
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

5th June 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

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

- 3.1.1 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 & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: Summary of Decision: The Reporter, Andrew A Sikes, stated the proposal is a 3-metre-wide x 2-metre-high non-illuminated static advertisement set within a matt black aluminium frame, attached at first floor level to the gable end of a two-storey stone built terraced residential property. The advert promotes a gym in Tweedbank, located approximately 5 kilometres (3.5 miles) from the appeal site. While simple in design and production, the advertisement is large, inappropriately positioned high on the gable end of a residential property and sited in a prominent location close to a principal road. As such, the reporter considers the advertisement obtrusive. Neither does the advertisement relate to the location at which it is being displayed. Moreover, the street in which it is located is residential in character and, in the vicinity of the appeal site, free of advertising. While there are advertisements in the wider area these are restricted to retail and commercial properties and relate directly to the location at which they are being displayed. Taking these factors together, the Reporter agrees with the council in that the advertisement would be harmful to the character of the building, the amenity of Hall Street and the wider area. The reporter observed the pedestrian and vehicle movement that occur at the junction during the site visit and agrees with the council that the advertisement could cause driver distraction and unacceptably increase risk to public safety. The Reporter therefore concluded that the proposed advertisement would be contrary to the interest of amenity and public safety and, accordingly, that advertisement consent should not be granted.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

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 19th May 2023. This relates to sites at:

- | | |
|-----------------------------|------------------------------|
| • The Old Cow Shed, Lennel, | • 68 High Street, Coldstream |
|-----------------------------|------------------------------|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 22/00869/PPP
 Proposal: Erection of dwellinghouse
 Site: Land South of Greenbraehead Farmhouse,
 Greenbraehead, Hawick
 Appellant: Mr Stephen Murray

Reason for Refusal: The development would be contrary to Policy HD2 of the Local Development Plan 2016, the New Housing in the Borders Countryside Guidance 2008 and Policy 17 of NPF4 in that the development would be unrelated to a building group and it has not been demonstrated that there is a robust economic case that the development will support a viable rural business. This would lead to an unsustainable form of development which would have a detrimental impact on the character and amenity of the rural area. This conflict with the development plan is not overridden by any other material considerations.

- 5.2 Reference: 22/01903/AMC
 Proposal: Demolition of shed and erection of dwellinghouse
 (approval of all matters specified in planning
 permission 20/00874/PPP)
 Site: Land North West of Rosebank Cemetery Lodge,
 Shedden Park Road, Kelso
 Appellant: Mr M Curtin

Reason for Refusal: The proposal would be contrary to National Planning Framework 4 Policy 14 and Policies PMD2 and PMD5 of the Local Development Plan 2016 and Supplementary Planning Guidance: Placemaking and Design 2010 in that, due to the scale and design of the proposal, it would result in development which is out of keeping with the character of the existing development pattern and would represent over-development and town cramming to the detriment of the amenity and character of the surrounding area, with specific reference to the adjacent Conservation Area.

- 5.3 Reference: 22/01947/FUL
 Proposal: Erection of dwellinghouse with detached garage
 Site: Land South of Headshaw Farmhouse, Ashkirk,
 Selkirk
 Appellant: Mrs Nancy Margaret Hunter

Reason for Refusal: The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008, and Policies 9 and 17 of the National Planning Framework 4 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. This conflict with the development plan is not overridden by any other material considerations.

- 5.4 Reference: 22/01973/AMC

Proposal: Erection of dwellinghouse with outbuilding and formation of new access (approval of all matters specified in conditions of planning permission 21/00030/PPP)
Site: Land at Rachan Woodlands, Broughton
Appellant: Mr Jim Warnock

Reason for Refusal: The siting of the proposed development would not be well related to the existing building group. As a result, the proposal does not fulfil the requirements of condition 1 of the planning permission in principle. In doing so, the application fails to comply with Scottish Borders Local Development Plan 2016 policies PMD2 and HD2; NPF4 policies 14; 16 and; 17. In addition, the development does not comply with supplementary planning guidance on New Housing in the Borders Countryside and; Placemaking and Design. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

5.5 Reference: 23/00236/FUL
Proposal: Amendment to Condition 3 of planning application 19/01646/PPP pertaining to occupation of dwellinghouse
Site: Land South East of Tarf House, West Linton
Appellant: Mr & Mrs Erlend and Karen Milne

Review against non-determination of Application.

