



**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

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

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**Local Review Reference:** 22/00038/RREF

**Planning Application Reference:** 22/00965/FUL

**Development Proposal:** Installation of soil vent pipe to front elevation

**Location:** Hillside, 6 Duns Road, Swinton

**Applicant:** Mr William Dryburgh

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**DECISION**

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan 2016 in that the route of the proposed soil vent pipe would adversely impact upon the character and appearance of the dwellinghouse and Swinton Conservation Area.

**DEVELOPMENT PROPOSAL**

The application relates to the installation of a soil vent pipe to the front elevation of Hillside, 6 Duns Road, Swinton. The application drawings and documentation consisted of the following:

**Plan Type**

**Plan Reference No.**

Location Plan  
Front elevation  
Photographs

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> December 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; e) Objection comments and f) List of Policies, the Review Body noted that the applicant had requested further procedure in the form of written submissions and a hearing. After consideration, Members did not consider these were necessary in this instance and proceeded to determine the case.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD2 and EP9

The Review Body noted that the application was for the installation of a soil vent pipe to the front elevation of Hillside, 6 Duns Road, Swinton.

Members noted that the property was within Swinton Conservation Area, facing the public road at the entrance to the village from Duns. They also noted that Policies PMD2 and EP9 required an alteration appropriate to the existing building, compatible with the character of its surroundings and preserving the special architectural character and appearance of the Conservation Area.

Although the Review Body noted the presence of climbing vegetation on the front elevation of the property which may provide limited screening, especially in summer, they were of the opinion that this would not be sufficient mitigation to screen what they considered to be an unsightly routing of the soil pipe. Members considered that alternatives should be considered, either concealed within the structure of the building, to the rear or the routing of the pipe on the front elevation to avoid its angled route from roof to ground.

On the basis of the current proposals, Members considered there would be a substantial and detrimental visual impact to the front elevation of the property, both detrimentally affecting its character and that of the Conservation Area.

The Review Body finally considered other material issues relating to the proposal but concluded that they did not change their final decision.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

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**Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed** Councillor S Mountford  
Chairman of the Local Review Body

**Date** 11 January 2023