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## **PLANNING APPEALS & REVIEWS**

**Briefing Note by Chief Planning & Housing Officer**

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### **PLANNING AND BUILDING STANDARDS COMMITTEE**

**2<sup>nd</sup> August 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

Nil

- 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 2 appeals previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> July 2021. This relates to sites at:

- |                                     |                            |
|-------------------------------------|----------------------------|
| • Lidl UK GmbH, Wilton Path, Hawick | • 1 Broad Street, Eyemouth |
|-------------------------------------|----------------------------|

## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 20/00809/FUL  
Proposal: Change of use of site to business and industrial land with associated perimeter security fence  
Site: Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth  
Appellant: Eystore Limited

Reason for Refusal: The proposed development is contrary to Local Development Plan Policy PMD2 (Quality Standards) and ED1 (Protection of Business and Industrial Land) in that the development would have a harsh and harmful visual impact and would not respect the character and amenity of The Loaning Core Path.

5.2 Reference: 21/00137/FUL  
Proposal: Erection of ancillary accommodation to dwellinghouse and installation of 12 KW ground mounted solar array  
Site: Penvalla, Broughton  
Appellant: Mr Bradley Clarke

Conditions Imposed: 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority. Reason: To ensure that the development is carried out in accordance with the approved details. 2. The development hereby approved shall remain as permanent ancillary accommodation to the principal dwelling (known currently as Penvalla) and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit and it shall not be used for independent residential or holiday rental purposes. Reason: The planning authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to infrastructure provision and an intensification of use of the road/access by increased vehicle movements would not be appropriate in this location. 3. No development shall be commenced until a detailed 'method statement' in relation to all works within the root protection area (RPA) of retained trees has been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement: a) A scaled plan (minimum of 1:200) showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees. The Tree Protection Plan (as required in BS 5837:2012) to be submitted should show location of all tree protection in relation to the proposed development, fencing and with hatching or other to show ground protection and there should be a statement about hand digging only within RPAs - when excavations are absolutely necessary; b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant; c) a specification

for protective fencing to safeguard trees during the construction phases and a plan indicating the alignment of the protective fencing; d) a specification for ground protection within RPAs. The development thereafter shall be implemented in strict accordance with the approved details. Reason: To ensure that the trees to be retained and which are of value to the national scenic area will not be damaged during construction operations. 4. No development should commence until evidence has been provided to the planning authority that the ancillary building is to be connected to the public water supply and foul drainage system, unless otherwise agreed in writing with the planning authority. Thereafter, the ancillary building shall not be occupied until the connections are made to those networks. Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that the development does not have a detrimental effect on amenity and public health.

- 5.3 Reference: 21/00244/FUL  
Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works  
Site: Slaters Yard off Charlesfield Road, St Boswells  
Appellant: AB Wight Engineering Ltd

Reasons for Refusal: 1. The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary. 2. The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area. 3. The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

- 5.4 Reference: 21/00486/FUL  
Proposal: Part Change of Use of ground floor to Class 10 and alterations to form additional office space from attic floor  
Site: 3 Rowan Court Suite 3, Cavalry Park, Peebles  
Appellant: Mr Stephen Lamb

Reason for Refusal: The development would be contrary to policies ED1 and PMD3 of the Local Development Plan 2016 in that the use as a day

centre for the elderly (falling within class 10 of The Town and Country Planning (Use Classes)(Scotland) Order 1997) would not be a commercial activity that would be complementary or ancillary to the Cavalry Park Strategic High Amenity Site and would result in the loss of high quality office accommodation and its replacement with potentially less attractive accommodation. This would not serve to protect the business park adequately for employment purposes. This conflict with the Development Plan is not overridden by other material considerations.

## 6 REVIEWS DETERMINED

Nil

## 7 REVIEWS OUTSTANDING

7.1 There remained 4 reviews previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> July 2021. This relates to sites at:

<ul style="list-style-type: none"><li>• Linden, Causewayend, Ancrum, Jedburgh</li></ul>	<ul style="list-style-type: none"><li>• Site East of Dogcraig Cottage Scotsmill, Peebles</li></ul>
<ul style="list-style-type: none"><li>• Land West of The Old Barn Westwater, West Linton</li></ul>	<ul style="list-style-type: none"><li>• Land South West of Rachan Woodlands, Broughton</li></ul>

## 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 26<sup>th</sup> July 2021. This relates to a site at:

<ul style="list-style-type: none"><li>• Crystal Rigg Wind Farm, Cranshaws, Duns</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>
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**Approved by**

**Ian Aikman  
Chief Planning & Housing Officer**

**Signature .....**

**Author(s)**

*Planning & Building Standards Committee 2<sup>nd</sup> August 2021*

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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