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## **PLANNING APPEALS & REVIEWS**

**Briefing Note by Chief Planning & Housing Officer**

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### **PLANNING AND BUILDING STANDARDS COMMITTEE**

**5<sup>th</sup> October 2020**

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#### **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

- 3.2.1 Reference: 19/00206/UNDEV  
Proposal: Erection of structure  
Site: Land West of 1 Linthaugh Farm Cottage, Jedburgh  
Appellant: Mr Neil Gilmour

Reason for Notice: It appears to the Council that the above breach of planning control has occurred within the last 4 years. A building has been erected on land without the benefit of permitted development or planning permission. The owner of the land has been provided with the opportunity

to submit a retrospective planning application to regularise the breach in planning control however has declined to submit such an application at this time.

Grounds of Appeal: 1. The breach of control which is alleged in the notice has not occurred. 2. When the Notice was issued it was already too late to take enforcement action. 3. The steps required by the notice are excessive and less onerous steps would remedy the breach or to any injury to amenity which has been caused by any such breach.

Method of Appeal: Written Representations

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Keith Bray, upheld the enforcement notice, but has varied the terms of the notice and allowed a period of 6 months for the requisite work to be carried out due to the current Covid-19 pandemic.

### 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 24<sup>th</sup> September 2020. This relates to sites at:

- |   |  |
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| • Land North of Carcant Lodge Wull Muir Wind Farm, Heriot | • Land North West of Willowdean House, Foulden |
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## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 20/00714/PPP  
Proposal: Erection of two dwellinghouses  
Site: Paddock North of Station House, Cowdenburn  
Appellant: Mr Stuart Corrigan

Reason for Refusal: 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 not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road. No economic or other overriding case would override this conflict. Furthermore, the nearest building group has been increased by the maximum permissible in terms of policy HD2 within the current Local Development Plan period and no overriding case has been substantiated for allowing additional dwellinghouses.

## 6 REVIEWS DETERMINED

6.1 Reference: 19/01256/FUL  
Proposal: Erection of 15 No huts with associated access and car parking

Site: Land East of Wester Deans, West Linton  
Appellant: Ms Jess Windsor

Reasons for Refusal: 1. The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that it would not respect the amenity and character of the surrounding area as a result of its visual impact, and would fail to comply with all the siting and design criteria set out in Policy PMD2, as required by Policy ED7, in that it would not be compatible with and respect the character of the surrounding area, and no overriding case for the development has been substantiated. Other material considerations do not outweigh this conflict. 2. The development would be contrary to Policy PMD1 of the Local Development Plan 2016 in that the location of the site would mean that there would be significant reliance on private vehicles, with limited potential for the development to be accessed by other transport modes including public transport, ultimately amounting to unsustainable development. No overriding case for the development has been substantiated. Other material considerations do not outweigh this conflict.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions & Informatives)

6.2 Reference: 20/00343/FUL  
Proposal: Siting of 3 No glamping pods and associated works  
Site: Land South West of Stouslie Farmhouse, Hawick  
Appellant: Mrs Carly Anderson

Reason for Refusal: The development is contrary to Policy ED7 and criterion h), k) and m) of Policy PMD2 of the Local Development Plan 2016 in that the site occupies an isolated and exposed location where the landscape and visual impacts of the proposals would fail to sympathetically integrate with the character, appearance and sense of place of the surrounding rural area and the proposed landscaping does not provide sufficient mitigation of the resulting landscape and visual impacts. Other material considerations do not outweigh this conflict.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

## 7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 24<sup>th</sup> September 2020. This relates to sites at:

• Garden Ground of 7 Heriot House, Heriot	• Garden Ground of Clifton Cottage, High Street, Kirk Yetholm
• Land North West of Strathmyre Old Belses, Jedburgh	•

## 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 24<sup>th</sup> September 2020. 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)

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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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