

SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY

MINUTE of MEETING of the LOCAL REVIEW
BODY held in the Council Headquarters, Newtown
St. Boswells on 17 August 2015 at 10.00 a.m.

Present:- Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, S. Mountford, B. White.
Apologies:- Councillor D. Moffat.
In Attendance:- Major Applications, Review and Enforcement Manager, Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

MEMBER

Councillor Gillespie did not take part in the discussion of the review of application 14/00835/FUL, detailed in paragraph 1 below, as he had not been present at the meeting when this review was first considered.

CONTINUATION: REVIEW OF APPLICATION 14/00835/FUL

1. With reference to paragraph 5 of the Minute of 15 June 2015, consideration was continued of the request from Mr Alistair Moody to review the decision to refuse the planning application in respect of the siting of a static caravan (retrospective) at Tibbie Shiels Inn, St Mary's Loch, Selkirk. In relation to the further written procedure and the Review Body's request for evidence of the actual usage of the caravan and associated economic justification for that use, there had been circulated copies of a submission from the applicant and a response from the planning officer. According to the information provided by Mr Moody, the caravan had been used principally for temporary accommodation for staff who worked at the Tibbie Shiels Inn and for the St Mary's Angling Club bailiff. Members had hoped for a more detailed economic justification for the use of the caravan but recognised that its temporary usage for short term holiday lets or for staff, effectively supported the operation of a local business in this rural location. In Members' view the caravan was well screened and did not have an impact on the visual character of the area. However, being mindful of the possible deterioration in the condition of the caravan the Review Body agreed that planning permission should be temporary. It was also agreed that the occupancy of the caravan should continue to be on a temporary basis and be controlled by a planning condition.

DECISION

AGREED that:-

- (a) **the review could be determined without further procedure on the basis of the papers submitted and the further written submission;**
- (c) **the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (e) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted subject to conditions and an informative, as detailed in Appendix I to this Minute.**

REVIEW OF APPLICATION 13/00401/FUL

2. There had been circulated copies of the request from Mr Ewen Brown, per Camerons Ltd (Leith), Timberbush House, Leith, to review the decision to refuse the planning application in respect of the erection of 12 holiday cabins, office/laundry block and associated works on

land south west of Milldown Farmhouse, Coldingham. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling and papers referred to in the report, consultations, objections, a general comment and a list of relevant policies. Members agreed that new evidence submitted with the Notice of Review did not meet the tests set out in Section 43B of the Act and proceeded to consider the case without reference to that evidence. Noting that the site lay within the Berwickshire Coast Special Landscape Area Members went on to consider the visual and landscape impacts of the proposed development, the impact of additional traffic in Coldingham and the suitability of the access. The Review Body concluded, from the information provided, that the landscape and environmental impacts would not be outweighed by any proven economic benefits.

**DECISION
AGREED**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) **the review could be determined without further procedure on the basis of the papers submitted;**
- (d) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (e) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

REVIEW OF 14/00934/FUL

3. There had been circulated copies of the request from Mr Fred Millar per Keppie Planning and Development, 160 West Regent Street, Glasgow, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse and detached garage on land west of 3 Nethermain's Cottage, Duns. The supporting papers included the Decision Notice, Notice of Review, officer's report of handling, consultations and a list of relevant policies. The Local Review Body considered new evidence that had been submitted with the Notice of Review which was in respect of a change in personal circumstances of the applicant. In terms of Section 43B of the Act, Members concluded that, as the information could not have been raised before that time, there were exceptional circumstances that allowed them to consider this new evidence. In considering the application, Members were satisfied that a building group existed at Nethermain's and that the proposed development constituted an appropriate extension of the building group.

**DECISION
AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review could be determined with reference to the new evidence submitted with the Notice of Review documentation;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) **the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, an informative and a legal agreement, as detailed in Appendix III to this Minute.**

REVIEW OF 14/01182/FUL

4. There had been circulated copies of the request from Mr and Mrs D Thomson per Fred Walker Associates, 19 Biggar Road, Silverburn, Penicuik, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse with integral garage and incorporating granny flat on land south of Boggsbank, Boggsbank Road, West Linton. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report, papers referred to in the report, consultations, general comment and a list of relevant policies. In reviewing the application Members took account of the view expressed by the Reporter in the appeal decision in 2004 (03/00202/OUT) that there was a building group and sense of place at this location. Members concluded that a building group of at least 3 dwellinghouses existed at Boggsbank and that the proposed development constituted an appropriate extension of the building group.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, an informative and a legal agreement, as detailed in Appendix IV to this Minute.**

REVIEW OF 15/00071/FUL

5. There had been circulated copies of the request from R & M Brockie & Son, per Erich Planning and Property Consultants, 40 Belgrave Road, Edinburgh, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land north of Wormiston Farm, Eddleston. The supporting papers included the Decision Notice, Notice of Review, officer's report, consultations and a list of relevant policies. Members were satisfied that a building group existed at Wormiston Farm. It was noted that the proposed site lay outwith the natural boundary of the building group but, after careful consideration, Members concluded that the proposed development would be a logical extension and acceptable addition to that group.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, informatives and a legal agreement, as detailed in Appendix V to this Minute.**

The meeting concluded at 12.20 pm

APPENDIX I

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

**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**

Local Review Reference: 15/00007/RREF

Planning Application Reference: 14/00835/FUL

Development Proposal: Siting of residential caravan (retrospective)

Location: Land West of Tibbie Shiels Inn, St Mary's Loch, Selkirk

Applicant: Alistair Moody Proprietor

DECISION

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

DEVELOPMENT PROPOSAL

The application relates to siting of residential caravan at land west of Tibbie Shiels Inn, St Mary's Loch, Selkirk. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	-
Site Plan	-

PRELIMINARY MATTERS

The Local Review Body considered, at its initial meeting to discuss the matter on 15th June 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling

(papers referred to in Report of Handling); (d) Consultations; (e) Objection; (f) Further representation and (g) List of Policies, the Review Body concluded that it did not have sufficient information to determine the review and that further procedure was required in this instance in the form of further written submission in respect of:

- (i) evidence of the basis on which the caravan had been occupied over the last 2-3 year period in respect of the nature of user and length of period(s) of use in each case; and
- (ii) the proposed use or uses going forward with economic justification for the use(s)

In coming to this conclusion, the Review Body considered the request from the applicant for further procedure in the form of written representations, oral hearings and a site visit.

The Review Body re-convened to determine the case on 17th August 2015 and considered the two submissions from the appointed officer and the applicant in respect of the listed items.

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 the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: G1, D1 and D2

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

- Scottish Borders Supplementary Planning Guidance on new Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Local Landscape Designations 2012
- Draft Scottish Borders Local Development Plan 2013

The Review Body noted that the static caravan was already in-situ at the site and had been there for some considerable period. Members were quite content that it had no impact on the visual qualities of the locality. The caravan was placed within an existing woodland area, at a lower level than the main access road and during the summer months it would be well screened.

In terms of the use of the caravan, the Review Body noted that it had been occupied by staff at the Tibbie Shiels Inn, and for the bailiff for St Mary's Angling Club in the past three years. It had not been used for permanent residential use. Whilst the economic case that had been submitted by the applicant was far from robust, Members were satisfied that, if the caravan was occupied by staff or for short term holiday lets, it would help support an important local rural business. The occupancy could be restricted by the imposition of a suitable planning condition. The Review Body concluded that the development would be consistent with Local Plan policy D1.

While the caravan was currently in a reasonable condition, Members did not feel that it was suitable for permanent retention at the site. In the circumstances, the Review Body considered that temporary 10 year permission was appropriate in this case.

