
PLANNING APPEALS & REVIEWS

Briefing Note by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

29th June 2015

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 2 appeals previously reported on which decisions were still awaited when this report was prepared on 19th June 2015. This relates to sites at:

- | | |
|--|--|
| <ul style="list-style-type: none">Land West of Kingledores Farm (Glenkerie), Broughton, Biggar | <ul style="list-style-type: none">Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge |
|--|--|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 13/00401/FUL
Proposal: Erection of 12 holiday cabins, office/laundry block and associated works
Site: Land South West of Milldown Farmhouse , Coldingham
Appellant: Mr Ewen Brown

Reasons for Refusal: 1. The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary. 2. The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape. 3. The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn. 4. The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements. 5. The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats. 6. The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

- 5.2 Reference: 14/00934/FUL
Proposal: Erection of dwellinghouse and detached garage
Site: Land West of 3 Nethermain's Cottage, Duns
Appellant: Mr Fred Millar

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

6 REVIEWS DETERMINED

- 6.1 Reference: 14/01342/FUL
Proposal: Erection of veterinary practice building
Site: Land South East of Paul Burton Warehouse, (Plot 8)
Pinnaclehill Industrial Estate, Kelso
Appellant: Cheviot Vets

Reason for Refusal: The proposed development is contrary to Policy ED1 of the Scottish Borders Consolidated Local Plan 2011 in that the erection of a veterinary practice building would result in the development of use class 2 business on a strategic employment site restricted to use classes 4, 5 and 6. The development of a veterinary practice on this strategic employment site would lead to undesirable precedent and the loss of strategic employment land.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.2 Reference: 15/00111/FUL
Proposal: Erection of boundary fence and garden shed
(retrospective)
Site: 1 Old Mill Cottages, West Linton
Appellant: Mr Ronnie Wells

Condition Imposed: Within two months of the date on this consent the fence at the front of the property shall be painted or stained in a colour to be approved in advance by the local planning authority. Reason: To ensure that the development is appropriate to its surroundings and the setting of the listed building.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Varied (Condition Removed)

- 6.3 Reference: 15/00275/FUL
Proposal: Part change of use to form dental surgery suite
Site: 3 Cherry Court, Cavalry Park, Peebles
Appellant: J T Ceramics Ltd

Reason for Refusal: The proposed change of use of part of the premises to dental surgery suite would be contrary to Adopted Local Plan Policy ED1 in that it is not a Class 4, Class 5 or Class 6 use, and the site (Cavalry Park) is safeguarded for employment uses in the Adopted Local Plan, having more particularly been identified as a Strategic Employment Site; a designation which requires that all other uses be resisted.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

7 REVIEWS OUTSTANDING

7.1 There remained 1 review previously reported on which a decision was still awaited when this report was prepared on 19th June 2015. This relates to a site at:

• Land West of Tibbieshiels Inn, St Marys Loch, Selkirk	•
---	---

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant 01835 824000 Ext 5409

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.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACEtransrequest@scotborders.gov.uk