lead in terms of how the junction operates on a day to day basis; and it is considered that this also has to be taken into consideration'*. It was noted in correspondence with the PO (Ref. 5) and now latterly by additional personal conversations (Ref. 6) that this is not supported by ourselves, visitors to Jordonlaw Farmhouse, our other neighbours, or by regular commercial traffic using Jordonlaw Road. To be specific, none of these road users that represent ~90% of all vehicle movements along Jordonlaw Road have ever experienced, even once, the scenario proposed in the PO's report over the last 17 years at least. To suggest that the objector's scenario therefore represents *'how the junction operates on a day to day basis'* is not supported by the facts and therefore should not be considered an accurate or objective statement.

To provide some further objective evidence, the photo below shows two wide SUVs at the junction of Jordonlaw Road and the B6456 showing that they indeed can pass, thus the statement in the PO's report noting a *'lack of width in the junction area to allow two vehicles to pass.'* is factually incorrect.



Two SUVs Passing at the Junction of Jordonlaw Road and the B6456

In summary there is minimal potential for vehicles to be stationary on the B6456 waiting to enter Jordonlaw Road and hence the view that stationary vehicles on the B6456 are *'how the junction operates on a day to day basis'* (Ref. 2) is neither objective nor accurate.

Conclusions

This document shows that the assumptions made in Ref. 2 with respect to a potential increase in vehicle movements if this application were to be granted are flawed. For an increase to occur this would have to assume that Jordonlaw Farmhouse and Jordonlaw Granary could not be fully occupied by a single household, and this is contrary to the current planning consents set out in 10/00156/FUL. This document also shows that considerations of road safety were not rigorous nor based on accepted methods of Risk Analysis, and that supporting information was inaccurate or followed incorrect assumptions. The appeal to 17/00380/FUL should therefore be granted as the development can only be reasonably seen to represent no increased risk to road users.

Susan & Chris Edge
Jordonlaw Farmhouse
26/8/17

References

- 1) https://eplanning.scotborders.gov.uk/online-applications/files/0ED1E857176E8A4A3DA24617CCB04E93/pdf/17_00380_FUL-REFUSAL-2865413.pdf
- 2) https://eplanning.scotborders.gov.uk/online-applications/files/4BA2B40C6D24B88D8C58B2DC9ABE3ECC/pdf/17_00380_FUL-OFFICERS_REPORT-2865416.pdf
- 3) <http://www.which.co.uk/news/2009/08/most-car-crashes-happen-near-home-182595/>
- 4) https://eplanning.scotborders.gov.uk/online-applications/files/ED541EAF9F399967114F4318143252ED/pdf/17_00380_FUL-NEIL_WILSON-2843068.pdf
- 5) CHE final comments to PO
- 6) Conversations with neighbours and commercial users, (May to July 2017)

Application to Revise Planning Condition 3 on Consent 10/00156/FUL – Jordonlaw Granary

