
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

26th March 2018

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 9 appeals previously reported on which decisions were still awaited when this report was prepared on 20th March 2018. This relates to sites at:

• Land North of Howpark Farmhouse, Grantshouse	• Poultry Farm, Marchmont Road, Greenlaw
• Land South West of Easter Happlew Farmhouse, Peebles	• Hutton Hall Barns, Hutton
• Land East of Knapdale 54	• Land North West of Gilston Farm,

Edinburgh Road, Peebles	Heriot
• Land South West of Lurgiescleuch (Pines Burn), Hawick	• 13 St Ella's Place, Eyemouth
• Land North West of Kirkburn Church, Peebles	•

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 17/01409/FUL
Proposal: Extension to form new living room
Site: 16 Craig Brown Avenue, Selkirk
Appellant: Mr Harry Thomson

Reason for Refusal: The proposed extension would reduce the available off-street parking below the minimum standard specified in the Local Development Plan 2016. The extension would also not relate well to the adjoining proposed property to the north east, and would be potentially detrimental to its amenity. The development is, therefore, contrary to Policies PMD2, HD3 and IS7 of the Local Development Plan 2016.

- 5.2 Reference: 17/01572/PPP
Proposal: Extension to dwellinghouse
Site: Land South East of Beckhope, Kailzie, Peebles
Appellant: Mrs Anne McKelvey

Reasons for Refusal: 1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development breaks into a previously undeveloped field which is located out with both natural and man made boundaries of the building group. This location fails to respect the character of the building group and would potentially lead to ribbon development which would further undermine its character. 2. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development fails to reflect and respect the scale and siting of other individual dwelling plots within the group and would therefore adversely affect the character of the building group.

- 5.3 Reference: 17/01613/PPP
Proposal: Erection of dwellinghouse
Site: Land East of Keleden, Ednam, Kelso
Appellant: Mr & Mrs Brian Soar

Reason for Refusal: The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

6 REVIEWS DETERMINED

- 6.1 Reference: 17/00479/FUL
Proposal: Erection of dwellinghouse
Site: Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
Appellant: Austin Travel

Reasons for Refusal: 1. The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere. 2. The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form. 3. The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety. 4. The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

- 6.2 Reference: 17/01039/FUL
Proposal: Erection of temple
Site: Land South West of Kirkburn Parish Church, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies ED7 of Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the proposal meets any of the acceptable land uses listed in Policy ED7 and no overriding justification for the proposed building has been provided that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location. 2. 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 scale and design of the proposal would be prominent in the landscape and would result in an unacceptable adverse visual impact on the designated area. The proposed development would detract from the character and quality of the Tweed Valley Special Landscape Area and it has not been adequately demonstrated that the adverse landscape impact would be outweighed by social or economic

benefits of national or local importance. 3. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposed temple would result in an unacceptable adverse impact on road safety. The proposed building would increase traffic levels on the existing minor public road and it has not been adequately demonstrated that any traffic generated by the proposal can access the site in manner which does not detrimentally impact on road safety. 4. The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the Our Lady's Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which does not adversely affect the heritage value of a nationally important archaeological site. 5. The application is contrary to Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the William Cree Memorial Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which protects the setting of the category C listed building.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 17/01230/FUL
 Proposal: Erection of boundary fence and formation of parking area (retrospective)
 Site: 1 Eildon Terrace, Newtown St Boswells
 Appellant: Mr Greg Blacklock

Reason for Refusal: The proposed fence along the boundary with Bowden Road is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it represents an overbearing structure in relation to the adjacent footpath and is a prominent and incongruous form of development in the wider streetscene that is harmful to the visual amenities of the area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions and informatives)

- 6.4 Reference: 17/01406/FUL
 Proposal: Erection of dwellinghouse with attached garage
 Site: Land North West of Alderbank, Macbiehill, West Linton
 Appellant: Mr And Mrs D Gold

Reason for Refusal: The proposed development does not relate well to the existing building group due to its location in undeveloped ground, in an elevated position and being remote from the existing building group. This would have an adverse effect on the character and setting of the building group. The proposal is contrary to policy HD2, council guidance on "New housing in the Borders countryside" and "Placemaking and design".

Method of Review: Review of Papers

7 REVIEWS OUTSTANDING

- 7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 20th March 2018. This relates to sites at:

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| • Derelict Dwelling Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords | • Land East of Keleden, Ednam, Kelso |
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8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

- 10.1 There remained 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 20th March 2018. This relates to sites at:

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| • Fallago Rig 1, Longformacus | • Fallago Rig 2, Longformacus |
| • Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick | • |

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

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Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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