



APPEAL STATEMENT

**SITE ADDRESS: LAND TO EAST OF LILLYBROOKE, WEST
FLEMINGTON, EYEMOUTH TD14 5SQ**

**PLANNING APPEAL AGAINST THE REFUSAL OF: THE
ERECTION OF A SINGLE DWELLINGHOUSE**

APPELLANT: MR AND MRS COOK

25th JULY 2019

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1. INTRODUCTION

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of our client, Mr and Mrs Cook, who seek the erection of a single detached dwellinghouse on land to the east of the property known as “Lillybrooke” at West Flemington, Eyemouth.
- 1.2 The Appellant as owners of D.R. Collins & Son supply fish and shellfish sourced both locally and UK wide to establishments around the country and world. Established in 1952, D. R. Collin & Son is based in Eyemouth, Berwickshire in the South of Scotland. The company is the largest employer in the area and massively contributes economically by employing over 200 people. The company has long been established as one of the main seafood companies in Scotland with its ongoing investment and commitment to its customers and employees.
- 1.3 The Appellants seek to stay local and build a home as they head towards retirement. The existing home ‘Lillybrooke’ adjacent to the subject site is to be passes onto another family member.
- 1.4 The proposal (19/00330/FUL) for the erection of a dwellinghouse was lodged on 7th March 2019 with a decision, via delegated powers, to refuse the application received on 6th June 2019. As such, we now seek to appeal the decision via the Local Review Body.
- 1.5 This statement responds to the reason for refusal and, where appropriate, cross referencing to the delegated officer’s report, Development Plan and material considerations. The relevant core documents are listed within Appendix 2.
- 1.6 Reason for refusal:
 1. *The development would conflict with Local Development Plan 2016 policies PMD2 (Quality Standards) and HD2 (Housing in the Countryside). The size of the proposed site and the scale and mass of the proposed dwellinghouse are not appropriate for the surroundings of the site and would not respect the character of the existing building group. The proposed development is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010 and does not attempt to integrate into the surrounding landform. The development will contribute negatively to the visual amenity of the surrounding area as a result.*

Representations

- 1.7 There was a total of 2 statutory consultee representations to the proposal. These are outlined below:
- 1.8 **Roads Planning: No objections.** Roads requires that any consent should include conditions relating to appropriate parking and turning, vehicular access and visibility splays.

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- 1.9 **Environmental Health: No objection**. Subject to conditions relating to foul drainage and water supply. Environmental health also notes that the two stoves as part of the development are below 45kW require no further information however if above additional information will be requested so that a screening assessment can be carried out.
- 1.10 The Local Review Body, having considered the detail contained within the refused Planning Application, together with the information set out herein, will be respectfully requested to allow the Review to enable planning permission to be granted for the proposal at West Flemington
- 1.11 All core documents and drawings have been resubmitted with this appeal.
- 1.12 The remainder of the Appeal Statement is structured as follows:
- Section 2: Site Context and Proposal
 - Section 3: Planning Policy Context
 - Section 4: Grounds of Appeal
 - Section 5: Conclusions
 - Appendix 1: Context Plan

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2. PROPOSED OVERVIEW

Site Context

- 2.1 The site extends to approximately 3,760 sqm (0.9acre) and comprises an area of garden ground, down to lawn, associated with Lillybrooke. This area of garden ground has been maintained as such since the construction of Lillybrooke. The plot is clearly separate from the adjacent agricultural field, being mown lawn and separated by a fence. The garden is further separated by wild grass and flowers that confine the site from adjoining agricultural fields. The adjacent field to the north and east lies in separate ownership.
- 2.2 The site has a gentle northerly aspect and the proposal includes planting to the south of the proposed dwelling to provide containment to the building group. A high hedgerow already exists along the southern boundary that screens the plot from the road.
- 2.3 It is accepted that the site sits within a defined building group at West Flemington characterised by four detached dwellinghouses, a derelict B-listed former farm steading and a modern barn building.
- 2.4 Lillybrooke is currently undergoing an extension for a single storey flat-roofed garden room extension with additional decking towards the north of the dwelling. This is a modest extension to the rear, increasing the overall footprint of the house.
- 2.5 A large two storey detached double garage with annexe accommodation has also recently been constructed directly adjacent Lillybrooke.

