

Buccleuch Estates Ltd
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

Please ask for: Euan Calvert
☎ 01835 826513
Our Ref: 21/00734/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 26th August 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Land North East Of Gamekeepers Cottage Eckford Kelso
Scottish Borders**

PROPOSED DEVELOPMENT: Change of use of agricultural building and alterations to
form dwellinghouse and garage

APPLICANT: Buccleuch Estates Ltd

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 21/00734/FUL

**To : Buccleuch Estates Ltd per Ferguson Planning 54 Island Street Galashiels Scottish Borders
TD1 1NU**

With reference to your application validated on **10th May 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use of agricultural building and alterations to form dwellinghouse and garage

at : Land North East Of Gamekeepers Cottage Eckford Kelso Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 25th August 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00734/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
10093-05	Location Plan	Refused
10093-12	Proposed Roof Plan	Refused
10093-14	3D View	Refused
10093-16	Proposed Elevations	Refused
10093-15	Proposed Elevations	Refused
10093-0-17	Proposed Site Plan	Refused
10093-0-13	Proposed Sections	Refused
10093-0-10	Proposed Plans	Refused
10093-0-11	Proposed Plans	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the development boundary for Eckford and the proposal does not satisfy the criteria within the policy for exceptional circumstances. No material considerations have been identified which would outweigh the need to consider this proposal in accordance with policies of the Local Development Plan 2016.
- 2 The proposal is contrary to Part C of policy HD2 of the Local Development Plan 2016 in that the building has no architectural or historic merit and is not physically suited for residential use. The structural survey has not demonstrated that the building is capable of conversion without significant changes to the structure. The conversion would not be in keeping with current scale of the building. The development would be tantamount to rebuilding or replacement.
- 3 The proposal is contrary to policy PMD2 of the Local Development Plan 2016 as this pattern of development would not be compatible with or respectful to the neighbouring built form or settlement pattern. The scale, massing and height would result in an appearance which is not designed in sympathy with Scottish Borders architectural styles.
- 4 The proposal is contrary to policy ED10 of the Local Development Plan 2016 in that the change of use of prime quality agricultural land to garden ground would result in the permanent loss of prime agricultural land.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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. The standard form and guidance notes can

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).