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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Monday, 20 November 2017 at
10.00 am

- Present:- Councillors T. Miers (Chairman), S. Aitchison, J. A. Fullarton, S. Hamilton,
H. Laing, S. Mountford and E. Small
- Apologies:- Councillors A. Anderson and C. Ramage
- In Attendance:- Chief Planning Officer, Principal Planning Officer, Solicitor (E. Moir),
Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **REVIEW OF 17/00472/FUL.**

There had been circulated copies of the request from Mr and Mrs Rutherford, per Stuart Davidson Architecture, Design Studio, 32 High Street, Selkirk, to review the decision to refuse the planning application in respect of alterations and extension to dwellinghouse at 1, Glenkinnon, Ashiestiel Bridge, Clovenfords. The supporting papers included the Notice of Review; Decision Notice; officer's report; consultation; representation; and a list of relevant policies. Members noted that there were two proposed extensions to the rear of the dwellinghouse and that it was the larger two storey extension that had led to refusal of the application. They considered this proposed additional accommodation to be well designed but there was a division of opinion as to whether the extension was of a scale which was visually appropriate in terms of its impact on the existing single storey dwelling and its surroundings. Members also discussed the residential amenity impact on the neighbouring property which was also single storey.

VOTE

Councillor Aitchison, seconded by Councillor Fullarton, moved that the decision to refuse the application be upheld.

Councillor Hamilton, seconded by Councillor Laing, moved as an amendment that the decision to refuse the application be reversed and the application approved.

On a show of hands Members voted as follows:-

*Motion - 3 votes
Amendment - 4 votes*

The amendment was accordingly carried and the application approved.

DECISION

DECIDED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted, for the reasons detailed in Appendix I to this Minute.**

2. **REVIEW OF 17/00308/FUL.**

There had been circulated copies of the request from Mr Marc Ridgway of 33, Justice Park, Oxton, to review the decision to refuse the planning application in respect of the erection of a boundary fence (retrospective) at 33 Justice Park, Oxton. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; papers referred to in the report; consultation; and a list of relevant policies. Members were sympathetic to the applicant's requirement for a fence to secure dogs within his property. However concern was expressed at the height and location of the structure, which was immediately adjoining the roadway. They discussed at length the visual impact of the fencing on the open plan design and character of the housing development and whether, in its position adjacent to the footway, any mitigation to that impact was possible in terms of planting.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 17/01112/FUL.**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of the erection of a hay shed in field no. 0328, Kirkburn, Cardrona. The supporting papers included the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members were sympathetic to the applicant's need for a hay shed but focused their discussion on the visual impact of the proposed building, in its relationship to existing buildings within the holding, particularly in terms of its height and scale. Members noted that no evidence of operational or business need for the hay shed had been submitted to support the application.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix III to this Minute.**

4. **REVIEW OF 17/01113/FUL.**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of the erection of a tractor shed in field no. 0328, Kirkburn, Cardrona. The supporting papers included the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members were sympathetic to the applicant's need for a tractor shed but focused their discussion on the visual impact of the proposed building, in its relationship to existing buildings within the holding, particularly in terms of its height and scale. Members noted that no evidence of operational or business need for the tractor shed had been submitted to support the application.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix IV to this Minute.**

The meeting concluded at 11.25 am

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APPENDIX I

**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: 17/00038/RREF

Planning Application Reference: 17/00472/FUL

Development Proposal: Alterations and extension to dwellinghouse

Location: 1 Glenkinnon, Ashiestiel Bridge, Clovenfords

Applicant: Mr & Mrs Rutherford

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, condition and informative set out below.

DEVELOPMENT PROPOSAL

The application relates to alterations and extensions to a dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords. The application drawings consisted of the following:

Plan Type	Plan Reference No.
Location Plan	P462/LOC
Floor Plan	P462/002
Elevations	P462/003

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 20th November 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultation; e) Representation and f) 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, HD3, EP5, EP13 and IS8

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010, Privacy and Sunlight 2006 and Trees and Development 2008

The Review Body noted that the proposals related to a dwellinghouse situated within a small group of houses near to Ashiestiel Bridge, south of Clovenfords. They noted that there were two extensions proposed to the rear of the dwellinghouse and that it was the larger centrally positioned rear extension that had led to the decision of the Appointed Officer. This extension proposes a second floor of accommodation with a sloping roof rising above the existing roof ridge, behind the existing chimney.

The Review Body noted that, whilst the extension roof would be higher than the existing ridge of the dwellinghouse, the extension was well designed and the impacts on the property and on the surrounding area would be minimal. Members noted that views of the property and of the extension would be limited as a result of tree screening, the position of other properties and the existing chimney on the property. They did not consider that the additional section of sloping roof behind the chimney was of sufficient concern to justify refusal of the scheme.

The Review Body also noted from photographs provided by the Appointed Officer and applicant's agent that there were one and a half storey properties and roof extensions in the existing group which provided a stronger context for the proposal. Furthermore, the Review Body agreed with the Appointed Officer that the extensions did not cause unacceptable residential amenity impacts on nearby properties.

Members noted that the Appointed Officer was not concerned about tree impacts and they did not feel a condition protecting trees was necessary. However, final agreement on external materials and advice on flood resilient measures would still be necessary.

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 subject to the direction, condition and informative stated.

DIRECTION

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

CONDITION

1. No development shall commence until further details of all external materials are submitted to, and approved by, the Planning Authority. Once approved, the development then to proceed in accordance with the approved details.

Reason: In the interests of the character of the property and the visual amenity of the area.

