

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 Peter and Joanna Gibson

Address The Rest, Murrayfield, St Abbs, Berwickshire

Postcode TD14 5PP

Contact Telephone 1

Contact Telephone 2

E-mail*

Agent (if any)

Name IRD Design

Address New Harbour Building, Gungahlin Quay, Gungahlin

Postcode TD14 5SD

Contact Telephone 1 01890750111

Contact Telephone 2

E-mail* irddesign@aol.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 18/01654/FUL

Site address The Rest, Murrayfield, St Abbs, Berwickshire, TD14 5PP

Description of proposed development

Erection of dwelling house on land north east of The Rest.

Date of application 27/11/2018

Date of decision (if any) 07/05/2019

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:

The planning officer has applied Local Development Plan and policies subjectively. His opinions are not shared by everyone. A hearing session would open the decision to additional views and opinions.

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 checked="" type="checkbox"/> | <input 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:

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.

Letter to Planning Authority dated 01/08/2019.

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

06/08/2019

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

Statement

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.

The application was a further application originally submitted 09/02/2018 after modifications to the plans were carried out which were suggested by the conservation officer.
An inspection of the site will show that the gradient of the site and low elevation will insure the impact of the proposed building to all surroundings will be minimal. This is not readily apparent from a photograph.
The turf roof will further soften the impact.
There is public land on the north east boundary of the site which ensures some considerable distance between the proposal and Castle Rock.

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 Rest
Murrayfield
St Abbs
Berwickshire
TD14 5PP

1 August 2019

Corporate Administration
Scottish Borders Council
Council Headquarters,
Bowden Road,
Newtown St Boswells,
TD6 0SA

Dear Sirs

Planning application reference: 18/01654/Ful

Erection of dwelling house Land North East of The Rest Murrayfield St Abbs Scottish Borders

We hereby appeal against the refusal of planning permission on the following grounds:

The proposal was first submitted on 9th February 2018. The conservation officer required amendments. His advice was followed and the application re-submitted on 27/11/2019. We draw your attention to PMD2 1.2 "Policy is also aimed at providing guidance to developers in advance of their building schemes". This has not been adhered too, to great detriment to the proposers and our architect.

PMD2:

Sustainability. The proposal demonstrates measures have been taken to maximise the efficient use of energy and resources etc.

Placement and design. The policy does not aim to restrict good quality modern or innovative design. The proposal is in keeping with the prominent property next door, Ebba Strand.

PMD5:

The proposal meets all the criteria a) to f).

EP7:

Whether the proposal would spoil the historic and architectural interest of Castle Rock is an entirely subjective opinion. The façade of Castle Rock facing the proposal is the 'back' of the building which allows light to dining room, kitchen and the barred window of the store. Due to the low elevation of the proposal it will hardly be visible to the occupants of Castle Rock. The garage which has been built on the drying green immediately next to Castle Rock has far more impact on the site and yet has been allowed.

EP9:

The Council will support proposals within a conservation area.

EP11:

The proposal is not on greenspace as identified on a Proposal Map. There is no social, economic or community justification or functional use for the refusal. The land in question is only overlooked by The Beacon and pains have been taken not to spoil the views from that property and to lessen the impact on all the surroundings by the low elevation of the proposal.

The refusal is based on a lot of subjective opinion which differs from person to person. The only objection to the original proposal submitted 9th February 2018 was from the conservation officer whose reservations were addressed.

In addition, we ask that the following be taken into consideration:

The keystones of the Climate Change (Scotland) Act - 9. Focus of development on sustainable location. 10. Encouraging renewable energy.

Yours faithfully

A solid black rectangular box used to redact the signature of Peter and Joanna Gibson.

Peter and Joanna Gibson