Planning History

- 2.6 The proposal follows the withdrawal of a previous application for a dwellinghouse of an alternative design on the same plot (planning reference: 17/01654/FUL).
- 2.7 Application (17/001654/FUL) was withdrawn following correspondence with the Planning Department. The development was for a larger house than that proposed. In particular, the ridge height was significantly higher and there was an additional extension to the west of the house, which has now been removed. Further to this, the dwelling was also located a further distance from Lillybrooke as is currently the case.
- 2.8 A site meeting was held between Fleming Homes and Paul Duncan, Planning Officer on 26th March, 2018 regarding application 17/001654/FUL. The Officer's comments confirmed that whilst the scale and design of the larger house then being put forward would be an issue, the principle of a dwellinghouse on proposed the site was deemed to be acceptable.
- 2.9 The most recent addition to the building group was the addition of Lillybrooke through the implementation of consented application 06/00872/FUL. There have been no additions to the



building group since that time. In threshold terms, the group has the capacity to absorb the development of one dwelling in compliance with Housing in the Countryside policy HD2.

- 2.10 The amended drawings for this proposal have taken into account feedback received from the Case Officer at the time of the previous application and thus our disappointment to learn the updated application was refused.

Proposed Development

- 2.11 The proposal is for the erection of a single detached dwelling on land to the east of Lillybrooke. The Appellant has taken into consideration the feedback from their first application and have ensured all points have been met.
- 2.12 Changes on the current proposal included, design amendments which were sought by the Council to the then-proposed two storey property included removing the garage (the west extension), moving some living accommodation to the first floor to help reduce the ground floor footprint, lowering the main ridgeline, and moving the dwelling closer to the neighbouring dwelling (Lillybrooke) to the west. The Officer also requested landscaping measures to soften the appearance of the dwelling and provide a robust edge to the building group on the north and east boundaries of the plot.
- 2.13 Considerable time and expense has been demonstrated by the Appellant to amend the design and scale of the dwelling to ensure it would be in line with the case officers previous requests. The following points have been amended:
- The proposal has been reduced in scale, including height, from the original proposal (2017) to be of a scale, massing and height appropriate to the immediate surroundings at West Flemington;
 - External materials are appropriate. The roof will be of natural slate and walls will be of natural stonework and smooth, off-white, render. Windows and all external doors will be timber aluminium clad;
 - The proposal provides for appropriate boundary treatment to the east to provide an attractive edge and to help integration with the surroundings
- 2.14 Inspection of the proposed plans for the current application show that these points have been taken into account in working up the revised proposal.
- 2.15 Access to the subjects would be obtained directly from the minor public road at a location to the west of the plot, adjacent to Lillybrooke, with an area of parking formed within the north west of the plot.

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2.16 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply.

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3. PLANNING CONSIDERATIONS AND POLICIES

3.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of this application. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

Scottish Planning Policy (SPP) 2014

3.2 SPP encourages rural development that supports prosperous and sustainable communities and businesses, whilst protecting and enhancing environmental quality. SPP provides that, where appropriate, the construction of single houses outwith settlements should be supported provided such are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

3.3 A key focus for SPP is the creation of well-designed, sustainable places and supporting sustainable economic growth and regeneration. SPP creates a presumption in favour of development that contributes to sustainable development. Policies and decisions will be guided by key principles, including:

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure;
- supporting climate change mitigation and adaptation;
- having regard to the principles of sustainable land use;
- protecting, enhancing and promoting access to cultural and natural heritage;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality

Scottish Borders Local Development Plan

3.4 Local planning Policy relevant to this proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:

- **HD2 – Housing in the Countryside;**
- **PMD2 – Quality Standards;**
- **HD3 – Protection of Residential Amenity;**



