

Ms Daina McFarlane  
Leitvale  
Eden Road  
Gordon  
Scottish Borders  
TD3 6JT

**Please ask for:** Carlos Clarke  
01835 826735  
**Our Ref:** 22/00127/FUL  
**Your Ref:**  
**E-Mail:** cgclarke@scotborders.gov.uk  
**Date:** 3rd March 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Unit C Whinstone Mill Netherdale Industrial Estate Galashiels  
Scottish Borders TD1 3EY**

**PROPOSED DEVELOPMENT: Change of use from Industrial (Class 4,5,6) to Fitness  
Studio (Class 11) (retrospective)**

**APPLICANT: Ms Daina McFarlane**

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at  
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 22/00127/FUL**

**To : Ms Daina McFarlane Leitvale Eden Road Gordon Scottish Borders TD3 6JT**

With reference to your application validated on **31st January 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use from Industrial (Class 4,5,6) to Fitness Studio (Class 11) (retrospective)**

**at : Unit C Whinstone Mill Netherdale Industrial Estate Galashiels Scottish Borders TD1 3EY**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 2nd March 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 22/00127/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
Front elevation	Location Plan	Refused
	Photos	Refused

**REASON FOR REFUSAL**

- 1 The development would be contrary to Policy ED1 of the Local Development Plan 2016 in that it would result in the loss of floorspace allocated for Classes 4-6 and the exception criteria within the policy are not satisfied. The loss of floorspace allocated for Classes 4-6 will have an adverse impact on the development of businesses within these Classes seeking to locate within the industrial estate. Other material considerations are not sufficient to outweigh the harm resulting from the

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).