
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

7th September 2015

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

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

- 3.1.1 Reference: 13/00552/FUL
Proposal: Extension to existing wind farm comprising installation of 6 No wind turbines up to 100m high to tip, transformers, access tracks, anemometer mast, substation and control room, temporary construction compound and laydown area and associated ancillary works
Site: Land West of Kingledores Farm (Glenkerie), Broughton, Biggar
Appellant: Glenkerie Extension Wind Farm Ltd

Reason for Refusal: The proposed development would be contrary to Policy D4 of the Scottish Borders Consolidated Local Plan 2011 and to the advice contained in the Supplementary Planning Guidance on Wind Energy 2010 in respect of (1) Its unacceptable impact on landscape character by intruding into the Glenholm Valley; (2) Its overbearing impact on the receptor at Glenkirk (3) Its unacceptable impact on amenity of living conditions of residents of Glenkirk by reason of noise.

Grounds of Appeal: The Appellant has had two reports done, a Landscape and Visual Report and a Planning Policy Report, which they believe comprehensively review the appeal proposals and material considerations. The Appellant advises these reports identify where likely significant impacts will occur within the Glenholm Valley and parts of the surrounding area, stating that many of these areas are already subject to the effects of the existing Glenkerie Wind Farm. The Landscape and Visual Report also concludes that when a proper evaluation of the property has been undertaken the effects of the extension would not be overbearing in respect of Glenkirk. The Appellant advises that the Environmental Statement concludes that the Glenkerie Extension in conjunction with other projects in the vicinity can operate satisfactory from a cumulative perspective. In particular the report demonstrates that the Glenkerie Extension can operate at the lowest of the limits recommended in the context of the non-night time period. The Appellant has attached a statement to their appeal requesting Condition 33 be revised and a minor amendment to Condition 34 should the Appeal be approved. The Appellant considers that there is no sound basis for refusal based on noise grounds.

Method of Appeal: Written Representations & Site Visits

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Allison Coard, concluded that the proposed development accords overall with the relevant provisions of the development plan and that there were no material considerations which would justify refusing to grant planning permission.

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 26th August 2015. This relates to sites at:

<ul style="list-style-type: none"> Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge 	<ul style="list-style-type: none"> Land West of Muircleugh Farmhouse, Lauder
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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 15/00403/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South West Pyatshaw Schoolhouse, Lauder
 Appellant: Mrs Paula Milanese

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposal would in the

short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw. 2. The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road.

- 5.2 Reference: 15/00424/FUL
Proposal: Erection of dwellinghouse
Site: Land South of Riding Centre, Newlands, Sunnyside, Reston
Appellant: Messrs Morgan Partnership

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

- 5.3 Reference: 15/00616/FUL
Proposal: Installation of 16 No solar photovoltaic (PV) panels to roof
Site: Raebank, Chapel Street, Selkirk
Appellant: Mr Gethin Chamberlain

Reason for Refusal: The proposed panels would have an unacceptable impact upon the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of development. As such, the proposed development is considered to be contrary to policies G1, BE4, and D4 of the Consolidated Scottish Borders Local Plan 2011. The benefits of the development do not outweigh these conflicts with the development plan

6 REVIEWS DETERMINED

- 6.1 Reference: 13/00401/FUL
Proposal: Erection of 12 holiday cabins, office/laundry block and associated works
Site: Land South West of Milldown Farmhouse , Coldingham
Appellant: Mr Ewen Brown

Reasons for Refusal: 1. The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has

not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary. 2. The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape. 3. The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn. 4. The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements. 5. The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats. 6. The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 14/00835/FUL
 Proposal: Siting of residential caravan (retrospective)
 Site: Land West of Tibbieshiels Inn, St Marys Loch, Selkirk
 Appellant: Alistair Moody

Reasons for Refusal: 1. The proposal is contrary to Local Plan policy D2 in that the development is not located within a building group or with a dispersed building group close to an identified anchor point, there is no economic justification for a residential caravan at this site and it is not of a high quality design which would be expected in a rural location. 2. The proposal is contrary to Local Plan policy G1 - Quality Standards for New Development as the caravan does not respect the character of the surrounding area, it does not create a development with a sense of place or add to any existing sense of place and in terms of materials it does not complement the highest quality of architecture in the locality.

Method of Review: Review of Papers and Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned

6.3 Reference: 14/00934/FUL
 Proposal: Erection of dwellinghouse and detached garage
 Site: Land West of 3 Nethermains Cottage, Duns
 Appellant: Mr Fred Millar

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

- 6.4 Reference: 14/01182/FUL
Proposal: Erection of dwellinghouse with integral garage and incorporating granny flat
Site: Land South of Boggsbank, Boggsbank Road, West Linton
Appellant: Mr And Mrs D Thomson

Reason for Refusal: The proposals are contrary to Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as there is no existing building group of at least three house at the location on Boggsbank Road.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

- 6.5 Reference: 15/00071/FUL
Proposal: Erection of dwellinghouse
Site: Land North of Wormiston Farm, Eddleston
Appellant: R & M Brockie & Son

Reasons for Refusal: 1. The proposal is not acceptable as it does not comply with Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside in that the site is not well related to the existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group. 2. The proposed development is contrary to Local Plan Policies D2 and G1 and Supplementary Planning Guidance New Housing in the Borders Countryside in that the new dwellinghouse will have a significant adverse impact on the landscape.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

7 REVIEWS OUTSTANDING

- 7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 26th August 2015. This relates to sites at:

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| • Land South West of Clackmae Farmhouse, Earlston | • 12 Todburn Way, Clovenfords, Galashiels |
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Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

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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.

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