

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 22/00020/RREF

Planning Application Reference: 21/00706/FUL

Development Proposal: Erection of dwellinghouse

Location: Land South of Stable Cottage (Plot 4) Westcote, Hawick

Applicant: Mr Drew Glendinning

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

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 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.

Development Proposal

The application relates to the erection of a dwellinghouse on Land South of Stable Cottage (Plot 4) Westcote, Hawick. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	AT3514 L(-1)101
Location Plan	AT3514 L(-1)101 Rev B
Proposed Site Plan	AT3514 L(-1)102
Existing Site Plan	AT3514 L(-1)103
Proposed Ground Floor Plan & Elevations	AT3514 L(-1)104
Proposed First Floor Plan & Site Section	AT3514 L(-1)105

Preliminary Matters

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 15th August 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; e) Objection Comments; and f) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to a revised location plan from the applicant showing field ownership, reference AT3514 L(-1) 101 Revision B.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. The Review Body then proceeded to determine the case.

Reasoning

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP13, IS2, IS5, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SPP 2014
- Draft NPF4
- SESPlan 2013

The Review Body noted that the proposal was for the erection of a dwellinghouse on Land South of Stable Cottage (Plot 4) Westcote, Hawick

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that there were a number of existing houses in the immediate

vicinity consisting of the original farmhouse, several conversions and new-builds to the north of the site. Members were satisfied that this constituted a building group under Clause A of Policy HD2. In terms of whether there was capacity for the group to be expanded, the Review Body noted that there had been one consent granted within the current Local Development Plan period but that, combined with the proposed development, the maximum scale of addition within the group would not be exceeded. The Review Body concluded that, subject to the site being considered to be an acceptable addition to the group, there was notional capacity for the development in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the group's sense of place and in keeping with its character. In this respect, they noted the location of the site within a field on the southern edge of the group. The Review Body were concerned that the proposal was not within the cluster of buildings and houses around the original farmhouse and that it appeared to constitute ribbon development, lying outwith the group and breaking into a field. Members were also concerned that this could set a precedent for further sporadic development in the field. After full discussion, the Review Body concluded that the building group was complete and that the site was not an appropriate addition to the group. As there had also been no economic case advanced for the proposed house, Members considered the application to be contrary to Policy HD2 of the Local Development Plan and the New Housing in the Borders Countryside Supplementary Planning Guidance.

The Review Body finally considered other material factors relating to the proposal including landscape, residential amenity, other building group addition cases, access arrangements, water and drainage, right of way, compliance with Government Policy and the need to meet developer contributions. Members were of the opinion that the factors did not outweigh their conclusion that the development was contrary to Local Development Plan Policy and that appropriate conditions and a legal agreement could have addressed them satisfactorily, had the application been supported.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of

the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....
Councillor S Mountford
Chairman of the Local Review Body

Date 23 August 2022