
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

6th February 2023

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 One appeal previously reported on which a decision was still awaited when this report was prepared on 26th January 2023. This relates to a site at:

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| <ul style="list-style-type: none">Land West of Slipperfield House
Slipperfield Loch, West Linton | <ul style="list-style-type: none"> |
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5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 22/00576/FUL
Proposal: Erection of agricultural building (retrospective)
Site: Ravelaw Farm, Duns
Appellant: Mr Robert Gaston

Reason for Refusal: The development fails to comply with Policy HD3 of the Scottish Borders Local Development Plan 2016, in that the addition of a further agricultural building to house livestock at the farm could potentially exacerbate existing issues, which would negatively impact upon the amenity of nearby residential properties.

- 5.2 Reference: 22/00933/FUL
Proposal: Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility
Site: Land South West of West Loch Farmhouse, Peebles
Appellant: Mr Richard Spray

Reasons for Refusal: 1. The development would be contrary to policy ED7 of the Local Development Plan 2016 in that the applicant has not demonstrated any overriding economic and/or operational need for the proposed Class 5 and Class 6 business operation to be located in this particular countryside location. This conflict with the development plan is not overridden by other material considerations. 2. The proposed development would be contrary to policy HD3 of the Local Development Plan 2016 in that the applicant has not provided any information in relation to how noise generated by the proposal would impact on residential amenity within the locality. This conflict with the development plan is not overridden by other material considerations. 3. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed bunds would not be appropriate to the landscape setting of the site. The development would not, therefore, be compatible with or respect the character of the surrounding area. These conflicts with the development plan are not overridden by other material considerations. 4. The proposed dwellinghouse does not comply in principle with policy HD2 of the Local Development Plan 2016 in that it would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 5. The development would be contrary to policy EP13 in that no account has been taken of trees immediately adjacent the site. The applicant has failed to prove that the development would not have an adverse effect on trees which are an important landscape feature. No overriding case for the development as

proposed has been substantiated. 6. The development would be contrary to policies EP1, EP2 and EP3 of the Local Development Plan 2016 in that the applicant has failed to prove that the development would not have an adverse effect on protected species which may be present on the site. These conflicts with the development plan are not overridden by other material considerations.

6 REVIEWS DETERMINED

6.1 Reference: 21/01081/FUL
Proposal: Change of use of land and plot layout to form extension to caravan park
Site: Land West of Pease Bay Holiday Home Park, Cockburnspath
Appellant: Mr Graham Hodgson

Reason for Refusal: The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.

Method of Review: Review of Papers

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

6.2 Reference: 22/00093/PPP
Proposal: Erection of dwellinghouse and associated works
Site: Land East of 16 Hendersyde Avenue, Kelso
Appellant: Mr James Hewitt

Reasons for Refusal: 1. The proposal would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area. 2. The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss or 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. 3. The proposal would be contrary to Policy EP11: Protection of Greenspace of the Local Development Plan 2016 in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retain the open space. No comparable replacement or enhancement of existing open space has been provided to mitigate the potential loss. 4. The proposal would be contrary to Policy IS8: Flooding of the Local Development Plan 2016 as the site is potentially

at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

7 REVIEWS OUTSTANDING

7.1 There remained 8 reviews previously reported on which decisions were still awaited when this report was prepared on 26th January 2023. This relates to sites at:

• Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh	• Land North East of Runningburn Farm, Stichill
• Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside	• Land South West of Castleside Cottage, Selkirk
• Land South West of Corstane Farmhouse, Broughton	• Land North and East of Clay Dub, Duns Road, Greenlaw
• 17 George Street, Eyemouth	• Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth

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 26th January 2023. 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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