

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 ALAN HISLOP

Name

Address 100 ABBOTSEAT KELSO

Address

Postcode TD5 7LP

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 22/00679/FUL

Site address 100 ABBOTSEAT KELSO TD5 7LP

Description of proposed development

ERECTION OF A GARDEN FENCE 1.8M HIGH TO THE SIDE OF THE PROPERTY ON THE BOUNDRY BETWEEN THE PAVEMENT AND THE SIDE GARDEN

Date of application 22/04/2022

Date of decision (if any) 25/11/22

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)
- 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
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 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
- 3. Site inspection
- 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:

THIS IS OUR MAIN GARDEN WHICH IS AT THE SIDE OF THE PROPERTY NOT AT THE REAR LIKE THE REST OF THE ESTATE, SECURITY TO PROPERTY, HEALTH AND WELL BEING BENIFITS TO OUTSIDE SPACE

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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.

I FEEL THE DECISION TO REFUSE THE PLANNING PERMISSION FOR A NEW BOUNDRY FENCE SHOULD BE REVIEWED AS I FEEL THE DECISION WAS MADE SOLELY ON NOT MEETING THE FULL CRITERIA OF POLICY PMD2. NOT TAKING INTO ACCOUNT THE REASON WHY THE FENCE WAS ERECTED. THE MAIN REASON FOR THE FENCE WAS FOR PRIVACY AS THE PROPERTY IS SITUATED ON A CORNER PLOT WHICH MEANS 80% OF THE GARDEN IS TO THE SIDE OF THE PROPERTY NOT AT THE REAR LIKE THE REST OF THE ESTATE, THIS MEANS A VERY SMALL REAR GARDEN WHICH IS COMPLETELY OVERLOOKED FROM ALL SIDES. WE WANT TO DEVELOP THE SIDE GARDEN AS A PRIVATE, QUIET AREA TO SIT OUT WITHOUT BEING OVERLOOKED. THE GARDEN IS COMPLETELY OVERLOOKED AS IT IS NEXT TO THE PAVEMENT AND A BUSY MAIN ROAD, THE GARDEN ALSO SITS 0.5 METRE BELOW THE HEIGHT OF THE PAVEMENT WHICH MEANS ANYONE WALKING OR DRIVING PAST IS LOOKING STRAIGHT INTO THE GARDEN. THIS IS WHY A 1 METRE FENCE WOULD NOT WORK AS IT WOULD MAKE NO DIFFERENCE FOR PRIVACY.

WE HAVE TRIED OUR HARDEST TO MAKE THE FENCE BLEND IN TO THE SURROUNDING AREA BY MAKING IT THE SAME AS EVERY OTHER FENCE IN THE SURROUNDING AREA SOME OF WHICH I CAN SEE FROM MY OWN GARDEN (PHOTOS ADDED FOR REFERENCE)

WE KEPT THE FENCE TO A MINIMUM LEAVING THE HEDGE IN FRONT OF THE HOUSE FOR THE WILDLIFE AS WE LIKE TO FEED AND WATCH THE BIRDS (THE OLD HEDGE WHERE THE FENCE IS NOW WAS DEAD) AND WE WOULD NOT HAVE TAKEN IT DOWN IF THERE WAS WILDLIFE LIVING IN IT. WE JUST WANTED TO TIDY UP THE AREA AS THE OLD HEDGE WAS DEAD WITH AN OLD WIRE FENCE RUNNING THROUGH IT AND IT WAS A DUMPING GROUND FOR EVREYONES LITTER AS THEY PASSED BY.

THE NEW FENCE HAS ALSO ADDED GREATER SECURITY AROUND THE HOUSE, THIS IS THE FIRST TIME IN SEVERAL YEARS WE HAVE NOT HAD ANYTHING STOLEN FROM THE GARDEN OR GARDEN SHED.

CONTINUED ON PAGE 2 & 2

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 checked="" type="checkbox"/> | <input 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.