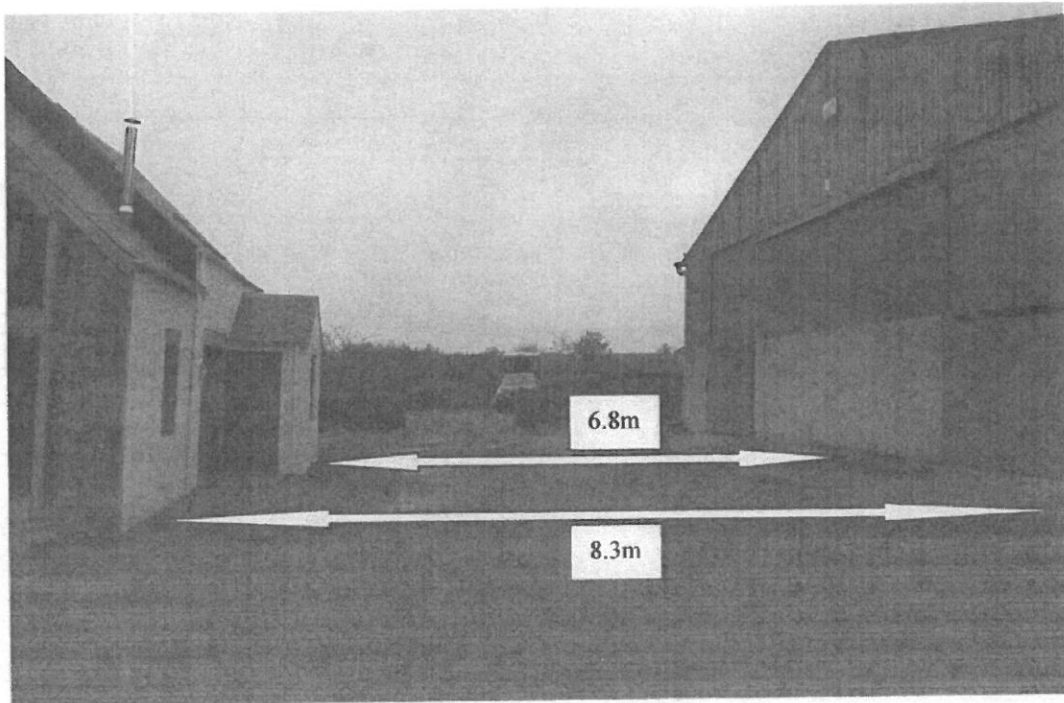
We write this note as supporting information for an application to revise a planning condition on Jordonlaw Granary, Westruther. Currently we are only able to use this designated annex to Jordonlaw Farmhouse for personal use but now wish to be allowed to use the property as short-term rented accommodation via a revision to planning Condition 3 of planning consent 10/00156/FUL.

Current and Potential Use

The Granary Completion Certification (Building Warrant Ref. 10/00954/CONALT and amendments) was obtained on 12/3/15 and since that date family and friends have stayed in the property. All our Jordonlaw Granary occupants have taken the opportunity to visit Borders towns and use the Borders Railway and many now plan return visits for 2017 and beyond. All have expressed a view that the property is ideal for renting and further have asked if their friends could rent the property for short breaks in the Borders; we have also received a similar request from one of our neighbours. Obviously we have been unable to be to this due to Condition 3 of our planning consent but clearly we have a property that will suit short-term holiday letting and, in a very small way, will bring some additional tourism to the Scottish Borders. Accordingly we are now applying to allow Jordonlaw Granary to be used for short-term rental.

Vehicular Issues

We note past concerns about parking and vehicle access. Below is a photograph of the north elevation of Jordonlaw Granary looking west.



As measured there is a minimum of 6.8m of clear access in front of Jordonlaw Granary to the next building and an additional 1.5m of curtilage along some of the north frontage. When a car has been parked in this area there has been no restriction to the movement of vehicles including long articulated farm tractors & trailers, delivery vans, oil delivery lorries and similar. We have specifically spoken to the main farm owner/user of the access road who expressed no concerns over the occupation of Jordonlaw Granary with respect to their farm vehicle access. We further note that the driveway (known as Jordonlaw Road) is ~2m wide with a sharp corner to access Jordonlaw properties, accordingly any access limitations are not associated with car parking outside of Jordonlaw Granary but to the driveway geometry itself.

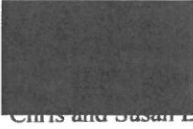
In terms of the access to the B6456 from the driveway there is an observed average of 8 vehicle movements on the access road per day, every day, and since moving to Jordonlaw Farmhouse in late-1999 we are unaware of any incidents or problems with ingress and egress with this junction; so almost 50,000 movements without incident. Logically we see no greater risk of incidents whether the Granary is rented or occupied by family and friends.

