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## PLANNING APPEALS & REVIEWS

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### Briefing Note by Chief Planning & Housing Officer

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## PLANNING AND BUILDING STANDARDS COMMITTEE

6<sup>th</sup> September 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: 21/00338/LBC  
Proposal: Replacement windows  
Site: Rowanside, The Row, Longformacus, Duns  
Appellant: Mr Mark Latto

Reason for Refusal: The replacement uPVC windows to the principal elevation would be discordant and incongruous features that would adversely impact upon the special character and appearance of the listed building. The proposal would have an adverse impact on the Rowanside and it would not preserve or enhance the architectural or historic interest of the listed building. The proposal is contrary to Policy EP7 of the Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance 'Replacement Windows and Doors 2015'.

Reasons for Appeal: 1. Riverside Cottage less than 100m from property, also a Grade C Listed building, has had the same windows fitted. 2. Would like all new windows to be of the same construction throughout to bring Rowanside back to an original look for period. 3. The rear of the property has no direct sunlight causing the wooden window's to rot, not lasting as long as PVC options. 4. All windows in the properties along The Row are of mixed styles and materials. The Appellant wishes to fit durable windows in the correct style for the property. 5. Agent has stated that wooden windows will be 3 times more expensive with less life expectancy. Honey House, next door had new windows fitted 2 years ago which have split. Appellant feels that wooden windows will not last as long and therefore have a bigger impact on the environment.

[Please see the DPEA Website for the Appeal Documents](#)

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:	20/01544/ADV
Proposal:	Installation of bill board signage
Site:	Lidl UK GmbH, Wilton Path, Hawick
Appellant:	Lidl UK GmbH

Reason for Refusal: The proposal fails to comply with criteria b) of Policy IS16 and criteria i) and k) of Policy PMD2 of the Scottish Borders Council Local Development Plan 2016, in that the scale and billboard design of the proposal is not in keeping with the character and visual amenity of the surrounding residential area where the sign will be visible from. The proposal would, therefore, have an unacceptable adverse impact on the amenity of the area.

Reason for Appeal: The Town & Country Planning Act Control of Advertisement (Scotland) Regulations (1984) limits the exercise of powers for the control of advertisements solely in the interests of amenity and public safety. There is no suggestion from the planning authority in either the Report of Handling (C1) or in the reason for refusal (C2) that the proposal raises any concerns in terms of public safety. In terms of road safety this is reinforced in the consultation response from SBC Roads Planning Service (B1) which only considers the original proposals for illuminating the sign and, even with this, no objection was raised provided that a condition was imposed limiting the luminance of the proposed lighting. As noted above, this aspect of the proposal has been withdrawn and such a condition would not be necessary. There is no suggestion that this proposal has any effect on pedestrian or vehicular safety as a result of its size or location. The focus of these grounds of appeal is therefore concerned with the impact of the proposed advertisement on amenity.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter states the introduction of billboard signage of the size proposed at this location would be incongruous with the surrounding residential area, particularly given the discrete siting of commercial premises and lack of advertising in the vicinity. Approximately two thirds of the sign would extend above the level of Wilton Path to the north of the sign location. The proposal, given its size and siting, on the embankment, would be a prominent feature in the streetscene, at odds with the surrounding context and would harm the amenity of the area as a result. The sign would not impede forward visibility to vehicles or impede pedestrian movement. The reporter is satisfied that the proposal would

not adversely affect public safety and is reassured in reaching this conclusion, given that Roads Planning Service had no objection to the application. The reporter concluded that whilst the proposal would not be contrary to the interests of public safety, it would be detrimental to amenity. The reporter dismissed the appeal and refused advertisement consent.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

### 3.2 Enforcements

Nil

### 3.3 Works to Trees

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> August 2021. This relates to a site at:

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| • 1 Broad Street, Eyemouth | • |
|----------------------------|---|

## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 20/01327/FUL  
Proposal: Erection of dwellinghouse  
Site: Land Adjacent Carnlea, Main Street, Heiton  
Appellant: Mr Mark Graham

Reason for Refusal: The proposed development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out.

