



LOCAL REVIEW STATEMENT
REF: 20/00486/FUL

**ERECTION OF DWELLINGHOUSE WITH
DETACHED GARAGE**

**LAND NORTH WEST OF STRATHMYRE,
OLD BELSES, JEDBURGH, SCOTTISH BORDERS**

**ON BEHALF OF: MR & MRS NEIL AND
VALERIE FORTUNE AND MAUCHLEN**

AUGUST 2020

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EXECUTIVE SUMMARY

This Statement is submitted in support of a Notice of Review of the delegated decision of Scottish Borders Council to refuse Planning Permission for the erection of a dwellinghouse and detached garage on land to the north-west of Strathmyre, Old Belses on 30th July 2020 (reference 20/00486/FUL). All Core Documents (CD) are referenced in Appendix 1.

It is the Appellants' intention to sensitively develop a new dwelling on a site which is well related to the existing local Building Group. It is agreed between the Planning Authority and the Appellants that a Building Group comprising three existing dwellings is present. Disagreement centres on whether the appeal site is well related to the existing Building Group.

The appeal site lies adjacent to two existing dwellings – Old Belses Cottage and Strathmyre – in addition to sitting opposite a house known as Braeside. The sense of place within the Building Group is defined by the visual prominence of the existing dwellings, created by their spatial proximity. The Building Group does not have distinct landscape boundaries.

Reasons for Refusal

Three reasons were cited for the refusal of the Application.

The first stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as the appeal site “is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400”. The appointed Planning Officer considered that the proposed development would represent “ribbon development” and is “out of character with the clustered form of the group”.

The Appellants do not accept this assessment. The appeal site is spatially adjacent to two of the existing dwellings within the Building Group and sits opposite the third. Therefore the proposed dwelling benefits from a strong spatial relationship with existing dwellings within the Building Group and would serve to ‘square off’ further expansion to the west. The impact of the proposal on landscape character would be limited due to the single storey nature of the proposed dwelling. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.

The second reason for refusal references the consultation response of the Roads Planning team which objected to the proposed development. Unfortunately the consultation response focussed on matters of planning policy and omitted to consider the presence of an existing

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residential highway access nearby, on the opposite side of the road, and the existence of substantial visibility sightlines onto the highway in each direction.

These omissions deprived the appointed Planning Officer of the professional advice required to determine the Application and directly caused the mis-placed citation of the second reason for refusal, in spite of the acceptable road safety situation locally.

The third reason for refusal relates to the detailed design of the proposed development despite the acknowledgement that the proposed dwelling and “the property opposite the proposal (Braeside) [are] of similar character”.

The proposed dwelling is a bungalow of modest scale and functional design. For clarity, all accommodation is provided on the ground floor and no storage or livable space is included in an ‘upstairs space’. The proposed dwelling would stand noticeably shorter than both Old Belses Cottage and Braeside and no taller than Strathmyre. The proposed development’s simple design reflects the desire of the Appellants to make use of the new home to live quietly in their retirement. The proposed dwelling would be extensively screened by established hedgerow and would be less significant in the landscape with lesser impacts than all nearby existing dwellings.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Appeal and grant Planning Permission.

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1.0 INTRODUCTION AND PROPOSAL SUMMARY

- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission for the erection of a dwellinghouse and detached garage on land to the north-west of Strathmyre, Old Belses.
- 1.2 The appeal site lies adjacent to the north-west boundary of the existing dwellings 'Old Belses Cottage' and 'Strathmyre'. The residential property 'Braeside' sits opposite the site to the north-east of the B6400.
- 1.3 The site comprises part of a field which sits adjacent to the adopted highway. The site is broadly flat but slopes down gently towards the highway from south-west to north-east. A mature hedgerow of mixed native species is established along the site's boundary with the highway. There is an existing field access in the east of the site's boundary onto the public road, which is informally tracked.
- 1.4 The proposed development includes the new dwelling relatively centrally within the east portion of the site. The detached garage is proposed a short distance to the east of the new dwelling. On-site vehicle movement is provided for by a drive to be surfaced in either gravel or a bonded surface. The west portion of the site is proposed for paddock use and would not host built development, the Appellants are prepared to accept a condition securing this provision.
- 1.5 The new dwelling is proposed in 'L shape' plan with residential accommodation arranged in a single storey. The design of each elevation includes at least two windows, while doors are proposed in two elevations. The construction of elevations comprises white render while the roof comprises concrete tiles.
- 1.6 The proposed drive would provide vehicle access to the site from a new highway access, slightly offset from the existing access to Braeside on the opposite side of the road. The proposed drive and hardstanding apron provide sufficient space on-site for turning and parking. The existing field access would be closed with new hedge planting.
- 1.7 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellants are content to secure servicing details via condition. The proposed development makes use of renewable energy generation technology and an air source heat pump with underfloor heating and



