



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

<p>Applicant(s)</p> <p>Name Ms Norma Conroy</p> <p>Address Hardens Hall, Duns</p> <p>Postcode TD11 3NS</p> <p>Contact Telephone 1 [REDACTED]</p> <p>Contact Telephone 2 [REDACTED]</p> <p>E-mail* [REDACTED]</p>	<p>Agent (if any)</p> <p>Name</p> <p>Address</p> <p>Postcode</p> <p>Contact Telephone 1</p> <p>Contact Telephone 2</p> <p>E-mail*</p> <p>Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/></p> <p style="text-align: right;">Yes No</p> <p>* Do you agree to correspondence regarding your review being sent by e-mail? <input checked="" type="checkbox"/> <input type="checkbox"/></p>
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Planning authority Scottish Borders Council

Planning authority's application reference number 22/01740/PPP

Site address Paddock west of Hardens Hall, Duns

Description of proposed development Erection of dwelling house

Date of application 08/11/2022

Date of decision (if any) 19/01/2023

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:

In light of other planning approvals granted for applications in this area we would welcome the opportunity to further explain our proposals.

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: n/a

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.

The original planning application was refused by the Planning Officer as, in his opinion, it did not comply with Policy HD2 of the Local Development Plan 2016 as the scale for the existing building group had been exceeded and there was no spare capacity to add an additional dwelling house. In addition he considered that it did not comply with Policy PMD1 and PMD2 as there was no footway to support pedestrian movement in and out of Duns that would unduly impact on pedestrian safety, not provide access to sustainable transport and result in overreliance on the private car.

The two plots of land further to the west of Hardens Hall have had planning permission granted for the erection of dwelling houses and this work is currently underway. In August of last the Review Panel granted permission for the erection of a dwelling house to the East of Hardens Hall on land owned by the Golf Club (21/01283/PPP). In doing so the Review Panel overturned refusal from the Planning Officer on the same grounds as stated in this application.

The result of this is that permission has been granted for the erection of three new dwelling houses on plots of land along Hardens Road either side of Hardens Hall. At present the plot of land termed the Paddock is the only area of land that does not either already have a dwelling house or permission to build one. It would be fair to say that any house built on this plot would be considered a logical part of the existing group of buildings and that the current position is the anomaly.

In granting the application 21/01283/PPP to the East of Hardens Hall, the Review Panel noted that as the scale of addition had already been breached, a further breach would not be sufficiently material to justify refusal. The Panel also considered that that site was both within the overall sense of place of the wider group of houses and could be considered a logical extension. I would ask the Panel to apply the same consideration in relation to this application.

Pedestrian access to properties on Hardens Road extends much further than the plot referred to in this application.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

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.

Clarification that building preparation work has started on the two plots to the west of Hardens Hall to which planning permission has previously been granted on appeal.

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.

Request for Review Report

Planning Application Appeal

List of previous applications approved in this area

7x Decision Notices granting permission to applications made in this area

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 17/03/2023

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