

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:

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

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:

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 checked="" type="checkbox"/> | <input 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:

To enter the site would mean crossing a private garden. Viewing is possible from the public road.

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 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.

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.

See full list on Statement of Review

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 [REDACTED] Date 31.10.2017

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

STATEMENT OF REVIEW
ERECTION OF ONE DWELLINGHOUSE (in principle)
Garden Ground to the South West of
Deanfoot Cottage, Deanfoot Road, West Linton.

17/00926/PPP

Background

The applicant has applied for planning permission in principle for a single house in the garden ground to the South-West of Deanfoot Cottage. The applicant and his spouse currently live near Blyth Bridge. They hoped to relocate to West Linton where they would be closer to services such as shops and the health centre and not need to be reliant on a car to travel.

They were aware of the ground adjacent to Deanfoot Cottage. In an earlier sale of this property the garden-ground had been offered as a separate lot to the principle house (see Walker Scott Ireland brochure from 2016 (production 1)). They consulted the current owner who agreed that the ground may be available subject to being successful in gaining outline planning consent. The current owner finds the garden - which has a natural division formed by mature planting - too large for his use (Production 2).

Prior to the formal submission being made, the applicant approached the West Linton Community Council to seek their backing. They also tried to discuss the proposal with the Planning Department at Scottish Borders Council. The latter exchange was not helpful in that it was after the cut-off date in February 2017 which prevented pre-application advice.

Site Location

The site lies to the North East of a straight-ish section of the C class road from West Linton to Penicuik (see production 3). The site is 150m beyond the settlement boundary of West Linton and is equidistant between Deanfoot Farm and the village boundary. Deanfoot Farm is the nearest 'Cluster' of buildings and over recent years has seen significant enlargement of the building group.

The site is encompassed on three sides by mature planting (see production 4). The roadside boundary has a dry-stone dyke. The existing house sits within the right-hand half of the ground. The proposed house would be within the left-hand or South-West sector (Production 5).

History

West Linton historically was developed along the North-West/South-East Main Street. During the late C19 the village spread to the North East, and also along Bogs-Bank Road towards Blyth Bridge. The village boundary stopped well short of the application site and between the boundary and Deanfoot Farm there were a number of individual small houses (possibly farm labourer's accommodation). The two principle satellite properties were at Dryburn and Deanfoot Cottage.

Deanfoot Cottage shows on the first Edition OS mapping for West Linton circa 1860 (Production 6). Incidentally and not without significance, at that time and also in circa 1895 the cottage was indeed two homes (see productions 7). These were subdivided by a central solid masonry wall (see floor plan on Production 1). There were three sets of chimney stacks and the garden was at either end of the cottages presumably so as to reduce the land-loss of the agricultural ground behind.

During the latter half of C20 the village expanded significantly towards the North-East, resulting in the settlement boundary where is currently lies. The aforementioned Dryburn is at the edge of the current village boundary, leaving Deanfoot Cottage as a satellite between the village and the first cluster of houses at Deanfoot Farm.

The Planning Refusal

The planning consent has been refused on the grounds of Policy HD2 (production 8 - 3 pages). There is no cluster of buildings at Deanfoot Cottage, and hence the new building would be seen as 'sporadic' development.

If the application site were in another area within the Scottish Borders (Tweedsmuir, for example) the likelihood of the consent being granted would have been significantly improved, as such sporadic development in certain localities is seen to be acceptable.

There has been no indication to the writer that the enclosure formed by the mature planting increases the amenity of the site as a building plot.

There has been a suggestion that by granting consent on this site, thereby choosing to over-rule policy HD2, the planning department could be open to criticism for other advice or decisions made in the locality.

Summary – The Case for Granting under Review

We ask the review board to consider the following in deciding whether the planning officer's decision should be over-turned :

- 1 The proposed plot sits well within the existing planting structure and framework of trees.
- 2 Its development would enhance Deanfoot Cottage and its gardens by the new use given to the garden ground which is currently too large to be properly maintained.
- 3 There have been no objections from neighbours.
- 4 There have been no adverse internal consultations with the council (Production 9 – 2 pages)
- 5 The West Linton Community Council support the development (production 10).
- 6 Historically the plot supported two dwellings, and is sufficiently large to still do so (Production 11).

We understand that if the consent is granted under review, it will be important that any building designed for the site must recognise the scale and massing of Deanfoot Cottage, whilst offering a high-quality design solution to augment the amenity of the locality rather than be detrimental to the rural community.

Supporting Information

Production 1	Lotting detail from sales literature garden sub-divided
Production 2	Photograph showing strong boundary between existing/proposed
Production 3	Aerial Photograph showing site in context
Production 4	Photograph showing boundary planting
Production 5	OS Map 2017
Production 6	OS Map circa 1860
Production 7	OS Map circa 1895
Production 8	Planning Refusal Notice
Production 9	Consultations – SBC Life Long Learning & Roads Planning
Production 10	Letter of Support – West Linton Community Council
Production 11	photo into the site

Kanak Bose
October 31st 2017