a full mechanical ventilation heat recovery system is included to with the design.

- 1.8 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development Plan and other material considerations.

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2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 Planning Application 20/00486/FUL was refused on 30th July 2020. The Decision Notice cited three reasons for refusal, set out below:

“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 the development would not relate sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.

2. The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B6400.

3. The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.”

2.2 Policy HD2 permits the expansion of existing Building Groups, which comprise at least three houses, by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period

2.3 The Appellant’s submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by a single dwelling.

(A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

Fig 1: Policy HD2 Housing in the Countryside – Section (A).

2.4 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

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- 2.5 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
 - b) the suitability of that group to absorb new development.
- 2.6 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 2.7 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
 - New development should be limited to the area contained by that sense of place;
 - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
 - Ribbon development along public roads will not normally be permitted.

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3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the application.

GROUND 1: The proposed development represents the erection of a dwelling on a site which is well related to an existing Building Group in the countryside and would contribute positively to the local sense of place and setting.

GROUND 2: The proposed access is well related to the position of an existing access on the opposite side of the road and would not have a significant adverse impact on road safety of the local highway network. Adequate visibility sightlines onto the highway can be provided in both directions.

GROUND 3: The proposed development represents a single storey new dwelling which is modest in scale and sits at a lower height than nearby existing dwellings in the local Building Group.

- 3.2 The Roads Planning Officer was the only statutory consultee to comment on the application during the course of its determination. The response received objected to the proposed development, which is addressed herein.

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO AN EXISTING BUILDING GROUP IN THE COUNTRYSIDE AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.

- 3.3 It is the Appellant's position that the appeal site lies within the setting and forms part of the existing Building Group comprising Starthmyre, Old Belses Cottage, and Braeside. It is common ground between the Appellants and the Planning Authority that the three existing dwellings identified form a Building Group and that capacity does exist for expansion by another 2 no. dwellings.

- 3.4 Disagreement centres upon whether the appeal site lies within the sense of place created by the Building Group or adjacent thereto. Report of Handling 20/00486/FUL states that the appeal site lies “is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400”. The appointed Planning Officer acknowledges that Braeside sits “opposite the proposal ... [and] is of similar character” however he considers that the appeal site “is more exposed and prominent”.
- 3.5 It is the Appellant’s position that the Building Group does not have distinct landscaped boundaries. Rather the three existing dwellings sit close to each other creating a shared sense of place and defining a setting. Within this context, it is considered that a new dwelling would not be acceptable if it shared one boundary with an existing dwelling. However, in the case of the appeal proposal, the appeal site is triangulated between all three dwellings, shown on Fig.2. As a result of the triangulated relationship, the proposed dwelling would sit adjacent to both Starthmyre and Old Belses Cottage to the south-west of the B6400 as well as opposite Braeside to the north-east of the highway.



Fig 2: Annotated aerial image of Building Group local to the appeal site.

- 3.6 The new access to the B6400 is proposed in a corresponding position on the opposite side of the road from the vehicle access to Braeside. This element of the appeal proposal will assist in creating a more distinctly defined parameter to the Building Group when approaching on the B6400. This symmetrical relationship is considered to be conducive



to the Planning Authority in resisting further expansion of the Building Group to the west. It is considered that any landscape impact would be slight, particularly as the proposed development can tie into existing soft landscape features in a manner which Braeside cannot.

