

Notice of Review



### 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

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**Applicant(s)**

Name MR LEE ALBERT TICKHILL

Address 15 HOWDENBURN COURT, JEDBURGH

Postcode TD8 6NP

Contact Telephone 1

Contact Telephone 2

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

E-mail\*

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?



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Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 21/00448/FUL

Site address LAND EAST OF 15 HOWDENBURN COURT, JEDBURGH

Description of proposed development

CHANGE OF USE OF AMENITY LAND TO GARDEN GROUND AND ERECTION OF BIKE/LOG STORE

Date of application 22/03/21

Date of decision (if any) 06/08/21

## Notice of Review

**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:

THERE IS NO ROAD SAFETY ISSUE AND SERVICES ON THE VERGE ARE UNAFFECTED

### 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:

ACCESS TO GARDEN GROUND IS PERMITTED THROUGH THE UNLOCKED GATE

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**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 BIKE STORE IS OVER 5.1m FROM THE CORNER OF THE ROAD AND IS SUFFICIENT DISTANCE AWAY THAT IT DOES NOT OBSTRUCT VISIBILITY (SEE PHOTO 01 & 02). THE MAJORITY OF NEIGHBOURS ARE IN AGREEMENT WITH THIS STATEMENT AND THEIR TESTIMONY CAN BE VIEWED IN THE ORIGINAL PLANNING APPLICATION.

THE VERGE IS APPROX 760mm WIDE AND THE SERVICES ARE LOCATED ALONG THIS GRASSED STRIP AND RUN PARALLEL WITH THE KERB (SEE PHOTO 03 & 04). THERE IS NOT A PROBLEM WITH ACCESS TO THE SERVICES AND THE BIKE STORE DOES NOT ENCROACH THE SERVICE STRIP. THE BIKE STORE HAS BEEN CONSTRUCTED TO RUN IN LINE WITH THE EXISTING FENCE WHICH SURROUNDS THE GARDEN. THIS FENCE HAS BEEN INSITU FOR OVER 8 YEARS AND PERMISSION WAS OBTAINED FROM THE HOUSING ASSOCIATION AT THAT TIME TO ERECT IT (SEE PHOTO 03). IN ALL THIS TIME THERE HAS NEVER BEEN AN ISSUE WITH ACCESS TO SERVICES ALONG THE VERGE.

THERE ARE NUMEROUS LOCATIONS THROUGHOUT THE TOWN WHERE OBSTRUCTIONS HAVE PREVENTED VISIBILITY TO A MUCH GREATER DEGREE THAT WHAT HAS BEEN ERECTED HERE. THIS IS EVIDENT FROM PHOTOGRAPHIC EVIDENCE (SEE PHOTO 05 & 06).

A SITE VISIT SHOULD BE CARRIED OUT AS IT IS CAN BE SEEN THAT THERE IS NO DANGER OF OBSTRUCTION FROM THIS STRUCTURE.

I BELIEVE THAT THIS DOES NOT CONSTITUTE A REFUSAL ON THE GROUNDS AS STATED ABOVE AND WOULD ASK THAT THE LOCAL REVIEW BODY REVERSE THE REFUSAL DECISION.

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.

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### 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.

PHOTOS 01 - 06

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

[Redacted Signature]

Date

04-11-21

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](mailto:localreview@scotborders.gov.uk)