



Ranald Dodds
Development Management
Regulatory Services
Scottish Borders Council
Newtown St Boswells
MELROSE
TD6 OSA

16th July 2018

Dear Ranald

**18/00832/FUL ERECTION OF TWO DWELLINGHOUSES, LAND NORTH EAST OF STAINIE BRAE,
LOWER GREENHILL**

I refer to the above referenced planning application which is stated on 'public access' as being received by the Council on 27th June and validated on 29th June. We write on behalf of our Client Mr and Mrs Forster who have, for some time been proposing the submission of an application for a house for themselves within the Lower Greenhill building group, adjacent to their daughter's house Fauldsrig.

We have a number of concerns relating to the validity of 18/00832/PPP, in that it appears to be a hastily prepared application submitted in advance of our Clients' application.

We note that the original application submitted was for 4 plots, as confirmed by the Council's 'Invalid letter' dated 27th June. Neither the original application form, nor Location Plan, are available to view on 'public access'. It appears that on 29th June, the Applicant submitted a revised application (dated 29th June), together with revised Location Plan. It is further noted that the date that the 'Agent' served Notice on himself in respect of this application (as 'other owner') was 1st June which is not within the 'prescribed period' as set out within the Regulations (a 21 day period ending on the date of the application).

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Fundamentally, we do not consider that the application should have been validated by the Council.

The requirements for an application for planning permission in principle to be legally valid are set out in Section 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations, 2013 ('The Regulations'). Further, HoPS has prepared a Guidance Note on the '*National Standard for Validation and Determination of Planning Applications and Other related Consents in Scotland.*' which sets out further detail. We consider that the Location Plan/ Application do not meet with the Regulations or the Guidelines in the following respects:

- The red line is not a 'continuous solid red line' and does not enclose an area of land on all sides;
- The boundary of the red line is not clear as there are internal red markings;
- There is no indication of scale (either scale and paper size or scale bar).;
- There is no north point;
- There is an area enclosed with a green line;
- The area marked in red overlaps with an area outlined in blue;
- The date of service of 'Notice to Owner' did not fall within the 'prescribed period' as set out in the Regulations.

We therefore consider that the application should be invalidated and the Applicant or their Agent should be required to address the above noted points, prior to a valid application being registered and thereafter consulted upon. We will be making further comment in terms of the merits of the application in the near future.

Yours sincerely,



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F E R G U S O N P L A N N I N G



Stuart Herkes
Development Management
Regulatory Services
Scottish Borders Council
Newtown St Boswells
MELROSE
TD6 0SA

31st July 2018

Dear Stuart

**18/00832/FUL ERECTION OF TWO DWELLINGHOUSES, LAND NORTH EAST OF STAINIE BRAE,
LOWER GREENHILL**

Further to our letter of 16th July in respect of the above application, we write on behalf of our Client Mr and Mrs Forster with comment on the above application. It follows our letter to you raising our concerns on the validity of the application which do not appear to have been considered as yet.

We note that the application site boundary extends significantly beyond the boundary (in a north-east direction) of the 10/01715/FUL boundary (Stainie Brae permission). The comments expressed within the Officer's Report pertaining to that application are relevant in terms of the assessment of the most recent application. The Officer stated "*Given the embanked physicality of the site, its developable nature is constrained. The development is being sited in a manner which closely matches the existing site context with the development rising from the road site and being contained within the embanked natural contours.*"

It is acknowledged that Stainie Brae, and the associated tourist rental accommodation, have been developed towards the south west of the site boundary (as set out within 10/01715/FUL) and that, *on plan*, this would appear to leave the remainder of that area available. The reality is, however, that the location of the proposed dwellings appears to be on the very slope that has been acknowledged to contain the Stainie Brae development. Further, almost half of the application boundary extends even further beyond the boundary established in 10/01715/FUL

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with no clear defensible edge. Developing these plots is considered to be overdevelopment and would hinder the overall environmental/ curtilage of the existing houses and, further, gives rise to significant landscape and visual impact.

Fig 1: Approximate Location of Plots Proposed within 18/00832/PPP



The building group at Lower Greenhill is well contained by rising ground to the north west of Stainie Brae and to the north of Fauldsrig. A defensible edge exists by way of the existing eastern fences which enclose the land beyond Fauldsrig, Ladywood and Stainie Brae. At least one of the proposed plots within 18/00832/PPP appears to lie beyond this clear boundary and the other within steep ground at Stainie Brae. In addition, the proposed plots appear to be positioned outwith ground contained by the enclosing landform (unlike our Clients' plot) and on this basis our Clients wish to object to the proposal.

Yours sincerely,

[Redacted Signature]

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