



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100067227-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Part 1) To remove requirement to park on the road alongside the house, thus improving safety and ease of access, by creating a new driveway to the house by adding an additional gated entrance off Manse Brae (between B6398 and A699 from Bowden to Bowden kirk) . The driveway will be tree-lined. No existing trees are required to be removed or modified. Part 2) To landscape & add a tennis court and summer house within the paddock area South of the house within the property boundary.

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Southbank"/>
First Name: *	<input type="text" value="Sarah"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilkinson"/>	Address 1 (Street): *	<input type="text" value="Bowden"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Melrose"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD6 0ST"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SOUTHBANK"/>
Address 2:	<input type="text" value="BOWDEN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="MELROSE"/>
Post Code:	<input type="text" value="TD6 0ST"/>

Please identify/describe the location of the site or sites

Nothing	<input type="text" value="630400"/>	Eastings	<input type="text" value="355417"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Planning permission required due to the area being within a conservation area.

Title:

Mr

Other title:

First Name:

Craig

Last Name:

Johnston

Correspondence Reference Number:

N/A

Date (dd/mm/yyyy):

13/09/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mrs Sarah Wilkinson

On behalf of:

Date: 29/09/2017

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mrs Sarah Wilkinson

Declaration Date: 29/09/2017

Payment Details

Online payment: XM0100001589
Payment date: 29/09/2017 16:53:00

Created: 29/09/2017 16:53

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01362/FUL

APPLICANT : Mrs Sarah Wilkinson

AGENT :

DEVELOPMENT : Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

LOCATION: Southbank And Paddock South East Of Southbank
Bowden
Melrose
Scottish Borders
TD6 0ST

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Refused
2	Site Plan	Refused
3	Sections	Refused
4	Sections	Refused
5	Elevations	Refused
6	Specifications	Refused
7	Specifications	Refused
8	Elevations	Refused
9	Site Plan	Refused
C11 A	Specifications	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Landscape Architect: The site is part garden ground and part paddock immediately adjacent and south of the garden to Southbank. Southbank is located on the south side of Bowden and within the Conservation Area, which extends southwards from the village to include Bowden Kirk, the Manse and Bowden Mill and also the large field to the east of the minor road to the Kirk.

Driveway and Parking

To establish that the new parking area amongst the existing garden trees will not damage those trees, all of which are to be retained, we need to see a drawing showing the location of these trees in relation

to the works and showing their individual Root Protection Areas (RPAs) calculated in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. If any of the works lie within the RPA of retained trees it must be demonstrated that the proposed driveway and parking could be achieved using a 'no -dig' method of construction within the RPAs.

Accordingly, the first action should be to establish RPAs of all trees adjacent to the proposed works and with this information, consider whether the proposals can be achieved with 'no - dig' construction or if an amended layout might be required.

New Gated Access

It appears that some excavations to the banking may be required to form an access from the public road into the paddock and this will require some local grading to accommodate any such excavation. Given the rural location, the gated access should be as simple as possible, ideally using a double agricultural gate or a wooden gate that reflects the style of the gate into garden, next to the house.

Tennis Court

I understand that a 2.7m high fence will be erected around the tennis court. Given that the minor road is within the Conservation Area and leads to the Kirk, I would be keen to see some planting to mitigate the impact of this new fence and tennis court on users of this laneway. It could simply be a mixed native hedge or if a hedge was not desirable, tree planting along the eastern boundary. This would not only mitigate the impact of the new tennis court and fence but would also provide a measure of shelter to the tennis court.

Archaeology Officer: There are no known implications for this proposal.

Bowden Village Committee: Have a number of concerns:

- o Access to the proposed car-parking and tennis courts would be alongside an existing passing place that was formed to allow ease of access to a business at Bowden Mill, we are unsure as to the safety of this and whether this is permitted. There are no plans indicated to shift existing lay-bys.
- o Object to the change of use from agricultural land to domestic/amenity use as this affords no protection to future proposals to build a residential property on the same site.
- o The site is within a Conservation Area and this should be considered when looking at the overall extension of the domestic/amenity area of the property.
- o Road safety issues in relation to sight lines east and west of the proposed entrance to the property.
- o There is no information regarding current trees in the Conservation Area or plans for new planting.
- o The drawings and information are of poor quality and this makes it difficult to ascertain the materials being used, the types of vegetation being planted and any sense of the visual impact.
- o The site is outwith the developmental boundary for Bowden Village and significantly extends the "built" areas of the village, which are traditionally on a ribbon-development model, there are no other residences that extend this far.

Principal Officer (Heritage and Design): No response.

Roads Planning Service: Whilst I have no objections to the principle of this application, I shall require further details regarding the access. I shall require a drawing showing in more detail how the new access is to tie in with the existing passing place. I note there have been concerns raised regarding the location of the access, however I am satisfied, due to the low traffic figures on the road and the tight geometry in the vicinity. I will not object to the application subject to the additional information being satisfactory.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
PMD4: Development Outwith Development Boundaries
HD3: Protection of Residential Amenity
EP4: National Scenic Areas
EP9: Conservation Areas
EP13: Trees, Woodland and Hedgerows
IS7: Parking Provisions and Standards

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 20th February 2018

Site and Proposal

Southbank is situated on the southern edge of Bowden within the Conservation Area. It is a two storey property with white rendered walls and a slate roof, with the gable end facing the minor public road from the main street. There is a high stone wall on the boundary with the road and a stone wall, hedge and fence on the southern garden boundary. There are mature trees within the garden ground. There is a hardsurfaced area adjacent to the gable end used for car parking.

To the rear is a paddock, at a higher level than the road that slopes down to the south, with a post and wire fence on the boundaries. The public road runs along the eastern boundary of the paddock before curving round along the southern boundary to Bowden Mill, Bowden Kirk and the Manse to the south west. There is a passing place on the road to the east of the paddock and one to the south.

The application relates to the residential property and to the rear paddock. The following works are proposed:

- o The change of use of the paddock to residential curtilage and the formation of a tennis court, with an asphalt surface and enclosed by a 3.5m chain link fence with gate.
- o A new 3.5m wide vehicular access with visibility splays would be formed onto the public road through the passing place and the southern boundary of the paddock. A driveway would be formed along the western boundary of the paddock and would lead to a new gravel parking and turning area within the existing garden ground. This would necessitate the removal of two sections of hedge.
- o The erection of gates at the new vehicular entrance.
- o Tree planting either side of the new access.
- o The erection of a new fence to separate the driveway from the remainder of the paddock.
- o The erection of a summerhouse (4.7m by 6m and 3m high) adjacent to the tennis court within the paddock. This would have timber walls and a felt roof.

Planning History

There is no planning history for this site.

Planning Policy

The proposal is for an access, driveway, tennis court with fence and gate and a summer house within the paddock to the south of the property. The paddock is situated outwith the Development Boundary for Bowden.

Policy PMD4 states that where Development Boundaries are defined on Proposal Maps they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary and will normally be refused.

Exception approvals may be granted provided that strong reasons can be given that:

- a) It is a job generating development in the countryside that has an economic justification;
- b) It is an affordable housing development that can be justified in terms of policy HD1;
- c) There is an identified shortfall in the effective 5 year housing land supply identified by the Housing Land Audit;
- d) The development would offer significant community benefits that outweigh the need to protect the Development Boundary.

This proposal is to incorporate the paddock into the garden ground of the property and provide structures associated with a domestic curtilage, such as the summerhouse and tennis court. The development would not create jobs and there is no economic justification for it. The proposal is not for housing, affordable or otherwise, and the proposal would not offer significant community benefits as the tennis court is for private use.

The southern boundary of Southbank is well defined by the stone wall, mature hedge and mature trees and the proposal would be to remove a section of the beech hedge and extend the garden ground into the paddock and down to the road to the south. This is a significant encroachment of the built-up area beyond the Development Boundary. The proposal would set an undesirable precedent, if approved, for other properties to do the same, eroding the Development Boundary.

The proposal would be contrary to policy PMD4.

Impact on the National Scenic Area, Conservation Area and Visual Amenities of the Area

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. In particular developments should have a sense of place, based on a clear understanding of the context, the scale and height should be appropriate to its surroundings, it respects the character of the surrounding area and provides appropriate boundary treatments to ensure attractive edges that will integrate the development with its surroundings.

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The main focus of the Conservation Area is the distinct layout centred on the Green, with continuous properties of high quality architectural detailing and materials. However, the Conservation Area does include the fields to the south of the village and extends down to Bowden Kirk, the Mill and Manse. The Local Development Plan profile states that given the sensitivity of the character and setting of Bowden, there is very little scope for additional development.

The proposal would introduce structures associated with a domestic garden into this rural paddock. Although the southern areas of the Conservation Area are fields and paddock, they do contribute to the setting of the village.