CONCLUSION

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

DIRECTION

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. Within 3 months of this consent, a scheme shall be submitted to and approved by the Planning Authority detailing how any free standing objects at the site, such as the septic tank, are to be securely anchored to the ground. Thereafter, the approved scheme to be carried out in accordance with the approved implementation plan set out in the scheme.
Reason: To prevent such objects being washed away in a flood causing potential damage downstream and blocking culverts and bridges.
2. The occupation of the caravan shall be restricted to following:
 - (a) person/s solely or mainly employed, and their dependents, in the Tibbie Shiels Inn business premises located on the site.
 - (b) genuine holidaymakers for individual periods not exceeding 4 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: The use of the caravan for permanent residential use in this location would conflict with the established planning policy for this rural area.
3. The caravan hereby permitted shall be removed and the land restored to its former condition on or before 17th August 2025.
Reason: The caravan is constructed of materials which are likely to deteriorate to the detriment of the external appearance of the caravan and which would then have an adverse effect upon the visual amenity of the area.
4. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.

INFORMATIVE

The Council's Flood Officer advises that:

The developer must accept that their property is at flood risk and accept that flooding may occur.

As access and egress to the development may also be affected by flood waters, he would recommend that you receive flood warnings from SEPA, and should sign up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

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 R Smith
Chairman of the Local Review Body

Date:...2 September 2015

APPENDIX II

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

**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**

Local Review Reference: 15/00013/RREF

Planning Application Reference: 13/00401/FUL

Development Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Location: Land South West of Milldown Farmhouse, Coldingham

Applicant: Mr Ewen Brown

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary.
- 2 The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape.

- 3 The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn.
- 4 The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements.
- 5 The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats.
- 6 The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

DEVELOPMENT PROPOSAL

The application relates to the erection of 12 holiday cabins, office/laundry block and associated works at land South West of Milldown Farmhouse , Coldingham. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site layout : Location Plan	9065/0-07
Block Plans	Florida 3A
Floor Plans	gf Plan
Elevations	Views
Other `	3D
Other	3D-2
Floor Plans	GF Plan
Sections	Sections
Elevations	Views
Other	3D-2

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 17th August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) drawings; (e) Consultations; (f) Objections; (g) General comment and (h) List of Policies, the Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the Review Body considered the request from the applicants for further procedure in the form of written representations and a site visit.

The Notice of Review indicated that new evidence had been submitted to the Local Review Body that had not been before the appointed officer when the case was

determined. This was in respect of a letter from VisitScotland dated 5th May 2015. Members decided that this evidence did not meet the tests set out in Section 43B of the Act, and they proceeded to determine the case without reference to this information.

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 the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: EP2, EP4, INF11, INF6, INF5, INF4, INF3, INF2, H2, NE3, NE4, G4, G1 and D1

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

- Supplementary Planning Guidance on Local Landscape Designations 2012
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Scottish Borders Tourism Strategy 2013-2020
- Local Biodiversity Action Plan 2001
- Scottish Borders Proposed Local Development Plan 2013

The Review Body noted the site lay within the Berwickshire Coast Special Landscape Area, close to Coldingham Bay and within an area of scenic beauty and environmental sensitivity. On the basis of the submitted information and after considering the photographs of the site and locality, Members were not convinced that the visual and landscape impacts of the development were within acceptable limits. The site was detached from the settlement of Coldingham, lying beyond a natural boundary in the Milldown Burn and in an elevated and visible location. In their view, the development did not sit well within the landscape and would significantly detract from the scenic qualities of the area contrary to Policy EP2 of the Local Plan.

The Review Body was particularly concerned about the impact the additional traffic generated by the development would have on the village of Coldingham, during construction and operation of the site. In addition, they were not convinced that the proposed improvements from the Coldingham Road to the site were sufficient to provide safe and suitable access, particularly as no detail of the proposed bridge had been submitted.

The Review Body, whilst sympathetic, in general terms, to the development of additional tourist facilities, did not accept that a cogent economic case had been made for this particular development at this locality. The likely landscape and environmental impacts were not outweighed by any proven and identified economic benefits.

