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## **PLANNING APPEALS & REVIEWS**

**Briefing Note by Chief Planning & Housing Officer**

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### **PLANNING AND BUILDING STANDARDS COMMITTEE**

**28<sup>th</sup> March 2022**

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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

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

#### **3 APPEAL DECISIONS RECEIVED**

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

#### **4 APPEALS OUTSTANDING**

- 4.1 There remained no appeals previously reported on which decisions were still awaited when this report was prepared on 16<sup>th</sup> March 2022.

## **5 REVIEW REQUESTS RECEIVED**

- 5.1 Reference: 21/00739/PPP  
Proposal: Erection of 2no dwellinghouses  
Site: Land East of Delgany, Old Cambus, Cockburnspath  
Appellant: FJ Usher's Children Trust

Reason for Refusal: The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not relate sympathetically to the character of the existing building group. The proposal would not respect the scale, siting and hierarchy of buildings within the existing group and would degrade its strong sense of place. This conflict with the Local Development Plan is not overridden by any other material considerations.

- 5.2 Reference: 21/01908/FUL  
Proposal: Alterations and extensions to dwellinghouse and formation of access  
Site: East Lodge, Netherurd, Blyth Bridge, West Linton  
Appellant: Mr Alasdair McKenzie

Reasons for Refusal: 1. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that criterion i) requires that any extension or alteration is appropriate to the existing building. The proposed development is unsympathetic to both the existing building and the surrounding context in terms of scale, form and materials. Furthermore, no account has been taken of the trees adjacent to the site meaning the proposal is also contrary to Policy EP13. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policy EP1 of the Local Development Plan 2016 and Biodiversity guidance in that the applicant has failed to prove that the development will not have an adverse effect on European Protected Species which may be present on the site. This conflict with the development plan is not overridden by other material considerations.

## **6 REVIEWS DETERMINED**

- 6.1 Reference: 21/00002/FUL  
Proposal: Erection of dwellinghouse  
Site: Plot 1 Land South East of Steading Buildings, Greystonelees Farm, Burnmouth  
Appellant: Mr Richard Wood

Reason for Refusal: The proposed erection of a further dwellinghouse at this location would be contrary to Local Development Plan 2016 Policy HD2 (Housing in the Countryside) as there is no remaining capacity for the expansion of the building group within the current plan period. The building group's capacity for expansion within the current Local Development Plan 2016 period was two units. This capacity was taken up

by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 states that no further development above this threshold will be permitted, and there are no material considerations which would outweigh this.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.2 Reference: 21/00595/PPP  
Proposal: Erection of dwellinghouse with access and associated works  
Site: Land East of Deuchar Mill House, Yarrow  
Appellant: Buccleuch Estates Ltd

Reasons for Refusal: 1. The proposed development at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road. 2. The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 21/01257/FUL  
Proposal: Erection of dwellinghouse  
Site: Garden Ground of Kilnknowe House, East End, Earlston  
Appellant: Mr A Elliot

Reason for Refusal: The proposal is contrary to policy IS8 of the Local Development Plan 2016 in that the site is at significant risk of flooding and allowing a dwellinghouse to be erected on this site would put persons and property at risk of flooding. In addition, access and egress could not be safely achievable during a flood event.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

- 6.4 Reference: 21/01344/FUL  
Proposal: Siting of 2 no. shepherds huts for short term holiday accommodation  
Site: Land East of The Old Stables Lennel House, Lennel  
Appellant: Mr Christopher Brass

Reason for Refusal: The development is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the proposed development would generate extra vehicular traffic on a sub-standard access to the application site to the detriment of pedestrian and road safety.

Method of Review: Review of Papers

## 7 REVIEWS OUTSTANDING

7.1 There remained 9 reviews previously reported on which decisions were still awaited when this report was prepared on 16<sup>th</sup> March 2022. This relates to sites at:

• Land East of 15 Howdenburn Court, Jedburgh	• Land South and West of Greywalls, Gattonside
• Land West of Causewayfoot Cottage Wolflee, Hawick	• Land North Of Old Manor Inn, Lanton
• Shop, 43 High Street, Hawick	• 58 George Street, Peebles
• Warlawbank Steading, Reston, Eyemouth	• Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels
• Land at Haughhead Farm and Steading Building, Innerleithen	•

## 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 16<sup>th</sup> March 2022. This relates to a site at:

• Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick	•
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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.

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