INFORMATIVE

The applicant should be aware that the property is located within the 1 in 200 year (0.5% annual probability) flood extent of the River Tweed and may be at medium to high risk of flooding. It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development and the applicant reviews the SEPA Online Planning Advice on Flood Risk.

It is also recommended that, to receive flood warnings for 'The Tweed from Peebles to Yair Bridge' from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

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.

Signed...Councillor T Miers
Chairman of the Local Review Body

Date...24 November 2017

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APPENDIX II

**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: 17/00040/RREF

Planning Application Reference: 17/00308/FUL

Development Proposal: Erection of boundary fence (retrospective)

Location: 33 Justice Park, Oxton

Applicant: Mr Marc Ridgway

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

1. The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

DEVELOPMENT PROPOSAL

The application relates to the erection of a boundary fence, seeking retention of part of the fence already erected and proposing changes to the remaining section. The application drawings consisted of the following:

Plan Type

Plan Reference No.

Location Plan

Site Plan

Photograph

Specification letter

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 20th November 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in report; e) Consultation; and f) 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, and HD3

The Review Body noted that the proposal was for the retention of a section of 1.82m high fence as shown in orange on the submitted plans, the erection of a new matching section as shown in green and the reduction of an existing section of fence to one metre height as shown in blue.

The Review Body noted that the proposal to reduce the section in blue had resolved any issues in terms of road and pedestrian safety and that SBC Roads Planning Service had no objections to the proposal.

The Review Body considered that the principle issues were ones of visual impact and dominance on what they considered to be an attractive housing development with an open plan nature on existing street frontages. Members noted that the height of the fence and location immediately adjoining the roadway created a significant and dominant impact on the streetscape and had a detrimental effect on residential amenity in the development.

Whilst Members noted the nature and scale of other fences in the vicinity, they felt that these were in character and contributed to the sense of place. The proposed fencing would be out of character and would not allow for any softening with landscaping, given the positioning immediately behind the kerb. Whilst Members noted that the Appointed Officer had discussed possible revisions to enable intervening planting, the proposal did not provide for this and the Review had to be determined on the basis of the proposal as it stands.

The Review Body also noted that the fencing was required for securing dogs and that there had been no objections received from the local community. Nevertheless, these were not considerations that outweighed the detrimental visual effects caused by the proposal.

CONCLUSION

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

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 T Miers
Chairman of the Local Review Body

Date.....24 November 2017

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APPENDIX III

**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: 17/00043/RREF

Planning Application Reference: 17/01112/FUL

Development Proposal: Erection of hay shed

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.
- 2 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 any traffic generated by the proposal can access the site without detriment to road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of a hay shed at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	196 HAY 03
Topographical Survey	196 HAY 1
General Arrangement	196 HAY 02

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 20th November 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; and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision, the Review Body considered the applicant's request for a site visit but concluded that this was not necessary.

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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a hay shed adjoining the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which had a footprint of 6.5m x 10m, would be placed to the western edge of the yard and would project by a minimum of 2.4m above the ridgeline of the existing buildings in the main yard.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the land holding. Whilst having some sympathy for the applicant and the need for the hay shed, they were concerned that the proposed building was too tall and at 2.4m higher than the existing buildings would look both incongruous and out of scale.

Whilst Members noted the Landscape Architect no longer objected to the development and was content that the height of the trees in Kailzie Gardens would screen some of the visual impact from across the valley, they considered that it would still be prominent from more localised views. The screening along the B7062 was more limited and could not necessarily be relied on for screening in the medium

to longer term. Members agreed that the development would be harmful on visual and landscape grounds and therefore unacceptable.

The Review Body noted that the application was not supported by a business plan or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, they had no evidence before them as to the operational or business need for the hay shed. They had no reason to set aside the strong landscape objections to the development or overturn the decision.

Members noted the comments of the Roads Planning officer and agreed that the application was deficient in terms of the required traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to enable a full assessment of the road safety implications of the development to be undertaken.

CONCLUSION

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

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.

Signed...Councillor T Miers
Chairman of the Local Review Body

Date.....21 November 2017

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APPENDIX IV

**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: 17/00044/RREF

Planning Application Reference: 17/01113/FUL

Development Proposal: Erection of tractor shed

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

DEVELOPMENT PROPOSAL

The application relates to the erection of a tractor shed at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	196 TRACTOR 03
Topographical Survey	196 TRACTOR 01
General Arrangement	196 TRACTOR 02

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 20th November 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; and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision, the Review Body considered the applicant's request for a site visit but concluded that this was not necessary.

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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a tractor shed adjoining the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which had a footprint of 6m x 9m, would be placed to the eastern edge of the yard and would project by a minimum of 2.4m above the ridgeline of the existing buildings in the main yard.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the land holding. Whilst having some sympathy for the applicant and the need for the tractor shed, they were concerned that the proposed building was too tall and at 2.4m higher than the existing buildings would look both incongruous and out of scale.

Whilst Members noted the Landscape Architect no longer objected to the development and was content that the height of the trees in Kailzie Gardens would screen some of the visual impact from across the valley, they considered that it would still be prominent from more localised views. The screening along the B7062 was more limited and could not necessarily be relied on for screening in the medium to longer term. Members agreed that the development would be harmful on visual and landscape grounds and therefore unacceptable.

The Review Body noted that the application was not supported by a business plan or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, they had no evidence before them as to the operational or business need for the tractor shed. They had no reason to set aside the strong landscape objections to the development or overturn the decision.

Members agreed that as the building was to store existing machinery from the land holding it would not generate additional traffic and as such there were no road safety grounds to oppose the application.

CONCLUSION

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

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.

Signed.....Councillor T Miers
Chairman of the Local Review Body

Date.....21 November 2017

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