Conclusion

In summary, this is an opportunity to provide additional tourist accommodation available in the centre of the Borders region with easy access to the Borders Railway and beyond. The history of the property occupation suggests no detrimental effects would occur and hence we would welcome your acceptance of this planning application.

Please feel free to contact us if you require any clarification or further information.

Best regards,



Chris and Susan Edge

From:Herkes, Stuart
Sent:1 Jun 2017 14:53:47 +0100
To:Planning & Regulatory Services
Subject:FW: 17/00380/FUL Jordonlaw Granary

Hi

Please could a redacted version of this advice (dated to 04 May) be put online for the above. Thanks very much

Regards

Stuart

Stuart Herkes MRTPI

Planning Officer (Development Management)

Regulatory Services

Scottish Borders Council

Council Headquarters

Newtown St Boswells

Melrose

Scottish Borders
TD6 0SA

Tel: 01835 825039

Fax: 01835 825158

Email: sherkes@scotborders.gov.uk

To assist us with your enquiry, please quote the relevant Planning Reference Number in your correspondence.



 Development.scot

Click here to make your planning application through the Scottish Government's online Portal

Make your Building Warrant applications online from August 2016 using the Scottish Government's portal



Please do not print this e-mail unless absolutely necessary - SAVE PAPER

Find out more about Scottish Borders Council: [Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

From: [REDACTED]
Sent: 04 May 2017 10:21
To: Herkes, Stuart
Subject: Re: 17/00380/FUL Jordonlaw Granary

Stuart,

Thank you for the opportunity to respond to some points raised during the consultation process of the above reference planning application. I note in particular the conflicting advice given by SBC Roads in December 2016 and now more recently.

Taking the specific objection that this application will result in more potential vehicle movements using Jordonlaw Road, then this simply is not the case. Our current planning consent (ref. 10/00156/FUL) allows full occupancy of Jordonlaw Farmhouse and Granary (4 bedrooms total) with unlimited associated vehicle movement - this is the 'limiting case' which has occurred on a number of occasions. Should Jordonlaw Granary be occupied as a short-term let then the limiting case, both occupancy and vehicle movements, will clearly be unchanged and thus represents no greater risk to road users.

Should the assessment criteria for every similar planning application be different than this, then clearly every occupied dwelling that wishes to take advantage of short-term letting will be subject to a SBC Roads objection even if vehicle movements are even reduced as a result.

Note has been made in objection of an incident in June 2010 hence I spoke to the driver and passenger of the impacted car (both neighbours) on April 11th about the details. They both confirm that their vehicle was hit, quote "a measured 300m from the driveway entrance" and thus the driveway (Jordonlaw Road) was not a contributory factor. In fact simple analysis of the impact information shows that the two vehicles must have been more than the statutory visibility

distance apart as the impacting car came around the bend west of Jordonlaw Road, so other factors were at play. Accordingly my statement of >50,000 vehicle movements via the B6456 in the last 16 years without an accident is correct.

I can also confirm, along with our neighbours above, that at no time have our vehicles been left stationary on the B6456 due to vehicles exiting Jordonlaw Road, and to ensure a balanced view we simply do not recognise the scenario noted in objection. In reality the verge width of ~4m at the top of Jordonlaw Road is more than enough for two vehicles to pass each other, and we occasionally do so with consideration for the other vehicle.

Our neighbours can of course confirm those two important points if requested.

In conclusion this application will not increase vehicle movements and thus represents no greater risk than is already allowed under planning consent 10/00156/FUL. Further the historical data does not support the opinion that the junction is dangerous, accepting of course that it does not meet current statutory visibility standards.

Regards,

Chris Edge

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00380/FUL

To : Susan And Chris Edge Jordanlaw Farmhouse Westruther Scottish Borders

With reference to your application validated on **10th March 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting

**at : Jordonlaw Granary Jordonlaw Road Westruther Gordon Scottish Borders
TD3 6NF**

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

**Dated 5th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00380/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

REASON FOR REFUSAL

- 1 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.

