

APPENDIX I

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

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

Local Review Reference: 16/00016/RREF

Planning Application Reference: 16/00136/FUL

**Development Proposal: Change of use from storage barn, alterations and
extension to form dwellinghouse**

Location: Land east of Flemington Farmhouse, West Flemington, Eyemouth

Applicant: Mr and Mrs James Cook

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and agrees to refuse planning permission for the reasons set out in this decision notice on the following grounds:

The proposed development is contrary to Policy HD2: Housing in the Countryside of the Local Development Plan in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition, the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.

DEVELOPMENT PROPOSAL

The application relates to a proposal for full Planning Permission for the change of use from storage barn, alterations and extension to form a dwellinghouse. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Existing Layout	001
Floor Plans	004A
Floor Plans	005A

Elevations	006A
Other	007
Elevations	008

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th August 2016 that the Review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review (and Decision Notice, Officer's Report); b) Consultations; c) Emails regarding Decision Notice date; and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

Local Development Plan policies:

- Policy HD2 Housing in the Countryside
- Policy HD3 Protection of Residential Amenity
- Policy PMD2 Quality Standards

Other material policy and guidance included

- Policy IS7 on parking provision and standards
- Policy IS9 on waste water treatment standards and suds
- Policy IS2 on developer contributions
- Policy IS13 Contaminated Land
- Policy EP3 (Local Biodiversity)
- Scottish Planning Policy
- SPG Placemaking and Design
- SPG New Housing in the Borders Countryside

The LRB noted that the applicant seeks full Planning Permission for the change of use from storage barn, alterations and extension to form dwellinghouse adjacent to a small building group at West Flemington which includes West Flemington House (B Listed), West Flemington Farm Steading, now derelict (B Listed), and properties The Cottage, The Bungalow and Lilybrooke.

Members noted that this was an interesting proposal to convert an industrial barn to a dwelling house that would benefit from modern standards of energy efficiency and provide large accommodations.

Members discussed the presence or otherwise of a building group, but concluded that this question was not of critical importance as the proposal before them was the conversion of an existing building, rather than the creation of a new dwellinghouse.

Members discussed the scale and form of the proposal and its compatibility with the surrounding area and properties particularly in relation to the SPG on Placemaking and Design. Members considered that while the scale of the proposal was large relative to the surrounding dwellinghouses this did not in and of itself render the proposal unacceptable as it was seeking to utilise the footprint of the existing barn. Members considered that visually the form of the proposal and how it related to the surrounding buildings would be an improvement on the existing barn. The LRB concluded however that the extent of the alterations sought to the fabric of the building went beyond the level of intervention that could acceptably be regarded as a conversion of a non-residential building to a dwellinghouse.

The LRB considered in detail whether the proposal complied with Policy HD2, section C on conversion of buildings to a house. The LRB did not consider that the building had historic or architectural merit. Therefore, the LRB concluded that the proposal was in breach of Policy HD2, section C as it failed to meet the criteria requiring that the building to be converted must have architectural or historic merit to justify conversion.

The LRB considered whether there were any other material considerations that would justify departure from LDP 2016 to allow the proposal be approved. Members discussed the issue of precedent, and whether acceptance of this proposal would be likely to lead to other similar proposals, contrary to Policy HD2, in relation to disused farm buildings without any intrinsic architectural or historic merit. They concluded that acceptance of this proposal could present an unacceptable risk to the Local Plan policies.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of

the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed..Cllr R Smith
Chairman of the Local Review Body

Date ...22 August 2016
