



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 04/00763/COU

To : Chum Kui Kwan per Derek Wichary 18 Hendersyde Drive Kelso TD5 7TQ

With reference to your application received on 19th April 2004 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use to garden ground

at : Site At Open Space Hendersyde Avenue Kelso Roxburghshire

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

Dated 20th September 2006  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

*PP*

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Head of Planning & Building Standards



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#### REASONS FOR REFUSAL

- 1 The proposal would be contrary to Policies G1 and BE6 contained in the Scottish Borders Local Plan: Finalised December 2005 in that the incorporation of the site into the private garden of the applicant and the adjoining residents would result in the loss of valuable public open space to the detriment of the amenity and appearance of the locality.

#### FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.