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 0SA.

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.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 10/00156/FUL

**To : Mr & Mrs Chris Edge per Roger Dodd & Co Bridge Street Kelso Scottish Borders TD5
7JD**

With reference to your application validated on **19th February 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations and extension to form ancillary accommodation

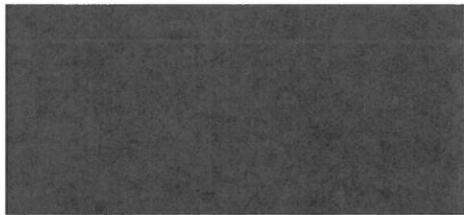
at : Jordonlaw Granary Jordonlaw Road Gordon Scottish Borders TD3 6NF

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 13th May 2010
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning & Building Standards

APPLICATION REFERENCE : 10/00156/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
724 U - 002 D	General	Approved
724 U - 001	Existing Elevations	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the proposed development will accord with Approved Scottish Borders Structure Plan Policy N20; Adopted Scottish Borders Local Plan Policies G1 and H2; and Finalised Scottish Borders Local Plan Policy H2; and with the guidance of Scottish Borders Council Supplementary Planning Guidance on New Housing in the Borders Countryside (December 2008).

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The means of water supply and of both surface water and foul drainage, to be submitted to, and approved in writing by, the Planning Authority before the development is commenced.
Reason: To ensure that the site is adequately serviced.
- 3 Unless otherwise approved by the Planning Authority, the building at Jordanlaw Granary shall be used solely as ancillary accommodation in connection with the use of the main dwellinghouse at Jordanlaw Farm, and shall at no time be converted to a self-contained residential unit or serve as a business premises.
Reason: Consent is for residential use ancillary to that of the existing dwellinghouse, and is explicitly not for the use of the outbuilding as either a separate dwellinghouse or as a business premises. A separate dwelling unit for normal residential occupation would be contrary to the Council's policy on housing in the countryside.
- 4 The development hereby approved shall be constructed of natural stone on the exterior of the building and natural slate on the roof, the stone shall be new or second hand local sandstone. Any alternative stone or roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 5 Precise details of the timber frame on the East Elevation and of the timber cladding, timber door and render on the North Elevation shall be submitted to and approved in writing by the Planning Authority before these aspects of the development are commenced. These aspects shall then be implemented and thereafter maintained in accordance with the approved details.

Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);
- (i) There shall be no addition or extension to the dwelling (including the insertion of dormer windows or chimneys);
 - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
 - (iii) No additional window or other opening shall be made in any elevation;
unless an application for planning permission in that behalf has first been submitted to and approved by the Local Planning Authority.
- Reason: To safeguard the character, appearance and setting of the building to be converted.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The existing road access to Jordanlaw Farm raises road safety concerns because of severely restricted visibility at the public road junction to the west due to the roadside hedge and slight bend in the road. Also, the private road is in need of some repair and the provision of a passing place would be beneficial to all users.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:



Planning and Economic Development

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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 0SA.

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.

