

APPENDIX V

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00035/RREF

Planning Application Reference: 17/00380/FUL

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

Location: Jordonlaw Granary, Jordonlaw Road, Westruther

Applicant: Susan and Chris Edge

DECISION

The Local Review Body (LRB) reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the direction, conditions and informative set out below.

DEVELOPMENT PROPOSAL

The application relates to the variation of Condition No. 3 of planning consent 10/00156/FUL to allow short term letting. The application drawings consisted of the following drawings:

Plan Type

Plan Reference No.

Location Plan

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 16th October 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in report; d) Consultations; e) Support Comments; f) Objection; g) Additional representations and response and h) List of Policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED7, HD3 and IS7.

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Review Body noted that the proposal was submitted to vary Condition No. 3 of planning consent 10/00156/FUL to allow for short term letting of Jordonlaw Granary in place of its use as ancillary accommodation associated with the main house at Jordonlaw Farm. They noted the nature of the farm access track and the layout and relationship of the track at its junction with the B6456.

The Review Body considered the road safety issues identified at the junction but also what level of traffic increase, if any, would be generated by the variation of Condition proposal. They gave weight to the fact that the property was only one-bedroomed and that there was no evidence to suggest that the level of traffic would be increased in nature or volume to the extent that road safety would be compromised at the junction. The Review Body considered what improvements at the junction could either be implemented by the applicant or the Council, but as they were not in possession of information on land ownership they could not determine whether the improvements were achievable. Ultimately the Review Body did not feel that the proposal would result in increased traffic to justify refusal of the variation request.

In coming to this conclusion, the Review Body also noted the length and nature of the farm track with generous verges and considered it was possible for vehicles to pass each other, both along the track and at the junction. They did, however, note from one of the site photographs that wheelie bins were stored too close to the road edge and that the visibility at the junction could be improved by setting the bins back by the tree and hedge. This advice would be attached as an Applicant Informative.

The issue of road safety and relationship with traffic movement was also considered at The Granary, Members noting that the positioning of parked vehicles could create adverse impact unless provision was made for dedicated parking within the site to the south-east of The Granary within the verge at the edge of the track. They considered it necessary to impose a condition to secure this provision. Similarly, they noted that permitted development was restricted by condition on the previous consents for the Granary and considered it necessary to attach the same condition again, given that the granting of the application was establishing a new usage of the building.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

DIRECTIONS

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

CONDITIONS

1. No development shall commence until a scheme for the provision of a car parking space within the site adjoining the track to the south, be submitted to, and approved by, the Planning Authority. Once approved, the parking space then to be completed in accordance with the approved scheme and maintained thereafter in perpetuity as parking space for the use of occupants of Jordonlaw Granary only.
Reason: In the interests of road safety and the unimpeded flow of agricultural and residential traffic in the immediate vicinity of the site.
2. 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.

INFORMATIVE

The Local Review Body were keen to minimise road safety risks at the junction of the track and the public road by maintenance of visibility splays free from obstruction and requested that these were not impeded by placement of wheelie bins close to the

road edge, asking that the bins be set back so that they did not lie in front of the hedgelines.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

 2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed.....

Councillor S Hamilton

Vice Chairman of the Local Review Body

Date.....24 October 2017