

PLANNING AND BUILDING STANDARDS COMMITTEE

7th December 2020

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

- 2.1.1 Reference: 20/00347/FUL
Proposal: Erection of poultry building, upgrade of access junction, formation of access road, and associated works
Site: Hutton Hall Barns, Hutton
Appellant: Maclean Eggs Ltd

Reasons for Refusal: 1. The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would not respect the amenity and character of the surrounding area. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on the landscape when viewed in combination with existing poultry units. 2. The development would be contrary to Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in the permanent loss of prime quality agricultural land. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on this finite resource. 3. The development would be contrary to Policy EP1 - International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in an unacceptable adverse cumulative impact on the integrity of local biodiversity. It has not been adequately demonstrated that the erection of an additional poultry unit in this location would not adversely affect the integrity of the site.

Reason for Appeal: The appellant believes that the application is fully compliant with all relevant national and local planning policies. They do not feel that the Planning Committee fully considered the comments from

the statutory bodies, who were supportive of the proposal, nor the views of the Planning Officer, who recommended approval, in determining this application.

Method of Appeal: Written Representations

2.1.2 Reference: 20/00378/PPP
Proposal: Erection of dwellinghouse
Site: Land North East of Burnside, Lower Green, West Linton
Appellant: Messrs Gregor and Campbell Forsyth

Reasons for Refusal: 1. The proposed development represents an overdevelopment of a small site, giving rise to a cramped form of development, out of character with the surrounding Conservation Area and resulting in unacceptable impacts upon neighbouring residential properties, contrary to Policies PMD2, PMD5, EP9 and HD3 of the Scottish Borders Local Development Plan 2016. 2. The submitted application has not adequately demonstrated that safe access and satisfactory off-street parking provision can be achieved and therefore it is considered that vehicle movements associated with the development would give rise to road safety concerns, including interference with the free passage of vehicles and pedestrians using Back Road, contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016. 3. Insufficient evidence has been submitted to demonstrate that the proposed development can achieve an appropriate level of scale, massing, design and appearance that would be necessary to preserve and enhance the character of the West Linton Conservation Area at this location and therefore the application is contrary to the requirements of Policies EP9 and PMD2 of the Scottish Borders Local Development Plan 2016.

Reason for Appeal: The application is a planning application in principle and should be assessed in accordance with the Scottish Government's Planning Circular No. 3 2013. Regulation 10 states there is no requirement for plans, drawings or a design statement. The planning officer stated throughout his report that the drawings submitted were of an indicative building rather than a formal proposal and concluded that the final design would have to be the subject of further applications. The Committee has been influenced beyond the assessment of this regulation by regarding these indicative drawings voluntarily submitted as a detailed proposal and applying detailed planning policies to justify its decision.

Method of Appeal: Written Representations

2.1.3 Reference: 20/00470/FUL
Proposal: Erection of poultry building and associated works (shed 6)
Site: Hutton Hall Barns, Hutton
Appellant: Mrs Angela Maclean

Reasons for Refusal: 1. The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would not respect the amenity and character of the surrounding area. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on the landscape when viewed in combination with existing poultry units. 2. The development would be contrary to Policy ED10 - Protection

of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in the permanent loss of prime quality agricultural land. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on this finite resource. 3. The development would be contrary to Policy EP1 - International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in an unacceptable adverse cumulative impact on the integrity of local biodiversity. It has not been adequately demonstrated that the erection of an additional poultry unit in this location would not adversely affect the integrity of the site.

Reason for Appeal: The appellant believes that the application is fully compliant with all relevant national and local planning policies. They do not feel that the Planning Committee fully considered the comments from the statutory bodies, who were supportive of the proposal, nor the views of the Planning Officer, who recommended approval, in determining this application.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 25th November 2020. This relates to a site at:

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| <ul style="list-style-type: none">Land North West of Willowdean House, Foulden | <ul style="list-style-type: none"> |
|--|--|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 20/00537/FUL
Proposal: Formation of dormer
Site: 19 Myrescroft Road, Ancrum, Jedburgh
Appellant: Mr & Mrs D Tully

Reason for Refusal: The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would have a visually unsympathetic and dominant impact on the dwellinghouse and have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

6 REVIEWS DETERMINED

- 6.1 Reference: 18/01777/FUL
Proposal: Erection of two dwellinghouses
Site: Garden Ground of 7 Heriot House, Heriot
Appellant: Mr Craig Dougall

Reasons for Refusal: 1. The proposed development does not comply with Policies PMD2, HD2 and EP13 of the Local Development Plan 2016, or Supplementary Planning Guidance on New Housing in the Borders Countryside 2008, Trees and Development 2008 or Placemaking and Design 2010 in that the siting and design of the proposed development would have an adverse and unsympathetic impact on the landscape character of the site; sense of place of the existing group and its built form; and existing tree planting. Other material considerations do not outweigh these policy conflicts. 2. The proposed development does not comply with Policy PMD2 of the Local Development Plan 2016 or New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it has not been demonstrated that the development can be provided with a safe means of vehicular access and would not adversely impact on the integrity of the public road and verge, therefore potentially leading to an adverse impact on road safety. Other material considerations do not outweigh these policy conflicts.

Method of Review: Review of Papers, Further Written Submissions & a Hearing

Review Decision: Review Withdrawn

- 6.2 Reference: 20/00472/FUL
Proposal: Formation of new boundary fence (retrospective)
Site: 1 Forley's Field, Goslawdales, Selkirk
Appellant: Mrs E Houston Grundy

Reason for Refusal: The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.3 Reference: 20/00486/FUL
Proposal: Erection of dwellinghouse with detached garage
Site: Land North West of Strathmyre Old Belses,
Jedburgh
Appellant: Mr and Ms Neil / Valerie Fortune / Mauchlen

Reasons for Refusal: 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 B 6400.

Method of Review: Review of Papers & Further Written Submissions

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

7 REVIEWS OUTSTANDING

7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 25th November 2020. This relates to sites at:

- | | |
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| • Garden Ground of Clifton Cottage, High Street, Kirk Yetholm | • Land North East of East Neuk, Morebattle |
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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 25th November 2020. This relates to sites at:

- | | |
|-------------------------------|-------------------------------|
| • Fallago Rig 1, Longformacus | • Fallago Rig 2, Longformacus |
| • Crystal Rigg Wind Farm, | • |

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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