

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29<sup>th</sup> March 2021**

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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

- 2.1.1 Reference: 20/00691/FUL  
Proposal: Erection of two dwellinghouses and removal of Condition No 4 from Planning Consent 02/01783/FUL  
Site: Land West of 8 Ballantyne Place, Peebles  
Appellant: Mr Rob Begg

Reasons for Refusal: 1. The development would be contrary to Policy EP11 - Protection of Greenspace of the Scottish Borders Local Development Plan 2016 in that the erection of two houses on this site would result in the permanent loss of green space to the detriment of the amenity and character of the surrounding area. The loss of the green space would be contrary to Condition 4 of planning consent 02/01783/FUL which requires the layout of the wider development site to make adequate provision for a play area(s), and it has not been adequately demonstrated that the development would outweigh the need to retain this open space. 2. The development would be contrary to Policy PMD5 - Infill Development of the Scottish Borders Local Development Plan 2016 in that the erection of two houses would result in over development of the site. The development would result in the permanent loss of an area of green space to the detriment of the character and amenity of the surrounding area. 3. The development would be contrary to Policy PMD2 - Quality Standards of the Scottish Borders Local Development Plan 2016 in that the erection of two houses on this site would not respect the character of the surrounding area. The development of this site would result in the permanent loss of meaningful green space.

Reason for Appeal: The appeal has been carefully considered by planning professionals and found to be approvable subject to standard conditions.

Method of Appeal: Written Representations

2.1.2 Reference: 20/00753/FUL  
Proposal: Erection of 22 dwellinghouses with new access road and associated work  
Site: Land East of Knapdale 54 Edinburgh Road, Peebles  
Appellant: S Carmichael Properties Ltd

Reason for Refusal: Appeal against non-determination of application.

Reason for Appeal: The proposed development is in a sustainable location and fits with the LDP strategy for development and can be considered appropriate in accordance with Policy PMD4 c) for approval in this circumstance.

Method of Appeal: Written Representations

## 2.2 Enforcements

Nil

## 2.3 Works to Trees

Nil

# 3 APPEAL DECISIONS RECEIVED

## 3.1 Planning Applications

3.1.1 Reference: 20/00067/FUL  
Proposal: Erection of 52 holiday lodges with office, reception/shop and formation of associated roads and parking  
Site: Land North West of Willowdean House, Foulden  
Appellant: Mr and Mrs J & H Tait

Reason for Refusal: The development would be contrary to Policy ED8 - Caravan and Camping Sites of the Scottish Borders Local Development Plan 2016 in that proposed holiday lodges are not of the highest quality, are not in keeping with the local environment and will have an unacceptable adverse impact on local infrastructure, specifically the capacity of local roads. Furthermore the development would be contrary to Policy PMD2 - Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale, massing and density of the proposed holiday lodges is not appropriate to their surroundings, would not be compatible with or respect the character of the surrounding area and would lead to overdevelopment of the site. The proposed holiday lodges would result in an unacceptable form of development inconsistent with the landscape characteristics of the surrounding area and would lead to unacceptable adverse impacts on pedestrian and road safety.

Reason for Appeal: The development described in this Appeal constitutes sustainable, high quality development in accordance with Scottish Planning Policy. It is also the case that the development accords with the Scottish Borders Local Development Plan (2016). Having regard

to the Development Plan, the Appellant considers that the proposed development is in keeping with and respects the local environment in accordance with Policy ED8 and other relevant national and local planning policies. The scale, massing and density of the proposed development is acceptable and respects the character of the area in accordance with Policy PMD2 and other relevant national and local planning policies. The proposed development would not have an unacceptable impact on local infrastructure or the capacity of local roads in accordance with Policy ED8 and other relevant national and local planning policies. The proposed development would not give rise to unacceptable impacts on pedestrian and road safety.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Stephen Hall, concluded that while the general support the proposal received from the provisions of the Tourism Strategy, the reporter considers that the conflicts with Policy ED8 are the more powerful factor in this case, and therefore the proposal does not comply overall with the development plan. The Screening Report stated that the proposed development may lead to temporary and long term impact through sediment run-off, pollution, sewerage, an increase in flow and in the absence of mitigation there could be a likely significant effect on the River Tweed Special Area of Conservation. For these reasons the proposed development does not accord overall with the relevant provisions of the development plan and there are no material considerations which would still justify granting planning permission. The reporter considered all the other matters raised, but there are none which would lead him to alter his conclusion to dismiss the appeal.

### 3.2 Enforcements

Nil

### 3.3 Works to Trees

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained no appeals previously reported on which decisions were still awaited when this report was prepared on 19<sup>th</sup> March 2021.

## 5 REVIEW REQUESTS RECEIVED

Nil

## 6 REVIEWS DETERMINED

6.1 Reference: 20/00923/PPP  
Proposal: Erection of dwellinghouse  
Site: Land North West of Whinneybrae, Skirling

Appellant: R E Wood And Sons

Reason for Refusal: The proposed development is contrary to policy HD2 of the Local Development Plan 2016 and the adopted supplementary planning guidance on New Housing in the Borders Countryside, in that the site is outwith any recognised settlement or building group and the need for the house has not been adequately substantiated. Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside which would set an undesirable precedent for similar unjustified proposals.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 20/00956/PPP  
Proposal: Erection of dwellinghouse with integral garage  
Site: Land North East of Balcladach, Easter Ulston, Jedburgh  
Appellant: Mr D J Irvine

Reasons for Refusal: 1. The proposed development is on land subject to a Section 75 agreement which specifically prohibits further development of dwellinghouses on the land and no application to modify this agreement has been submitted or approved. 2. The proposal is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would be within a previously undeveloped field, beyond the natural and man-made boundaries of the Easter Ulston building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area. 3. The proposal is contrary to Policy PMD1, Sustainability of the Scottish Borders Local Development Plan (2016), in that it would present itself as ribbon development contrary to the sustainable use and management of land. 4. The proposal is contrary to Policy PMD2, Quality Standards of the Scottish Borders Local Development Plan (2016), in that the site is not compatible with or respects the character of the surrounding area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

## 7 REVIEWS OUTSTANDING

7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 19<sup>th</sup> March 2021. This relates to a site at:

- |                                   |   |
|-----------------------------------|---|
| • Angling Club, 5 Sandbed, Hawick | • |
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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 one S36 PLI previously reported on which a decision was still awaited when this report was prepared on 19<sup>th</sup> March 2021. This relates to a site at:

|  |   |
|--|---|
| • Crystal Rigg Wind Farm,<br>Cranshaws, Duns | • |
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### Approved by

**Ian Aikman**  
**Chief Planning & Housing Officer**

**Signature .....**

### Author(s)

| Name         | Designation and Contact Number                              |
|--------------|---|
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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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