5.2 Reference: 20/01620/PPP  
Proposal: Erection of 4 no dwellinghouse with associated infrastructure and access  
Site: Land South of Crunzion Cottage, Earlston Road, Stow, Galashiels  
Appellant: Mr Bruce Weir

Reason for Refusal: The development would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would be located outside the settlement boundary of the village and does not meet the exceptions contained within Policy PMD4, particularly in that strong reasons have not been given to demonstrate that there is a shortfall identified by the Council through the housing land audit with regard to the provision of an effective five year housing land supply. Furthermore, it would not represent a logical extension of the built-up area and would not be sympathetic to the

character of the settlement or achieve visual cohesion with it. The resulting development would have an unacceptably adverse effect on the character of the settlement at this location, thus also conflicting with Policy PMD2 of the Local Development Plan 2016. This conflict with the Local Development Plan is not overridden by other material considerations

- 5.3 Reference: 21/00624/PPP  
Proposal: Erection of dwellinghouse  
Site: Land East of Renton Bush, Reston  
Appellant: Aver Chartered Accountants

Reason for Refusal: The development would be contrary to policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that there is no building group at this location and no other case for a dwellinghouse at this location has been presented. The proposed development would comprise sporadic development in a countryside location. This conflict with the Local Development Plan is not overridden by any other material considerations.

## 6 REVIEWS DETERMINED

- 6.1 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to a Condition)

- 6.2 Reference: 20/00962/FUL  
Proposal: Replacement windows and door  
Site: Linden, Causewayend, Ancrum, Jedburgh  
Appellant: Mr John Szkudro

Reason for Refusal: The use of uPVC for the replacement windows and the design and specification of the door fail to comply with Policies PMD2 and EP9 of the Scottish Borders Council Local Development Plan 2016, and with the advice contained within the Replacement Windows and Doors SPG (2015), in that their appearance would result in an adverse visual impact on the character of the building and would be detrimental to the character and appearance of the Ancrum Conservation Area, including the Area of Prime Frontage.

Method of Review: Review of Papers & Site Visit

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

6.3 Reference: 20/01350/PPP  
Proposal: Erection of dwellinghouse with associated access  
Site: Site East of Dogcraig Cottage Scotsmill, Peebles  
Appellant: Lady Angela Buchan Hepburn

Reasons for Refusal: 1. The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road in a countryside location and no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.4 Reference: 21/00030/PPP  
Proposal: Erection of dwellinghouse with outbuildings and associated work including new access  
Site: Land South West of Rachan Woodlands, Broughton  
Appellant: Mr J Warnock

Reasons for Refusal: 1. The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and no overriding case for a dwellinghouse on the site has been substantiated. The applicant has failed to demonstrate that there exists no appropriate site within a building group and there is no suitable existing house or other building capable of conversion for the required residential use and no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policy EP4 of the Local Development Plan 2016 in that it is likely to have a significant adverse effect on the qualities for which the site and its surroundings have been designated and no overriding case for a dwellinghouse on this site within the Upper Tweeddale National Scenic Area has been substantiated. This conflict with the development plan is not overridden by other material considerations. 3. The development would be contrary to policy EP10 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that proposed house is not carefully sited and is not informed by and respectful of the historic landscape structure. No overriding case for a dwellinghouse on this site within the locally designated Rachan designed landscape has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.5 Reference: 21/00285/PPP  
Proposal: Erection of dwellinghouse  
Site: Land West of The Old Barn Westwater, West Linton  
Appellant: Mr Charles Bruce

Reason for Refusal: The development would be contrary to policy HD2 of the Local Development Plan 2016 in that the development would exceed the limitations of the group during the current Local Development Plan period. No overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

## 7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> August 2021. This relates to sites at:

• Penvalla, Broughton	• 3 Rowan Court Suite 3, Cavalry Park, Peebles
• Slaters Yard off Charlesfield Road, St Boswells	•

## 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> August 2021. This relates to a site at:

• Crystal Rigg Wind Farm, Cranshaws, Duns	•
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### Approved by

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

**Signature .....**

**Author(s)**

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**Background Papers:** None.

**Previous Minute Reference:** None.

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071  
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