

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name Patrick Jenkins

Name

Address Mansefield, High Street, Coldstream

Address

Postcode TD12 4AF

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 22/01089/FUL

Site address Mansefield, High Street, Coldstream TD12 4AF

Description of proposed development Solar Panels installation; photo voltaic array to the south facing roof

Date of application 12 July 2022

Date of decision (if any) 4 October 2022

Notice of Review

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application) [checked]
2. Application for planning permission in principle []
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) []
4. Application for approval of matters specified in conditions []

Reasons for seeking review (tick one box)

- 1. Refusal of application by appointed officer [checked]
2. Failure by appointed officer to determine the application within the period allowed for determination of the application [checked]
3. Conditions imposed on consent by appointed officer []

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions []
2. One or more hearing sessions [checked]
3. Site inspection [checked]
4. Assessment of review documents only, with no further procedure []

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

The rationale given was a matter of opinion and conjecture, absent, to my knowledge, any formal objection being posted (per the web site) through the consultation period.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land? Yes [checked] No []
2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes [checked] No []

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

We sometimes lock our front gate but can ensure it is open at a specified time upon request.

Statement

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

At a time when we all need to consider cost effective and carbon neutral alternatives to the way we heat our homes the Council has chosen to stand in the way of a self-funded proposal for a reduction in carbon based fuel reliance, and has justified this decision only (it appears) on the aesthetic of a High Street that;

(a) is arguably already being allowed to suffer in several areas from a lack of care and maintenance - see the longstanding row of empty commercial premises opposite the Post Office and the decayed state of the walls under the windows of the central one of these, and

(b) is certainly already blighted by a garage and car dealership on the corner of Guards Road - directly alongside our residence and the proposed sighting of the solar panels.

Our property is set well back from the High Street and pretty well screened from it by trees and hedge. The proposed panels are in our opinion of relatively low visual impact; resting in line with the current pitch of the roof as they would. The majority of views of this property, and certainly all of those looking along the High Street towards the Town Centre, also necessarily incorporate the aforementioned Mercedes Car Dealership and ESSO Garage forecourt.

To our knowledge no 3rd party objections were recorded on the website during your consultation process. We would like transparency on any objections raised but not actually recorded please.

Beyond what we consider a flimsily based argument of aesthetics the Council's decision talks to precedent... Given the way the climate and cost of living wind is blowing we do not think it tenable for the Council to stand in the way of individual home-owner moves away from carbon footprint reduction, absent a strong and specifically based argument to do so. We also think any decision to force higher (medium term) energy bills and higher carbon fuel usage on us, and indeed any in the local population that might be persuaded towards solar panel installation by the development we wish to make *is purely prohibitive as well as morally questionable.*

In these times we owe it to future generations to take forward-looking and ecologically responsible decisions across the entire energy piece and to be brave and fair in supporting progress. Given the lack of specificity in its basis the Council's decision seems absolutely untenable in this regard.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

No further documents to be submitted.

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

10 October 2022

The completed form should be returned 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