The proposed driveway would be lined with trees, but no accurate details of the number, species or spacing have been provided and these will take time to grow and mature to provide adequate screening. No details

of the fencing along the driveway have been submitted. The paddock slopes down to the road and is at a higher level and so the driveway would be prominent until the trees are established.

A vehicular access would be formed onto the public road. The paddock is at a significantly higher ground level than the road and so excavations to the banking and regrading would be required to provide a level surface and the 3.5m wide access and 60m visibility splays. No section drawings of existing and proposed levels have been provided to demonstrate what works are required to form the access and to fully assess the visual impact. A heavily engineered approach would not be appropriate for this rural area.

A sketch of the gates has been provided but no indication of the height, material/finish or distance from the road. The sketch shows the gates would have a suburban appearance, whereas a gate similar to the existing agricultural five-bar gate would be more suitable for this rural location.

The paddock would need to be levelled to provide a level surface for the tennis court. Two section drawings have been submitted but it is not clear what sections of the paddock they relate to. The engineering works required to provide the level surface would be out of keeping with the rural nature of the paddock. The tennis court would cover the majority of the paddock and would be surrounded by a 3.5m high mesh fence; no colours for the surfacing material, fencing or gate have been provided. This aspect of the proposal would be visually intrusive within this rural area and highly prominent when viewed from the public road.

Part f) of policy PMD2 requires appropriate landscaping to help integration with the surroundings and the wider environment. The Council's Landscape Architect advises that planting to mitigate the impact of this new fence and tennis court on users of the public road is required, in the form of a mixed native hedge or tree planting along the eastern boundary. This could be controlled by condition.

It is not clear from the site plan where the summerhouse is to be positioned, though it appears to be within the tennis court fence. This would be a small scale, domestic structure but more appropriate to the existing garden ground than to the open paddock. Details of the colour finish for the walls and colour of the roofing felt are required.

The application is lacking in accurate, scaled drawings and detail in terms of colour/finishes and planting. However, it is considered that, overall, the proposed development in this paddock would be out of keeping with the character of this rural, edge-of-village location, contrary to policy PMD2. It is accepted that appropriate planting would lessen the impact on the character and appearance of the Conservation Area and National Scenic Area and this would need to be controlled by condition if the application was approved. However, the proposal would result in the encroachment of development outwith the Development Boundary, eroding the rural character of the area and adversely affecting the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

Trees

Policy EP13 seeks to protect trees from development. There are a number of mature trees within the garden ground of the property.

The proposal is to form a gravel parking and turning area amongst the existing garden trees. These would be retained and are protected by the Conservation Area status. The Council's Landscape Architect has requested a drawing showing the location of these trees in relation to the works and showing their individual Root Protection Areas (RPAs). If any of the works lie within the RPA of retained trees it must be demonstrated that the proposed driveway and parking could be achieved using a 'no -dig' method of construction within the RPAs.

The applicant has not been requested to provide this drawing, as the principle of the development is not in accordance with relevant Local Development Plan policies, so this would need to be secured by a condition, if the application is approved.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Advice is found with the Supplementary Planning Guidance on light and privacy.

The site is outwith the Development Boundary and there are no properties adjacent to the site that would be affected by the development.

Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

An area of parking and turning is proposed within the existing garden ground of the property, accessed by the new driveway. This would replace the parking adjacent to the public road, which the applicant describes as insufficient in width, resulting in congestion on the public road. The off-street parking would be an obvious benefit of the proposal.

The Roads Planning Service has no objections to the proposal but requires further details regarding the access to demonstrate how the new access is to tie in with the existing passing place. They note that there have been concerns raised regarding the location of the access, however they are satisfied with the proposal, due to the low traffic figures on the road and the tight geometry in the vicinity.

The applicant has not been requested to provide this information as the principle of the development is not in accordance with relevant Local Development Plan policies, so this would need to be secured by a condition, if the application is approved.

REASON FOR DECISION :

The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary.

The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

Recommendation: Refused

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary.
- 2 The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01362/FUL

To : Mrs Sarah Wilkinson Southbank Bowden Melrose United Kingdom TD6 0ST

With reference to your application validated on **3rd January 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

At : Southbank And Paddock South East Of Southbank Bowden Melrose Scottish Borders TD6 0ST

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

**Dated 21st February 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01362/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Refused
2	Site Plan	Refused
3	Sections	Refused
4	Sections	Refused
5	Elevations	Refused
6	Specifications	Refused
7	Specifications	Refused
8	Elevations	Refused
9	Site Plan	Refused
C11 A	Specifications	Refused

REASON FOR REFUSAL

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary.
- 2 The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

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.