Policy HD2 Housing in the Countryside Policy

- 3.5 The key policy under which the proposal must be assessed is the Scottish Borders Local Development Plan (2016) Policy HD2 – Housing in the Countryside. This policy allows existing buildings groups to expand within a Plan period by 30% or 2 units, whichever is the greater, where suitable sites exist.
- 3.6 The policy requires that the proposed site should be well-related to the existing building group and have no detrimental impact upon the character of the group, the landscape or the amenity of the surrounding area. Any development proposal should also be appropriate in terms of scale, siting, design, access and use of materials. Applications for new houses relating to expansion of building groups will be assessed against: a) the presence or, otherwise, of a group; and b) the suitability of that group to absorb new development.
- 3.7 Supplementary Guidance ‘New Housing in the Borders Countryside’ provides additional detail in support of the above policy, setting out requirements where a new house is proposed in association with an existing building group. Requirements which are relevant to the development proposal include:
- The scale and siting should reflect and respect the character and amenity of the existing group and the individual houses within the group;
 - The new house should be situated in the area contained by the “sense of place”.
 - The new house should be located within a reasonable distance of the existing properties within the group, with the distance between existing properties and the new house being guided by the spacing between existing properties in the group;
 - Sites should not normally break into undeveloped agricultural fields or require the removal of trees which are in good condition.
- 3.8 The Guidance notes that the existence of a building group is identifiable by a “sense of place” which will be contributed to by: natural boundaries such as water courses, trees or enclosing landform, or man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

Policy PMD 2 Quality Standards

- 3.9 This policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:
- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;



- Make provision for sustainable drainage; ▪ Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

Protection of Residential Amenity

3.10 This policy requires development to have no significant adverse impact on the amenity of existing or proposed houses. The scale, form and type of development proposed must fit with the residential area and it should not have unacceptable effect in terms of overlooking, loss of privacy or sunlight. There should also be no unacceptable impact on visual amenity more generally.

Access

3.11 The ability to achieve safe and satisfactory access is a requirement of the creation of any new housing in the countryside. A vehicular access is required to have visibility splays appropriate to the location and to the speed of traffic on the adjoining road system.

Berwickshire Coast Special Landscape Area (SLA)

3.12 This designation covers the coastal edge of the Scottish Borders, from the East Lothian boundary in the north to the English Border in the south. For the most part it comprises a narrow strip broadening to include the coastal moorland of Coldingham Common. The SLA is bounded on the landward side by the A1 and A1107, or by landforms which mark the extent of overt marine influence.



3.13 Key “forces for change” in the SLA include:

- Recreational development pressures such as caravan parks
- Wind farm development and associated access tracks
- Development pressure at settlement edges
- Road improvements along the A1 corridor

3.14 Management recommendations for the SLA include:

- Protecting the wild nature of the marine edge and continuing to protect the internationally designated natural heritage assets.
- Recognising the importance of the open coastal moorlands and headlands as a unique landscape on the east coast of Scotland.

Ayton Castle Designed Landscape

3.15 This designed landscape is located 2 miles south of Eyemouth. The castle occupies a prominent position, some 70m above sea-level on the north bank of the Eye Water, from where views extend along the wooded river valley of the Eye and southwards across farmland, towards the Cheviots. The castle, together with the surrounding woodland canopy, are conspicuous elements within the local Eye valley landscape, and make a major scenic contribution within an area otherwise characterised largely by farmland.

3.16 The designed landscape encompasses an area of 65ha (160ac) and is bounded by Ayton village to the west (designated as a conservation area). Both the old and new parish churches of Ayton stand within the Castle policies near the south-west boundary. Minor roads to the north west and south, and the A1 to the north east form the other boundaries of the designed landscape.

Listed Buildings

3.17 Within the building group are two B listed buildings, both dating from the 18th century, with later additions and alterations. West Flemington House and West Flemington Farm steading (the latter being part-ruinous), are both located outwith the immediate setting of the proposed plot, to the west of the public road as it turns northwards.

3.18 It is noted the subject site sits outwith both designations.

Fig 1: Extract from Scottish Borders Local Development Plan



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4. GROUNDS FOR APPEAL (GOA)

Reason for refusal

- 4.1 The reason for refusing the application is outlined in Chapter 2. It centres on the belief that the application fails to comply with Policies PMD2 and HD2 of the Scottish Borders Local Development Plan 2016. The reasons state the development is not appropriate to its surrounding context in terms of its scale and mass and would not respect the character of the existing building group. Therefore, the development would contribute negatively to the visual amenity of the surrounding area.
- 4.2 It is taken that the proposal complies with all other related planning policy matters.
- 4.3 The below Grounds of Appeal (GOA) have been grouped into relevant subheadings taking into consideration different themes. Having read the Officer's report and reasoning for refusal we now outline below our Grounds of Appeal.

