

## **APPENDIX II**

### **SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE**

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**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**

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**Local Review Reference:** 20/00021/RREF

**Planning Application Reference:** 20/00343/FUL

**Development Proposal:** Siting of 3 No glamping pods and associated works

**Location:** Land South West of Stouslie Farmhouse

**Applicant:** Mrs Carly Anderson

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## **DECISION**

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions as set out below.

## **DEVELOPMENT PROPOSAL**

The application relates to the siting of 3 No glamping pods and associated works. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	200104-2-01
Proposed Site Plan	200104-1-01
Proposed Drainage Plan	200104-2-01
Proposed Access and Parking Plan	200104-3-01
Proposed Visibility Splay Plan	200104-4-01
Proposed Elevations	200104-9-01
Landscaping Plan	200104-11-01
3D Visual Perspective	1 of 3
3D Visual Perspective	2 of 3
3D Visual Perspective	3 of 3

## **PRELIMINARY MATTERS**

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21 September 2020.

After examining the review documentation at that meeting, which included a) Notice of Review (including Decision Notice, Officer's Report and Papers referred to in Officer's Report); b) Consultations; and c) List of Policies, the Review Body noted that the applicant had requested further procedure in the form of a site visit but did not consider it necessary in this instance and 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, ED7, HD3, EP3, EP13, IS7 and IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- Scottish Borders Tourism Strategy 2013-2020
- Scottish Planning Policy 2014

The Review Body noted that the proposal was for the siting of 3 No glamping pods and associated works.

Members firstly considered the principle of the development under Policy ED7. They noted that the Policy required the submission of a business case to support tourist accommodation proposals in the countryside. They agreed with the Appointed Officer that the business case presented was of a high standard with detailed information, including financial projections and sequential assessment of other sites. Members also noted the support of Economic Development and concluded that the business case had been demonstrated. The development represented quality farm diversification and proposed tourist accommodation which should be encouraged under Policy ED7.

The Review Body then considered the criteria set down in Policy ED7 and PMD2 and, in particular, the issues of compatibility with rural surroundings and landscape impact. They noted the Appointed Officer's concerns over prominence and elevated positioning, appreciating that one of the main attractions of the site for tourist development was the open view to the south. They understood that the visibility of the pods from the south was the main issue and debated what mitigation was present, or could be proposed, to address the issue.

Members concluded that the development was modest in scale and form, representing a sporadic small grouping of buildings that had context with other groupings in the wider rural surroundings. There was tree screening to the rear of the site and an existing dry stone dyke which was being retained. Members also noted the proposed new planting which they considered would successfully integrate the development into the surroundings. They did not consider it necessary to specify planting along the southern boundary and were content for this matter to be considered as part of the overall landscaping submission required by condition and for agreement between the applicant and Appointed Officer.

The Review Body then considered other material issues relating to the proposal including sustainable access, road safety, water, drainage and waste disposal but were of the opinion that such issues did not outweigh their decision to support the proposal and that appropriate conditions could address them satisfactorily.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that consent for the development was consistent with Policies PMD2 and ED7 of the Local Development Plan. The development was considered to be an appropriate and justified tourism use in an attractive location, representing farm diversification and of modest scale with limited impacts on the surrounding countryside. Consequently, the application was approved subject to the conditions listed.

## **DIRECTIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## **CONDITIONS**

1. The occupation of the glamping pods shall be restricted to genuine holidaymakers, any person staying for a maximum of 3 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: Permanent residential use in this location would conflict with the established planning policy for this rural area.

2. No development to be commenced until samples of all external materials for the pods are submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved materials.

Reason: To safeguard the visual amenity of the area.

3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features, walls, hedgerows and trees to be retained, protected and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works including new tree and hedge planting
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. No development to be commenced until a scheme of passing places on the public road leading to the site has been submitted to, and approved in writing by the Planning Authority. Once approved, the passing places to be formed before the first pod is occupied.  
Reason: In the interests of road safety.
5. No development to be commenced until further details of the access junction, site roadway, parking area, paths, hardstandings and deckings to the pods are submitted to, and approved in writing by, the Planning Authority. Once approved, the details then to be completed before occupation of the first pod.  
Reason: In the interests of road and pedestrian safety.
6. No development to be commenced until a scheme of waste storage for each pod is submitted to, and approved in writing by the Planning Authority. Once approved, the development then to be operated in accordance with the approved scheme.  
Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.
7. No development to be commenced until further details of the provision of a water supply and of disposal of foul and surface water for each pod are submitted to, and approved in writing by the Planning Authority.  
Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:  
Monday-Friday 0700-1900  
Saturday 0800-1300  
Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other

than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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### **Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.**

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 S Mountford  
Chairman of the Local Review Body

**Date.....**29 September 2020