
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

6th March 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

- 2.1.1 Reference: 22/01589/ADV
Proposal: Installation of signage to gable wall (retrospective)
Site: 1 Hall Street, Galashiels
Appellant: Unit8 Gym

Reasons for Refusal: 1. The advertisement would be contrary to Policy IS16 of the Local Development Plan 2016 in that it would represent a threat to road safety and would, as a result, impact adversely on public safety at this location. 2. The advertisement would be contrary to Policy IS16 of the Local Development Plan 2016 in that it would not relate well to the location at which it is displayed, or be in keeping with the character of the building to which it is attached, and would contribute to unsightly clutter, thereby having an adverse impact on the amenity of the surrounding area.

Reasons for Appeal: The Appellant believes the sign blends in well with the surroundings, is secure and not a hazard to adjacent road users, not being any more distracting than any other sign adjacent to any other roadway. It promotes health and wellbeing, has been generally well accepted by local people in the immediate surrounding area, none of whom objected to the application. All objections received were from another local gym and their members.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

- 2.1.2 Reference: 22/01962/CLPU
Proposal: Change of Use of an existing agricultural building to dwellinghouse
Site: The Old Cow Shed, Lennel, Coldstream
Appellant: Mr C Brass

Reason for Refusal: Appeal against non-determination of application.

Reason for Appeal: An application for Prior Approval (22/01123/PNCOU) was not responded to within the 28 day period and therefore the development proposed is considered to be lawful. Scottish Borders Council issued a decision notice on this application. A legal opinion was sought and shared with the Council's Legal Service inviting the withdrawal of the ostensible decision notice. The invitation was declined. An application for a Certificate of Lawful Proposed Use or Development was then submitted, but no decision was issued by the Council within the statutory timeframe for determination.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

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 23rd February 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: 22/00679/FUL
Proposal: Erection of boundary fence (retrospective)
Site: 100 Abbotseat, Kelso
Appellant: Mr Alan Hislop

Reason for Refusal: The development is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it represents a prominent and incongruous form of development that has an adverse impact on the character and appearance of the surrounding area and harms visual amenities. This conflict is not overcome by other material considerations.

- 5.2 Reference: 22/01666/PPP
Proposal: Erection of 4 no dwellinghouses
Site: Land West of Greenburn Cottage, Auchencrow
Appellant: W A Mole & Son

Reason for Refusal: The proposed development is contrary to policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside 2008 in that by virtue of topography and being located beyond the well established western edge of Auchencrow, the proposed site would not be well related to an existing building group of three or more dwellinghouses. The proposed development would extend beyond Auchencrow's sense of place, into an undeveloped field, and would result in ribbon development to the detriment of both the village's character and the surrounding landscape.

6 REVIEWS DETERMINED

- 6.1 Reference: 22/00464/FUL
Proposal: Erection of residential holiday let with associated facilities
Site: Townfoot Hill, Land North West of Cunzieron 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.

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

7 REVIEWS OUTSTANDING

7.1 There remained 9 reviews previously reported on which decisions were still awaited when this report was prepared on 23rd February 2023. This relates to sites at:

• 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	• Ravelaw Farm, Duns
• Land South West of West Loch Farmhouse, Peebles	•

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 23rd February 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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