
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

4th November 2019

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

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 28th October 2019. This relates to sites at:

• Land West of Whitslaid (Barrel Law), Selkirk	• Land North West of Gilston Farm, Heriot
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5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 19/00203/FUL
Proposal: Replacement windows
Site: 5 - 1 Sandbed, Hawick
Appellant: Hawick Angling Club

Reason for Refusal: The proposal fails to comply with Policies PMD2 and EP9 of the Scottish Borders Council Local Development Plan 2016, and with the advice contained within the Supplementary Planning Guidance: Shop Fronts and Shop Signs 2011, in that its appearance has a significantly adverse and unacceptable visual impact on the character of the building, and is highly detrimental to the character and appearance of Hawick's Conservation Area.

- 5.2 Reference: 19/00590/FUL
Proposal: Erection of dwellinghouse and agricultural building
Site: Land North East of Hoprigshiel Farmhouse, Cockburnspath
Appellant: Mr & Mrs S Phaup

Reason for Refusal: The proposed development would be contrary to Policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Guidance 2008 in that the proposed dwellinghouse and agricultural storage building would not have a visually sympathetic relationship with either the existing farm steading or the nearby building group; would result in sporadic rural development that would not relate sympathetically to the character of the surrounding landscape; and insufficient justification has been submitted demonstrating that a site more sympathetically related to the steading or building group is not available.

- 5.3 Reference: 19/01178/PPP
Proposal: Erection of dwellinghouse
Site: Land North East of Maxton House, St Boswells
Appellant: Mr and Mrs Richard and Alison Thomas

Reason for Refusal: The proposal is contrary to policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Houses in the Borders Countryside 2008 in that the site is outwith the Development Boundaries of St Boswells and Maxton and is not a logical extension to any building group, is divorced from the existing housing, outwith that sense of place. In addition, the proposal would break into a previously undeveloped field and the location would not respect the spacing between existing properties within the building group. Furthermore, the need for a house at this particular location has not been adequately demonstrated as being a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. The erection of a dwellinghouse on this

site would lead to an unjustified and sporadic expansion of residential development into the open countryside and within the area designated as Countryside Around Towns.

6 REVIEWS DETERMINED

6.1 Reference: 19/00521/AMC
Proposal: Erection of dwellinghouse and detached garage (approval of all matters specified in conditions 18/01256/PPP)
Site: Land South East of Dundas Cottage, Selkirk
Appellant: Mr Darin Strutt and Jennifer Ettienne

Reason for Refusal: The development would not comply with Policy PMD2 of the Scottish Borders Council Local Development Plan 2016, the Ettrick (Hopehouse) Mini Planning Brief and the Supplementary Planning Guidance on Placemaking and Design 2010, in that its form and depth would not relate sympathetically to the character of the surrounding area and neighbouring built form. There are no other material considerations that would be sufficient to override these policy conflicts.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained no reviews previously reported on which decisions were still awaited when this report was prepared on 28th October 2019.

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 28th October 2019. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
• Crystal Rigg Wind Farm, Cranshaws, Duns	•

Approved by

Ian Aikman

Chief Planning & Housing Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

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.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACEtransrequest@scotborders.gov.uk