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## **PLANNING APPEALS & REVIEWS**

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### **Briefing Note by Chief Planning Officer**

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**1<sup>st</sup> October 2018**

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### **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

- 2.3 Works to Trees

Nil

### **3 APPEAL DECISIONS RECEIVED**

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

- 3.3.1 Reference: 18/00621/TPO  
Proposal: Works to trees  
Site: Land West of Glenkinnon Lodge Peelburnfoot,  
Clovenfords

Appellant: Adam Elder

Reason for Refusal: Part Refusal - The application is not consistent with the previous woodland management recommendations. Minimal tree removal was proposed in the original surveys to ensure the existing tree cover was retained and that it makes a positive contribution to the landscape and amenity of the locality.

The report highlights 14 trees (13 Sycamore and 1 Ash). The BS5837 categories are 1 Sycamore (A Category), 8 Sycamore, 1 Ash (C Category) and 4 Sycamore (Category U). Of the 4 U categories they are all around the existing building structure on the site. The Sycamores and Ash contribute to the existing tree cover. While long term management of a woodland is supported, the complete removal of a single species in this instance is not. There are many silvicultural systems to allow continuous cover on a site while sensitive planting of alternative species could be undertaken to diversify species. The proposed planting could be undertaken over a phased period to allow successful establishment and age distribution.

There are presently no agreed plans for future development, and so there is no reason that the four Category U trees could not be retained within the woodland setting.

The woodland could be managed without the complete removal of single species.

Grounds of Appeal: This application was rejected, save for works to 4 trees on the woodland boundary as recommended for safety reasons alone. The remainder of the application concerned an area of self seeded sycamore trees which have populated an area open glade within the woodland, due to the woodland being unmanaged for fifty years. A significant number of the sycamores are of poor quality and low amenity value. The appellant understands that the existing tree cover should be maintained but this does not mean that there are no grounds for selective removal, thinning and maintenance of trees especially concerning a dominant species which is a recognised threat to the regeneration of other species.

Appeal Withdrawn by Appellant 28<sup>th</sup> August 2018

## **4 APPEALS OUTSTANDING**

- 4.1 There remained 4 appeals previously reported on which decisions were still awaited when this report was prepared on 14<sup>th</sup> September 2018. This relates to sites at:

• Land South West of Easter Haprew Farmhouse, Peebles	• Hutton Hall Barns, Hutton
• Land North West of Gilston Farm, Heriot	• Land South West of 6 Lamberton Holding, Lamberton

## **5 REVIEW REQUESTS RECEIVED**

- 5.1 Reference: 18/00398/FUL

Proposal: Change of use from retail to tattoo studio (retrospective)  
Site: 52 Bank Street, Galashiels  
Appellant: Craig Oliver

Reason for Refusal: The proposed development does not comply with Policy ED4 of the Local Development Plan 2016 in that it does not comprise a Class 1 (retail) or Class 3 (food and drink) use. The level of contribution of the proposed use to the town's core retail function will not be so significant as to justify its occupation by the proposed use and there is no evidence to suggest otherwise. The development would potentially detract from the vitality and viability of the town centre and no other material considerations would outweigh this potential harm.

5.2 Reference: 18/00929/PPP  
Proposal: Erection of dwellinghouse  
Site: Land North East of Ladywood Lower Greenhill, Selkirk  
Appellant: Mr and Mrs Eric Forster

Reason for Refusal: The proposed development is contrary to Adopted Local Development Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

## **6 REVIEWS DETERMINED**

Nil

## **7 REVIEWS OUTSTANDING**

7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 14<sup>th</sup> September 2018. This relates to sites at:

- |                                      |                              |
|--------------------------------------|------------------------------|
| • Land West of Langton Birches, Duns | • 37 Bank Street, Galashiels |
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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 14<sup>th</sup> September 2018. This relates to sites at:

• 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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