
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

4th July 2022

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 one appeal previously reported on which a decision was still awaited when this report was prepared on 23rd June 2022. This relates to a site at:

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| • 18 - 19 Slitrig Crescent, Hawick | • |
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5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/00706/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South of Stable Cottage (Plot 4), Westcote, Hawick
 Appellant: Mr Drew Glendinning

Reason for Refusal: The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm.

- 5.2 Reference: 21/01625/PPP
 Proposal: Erection of dwellinghouse and formation of new access
 Site: Land East of The Garden Cottage, South Laws, Duns
 Appellant: Mr and Mrs Jerry and Shona Ponder

Reason for Refusal: The proposed development fails to comply with Policy HD2 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance, New Housing in the Borders Countryside 2008, as it would not relate well to the existing building group, it would break into an undeveloped field, outwith the building groups's sense of place, and it would result in ribbon development along the public road, which would adversely impact upon the composition and quality of the landscape character. Furthermore, the proposed development fails to comply with Policy ED10 as it would result in the permanent loss of prime quality agricultural land.

- 5.3 Reference: 22/00093/PPP
 Proposal: Erection of dwellinghouse and associated works
 Site: Land East of 16 Hendersyde Avenue, Kelso
 Appellant: Mr James Hewitt

Reasons for Refusal: 1. The proposal would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area. 2. The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the

development would result in a loss or harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset. 3. The proposal would be contrary to Policy EP11: Protection of Greenspace of the Local Development Plan 2016 in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retain the open space. No comparable replacement or enhancement of existing open space has been provided to mitigate the potential loss. 4. The proposal would be contrary to Policy IS8: Flooding of the Local Development Plan 2016 as the site is potentially at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

6 REVIEWS DETERMINED

- 6.1 Reference: 21/01068/FUL
 Proposal: Replacement windows
 Site: Craigard, Canongate, Denholm
 Appellant: Mr & Mrs M J Fox

Review against non-determination of Application.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.2 Reference: 21/01439/FUL
 Proposal: Replacement windows
 Site: 18 - 19 Slitrig Crescent, Hawick
 Appellant: Mr Bryce Crawford

Reason for Refusal: The proposed replacement windows would be contrary to Policy EP9 of the Local Development Plan 2016 and SPG Replacement Windows and Doors 2015 in that their material, opening method and specifications would detract from the special character and appearance of the Conservation Area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.3 Reference: 21/01588/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South West of Windrush Highend, Hawick
 Appellant: Mr Hamad Aloswadain

Reason for Refusal: The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposal is not well related to an existing building group of at least three houses and no overriding economic case has been made that a house is required in this isolated location for essential rural business purposes.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 8 reviews previously reported on which decisions were still awaited when this report was prepared on 23rd June 2022. This relates to sites at:

• Land East of Delgany, Old Cambus, Cockburnspath	• East Lodge, Netherurd, Blyth Bridge, West Linton
• Land South East of Hardens Hall, Duns	• Land North East of Woodend Farmhouse, Duns
• Land North of Ivanhoe, Dingleton Road, Melrose	• Garden Ground of Greenrig, Blair Avenue, Jedburgh
• The Blue House near Swansfield Farm, Reston, Eyemouth	• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels

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 23rd June 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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