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## **PLANNING APPEALS & REVIEWS**

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

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

**5<sup>th</sup> September 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 appeal previously reported on which a decision was still awaited when this report was prepared on 25<sup>th</sup> August 2022.

## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/01905/FUL  
Proposal: Erection of dwellinghouse  
Site: Garden Ground of Cheviot View, Eden Road, Gordon  
Appellant: Mr Nigel Carey

Reason for Refusal: The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the proposed dwellinghouse would be far removed from the road frontage, as it would be situated behind an existing dwellinghouse, it would be in a position set apart and not integrated with the established character or pattern of the street scene and it would have no clear relationship to neighbouring properties, their established building lines or the general street pattern. It would not respect or respond to the established character of the surrounding area and it would not positively contribute to the overall sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development.

- 5.2 Reference: 22/00081/FUL  
Proposal: Erection of two dwellinghouses with access and associated works  
Site: Land West of 1 The Wellnage, Station Road, Duns  
Appellant: C & V Developments

Reason for Refusal: The proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create a vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

- 5.3 Reference: 22/00188/PPP  
Proposal: Erection of dwellinghouse  
Site: Woodland Strip, North of Springhall Farm, Kelso  
Appellant: Mr Kevin Stewart

Reasons for Refusal: 2. The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the principle of a new vehicular access onto this derestricted 'A' class road (A698) in this rural area would be detrimental to the safety of users of the road. The economic case presented does not outweigh these road safety concerns.  
3. The proposal is contrary to Policy EP13 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss and 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. 4. The proposal is contrary to Policy EP10 of the Scottish Borders Local Development Plan 2016, in that it would result in further loss and damage to the quality and integrity of the Designed Landscape and it has not been demonstrated that development would safeguard or enhance the landscape features, character or setting of Hendersyde Park.

- 5.4 Reference: 22/00296/FUL  
Proposal: Erection of dwellinghouse  
Site: Land North and East of Tweed Lodge, Hoebridge  
East Road, Gattonside  
Appellant: Mr Robin Purdie

Reasons for Refusal: 1. The proposal is contrary to policies PMD2 and EP9 of the Local Development Plan 2016 in that the scale, mass, design and materials are out of keeping with the character of the Conservation Area, the proposal would constitute overdevelopment of the site and would be prominent in the landscape and harmful to the visual amenities of the area and views into the Conservation Area. 2. The proposal is contrary to policies PMD5 and HD3 in that the proposal would have a significant detrimental impact on the residential amenities of the neighbouring property, Tweed Lodge. The scale and siting of the proposed house would result in a loss of light and outlook to the detriment of resultation amenity, leading to an overbearing and dominant form of development.

## 6 REVIEWS DETERMINED

- 6.1 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.2 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.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

- 6.3 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.4 Reference: 21/01846/PPP  
Proposal: Erection of two dwellinghouses  
Site: Land North of Ivanhoe, Dingleton Road, Melrose  
Appellant: Rivertree Residential Ltd

Review against non-determination of Application.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Refused

Reason for Refusal: The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPO 21 ("Dingleton Hospital Site") as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.

## **7 REVIEWS OUTSTANDING**

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

|  |  |
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| • Land North East of Woodend Farmhouse, Duns     | • Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels |
| • Land East of 16 Hendersyde Avenue, Kelso       | • Plot 1, Land North of Belses Cottage, Jedburgh                   |
| • Plot 2, Land North of Belses Cottage, Jedburgh | • Land West of Cavers, Hillhead, Cavers, Hawick                    |
| • Land North of Carterhouse, Jedburgh            | •  |

## 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 25<sup>th</sup> August 2022. This relates to a site at:

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| • 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)

| Name         | Designation and Contact Number                              |
|--------------|---|
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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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