

**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:** 13/00035/RREF

**Planning Application Reference:** 13/00776/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Paddock and Redundant Stable North of Station House, Cowdenburn,  
Lamancha

**Applicant:** Mr and Mrs S Corrigan

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**DECISION**

For the reasons set out below, the Local Review Body upholds the appointed officer's decision and refuses planning permission for the following reason:

- 1 The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Plan policy D2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within a building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify approval.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land comprising a paddock and redundant stable north of Station House, Cowdenburn, Lamancha. The application's drawings consisted of the following drawing:

**Plan Type**  
Location Plan

**Plan Reference No.**  
L(-)001 REV A (1:1250)

**PRELIMINARY MATTERS**

The Local Review Body considered the Review competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> October 2013.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review; (c) Report of Handling; (d) Correspondence from Consultees, and

(e) List of Policies, the Review Body concluded that it had sufficient information to determine the review. In coming to this conclusion, the Review Body considered the applicant's request for further procedure in the form of a site visit.

## **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 2013 and consolidated Scottish Borders Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- SESplan Policies 5 and 7
- Local Plan Policies: H2, INF4, G1, G5, and D2

Other material key considerations the Local Review Body took into account related to:

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011

As the site is outwith any settlement, the proposal must be tested against the provisions of the Local Plan Policy D2 and the New Housing in the Borders Countryside SPG.

The Local Review Body noted that the applicant's agent argued Cowdenburn was a building group of seven dwellinghouses straddling the A701 and comprising two properties adjoining the application site, known as the Old Station and Station House, and five properties to the east of the site across the public road.

However, Members did not consider that this wider cluster of dwellinghouses constituted a single building group with a sense of place and identity as required by the housing in the countryside policy. They concluded that the two dwellinghouses adjoining the site were distinct from and outwith the boundaries of the building group at Cowdenburn which they concluded consisted of the five buildings on the eastern side of the road. The physical separation of the two building clusters and the significant barrier of the A701 road running between them meant that the Old Station and Station House were not well related to the properties on the eastern side of the main road.

In considering the immediate locus of the application, the Review Body did not accept that it constituted a building group in itself that was suitable to be added to. In addition, as the site was outside the Southern Housing Market Area the provisions of Local Plan Policy D2 (B) Dispersed Groups did not apply to the development in terms of reducing the threshold of what constitutes a building group.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

### **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.

**Signed....**Councillor A. Nicol  
Chairman of the Local Review Body

**Date:...**24 October 2013