17/00380/FUL

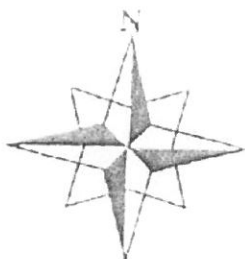
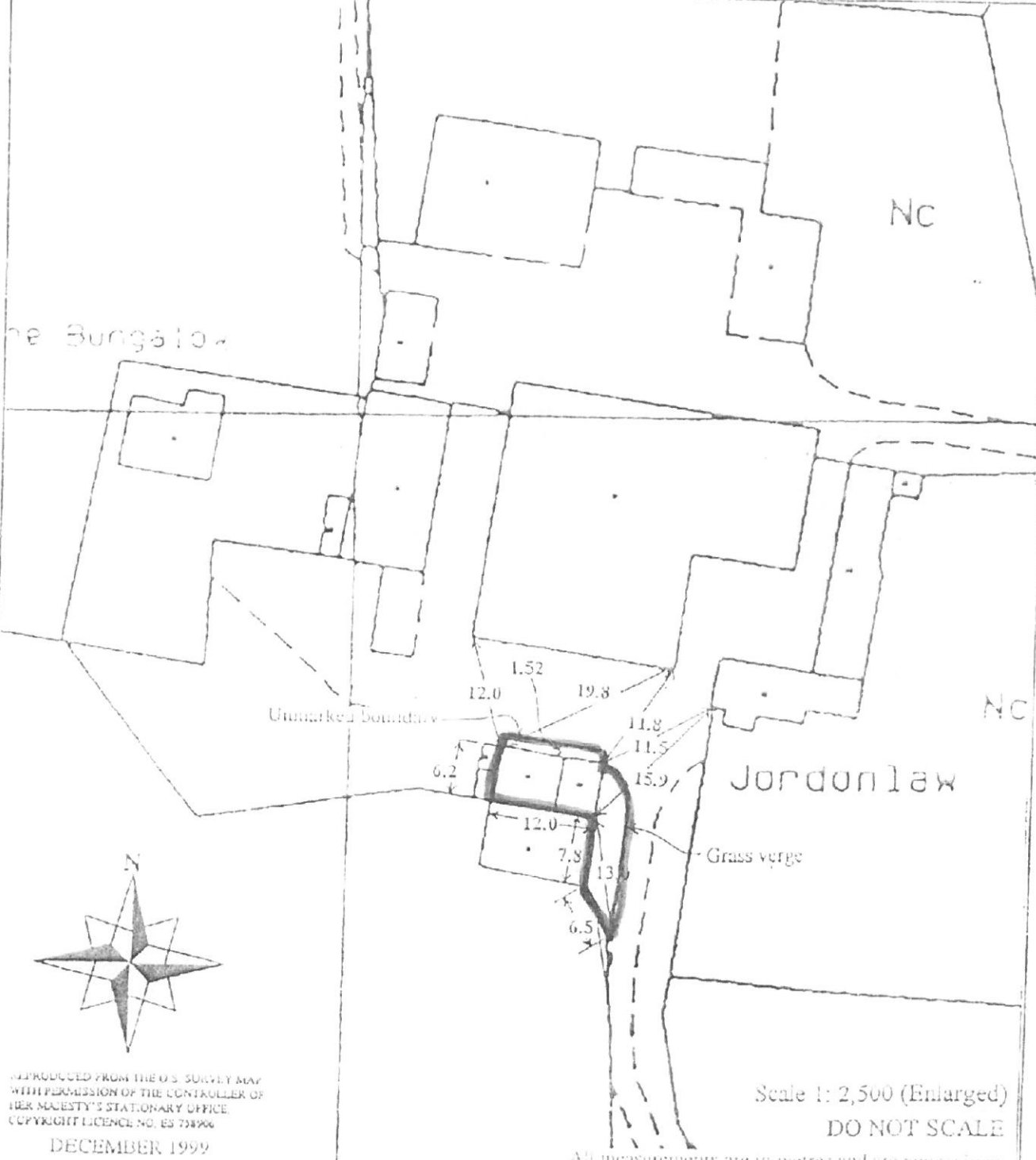
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



LOCATION PLAN scale 1:10560



REPRODUCED FROM THE O.S. SURVEY MAP
WITH PERMISSION OF THE CONTROLLER OF
HER MAJESTY'S STATIONARY OFFICE
COPYRIGHT LICENCE NO. ES 738906

DECEMBER 1999

Scale 1: 2,500 (Enlarged)

DO NOT SCALE

All measurements are in metres and are approximate

SITE OF JORDONLAW GRANNY, WESTRUTHOR