The Review Body agreed with the appointed officer that there was a significant lack of detailed information submitted with the application on a number of key elements of the development in terms of: flood risk assessment, access detail, impacts on biodiversity, trees and habitats as well as the viability of the proposed business. The lack of certainty on these issues counted against the development.

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.

3. 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.
4. 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 R Smith
Chairman of the Local Review Body

Date:...7 September 2015

APPENDIX III

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY INTENTIONS NOTICE**

**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**

Local Review Reference: 15/00012/RREF

Planning Application Reference: 14/00934/FUL

Development Proposal: Erection of dwellinghouse and detached garage

Location: Land West of 3 Nethermain's Cottage, Chirside, Duns

Applicant: Mr Fred Millar

DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement, as set out in this decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse and detached garage on land west of 3 Nethermain's Cottage, Chirside, Duns. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	P29/LOCA
Floor Plans	P29/SK1B
Floor Plans	P29/SK2
Elevations	P29/SK3
Block Plans	P29/SK4A
Floor Plan	P29/SK5

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 17th August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations and (e) List of Policies, the Review Body concluded that it had sufficient information to decide the case. In coming to this conclusion, Members considered the applicant's request for further procedure in the form of a site visit.

The Notice of Review indicated that new evidence had been submitted to the Local Review Body that had not been before the appointed officer when the case was determined. This was in respect of the change in the personal circumstances of the applicant, in that the applicant had now moved into an existing cottage on the farm and that it was his grandson that would occupy the new house. The Local Review Body concluded that the provisions of Section 43B of the Act allowed them to consider this new evidence. The Local Review Body considered that, as the information could not have been raised before that time, there were exceptional circumstances that allowed them to consider this new evidence,

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 the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: INF4, NE4, NE3, H2, D2, G5 and G1

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 Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013

In considering the provisions of Local Plan Policy D2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside, the Review Body was satisfied that a building group existed at Nethermains, comprising the farmhouse and the two farm cottages. The houses book-ended the existing farm buildings, which, in their view, also contributed to the area's sense of place.

Members' consideration turned to whether the proposed development would constitute an appropriate extension of the building group. The Review Body noted

that the site lay partially within the garden ground of the most westerly of the existing farm cottages and partly in the adjoining agricultural field. Members accepted the appointed officer's view that a development could be permissible if it was contained within its garden curtilage. In the circumstances, Members had to now judge whether extending the development site into the adjoining field would be demonstrably harmful to the appearance of the group and the locality. In their view, it would not.

The Review Body concluded that the existing boundary was not substantial and did not form a defensible edge to the group. The degree of existing screening at the site and along the approaches to the site and group more generally, meant that the boundary change would not be discernible and would have no visual impact on the character or appearance of the group. The provision of a suitably planted boundary would also assist in integrating the development into the building group.

The Review Body considered the design of the proposed house had much to commend it. The building was an attractive contemporary house that reflected local vernacular and which would make a positive contribution to the character and appearance of the building group.

CONCLUSION

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

DIRECTION

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. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. 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 trees and hedgerow to be retained and how they are to be protected during the construction phase
 - iii. location of new trees, shrubs, hedges and grassed areas and schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. location and design, including materials, of walls, fences and gates

- v. soft and hard landscaping works
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. other artefacts and structures such as street furniture, play equipment
- viii. A programme for completion and subsequent maintenance.

Thereafter the landscaping works shall be implemented in accordance with the approved scheme.

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

3. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

4. Prior to the commencement of the development, a scheme showing details of the necessary access, parking and turning arrangements for the new dwellinghouse shall be submitted to and approved by the Planning Authority. The scheme shall include:

- a new private access constructed to the following specification “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- Parking and turning for two vehicles, not including garages, provided within the curtilage of the plot that shall be retained solely for that purpose.
- a single passing place, as per the Council’s specification DC-1 (attached), constructed at an agreed location on the single track private road serving the site.
- Visibility splays, as per schematic block plan Dwg No. P291/SK4A, provided prior to occupation of the dwelling. Thereafter, the visibility splays to be maintained and kept clear from obstruction.

The agreed scheme shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: To ensure that the access road is of an acceptable standard to cater for the new development.

INFORMATIVE

The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

LEGAL AGREEMENT

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

5. 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.
6. 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 R Smith
Chairman of the Local Review Body

Date:...2 September 2015

APPENDIX IV

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

**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**

Local Review Reference: 15/00014/RREF

Planning Application Reference: 14/01182/FUL

Development Proposal: Erection of dwellinghouse with integral garage and incorporating granny flat

Location: Land South of Boggsbank, Boggsbank Road, West Linton

Applicant: Mr and Mrs D Thomson

DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement, as set out in this decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse with integral garage and incorporating granny flat on land south of Boggsbank, Boggsbank Road, West Linton. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	645/LP
Site Plan, Sections & Elevations	645/10
Floor Plans & Elevations	645/11
Photographs	645/PH

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 17th August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Drawings, (e) Consultations, (f) general comment and (g) List of Policies, the Review Body concluded that it had sufficient information to decide 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 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: INF2, INF4, NE4, H2, D2, G5 and G1

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 Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013

The Review Body gave significant weight to the view expressed by the Reporter in the appeal decision in 2004 (SBC ref: 03/00202/OUT) that a building group was evident at the locus. In the Reporter's opinion, a sense of place existed at the junction of the access serving West Water and Bogsbank Road, which extended eastwards up to West Water. Members also noted that planning permission had been granted for the conversion of an outbuilding between Westwater Cottage and Westwater to a house, which further consolidated the form of the group. In their view, whilst there was a dispersed development pattern, a cohesive building group existed at Bogsbank. The Review Body concluded that a building group of at least 3 dwellinghouses existed at Bogsbank in accordance with the provisions of Policy D2 of the Local Plan.

The Review Body turned its attention to whether the site was a suitable addition to the group. They considered the site to be well contained by existing landscape features: the embankment along the southern boundary and the access roads and woodland to the north, east and west. They were satisfied that the site lay within the natural boundaries of the group and was contained within the established sense of place.

Members were also content that the proposed site had a good relationship to the existing residential properties particularly Bogsbank and Westwater Cottage and that the new house would not impinge on their amenity or outlook. In terms of the design of the house, the Review Body considered the building was an attractive

contemporary house that reflected local vernacular and which would make a positive contribution to the character and appearance of the building group.

CONCLUSION

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

DIRECTION

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. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

2. 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 trees and hedgerow to be retained
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Thereafter the landscaping works shall be implemented in accordance with the approved scheme.

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

3. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

4. Prior to the commencement of the development, a scheme showing details of the necessary access, parking and turning arrangements for the new

dwellinghouse shall be submitted to and approved by the Planning Authority. The scheme shall include:

- a new private access constructed to the following specification: “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- the access must have a 5 metre throat width and 6 metre radii, to allow two vehicles to pass without affecting the traffic flow.
- parking and turning for two vehicles, not including garages, provided within the curtilage of the plot that shall be retained solely for that purpose.
- visibility splays of 2.4 x 160 metres must be provided in both directions. Thereafter, the visibility splays to be maintained and kept clear from obstruction.

The agreed scheme shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: To ensure that the access road is of an acceptable standard to cater for the new development.

5. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

INFORMATIVE

In terms of condition 4 above, it should be borne in mind that only Council approved contractors may work within the public road boundary.