- 3.7 The west portion of the site is proposed for paddock use within the ownership of the occupants of the new dwelling. The Appellants are prepared to accept a condition specifically securing the continued use of the paddock as shown on SP01 Proposed Site Plan. To this end, it is proposed to plant a hedgerow along the west verge of the proposed drive, creating a distinct boundary enclosing the new residential plot in addition to partly partitioning the site into east and west portions. This approach is in line with 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance. The west portion shall lie fully beyond the established boundary enclosing existing dwellings and be demonstrably unsuitable for development. The paddock contained within the west portion shall also serve as a gradual step-up from west to east as land use moves from agricultural fields, to paddock, to small Building Group.

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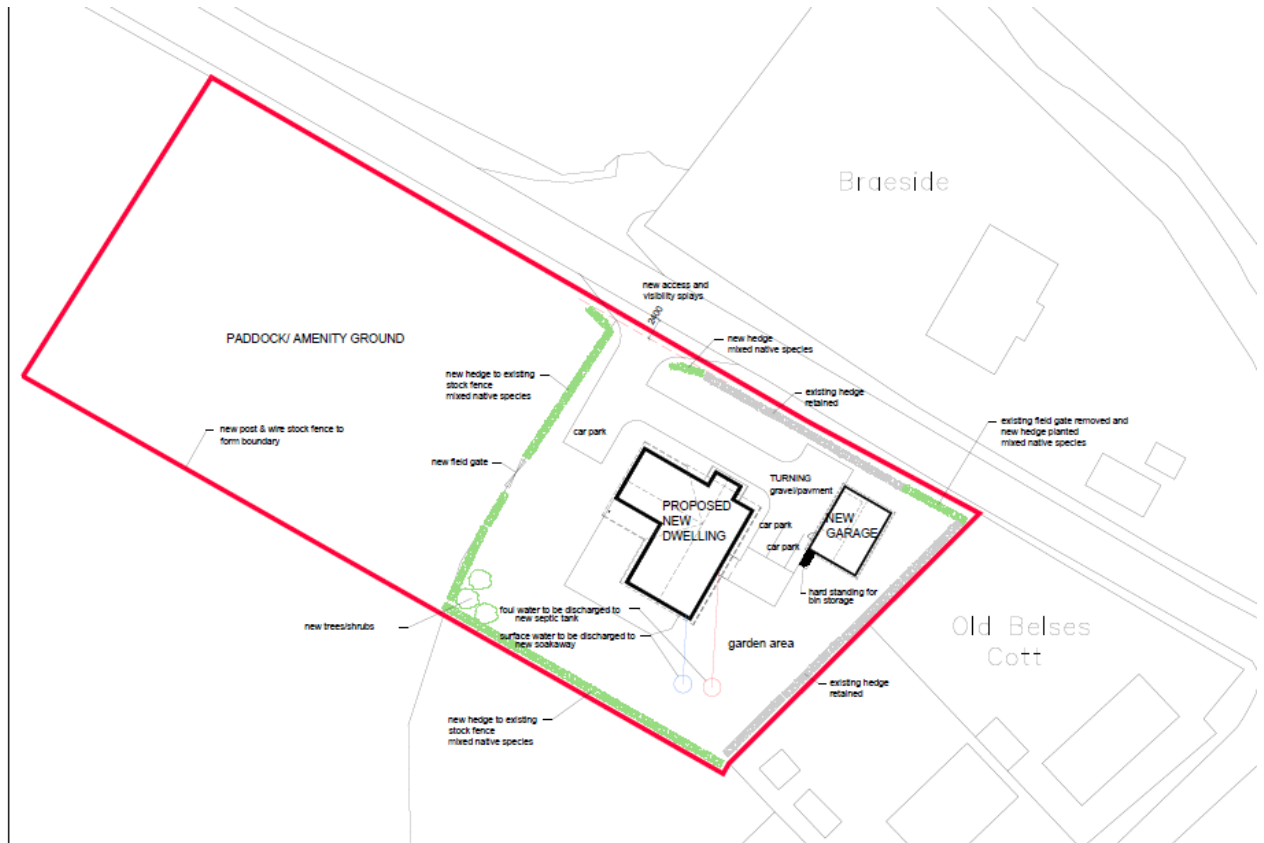


Fig 3: Extract from SP01(2) Proposed Site Plan (Source: Dan Wood Concept Plus).

