

From:Jamie Murray
Sent:31 Mar 2021 15:00:56 +0100
To:Hayward, Julie
Cc:Oliver, Clare
Subject:21/00244/FUL

CAUTION: External Email

Julie

Please take this email as a response to the objections raised towards the above application.

1. The current use of Slater's Yard is a Storage Yard for agricultural machinery. This use falls under Class 6 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 which is noted as Storage & or Distribution.
2. The Sui Generis Class use, noted by objectors as, Sale or Display of Motor Vehicles refers to Motor Vehicles. Agricultural Machinery does not fall under the definition of Motor Vehicles. Furthermore, the wording of The Town & Country Planning (Use Classes) (Scotland) Order 1997, for the aforementioned Sui Generis Use, is **for the sale or display for sale of motor vehicles**; . The wording is very specific. Display for sale would generally expect to include pricing, signage, attendance and active invitation to the public. Slater's Yard has none of these and it is not the purpose or use of the site. There are many examples of vehicle stores throughout the Scottish Borders where vehicles are stored and even displayed, though not displayed for sale. Their use is Class 6 Storage.
3. The Town & Country Planning (Use Classes) (Scotland) Order 1997 permits change of use from Class 6 Storage & or Distribution to Class 4 Business use.
4. AB Wight are exercising the site's established planning use and it's permitted development planning use, and no more.
5. AB Wight are very disappointed by the Community Council's response. AB Wight are not developers trying to make a quick buck they are a local young business, wishing to expand and invest in the Scottish Borders. They support the local community and provide jobs.

6. Further zoned employment land is included in the Local Plan as part of the Charlesfield extension. This is noted in the Planning Statement. This land is not available in the short to medium term and AB Wight do not have time to wait for land to come available, that may never. Businesses fail if they don't take opportunities when they arise. This affects livelihoods and the local economy.
7. Zoning land does not compel it's owners to develop or sell their land. Neither can local authorities always be expected to buy land compulsorily or otherwise.
8. Local Plan policy goes as far to recognise market failure situations in the Scottish Borders.
9. This application is not merely being steered by the ownership of the site, but by the existing use the site holds and permits, alongside permitted development rights.
10. Previous comments on development proposals, on the same site, regarding tidying of the site by the former Community Council are not relevant from a tidy site perspective, or as a bargaining chip to try and sway the Local Authority. They are however, material in showing that the Community Council of the time was supportive of other planning uses previously. Whilst we understand the question of suitability of development, the inaccurate assumptions and tone of response offered by the current Community Council towards both AB Wight and the Local Authority, given the sites existing and permitted development use, is unhelpful.
11. AB Wight take the comments & concerns from the immediate neighbour regarding noise seriously and are commissioning a noise monitoring survey to show the existing noise at the site caused by road traffic and the noise which will be generated by them in-situ. They do not wish to cause noise pollution or nuisance to neighbours. The service and repair of agricultural machinery would be carried out inside an insulated building to further minimise/control any potential noise.
12. AB Wight wish to assimilate their proposed development within their surroundings.

13. Unfortunately, the site screening will not be installed by 31st March 2021 as per condition 1 of the retrospective fence planning condition. AB Wight are very willing to install this screen as part of the overall scheme proposed in this current planning application. AB Wight are not trying to establish a forecourt, they are more than happy to plant the mature hedge plants and trees -and thereafter manage- to create an immediate screen. Tractors and machinery are not sold to passing public hence a forecourt is not required.

14. A planning application has been made to vary the date within Condition 1 of Planning Consent 20/00115/FUL. We await validation. We do **not** agree that the hedge and tree planting cannot be conditioned on, once established.

Jamie

Surveyor

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