LEGAL AGREEMENT

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

7. 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.
8. 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 R Smith.
Chairman of the Local Review Body

Date:...7 September 2015

APPENDIX V

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

**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**

Local Review Reference: 15/00016/RREF

Planning Application Reference: 15/00071/FUL

Development Proposal: Erection of dwellinghouse

Location: Land North of Wormiston Farm, Eddleston

Applicant: R & M Brockie & Son

DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement, as set out in this decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land north of Wormiston Farm, Eddleston. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	2014/46/101
Elevations	2014/46/104/A
Floor Plans	2014/46/103/A
Site Plan	2014/46/102/A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 17th August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations; and (e) List of Policies, the Review Body concluded that it had sufficient information to decide 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 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

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

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 Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013

The Local Review Body was satisfied that there was a building group at Wormiston Farm, as defined in Local Plan Policy D2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside comprising the 3 farm cottages to the south and the farmhouse bungalow to the north of the group. The houses book-ended the existing farm buildings, which also contributed to the area's sense of place.

The Local Review Body then considered whether the proposed house was a suitable addition to the existing group. The Review Body noted the appointed officer considered that the tree belt to the north of the farmhouse bungalow constituted a natural boundary to the building group, and that the proposed site was located out with that boundary.

The Review Body was satisfied that the proposal would be consistent with the existing development pattern at the group. The new house would relate well to the building group, which is a long linear ridgeline feature, with buildings intermittently screened by trees and open to view from the A703. The provision of strong tree belt and landscaping would help further assist the integration of the house into the landscape. Consequently, it was concluded that the site in question was an acceptable addition to the building group

In view of the decision to accept that this was a suitable addition to the building group there was no requirement to consider the question of economic need for the house or the availability of alternative sites or premises at Wormiston for the applicant.

Members turned their attention to the acceptability of the proposed house. They noted that positive changes had been made to the design of the house in response to criticism from the appointed officer and they were satisfied that these had produced a house that would sit well in the landscape and was in keeping with the character of the group.

CONCLUSION

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

DIRECTION

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. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. 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. measures to ensure adjoining trees are protected during the construction phase
 - iii. location of new trees, shrubs, hedges and grassed areas and schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. location and design, including materials, of walls, fences and gates
 - v. soft and hard landscaping works
 - vi. existing and proposed services such as cables, pipelines, sub-stations
 - vii. other artefacts and structures such as street furniture, play equipment
 - viii. a programme for completion and subsequent maintenance.

Thereafter the landscaping works shall be implemented in accordance with the approved scheme.

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

3. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced and to ensure that the development does not have a detrimental effect on public health.

4. No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area. The development shall then be implemented in accordance with the approved details

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

5. Prior to the commencement of the development, a scheme showing details of the necessary access, parking and turning arrangements for the new dwellinghouse shall be submitted to and approved by the Planning Authority. The scheme shall include:

- i. a service lay-by incorporated into the access as per Council specification DC-3 (attached).
- ii. the first 5 metres of the access at a gradient not exceeding 1 in 18 and thereafter the maximum gradient to be 1 in 8. The area intended for the parking and turning of motor vehicles not to exceed a gradient of 1 in 18.
- iii. a construction specification for private driveway and parking area
- iv. parking and turning for a minimum of two vehicles, excluding garages, to be provided within the curtilage of the plot prior to the dwellinghouse being occupied, and thereafter retained solely for that purpose.
- v. a single passing place to be provided at an agreed location and constructed as per the Council's my specification DC-1 (attached).
- vi. Visibility splays of 2.4 metres by 90 metres in both directions onto the public road to be provided prior to the dwelling being occupied. Thereafter, the visibility splays to be maintained and kept clear from obstruction.
- vii. confirmation to be provided as to the relocation of the existing field access

The agreed scheme shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: To ensure that the access road is of an acceptable standard to cater for the new development.

6. No development shall commence until a scheme indicating the finished floor level of the dwellinghouse hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. The dwellinghouse shall then be erected in strict accordance with those agreed levels.

Reason: To ensure that the proposed development achieves a suitable landscape fit and does not have an adverse effect upon the visual amenity of the locality.

INFORMATIVES

Water Supply

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement

Solid Fuel Use

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

LEGAL AGREEMENT

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

9. 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.

10. 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 R Smith
Chairman of the Local Review Body

Date:...2 September 2015