- 3.8 It is common ground between the Appellants and the Planning Authority that the three existing dwellings identified form a Building Group. Given that the appeal site sits adjacent to two of the existing dwellings and opposite the third and is considered to form part of the Building Group, the appeal proposal is considered to accord with criteria a) of section (A).
- 3.9 It should be noted that there have not been any dwellings approved or built, within or adjacent to the Building Group since the adoption of the current Local Development Plan. Given the limited impact of the proposal on the character of the Building Group and the absence of other development contributing towards impacts on character, the proposed development is considered to satisfy criteria (b) of section (A).
- 3.10 Criteria c) stipulates that Building Groups should not be extended by more than 30% of the existing housing stock or two dwellings. In the case at hand, the maximum permitted



increase in the size of the Building Group is two dwellings. As previously stated, no dwellings have been approved or built in the Building Group since adoption of the current LDP. Therefore the proposal is in accordance with criteria (c).

- 3.11 Therefore, the proposal is considered to accord with section (A) of Policy HD2. The application site comprises part of an existing Building Group, by means of sitting adjacent to two of the existing dwellings within the group and opposite the third. The proposed development has been designed to correspond with the existing dwelling Braeside on the opposite side of the road and ‘square off’ the layout of the Building Group, precluding further expansion to the west. The Building Group in question has capacity to expand within the current LPD period. In addition to being in accordance with adopted policy, the proposal offers the opportunity to secure a new home and retain investment together with associated employment in this part of the Borders.

GROUND 2: THE PROPOSED ACCESS IS WELL RELATED TO THE POSITION OF AN EXISTING ACCESS ON THE OPPOSITE SIDE OF THE ROAD AND WOULD NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON ROAD SAFETY OF THE LOCAL HIGHWAY NETWORK. ADEQUATE VISIBILITY SIGHTLINES ONTO THE HIGHWAY CAN BE PROVIDED IN BOTH DIRECTIONS.

- 3.12 It is noted that the Roads Planning Officer objected to the application on the basis that:

“The principle of accesses on to A class roads in rural areas is not supported without economic or road safety justification. B class roads are much the same but depending on the characteristics of the B road, a new access may be supported providing it does not pose a road safety concern.

When looking at this specific site, there does not appear to be a strong building group and so this does not give an impression to drivers that this would be an area where you would expect an access to be present. My general feeling is that this is not an appropriate location for a new access due to the nature of the road and the lack of a strong building group and could be a danger to road users due to this.”

- 3.13 Unfortunately the consultation response of the Roads Planning Officer has erred in several matters of fact and judgement.
- 3.14 First, it is self-evident that a B class road is not “much the same” as an A class road. The argument that the B6400 or the B3657 or B711 performs a similar function or is largely

alike the A1, the A7, or the A68 is demonstrably false. The role and function of an A class road is separate and distinct from that of a B class road.

- 3.15 Second, it is not the role of the Roads Planning Officer (RPO) to advise the appointed Planning Officer on matters of planning judgement – e.g. the presence or otherwise of a Building Group. The consultation response of the RPO should provide the appointed Planning Officer with advice relating to road safety which he requires to determine the Application. This requisite advice was not provided.
- 3.16 Third, the consultation response ignored the presence of the existing junction onto the B6400 providing vehicle access to Braeside. In ignoring this fact, the advice provided has mistakenly considered the question of whether driver would expect an access to be present. Clearly this question is not pertinent in the context of an existing access already being present. However, with this in mind a pair of highway accesses located close to each other on opposite sides of the road are more visible than a single highway access.
- 3.17 Fourth, the excellent visibility onto the highway from the site of the proposed access has been overlooked. From the location of the proposed access, visibility sightlines extend eastward to the turn in the road east of the Old Belses Cottage and westward to the summit of the hill. These amount to visibility sightlines of approximately 130 metres to the east and 320 metres to the west. These substantial lines of sight are considered to be sufficient to provide for road safety for all highway users.
- 3.18 The road safety impact of the proposed development is considered to be acceptable. The proposed highway access is positioned close to an existing access and benefits from substantial visibility sightlines onto the highway in both directions. The consultation response of the Roads Planning Officer has failed to provide an assessment of road safety impacts competent in the discipline of transport planning and deprived the appointed Planning Officer of the professional advice he required to determine the Application.

