
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

24th April 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: 23/00072/LBC
Proposal: Installation of insulated plasterboard system to walls
Site: 68 High Street, Coldstream
Appellant: Mrs Joanne Noade

Reason for Refusal: The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016 as the proposed development would have an adverse impact on the interior of the listed building.

Reasons for Appeal: The Appellant states that the existing lounge, dining & kitchen cornice is being retained and will be physically unaffected by the installation. This is also the case with the timber panelled window shutters. The skirting's that will be affected will be replaced with like for like profiles which have been recorded and will be purpose made in the installers workshop.

[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 2 appeals previously reported on which decisions were still awaited when this report was prepared on 13th April 2023. This relates to sites at:

- | | |
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| • 1 Hall Street, Galashiels | • The Old Cow Shed, Lennel, Coldstream |
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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 22/00788/FUL
Proposal: Alterations and dormer extension to dwellinghouse
Site: 11 Tweed Avenue, Peebles
Appellant: Mr Gary Neale

Review against non-determination of Application.

5.2 Reference: 22/01416/PPP
Proposal: Erection of 2no dwellinghouses
Site: Land South of 1 Kelso Road, Coldstream
Appellant: Mr Andrew Douglas-Home

Reason for Refusal: The proposed development would be contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016, as well as the Council's Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would erode the integrity of the development boundary for the settlement of Coldstream, it would not relate well to an existing building group, it would break into an undeveloped field outwith the group's sense of place, to the detriment of the character and appearance of the building group. Furthermore, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource. This conflict with the development plan is not overridden by any other material considerations.

5.3 Reference: 22/01739/FUL
Proposal: Erection of dwellinghouse with detached garage

Site: Land West of The Old Barn Westwater, West Linton
Appellant: Mr Ian Swan

Reasons for Refusal: 1. The development would be contrary to policies HD2 and PMD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside guidance in that the proposed development is unsympathetic to the adjoining buildings and the surrounding context in terms of siting, access, orientation, form, scale, height, massing and materials. Furthermore, no account has been taken of the trees within to the site meaning the proposal is also contrary to policy EP13. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policies HD2 and PMD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside guidance in that the proposed development is unsympathetic to the adjoining buildings and the surrounding context in terms of siting, access, orientation, form, scale, height, massing and materials. Furthermore, no account has been taken of the trees within to the site meaning the proposal is also contrary to policy EP13. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

5.4 Reference: 22/01740/PPP
Proposal: Erection of dwellinghouse
Site: Paddock West of Hardens Hall, Duns
Appellant: Ms Norma Conroy

Reason for Refusal: The proposed development is contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 as the scale of addition for the existing building group has been exceeded during the current Local Development Plan period and there is no spare capacity to add an additional dwellinghouse. Furthermore, the proposed development would fail to comply with Policy PMD1 and Policy PMD2 as there is no footway to support pedestrian movements between the application site and the settlement of Duns. This would unduly impact upon pedestrian safety and it would not provide adequate access to sustainable transport modes, which would result in over reliance on the private car.

5.5 Reference: 22/01935/FUL
Proposal: Installation of timber gates (retrospective)
Site: Church House, Raemartin Square, West Linton
Appellant: Mr JM And Mrs G Barton

Reason for Refusal: The development would be contrary to policies EP9 and PMD2 of the Local Development Plan 2016 in that the alterations to the gates would have an unacceptably adverse impact on the character and appearance of the conservation area and on the visual amenity of this residential area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

5.6 Reference: 23/00034/PPP
Proposal: Erection of dwellinghouse
Site: Land North of Belses Cottage, Jedburgh
Appellant: Mr Kenneth Short

Reasons for Refusal: 1. The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. In any case, the capacity of the building group has exceeded the limitations allowed for by Policy HD2. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2.

Furthermore, there is no overriding economic justification to support the development, and the development has no support from NPF4. This conflict with the development plan is not overridden by any other material considerations. 2. The development is also contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements. This conflict with the development plan is not overridden by any other material considerations.

5.7 Reference: 23/00056/FUL
Proposal: Change of Use from Class 4 to Class 2 Veterinary Practice
Site: 2 Rowan Court, Cavalry Park, Peebles
Appellant: Two Rivers Veterinary Practice Ltd

Reason for Refusal: The development would be contrary to Policy 26 of the NPF4 and Policy PMD3 and Policy ED1 of the Local Development Plan 2016 in that the use as a veterinary practice (falling within Class 2 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, would be a commercial activity that would not be complementary, or ancillary, to the Cavalry Park Strategic High Amenity Site and a use such as that would prejudice its primary function. Furthermore, it would ultimately lead to the loss of allocated business and industrial land when there is a known need for such sites. Other material considerations, including the applicant's need for new premises, are fully acknowledged but, on balance, do not override the loss of the site to Class 4 uses, nor the potentially undesirable precedent that would result from the loss of this extent of floorspace to a non-compliant use.

6 REVIEWS DETERMINED

6.1 Reference: 21/01618/FUL
Proposal: Erection of dwellinghouse
Site: Land South West of Castleside Cottage, Selkirk
Appellant: Mr P J Lewis

Reason for Refusal: The proposed development would, due to its design and materials, be unsympathetic to, and adversely impact on, the character of the existing building group, contrary to Policies PMD2 and HD2 of the Local Development Plan 2016, and contrary to Placemaking and Design Supplementary Planning Guidance 2010 and New Housing in the Borders Countryside Supplementary Planning Guidance 2008. Other material considerations do not override these policy conflicts and the harm that would arise as a result of the development.

Method of Review: Review of Papers & Further Written Submissions

7 REVIEWS OUTSTANDING

7.1 There remained 15 reviews previously reported on which decisions were still awaited when this report was prepared on 13th April 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 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
• 100 Abbotseat, Kelso	• Land West of Greenburn Cottage, Auchencrow
• Land South of Ebbastrand, Coldingham Sands, Coldingham	• The Millers House Scotsmill Kailzie, Peebles
• Ratchill Farmhouse, Broughton	• Land at Disused Railway Line Rachan, Broughton
• Scott House, Douglas Square, Newcastleton	•

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 13th April 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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