

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Mike Orr

Address Lowergreenhill Farm, Selkirk

Postcode TD7 4NP

Contact Telephone 1

Contact Telephone 2

E-mail*

Agent (if any)

Name Steven Irvine

Address Stainiebrae, Lowergreenhill, Selkirk

Postcode TD7 4NP

Contact Telephone 1 0175020474

Contact Telephone 2 07827962639

E-mail* teriburn@hotmail.co.uk

Mark this box to confirm all contact should be through this representative:



Yes No



* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 18/00832/PPP

Site address Land North East of Stainiebrae, Lowergreenhill, Selkirk

Description of proposed development

Erection of two dwelling houses

Date of application 29/06/2016

Date of decision (if any) 27/08/2016

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review (tick one box)

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Inspection of the Land to which the review relates and the impact of further planning applications being submitted and approved in the future.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The Applicant and Agent wish to be informed of and be present during any proposed site visits please.

Statement

Notice of Review

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We are seeking a review of the refusal decision as our client does not agree with the officers reasoning. Following the submission of our clients' application, the owner of the neighbouring field subsequently decided to submit a planning in principle application - Ref No. 18/00929/PPP refers. It is unknown if this application was submitted on the knowledge that our clients had submitted an application. Thus having a negative bearing on our clients application being refused, despite it being submitted first.

Due to the area of land and limited use, our clients believe their proposed development is sympathetic to the character of the existing building group, provides the ideal opportunity to visibly enhance the appearance of the area proposed for development, giving it a sense of place.

Although our clients recognise that any additional dwellings/or other buildings as per applications 18/00832/PPP and 18/00929/PP, would be significantly outwith the ribbon effect, the siting of our clients proposal would be positioned in such a way that it would have no bearing on the privacy of the other residents living in the building group "Ladywood", Fauldsrig" and Stainie Brae, nor be detrimental to the residential amenities, which is potentially contrary if "other" applications were to be approved at the detriment of our clients application. Suitable positioning of fencing, hedging and tree planting would be agreed by our clients and the planning authority at the full planning stage to visually enhance, keeping in character with the countryside policies via a detailed landscaping plan.

In an effort to seek approval, our client is accessible to compromise, and to work with the planning authority, thus supporting the officers views in his report that "it is accepted that there is potential, in principle, for the existing building group at Lowergreenhill to be augmented by up to two additional new-build properties during the current local Development Plan period", which my clients application mirrors. It is proposed that a design similar to the "annexe" at Stainie Brae would be our clients preferred style of housing and using similar materials.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The additions added above are following the officers decision to refuse the initial applicaDecision Noticetion for planning in principle.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Decision Notice
Location Plan
Notice of Review form
Officer Report
Consultation Replies

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

20/9/2018

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk