

Received 1/10/15

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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name Donna CORNISH

Name

Address 7, THE weather House  
Bowhill  
Selkirk

Address

Postcode TD7 5HE

Postcode

Contact Telephone 1 01750 725798

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail\* d.m.cornish@btinternet.net

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?

Planning authority Scottish Borders Council

Planning authority's application reference number 15/00601/FUL

Site address TUSHIELAW INN ETRICK VALLEY SELKIRK - TD7 5HT

Description of proposed development RETROSPECTIVE PLANNING CONSENT  
DOUBLE GLAZED WINDOWS

Date of application 09.06.15 Date of decision (if any) 06.08.15

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**

- 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:

**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:

**Statement**

You must state, in full, why you are seeking a review on 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.

Please see attached letter

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.

letter from resident of the valley. supporting windows  
 I have also had calls and other residents  
 that have supported us.  
 all landowners who bring employment and community  
 through work.  
 Archie Stewart  
 Neil McFadden

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

29.9.15

**The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.**

Donna Cornish

Dear Sir/Madam,

I am applying to appeal the decision on the planning application 15/00601/FUL that was refused on the 6<sup>th</sup> August 2015 for the following reasons.

1. no ventilation has been removed as all the new windows have built in ventilation openings at the top of them which actually means there is more constant air flow than before.
2. The windows open fully or they can lock tilted open to allow air flow, they also with the methods of today are of a stronger glass than previous which also makes them safer.
3. The windows that were there were beyond repair and needed to be replaced.
4. The windows were picked because they allowed so much more light into the building and many people have commented on how nice they look, I am attaching one of the letters that we were sent to me and my partner when the decision was made public, Mr Scott was born in the valley and his family have been here for many generations and as you will see he was most disappointed with the decision.
5. The other windows at this property which I did not replace but that have been changed by previous owners are of differing designs and quality, none of them are of the quality of what I have had installed, they are UPVC windows and no one raised any objections to those.

The windows that I have had installed are of a sympathetic design to compliment the overall look of the building and combine a pleasing and attractive outlook ( as commented on by many local neighbours and members of the farming community), nothing has been done to demean the property on the outside or inside and I feel the windows complement the building and give it a fresh and bright look when people drive past.

## Cornish, Donna

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**From:** D CORNISH <d.m.cornish@btinternet.com>  
**Sent:** 17 September 2015 10:16  
**To:** Cornish, Donna  
**Subject:** Fwd: Retrospective Planning Application - Tushielaw Inn

-----Original message-----

**From:** [REDACTED] <[REDACTED]@yahoo.co.uk>  
**Date:** 17/09/2015 - 09:01 (GMTDT)  
**To:** [REDACTED] <[REDACTED]@btinternet.com>  
**Subject:** Fwd: Retrospective Planning Application - Tushielaw Inn

Sent from my iPhone

Begin forwarded message:

**From:** "Martin Scott" <[REDACTED]@scott.gb broadband.co.uk>  
**Date:** 15 August 2015 18:48:35 BST  
**To:** "Gareth Whitehead - Tushielaw Inn" <[REDACTED]@yahoo.co.uk>  
**Cc:** "Gordon Harrison" <[REDACTED]@btinternet.com>  
**Subject:** Retrospective Planning Application - Tushielaw Inn

Hi Gareth and Donna,

To say that I'm dismayed at the outcome of the above is putting it very mildly.

We were, and still are, of the opinion that the new window units had in fact enhanced the appearance of your property.

I am probably even more dismayed that members of the community saw fit to oppose the application on such minor details and thereby place more obstacles in the way of a possible reopening of a vital service to the area.

It is to my sincere regret that I didn't officially support the application during the consultation period.

I do hope that this hurdle can be overcome and wish you both good wishes for whatever your intentions are for the building.

Regards,

Martin and Frances