
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

1st August 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

- 3.1.1 Reference: 21/01440/LBC
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 EP7 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 architectural and historic interest of the Listed Building.

Reasons for Appeal: Most of the current windows are single glazed, some are painted shut, missing the necessary cords and ironmongery to open and in an unsuitable position to be able to open safely or the wood

has rotten. All the windows have excessive amounts of condensation on the inside most days with some showing mould growths. The uPVC windows proposed would mimic timber in every way, would help reduce CO2 emissions and would alleviate health and security concerns.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, C J Leigh, stated that the determining issue in this appeal is the effect of the proposed development on the architectural and historic interest of the listed building. Nos. 17, 18 & 19 Slitrig Crescent are Category C listed buildings. The listed building record refers to the original use as an early 19th Century brewery and the building retains the original profile and form. The reporter notes a mix of window types and the poor condition of a number of the windows. The Historic Environment Scotland's Guidance Note (HESGN): Managing Change in The Historic Environment: Windows (2018) prefers the windows be repaired rather than replaced. The Council's Replacement Windows and Doors Supplementary Planning Guidance 2015 (SPG) states the same, though does say that the introduction of double glazing may be acceptable and, in specific and justified circumstances, replacement may be with uPVC. There is a requirement that the replacement unit has the same glazing pattern and method of opening. The proposals would see the windows at the property replaced with uPVC double glazed windows. The submitted drawings show the frames of these would have a considerable depth and size, with a deep thickness to the glazing. This heavy appearance would appear discordant, compared to the more elegant design of the existing windows and would therefore not satisfy the requirements of the SPG. The proposed 6 over 6 windows are shown to be tilt and turn in opening, which would obviously differ to the original form as sliding sash. The reporter recognises that most of the sash windows do not open at present, but the visual effect of the faux sash windows opening in a tilt position would emphasise the discordant design of the windows compared to the existing windows and would be contrary to the guidance in the HESGN. The reporter therefore concludes that the proportions and design of the proposed windows would combine to create a change that is harmful to the architectural and historic interest of the listed building. The development would also conflict with Policy EP7 of the LDP and the SPG, and with the guidance in the HESGN. The appearance and method of opening would be harmful to the Conservation area. The reporter therefore dismissed the appeal.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

3.2 Enforcements

Nil

3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained no appeal previously reported on which a decision was still awaited when this report was prepared on 25th July 2022.

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/00992/PPP
Proposal: Erection of dwellinghouse
Site: Plot 1, Land North of Belses Cottage, Jedburgh
Appellant: Phen Farms

Reasons for Refusal: 1. 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 be unrelated to a 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. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. 2. The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

- 5.2 Reference: 21/00993/PPP
Proposal: Erection of dwellinghouse
Site: Plot 2, Land North of Belses Cottage, Jedburgh
Appellant: Phen Farms

Reasons for Refusal: 1. 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 be unrelated to a 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. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. 2. The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

- 5.3 Reference: 21/01639/FUL
Proposal: Erection of dwellinghouse
Site: Land West of Cavers, Hillhead, Cavers, Hawick
Appellant: Mr Mark McGlone

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.

- 5.4 Reference: 22/00207/FUL
Proposal: Change of use of barn and alterations and extension to form dwellinghouse
Site: Land North of Carterhouse, Jedburgh
Appellant: Mr & Mrs C & J Stephens

Reason for Refusal: The development is contrary to criteria a) of Part C of Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the existing building is not worthy of conversion in terms of its architectural or historic merit and nor does it appear physically suited for residential use. The site lies outwith any recognised settlement or building group and no overriding essential business need has been substantiated for a house in this isolated location. The proposal would lead to sporadic residential development in the countryside and other material considerations do not outweigh the conflict with the Local Development Plan and harm that would result.

6 REVIEWS DETERMINED

- 6.1 Reference: 21/01283/PPP
Proposal: Erection of dwellinghouse
Site: Land South East of Hardens Hall, Duns
Appellant: Duns Golf Club

Reason for Refusal: The proposed development is contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the proposed development, at the location identified, would have an adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Duns and it would not relate to an existing building group within the countryside. The proposed development would erode the integrity of the development boundary for the settlement of Duns. Furthermore, the proposed development would fail to comply with Policy PMD2 in that there is no infrastructure to support pedestrian movements between the application site and the settlement of Duns, which would adversely impact upon pedestrian safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

- 6.2 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.

Method of Review: Review of Papers & Further Written Submissions

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

6.3 Reference: 21/01909/FUL
Proposal: Erection of dwellinghouse
Site: Garden Ground of Greenrig, Blair Avenue, Jedburgh
Appellant: Mr Laurie Bunyan

Reason for Refusal: The proposal would be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016 and Supplementary Planning Guidance: Placemaking and Design 2010 in that it would result in development which is out of keeping with the character of the existing development pattern and would represent over-development and town cramming to the detriment of the amenity and character of the surrounding area.

Method of Review: Review of Papers

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

6.4 Reference: 21/01982/FUL
Proposal: Change of use from agricultural store, alterations and extension to form dwellinghouse with garage
Site: The Blue House near Swansfield Farm, Reston, Eyemouth
Appellant: Mr Graeme Forsyth

Reason for Refusal: The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 7 reviews previously reported on which decisions were still awaited when this report was prepared on 25th July 2022. This relates to sites at:

• Land East of Delgany, Old Cambus, Cockburnspath	• Land North East of Woodend Farmhouse, Duns
• Land North of Ivanhoe, Dingleton Road, Melrose	• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels
• Land South of Stable Cottage (Plot 4), Westcote, Hawick	• Land East of The Garden Cottage, South Laws, Duns
• Land East of 16 Hendersyde Avenue, Kelso	•

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 25th July 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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