



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: 18/00037/RREF

Planning Application Reference: 18/01341/PPP

Development Proposal: Erection of dwellinghouse and detached garage

Location: Land South East of Tarf House, West Linton

Applicant: Mr & Mrs Erlend Milne

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

DEVELOPMENT PROPOSAL

The application relates to erection of a dwellinghouse and detached garage. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	1344.PL_01 A
Indicative Site Plan	1344.PL_02 D

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21st January 2019.

After examining the review documentation which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultations and e) List of Policies, the Review Body proceeded to determine 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 Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP13, IS2, IS5, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- Scottish Planning Policy 2014

The Review Body noted that the proposal was for Planning Permission in Principle to erect a dwellinghouse and detached garage on the site.

Members firstly considered whether there was a building group present in the vicinity of the site and concluded that there was none in terms of relevant policies and guidance. They acknowledged that whilst there was a total of four dwellinghouses, these were split into two groups of two houses which, in themselves, did not constitute a building group in terms of Policy HD2 and there was little relationship between the groups of houses as they were separated by topography, screening etc. The Review Body also noted that the lack of a defined building group was consistent with previous planning decisions at the site.

As they did not consider a building group to be present, the Review Body then considered whether there was any substantiated economic need for a dwellinghouse to be positioned on the site. They were aware of the lack of employment space and buildings in the West Linton area and noted that, although the applicants did not intend their leather and saddlery business to be the justification for their application nor anything other than an ancillary use, Members were still required to give the matter consideration under the relevant Policy. They concluded, however, that there was insufficient business information to justify the need for a house at this particular site.

The Review Body also considered the visual and landscape impacts of the site and noted that the site was outwith the Pentland Hills Special Landscape Area and that a development would not necessarily result in any adverse impact on the landscape.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and Supplementary Planning Guidance and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

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.
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Signed....Councillor T. Miers
Chairman of the Local Review Body

Date.....28 January 2019

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