

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: 15/00020/RREF

Planning Application Reference: 15/00424/FUL

Development Proposal: Erection of house

Location: Land south of Riding Centre, Sunnyside Farm, Reston

Applicant: Mr A Morgan

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 the decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of a house on land south of Riding Centre at Sunnyside Farm, Reston. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	6022.SP
Site Plan	6022PL2
General	6022PL1

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 21st September 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) Consultations; (e) Support comment and (f) List of Policies, the Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case.

Within the appellant's statement reference was made to agreement to submit and implement a landscape plan. Although this was not submitted to the appointed officer it was considered a natural consideration as part of any application submission and was not considered to be new material in terms of section 43B of the Act. The LRB agreed to give consideration to this request.

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, D2, G5, Inf4, Inf5, H2, NE3, NE4,

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

Other Material Considerations

- Supplementary Planning Guidance on Placemaking and Design 2010
- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Privacy and Sunlight Guide 2006
- Supplementary Planning Guidance on Landscape and Development 2008
- Supplementary Planning Guidance on Development Contributions 2011
- Supplementary Planning Guidance on Biodiversity 2005
- Planning Advice Note 72 – Housing in the Countryside
- Scottish Borders Proposed Local Development Plan 2013
- Scottish Planning Policy 2014

The Review Body viewed and noted the plans submitted, photographs of the proposed site and details of the proposal. Although a business case was submitted with the application in support of the proposed house, in the first instance members considered whether there was a building group at Sunnyside Farm. They noted the existence of a farmhouse, the applicant's property and 3no cottages owned by the farm. They considered such a group existed and that the possibility of development within that group could be allowed under the 30% expansion rule.

The members noted the views of the Appointed Officer and in particular the conclusion that the proposal to develop into an open field which extended outwith

the natural boundaries of the group was not in compliance with the Housing in the Countryside policy. They turned their attention therefore to whether the house would be an acceptable addition to the group.

Members considered that the location of the house immediately next to the riding arena was on an area of land which had a sense of place and related well to the existing group. Ultimately they considered the proposed location and details of the design of the single storey house to be an acceptable addition to the group. Members therefore concluded that the siting of the development at the proposed location would in itself be in accordance with the Development Plan and the Housing in the Countryside policy. Given that conclusion there was no need to further consider the economic justification for the proposal, nor was there any need to consider whether any occupancy conditions, or any other planning obligation, would be necessary to make the proposal acceptable.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent to 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. 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.

3. 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 landscaping features, trees and vegetation to be retained and, in the case of damage, restored
- 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.

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

4. Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence.

Reason : In the interests of road safety

5. Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

Reason : To ensure adequate parking provision for vehicles

Informative

SEPA stated that in relation to waste water drainage they note the applicant intends to deal with foul drainage arising from the site by way of a septic tank discharging to a soakaway. Assuming the porosity is suitable, this is acceptable to SEPA and potentially consentable under the Water Environment (Controlled Activities) (Scotland) Regulations (also known as CAR). The applicant should contact our SEPA Local Regulatory Team at the number below in order to discuss the CAR registration process.

SEPA also stated that details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

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.

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 J Brown
Chairman of the Local Review Body

Date ...4 October 2015