I WANT TO RAISE THE POINT THAT EVERY OTHER ESTATE IN THE AREA INCLUDING ABBOTSEAT HAS THE EXACT SAME STYLE OF FENCE AT THE SAME HEIGHT TO THE FRONT, REAR AND SIDE OF PROPERTIES SOME OF WHICH ARE IN THE EXACT SAME POSITION NEXT TO PAVEMENTS AND ROADS ALL WITH IN A QUARTER OF A MILE RADIUS OF OUR PROPERTY (I HAVE ADDED PHOTOS AS EXAMPLES) THIS WAS NOT RAISED WITH THE ENITIAL APPLICATION AS I DIDNT THINK THERE WAS GOING TO BE ANY ISSUE.

AFTER LIVING IN THE PROPERTY FOR 20 YEARS, LAST SUMMER WAS THE FIRST TIME WE HAVE BEEN ABLE TO TAKE ADVANTAGE OF THIS OUTSIDE SPACE WHICH WAS GREAT FOR THE FAMILY AND OUR GENERAL WELL BEING.

BECAUSE WE HAVE LIVED IN THIS PROPERTY FOR SUCH A LONG TIME AND INTEND TO FOR THE FORESEEABLE FUTURE IT IS WITH IN OUR OWN INTREST TO LOOK AFTER BOTH OUR OWN PROPERTY AND THE SURROUNDING AREA. BEFORE WE REMOVED THE HEDGE AND REPLACED IT WITH THE NEW FENCE WE ASKED ALL OUR NEIGHBOURS IF THEY HAD ANY OBJECTIONS AND THEY WERE ALL HAPPY FOR US TO CONTINUE AS THEY WERE ALSO SICK OF ALL THE LITTER AND DOG FOUL LEFT AROUND THE HEDGE AREA, THE FACT THAT NONE OF OUR NEIGHBOURS HAVE REPLIED TO THE PLANNING DEPARTMENTS NOTIFICATION OF THE NEW FENCE PROVES THIS POINT AND THEY ALL FULLY SUPPORT US AND CANNOT SEE WHAT THE PROBLEM IS.

IF WE REMOVE THE NEW FENCE THAT RUNS ALONG THE EDGE OF THE PAVEMENT THIS WILL OPEN UP OUR GARDEN FOR EVEYONE TO LOOK IN WHICH MEANS WE WILL NO LONGER BE ABLE TO DEVELOP THE GARDEN INTO A NICE AREA TO SIT OUT AND RELAX (WHICH I THINK EVERYONE SHOULD BE ENTITLED TO DO IN THE PRIVACY OF THEIR OWN GARDEN) IF REMOVED ALL ANYONE WILL SEE IS ANOTHER FENCE THE SAME HEIGHT THAT ALREADY EXISTS BETWEEN OUR GARDEN AND OUR NEIGHBOURS AT No 2 ABBOTSEAT WHICH WAS BUILT BY BOTH PARTIES SO THEY COULD ALSO HAVE SOME PRIVACY FROM PEOPLE WALKING PAST.

I HOPE THIS HELPS THE PLANNING DEPARTMENT UNDERSTAND THE REASONS BEHIND THE ERECTION OF THE NEW FENCE AND I APOLOGIES THAT I DID NOT LOOK INTO THE MATTER MORE THOROUGHLY BEFORE I ERECTED THE FENCE AS I THOUGHT IT WOULD BE OK AS THE FENCE WAS TO THE SIDE OF THE PROPERTY NOT INFRONT.

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.

PLEASE SEE ATTACHED PHOTOS OF EXAMPLE FENCES IN THE SURROUNDING AREA

PHOTO 1: ABBOTSEAT

PHOTO 2: OAKFIELD COURT

PHOTO 3: BERRYMOSS COURT

PHOTO 4: THOMSON VIEW

PHOTO 5: HENDERSYDE

PHOTO 6: BROOMPARK

PHOTO 7: HIGHCROFT

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 17-02-2023

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