GOA 1

- 4.4 **The principle of development on the site has been accepted by the case officer** in an initial meeting for the previous application 17/001654/FUL and stated within the determination of this application, *'In terms of siting, the location of the proposed site is considered acceptable...'*. It is noted the land has been characterised within the register as prime agricultural land, however, this is incorrect as the land as previously mentioned is used and maintained as garden ground.
- 4.5 In terms of design and positioning the case officer states, *'The house would dominate the entrance to the building group from the minor road which it serves.'* It should be noted here that the site is not currently visible from the main road due to a substantial hedge row that exists along the road edge. The proposed access to the site also only proposes the removal of a small section of the hedge in closer proximity to Lillybrooke and therefore the majority of the dwelling would still remain screened by the existing hedge.
- 4.6 The comments within the Report of Handling go further to explain, *"The proposed dwellinghouse would feature a porch on the north facing side of the house, which would be the rear elevation. The side of the house facing the road would not establish a strong roadside frontage."* Again, it is noted here that the front of the house will not be visible from the minor public road confining the southern boundary of the site.
- 4.7 The design of the house for the porch style at the front has specifically been proposed to relate to the orientation of the sun. The front of the house towards the south is sheltered from wind and maintains the sun for longer periods throughout the day, in comparison the rear of the dwelling to the north the open garden is commonly affected by strong wind speeds due to the

exposed nature of the site. Therefore, the front of the dwelling would provide a dual purpose as a sufficient access and parking area and an open porch area that would enable longer periods of sun exposure to be enjoyed.

GOA 2

- 4.8 The case Officer in the Report of Handling appears contradictory in his comments, it is noted there is agreement for the principle of development on this site as, *'It is considered that land to the east of Lillybrooke would be sufficiently well related to the existing building group.'* Further along the statement the Case Officers argues the, *'the proposed plot is significantly larger than either of these two plots and is felt to be at odds with the existing context. Resultingly, it falls partially outwith the area contained by the site's sense of place.'*
- 4.9 We find this does not set out a clear approach as the site in question relates sufficiently to the existing building group but does not accord to the case officers 'sense of place'. The house and garden can be satisfactorily accommodated within the site. The northern boundary does not extend outwith the sense of place of the building group, which is contributed to by the large storage shed within the building group as demonstrated within the Figure 2 below.

Fig. 2. Adjacent property and shed under Appellant's ownership.



- 4.10 There is already modestly sized built form existing at west Flemington, the bungalow 'Lillybrooke' is a modest sized dwelling in itself, which will have good synergy with that proposed. There is a large shed and recently constructed detached double garage on this site. The existing B- grade farmhouse to the west of the site follows a linear nature and covers a larger footprint than what is being proposed. As such, there is already a number of properties/developments within the building group that can be characterised as being modest in size and therefore the proposed dwelling will in no way impact the character of the building

group that is already associated with large built form. Visual context of the built form within the area is shown in Figure 3 below and in Appendix 1.

Fig 3. Existing built form in West Flemington *note not to scale



- 4.11 Within the building group the Case Officer stated, *'The B listed farmhouse is larger in scale and massing but does little to define the context of the group, being largely out of view to public receptors.'* It is noted here the case officer determines that the scale of the farmhouse cannot be compared to in the context of this proposal as it is outwith public receptor points. It also must be acknowledged here then that the entire building group at west Flemington in its entirety is largely outwith any public receptor points. The closet public receptor point to the subject site is via the train that passes the site towards the northern direction as shown within Figure 4. This receptor point only demonstrates passing glimpses of the site and cannot in any form be described as significant.
- 4.12 The nearest main road is the A1 to the north of the site, when viewed from the site the road for the majority of the time is not visible as it is heavily screened by existing mature tree coverage that exists between the site and the road, the road is only partially visible for a very brief period towards the north west. Again, these provided varied glimpsing views and therefore cannot be classified as having a significant impact.

Fig 4. Glimpsing views from the train



- 4.13 When travelling by the minor public road from the north west to gain access to the building group, the B-listed farmhouse is visually obvious due to its prominent location on the road edge. Whereas, in comparison the subject site is largely set behind a heavily established hedgerow and set at a lower level as shown in Figure 5. Therefore, as the farmhouse plays a substantial role in the character of the building group then cues taken from it can be considered to be acceptable.

Fig 5. Established hedgerow to the southern boundary and wild grass/flower surrounding the site.



