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## **PLANNING APPEALS & REVIEWS**

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

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

**7<sup>th</sup> November 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 2 appeal previously reported on which a decision was still awaited when this report was prepared on 28<sup>th</sup> October 2022. This relates to a site at:

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| • Land South West of West Lodge, Minto | • Land South West of Yethouse Farmhouse, Newcastleton |
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## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 22/00297/FUL  
Proposal: Erection of 3 no holiday pods and associated parking  
Site: Land West of Burnmouth Church, Stonefalls, Burnmouth, Eyemouth  
Appellant: Stonefalls Development Partnership

Review against non-determination of Application.

- 5.2 Reference: 22/00464/FUL  
Proposal: Erection of residential holiday let with associated facilities  
Site: Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh  
Appellant: Mr Peter Hedley

Reasons for Refusal: 1. The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient information has been submitted to demonstrate that the proposal is capable of being developed and operated as a viable holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape. The need to site the development in this particular rural location has not been adequately justified. Furthermore, the proposal has not fully assessed the requirement of Policy ED7 to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings. The proposed development would appear divorced from the operation of Swinside Townfoot Farm and within a previously undeveloped field. As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that its siting and design would not respect and be compatible with the character of the surrounding area, and would result in a significantly adverse impact upon existing landscape character and rural visual amenity.

- 5.3 Reference: 22/00575/FUL  
Proposal: Erection of holiday let accommodation  
Site: Land North East of Runningburn Farm, Stichill  
Appellant: James Neil And Son

Reasons for Refusal: 1. The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient information has been submitted to demonstrate that the proposal is capable of being developed and operated as a viable holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape. The need to site the development in this

particular rural location has not been adequately justified. Furthermore, the proposal has not fully assessed the requirement of Policy ED7 to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings. The proposed development would appear divorced from the operation of Runningburn Farm and wedding venue, and within previously undeveloped land. As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. 2. The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that its siting and design would not respect and be compatible with the character of the surrounding area, and would result in a significantly adverse impact upon existing landscape character and rural visual amenity. The proposed private vehicular access to the site would pass through a working farm steading which would conflict with agricultural movements and would result in adverse impacts on road safety and design standards contrary to PMD2.

- 5.4 Reference: 22/00961/PPP  
Proposal: Erection of 2no dwellinghouses  
Site: Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside  
Appellant: Mr & Mrs O McLaren

Reasons for Refusal: 1. The development is contrary to Policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group and no other supporting justification has been presented. This conflict with the development plan is not overridden by any other material considerations. 2. The proposed development is contrary to Local Development Plan 2016 policies PMD2 (Quality Standards) and HD3 (Protection of Residential Amenity) as the erection of dwellinghouses at this location would be incompatible with neighbouring farm uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units. Other material considerations do not justify a departure from the development plan in this regard.

- 5.5 Reference: 22/00965/FUL  
Proposal: Installation of soil vent pipe to front elevation  
Site: Hillside, Duns Road, Swinton, Duns  
Appellant: Mr William Dryburgh

Reason for Refusal: The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan 2016 in that the route of the proposed soil vent pipe would adversely impact upon the character and appearance of the dwellinghouse and Swinton Conservation Area.

- 5.6 Reference: 22/01089/FUL  
Proposal: Installation of photo voltaic array to the south facing roof  
Site: Mansefield, 91 High Street, Coldstream  
Appellant: Mr Patrick Jenkins

Reason for Refusal: The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan

2016, in that the proposed siting of fifteen solar panels on a visible elevation of the dwellinghouse would have a significant visual impact on the traditional roof which would adversely impact upon the character and appearance of Coldstream Conservation Area. Furthermore, the proposal would set an undesirable precedent that could lead to the incremental erosion of the character and appearance of Coldstream Conservation Area.

## 6 REVIEWS DETERMINED

- 6.1 Reference: 22/00127/FUL  
Proposal: Change of use from Industrial (Class 4,5,6) to Fitness Studio (Class 11) (retrospective)  
Site: Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels  
Appellant: Ms Daina McFarlane

Reason for Refusal: 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 incremental loss of allocated floorspace.

Method of Review: Review of Papers & Further Written Submissions

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

- 6.2 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

## 7 REVIEWS OUTSTANDING

7.1 There remained 9 reviews previously reported on which decisions were still awaited when this report was prepared on 28<sup>th</sup> October 2022. This relates to sites at:

• Land East of 16 Hendersyde Avenue, Kelso	• Plot 1, Land North of Belses Cottage, Jedburgh
• Plot 2, Land North of Belses Cottage, Jedburgh	• Garden Ground of Cheviot View, Eden Road, Gordon
• Land West of 1 The Wellnage, Station Road, Duns	• Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside
• Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton	• Deanfoot Cottage, Deanfoot Road, West Linton
• Caddie Cottage, Teapot Street, Morebattle, 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 28<sup>th</sup> October 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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