
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

3rd August 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

- 2.1.1 Reference: 14/01081/FUL
Proposal: Wind farm development comprising 7 No wind turbines 110m high to tip with ancillary equipment, access track and associated works
Site: Land West of Muircleugh Farmhouse, Lauder
Appellant: Airvolution Energy Ltd

Reasons for Refusal: 1. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on the landscape character of the surrounding area, most notably the Lauder Common, contrary to Policies G1 and D4 of the Consolidated Local Plan 2011, by virtue of the location and scale of the development. 2. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on visual receptors, including the Lauder Common, B6362, A68 and A697, the Southern Upland Way, Girthgate route, Eildon Hills and Thirlestane Castle, which combine to conflict with Policies G1 and D4 of the Consolidated Local Plan 2011 by virtue of the location and scale of the development. 3. There would be an unacceptable cumulative impact (combined with Girthgate) on the setting of the Cathpair Scheduled Monument, contrary to Policies D4 and BE2 of the Consolidated Local Plan 2011. 4. Inadequate evidence has been provided to demonstrate that the development will not lead to unacceptable impacts on residential receptors as a result of noise both individually and cumulatively (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) contrary to Policy D4 of the Consolidated Local Plan 2011. 5. The development would contribute to loss of wader habitat as a result of the siting of Turbine 6, contrary to Policies D4, NE3 and NE5 of the Consolidated Local Plan 2011.

Grounds of Appeal: 1. The development has support in principle from national planning policy, and will make a significant contribution to achieving the Government's challenging renewable energy and climate change targets. 2. The development is located in a site to which such applications are guided by national policy and the Development Plan. 3. The development is well located to minimise impacts on landscape, ecology, ornithology, residential amenity (visually or by noise or shadow flicker), geology, soils, the water environment or archaeology, and does not impact on radar or other Ministry of Defence assets. 4. The environmental effects are an inevitable consequence for this type of development, the effects are minimised as far as possible and are acceptable. 5. The development will provide positive economic benefits locally. 6. The Council's reasons for refusal, Reasons 1 and 2 relating to landscape and visual impacts are overstated, Reason 3 relating to cumulative impact is overstated and shouldn't be accumulative with Girthgate, Reason 4 relating to noise is addressed in the Supplementary Environmental Information provided with this appeal and Reason 5 relating to the loss of wader habitat is not significant and is offset by a much larger habitat management proposal. 7. Section 25 of the Town and Country Planning Act (Scotland) 1997 (as amended) requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development accords with the Development Plan and the balance considerations support the grant of planning permission.

Method of Appeal: Written Representations

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 23th July 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
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5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 14/01182/FUL
Proposal: Erection of dwellinghouse with integral garage and incorporating granny flat
Site: Land South of Boggsbank, Boggsbank Road, West Linton
Appellant: Mr And Mrs D Thomson

Reason for Refusal: The proposals are contrary to Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as there is no existing building group of at least three house at the location on Boggsbank Road.

- 5.2 Reference: 15/00071/FUL
Proposal: Erection of dwellinghouse
Site: Land North of Wormiston Farm, Eddleston
Appellant: R & M Brockie & Son

Reasons for Refusal: 1. The proposal is not acceptable as it does not comply will Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside in that the site is not well related to the existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group. 2. The proposed development is contrary to Local Plan Policies D2 and G1 and Supplementary Planning Guidance New Housing in the Borders Countryside in that the new dwellinghouse will have a significant adverse impact on the landscape.

- 5.3 Reference: 15/00179/FUL
Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure
Site: Land South West of Clackmae Farmhouse, Earlston
Appellant: Mr Alex Wilson

Reason for Refusal: The development would fail to comply with Policies G1 and D4 of the Consolidated Local Plan 2011 as a result of its adverse landscape and visual effects, most specifically on the setting of Earlston and receptors within the village, due to its prominent positioning above the skyline when viewed from the east of the application site

- 5.4 Reference: 15/00511/FUL
Proposal: Erection of decking and balustrade
Site: 12 Todburn Way, Clovenfords, Galashiels
Appellant: Peter Smillie Esq

Reason for Refusal: The decking as constructed is contrary to Policies G1 and H2 of the Consolidated Scottish Borders Local Plan (2011) in that the decking leads to an unacceptable loss of privacy to habitable rooms and gardens of neighbouring dwellings on Lairburn Drive. Furthermore, the decking has an overbearing impact upon neighbouring dwellings and their garden ground, leading to significant loss of residential amenity

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 23th July 2015. This relates to sites at:

• Land West of Tibbieshiels Inn, St Marys Loch, Selkirk	• Land South West of Milldown Farmhouse , Coldingham
• Land West of 3 Nethermains Cottage, Duns	•

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
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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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