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GROUND 3: THE PROPOSED DEVELOPMENT REPRESENTS A SINGLE STOREY NEW DWELLING WHICH IS MODEST IN SCALE AND SITS AT A LOWER HEIGHT THAN NEARBY EXISTING DWELLINGS IN THE LOCAL BUILDING GROUP.

- 3.19 Report of Handling 20/00486/FUL establishes the Planning Officer's opinion that the proposed development is defined by "suburban character" and although "the property opposite the proposal (Braeside) is of similar character, this site is more exposed and prominent. The design is of insufficient quality by incorporating a low shallow pitched roof, horizontal form and fenestration. The external materials require amendment".
- 3.20 It is common ground between the Planning Authority and the Appellants that the proposed dwelling shares a similar character with Braeside. However the most obvious distinction between the two designs is that the proposed dwelling (the only subject of the Appeal at hand) is single storey while Braeside is a two storey dwelling. Clearly the single storey design would give rise to eave and ridge heights standing shorter than Braeside (or any other existing dwelling) and offset potential visual impact in the landscape. The proposed dwelling represents a modest bungalow and its layout and scale are considered to be acceptable in planning terms.
- 3.21 The elevational design of the proposed dwelling comprises render on block construction. This design is typical of bungalows throughout the Borders and beyond, and emphasises both the functional role and appearance of this form of dwelling. Elevational design includes the timber construction of the porch, in a traditional style. An illustration of how the porch's timber construction might look has been included on PP01 Floor Plan, Section, and Elevations.
- 3.22 The proposal is considered to be acceptable in design terms. The proposed dwelling represents a bungalow of modest scale which would stand shorter than almost every other existing dwelling nearby. The layout of the development is reflective of the proposed dwelling's modest scale. The elevational design of the proposed dwelling is unmistakably functional, which is indicative of the Appellants intention to live quietly in their new home.

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4.0 CONCLUSIONS

- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 20/00486/FUL and grant consent for the erection of a dwellinghouse with detached garage on land north-west of Strathmyre, Old Belses.
- 4.2 The proposal is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group. The proposed dwelling both reflects the existing pattern of development and respects the local character of the Building Group. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly as the Building Group has capacity to expand by two dwellings over the LDP period and no new development has been approved to date – the Building Group has capacity to expand in line with adopted policy. Therefore the proposal is considered to accord with section (A) of Policy HD2.
- 4.3 Vehicle access to the adopted highway is proposed via a new drive. The consultation response received from the Roads Planning team neglects to address road safety. It focuses on matters of adopted planning policy and omits the presence of an existing highway access nearby on the opposite side of the road and the substantial existing visibility sightlines onto the highway from consideration. Given these two definitive material considerations, the proposed development is considered to be acceptable in highway terms.
- 4.4 The proposed dwelling has been designed in modest scale and functional appearance. Its design is considered to be acceptable however, as set out, the Appellants are prepared to continue engaging with the Planning Authority to manage on-site development appropriately by means of condition.
- 4.5 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse with detached garage.

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APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Appeal Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 SP01 Location Plan
- CD3 SP01 Proposed Site Plan;
- CD4 PP01 Floor Plan, Section, and Elevations;
- CD5 Report of Handling 20/00486/FUL;
- CD6 Decision Notice 20/00486/FUL; and
- CD7 SP01(2) Proposed Site Plan.

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