GOA 3

- 4.14 Regarding the siting and design of the dwelling within the landscape, the proposal is intended to reflect high quality design and therefore consideration has been given to external materials to ensure the integration of the development into the surrounding context. Further comments by the case officer relate to visual amenity of the dwelling as, *'the overall scale of the dwellinghouse would contrast markedly with neighbouring dwellinghouses to produce an unsuitable overall appearance.'* The two adjacent properties are modern in character and the proposed house is considered to be compatible with, and respect, these properties. External



materials are appropriate. The roof will be of natural slate and walls will be of natural stonework and smooth, off-white, render. Windows and all external doors will be timber aluminium clad.

GOA 4

- 4.15 The proposal will not cause any privacy, visual impact or noise issues on residential areas and therefore complies with Policy HD3 of the Scottish Borders LDP.
- 4.16 The Case Officer notes, *'The neighbouring dwellinghouse is owned by the applicant, and no other residential properties would be affected by the proposals...I would have no concerns of note in terms of privacy, loss of light or loss of sunlight.'*
- 4.17 In relation to the final comments made by the Case Officer, *'it is therefore considered that the proposal would be out of keeping with the character of the building group and prominent in the landscape to the detriment of visual amenity.'* It has been more than demonstrated within the grounds for appeal that this ending remark is not considered to be the case. As already noted the erection of the single dwelling is proposed within a site that is deemed acceptable for residential development and within a defined building group characterised by a varied range and size of built form.
- 4.18 The proposal was amended to take into consideration the previous application and has selected design cues that are in keeping with the character of the current building group and shares a 'sense of place' with existing built form. Furthermore, the development would in no way have any detrimental impact on visual amenity as it has been established the site is currently screened from the road by a large hedgerow and other public receptor points demonstrate passing 'glimpses' which can in no way be described as significant.
- 4.19 The proposal seeks to relate to the built form that exists beside it. Design can very often be a subjective matter, but the proposal has taken on board previous feedback and addressed that sought via the associated planning policies.

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5. CONCLUSION

- 5.1 Ferguson Planning has been appointed by the Appellant to submit an appeal against Scottish Borders Council's refusal for the erection of a single dwellinghouse at West Flemington, Eyemouth.
- 5.2 The proposal complies with Policy PMD2 Quality Standards and HD2 Housing in the Countryside. In particular, the following points are considered to have been met:
- The proposal has been reduced in scale, including height, from the original proposal (2017) to be of a scale, massing and height appropriate to the immediate surroundings at West Flemington;
 - External materials are appropriate. The roof will be of natural slate and walls will be of natural stonework and smooth, off-white, render. Windows and all external doors will be timber aluminium clad;
 - The two adjacent properties are modern in character and the proposed house is considered to be compatible with, and respect, these properties;
 - The house and garden can be satisfactorily accommodated within the site. The northern boundary does not extend outwith the sense of place of the building group, which is contributed to by the large storage shed within the building group;
 - Provision has been made for sustainable drainage;
 - There will be no adverse impact on road safety in terms of the proposed site access;
 - The proposal incorporates adequate access and turning space for vehicles
- 5.3 The plot will go largely unnoticed from the public receptor points due to existing landscaping or built form screening it. All other receptor points (e.g. A1) are all a considerable distance away.
- 5.4 Landscaping has been proposed towards the eastern edge of the site to develop a strong 'book-end' to the building group. Any conditions relating to landscaping would be acceptable to the Appellant and will further ensure the natural implementation of the dwelling within the site.
- 5.5 The principle of residential development on the subject site has already been accepted by the case officer in the determination of this application.
- 5.6 The Appellants have invested considerable time and expense into this amended proposal to enable them to remain within close proximity to their substantial business in the Eyemouth area and beyond. A dwelling that has been designed to cater for all their needs whilst still complying with policy and respecting the character and sense of place of its surroundings.
- 5.7 Taking the 'Grounds of Appeal' noted above we respectfully request that this appeal be allowed.

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Appendix 2: Core Documents (CD)

Drawings

- CD 1.** Elevations
- CD 2.** Existing Site Plan
- CD 3.** Floor Plans
- CD 4.** Location Plans
- CD 5.** Materials List
- CD 6.** Proposed Site Plan

Reports

- CD 7.** Planning Statement
- CD 8.** Report of Handling
- CD 9.** Decision Notice

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