

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Mark Graham

Address Fairfield, Crailing

Postcode TD8 6TW

Contact Telephone 1

Contact Telephone 2

E-mail* john@patterson-architecture.co.uk

Agent (if any)

Name John Patterson

Address 16 Riverside View, East Broomlands, Kelso

Postcode TD5 7UG

Contact Telephone 1

Contact Telephone 2

E-mail* john@patterson-architecture.co.uk

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 20/01327/FUL

Site address Land Adjacent Carnlea Main Street Heiton Scottish Borders

Description of proposed development
Erection of dwellinghouse

Date of application 3 November 2020

Date of decision (if any) 2 June 2021

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review (tick one box)

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

The matters relating to the evidence presented in the planning application and the statement of case may require further discussion. It may also require additional evidence.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No reasons.

Statement

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The Local Review is requested as the decision of the LPA is considered unreasonable and does not reflect the land use of the site, the replacement of the former residential dwelling and the lawful access afforded by the Land Registry Deeds.

The Local Review is therefore requested to consider the development proposals.

Please see the attached documents including the Statement of Case (July 2021).

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. **Note:** there will be no opportunity to submit further documents to accompany this notice of review.

04-01884-OUT - Case Officer Email, 05_00012_REM - Scottish Water, Photo - Access, Application Form, Burns Chronicles (1946) (Appendix 3), Burns Chronicles (1951-2) (Appendix 4) Community Council, Decision Notice, DM_Manager Agreement, Education and Lifelong Learning, Elevations (CURRENT), Elevations (SUPERSEDED), Email - Amended Plans Floor Plans (CURRENT), Floor Plans (SUPERSEDED), Helton - Statement of Case (July 2021), Land Registry Deeds - Location Plan, Land Registry Deeds (Appendix 1), Location Plan, Plan Amended 19-01-2021, Privacy and Overlooking Plan - (SUPERSEDED), Privacy and Overlooking Plan (CURRENT), Roads Highways (1), Roads Highways (2), Roof Plan (CURRENT), Roof Plan (SUPERSEDED), SBC Building Warrant (2005), SBC Officer Report, Scottish Water Letter - 20 April 2004 (Appendix 2), Scottish Water - 8 November 2020 Scottish Borders Local Development Plan Volume 1, Site Photo (Pine Tree), Site Photos 1, Site Photos 2, SITE_LAYOUT_PLAN (CURRENT), SITE_PLAN_SECTION_THROUGH (SUPERSEDED)

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed Date 10/07/2021

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk