

**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)****Agent (if any)**

Name Denholm Mill Proprietors Association

Name

Address C/O 16 Denholm Mill, Denholm

Address

Postcode TD98NX

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

E-mail\*

E-mail\*

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 19/00857/FUL

Site address Land at South East of Bungalow Denholm Mill Denholm

Description of proposed development

To erect a fence in order to grow fruit trees

Date of application June 2019

Date of decision (if any) 6th September 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:

Whether the application is really in contravention of the Policies as stated  
To consider whether an erection of a fence is incongruous with the area

**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:

No

**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 erection of a fence to grow fruit trees is not inappropriate for the area.

We request that the matter be reconsidered, given that we do not require planning to erect a smaller fence or grow fruit trees. If this is the case then the reasons provided for not agreeing the planning would seem to be irrelevant. The reason for the refusal was cited as the visual impact due to the height of the fence, but the reason is to grow espalier fruit trees. Mr Taylor states that this would visually impact to the A698. He feels that the fence would be out of context with the area and that this would be an incongruous feature given that planning has been approved for a 1.5 m wall. We find this somewhat contradictory, given a wall is a hard feature that would definitely impose on the landscape. Further, as Mr Taylor states, we could well erect a smaller fence and find other ways to grow the trees, therefore would this not pose the same issue, regardless of the height of the fence. He concludes that the fence would form a prominent and inappropriate form of development and would be out of keeping with the character and appearance of this part of the Conservation Area, contrary to Policies PMD2 and EP9. Our argument is that the 2 houses and the wall that has been approved in the site beyond our boundary will be a prominent and inappropriate form of development on the main road into Denholm from Hawick and out of keeping with the character and appearance of this part of the Conservation Area and therefore must be contrary to the said Policies cited by Mr Taylor. The erection of the fence is to grow fruit trees to ensure that the area remains within keeping appearance. We feel that Mr Taylor's decision and rationale for this is flawed and contradicts the planning of the houses and wall that has already been agreed. The fence and the planting of fruit trees will preserve the area and ensure that it supports the the character of the Conservation Area.

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.

**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.

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

*J Douglas on behalf of DMPA*

Date

*4th December 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](mailto:localreview@scotborders.gov.uk)***