6 REVIEWS DETERMINED

6.1 Reference: 22/00032/FUL
Proposal: Erection of Class 4 joinery workshop with associated access and parking
Site: Land North and East of Clay Dub, Duns Road, Greenlaw
Appellant: Marchmont Farms Ltd

Reasons for Refusal: 1. The proposal is contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for Greenlaw and the development would not constitute a logical extension to the settlement. The proposed development would prejudice the character and natural edge of Greenlaw and cause significant adverse effects on the landscape setting of the settlement and would not enhance the landscape. There are no significant community benefits of the proposal that justify development outwith the Development Boundary. 2. The proposal is contrary to policy ED7 of the Local Development Plan 2016 as it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within allocated business and industrial site within an identified settlement boundary. The development would be visually intrusive and would not respect the amenity and character of the surrounding area. 3. The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within an agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

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

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.2 Reference: 22/00371/FUL
Proposal: Alterations and extension to dwellinghouse
Site: 17 George Street, Eyemouth
Appellant: Mr and Mrs Craig Fletcher

Reasons for Refusal: 1. The proposed development does not accord with policies PMD2 (Quality Standards) and EP9 (Conservation Areas) of the Local Development Plan 2016. The proposed development, by reason of its scale, form, detailing and proportions, would not be appropriate for the existing building and would harm the special architectural and historic character and appearance of the Conservation Area. 2. The proposed development does not accord with policy HD3 (Protection of Residential Amenity) of the Local Development Plan 2016. The extension, by reason of its siting and height, would result in the loss of light to habitable rooms of neighbouring residential properties to the south and east. In addition, its height and blank walling on its south and east elevations would have an overbearing relationship and adverse visual impact upon the same neighbouring residential properties. These adverse impacts would harm the amenity of occupants in neighbouring residential properties.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.3 Reference: 22/00575/FUL
Proposal: Erection of holiday let accommodation
Site: Land North East of Runningburn Farm, Stichill
Appellant: James Neil And Son

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 Runningburn Farm and wedding venue, and within previously undeveloped land. 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. 2. 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. The proposed private vehicular access to the site would pass through a working farm steading which would conflict with agricultural movements and would result in adverse impacts on road safety and design standards contrary to PMD2.

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

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.4 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

6.5 Reference: 22/00959/FUL
Proposal: Siting of shepherds hut and siting of cabin (retrospective) to form holiday let accommodation
Site: Land South West of Corstane Farmhouse, Broughton
Appellant: Firm of Corstane

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 a rural location. The need to site the development in this particular location has not been adequately justified. The proposed development would be isolated and physically segregated from the operation of Corstane Farm and would break into a previously undeveloped field. As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside. 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 proposal would be contrary to policy PMD2 of the Local Development Plan 2016 in that: The development would not respect the character of the surrounding area and the neighbouring built form, particularly the cabin. It would be an incongruous development, extending into an undeveloped field, that would not create a sense of place based on a clear understanding of the context and the cabin has not been designed in sympathy with the design and character of the existing buildings. Furthermore, the development would not relate sympathetically to the landscape setting of the NSA, conflicting with the terms of policy EP4. These deficiencies could not be addressed by means of landscaping or other mitigation. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.6 Reference: 22/00961/PPP
Proposal: Erection of 2no dwellinghouses
Site: Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside
Appellant: Mr & Mrs O McLaren

Reasons for Refusal: 1. The development is contrary to Policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group and no other supporting justification has been presented. This conflict with the development plan is not overridden by any other material considerations. 2. The proposed development is contrary to Local Development Plan 2016 policies PMD2 (Quality Standards) and HD3 (Protection of Residential Amenity) as the erection of dwellinghouses at this location would be incompatible with neighbouring farm uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units. Other material considerations do not justify a departure from the development plan in this regard.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

6.7 Reference: 22/01125/FUL
Proposal: Alterations and extensions to dwellinghouse
Site: Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth
Appellant: Mr W Hannah

Reason for Refusal: The proposed development is contrary to Local Development Plan 2016 policy EP7 (Listed Buildings) as it would not respect the original structure due to its excessive scale and poorly related design. The proposed development would not maintain the special architectural or historic quality of the building and would have a significant adverse impact on its special character and appearance.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

7 REVIEWS OUTSTANDING

7.1 There remained 15 reviews previously reported on which decisions were still awaited when this report was prepared on 19th May 2023. This relates to sites at:

• Land South West of West Loch Farmhouse, Peebles	• Ravelaw Farm, Duns
• Land West of Greenburn Cottage,	• The Millers House Scotsmill

Auchencrow	Kailzie, Peebles
<ul style="list-style-type: none"> Land South of Ebbastrand, Coldingham Sands, Coldingham 	<ul style="list-style-type: none"> Ratchill Farmhouse, Broughton
<ul style="list-style-type: none"> Land at Disused Railway Line Rachan, Broughton 	<ul style="list-style-type: none"> Scott House, Douglas Square, Newcastleton
<ul style="list-style-type: none"> Land West of The Old Barn Westwater, West Linton 	<ul style="list-style-type: none"> Paddock West of Hardens Hall, Duns
<ul style="list-style-type: none"> 11 Tweed Avenue, Peebles 	<ul style="list-style-type: none"> Land North of Belses Cottage, Jedburgh
<ul style="list-style-type: none"> 2 Rowan Court, Cavalry Park, Peebles 	<ul style="list-style-type: none"> Land South of 1 Kelso Road, Coldstream
<ul style="list-style-type: none"> Church House, Raemartin Square, West Linton 	<ul style="list-style-type: none">

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 19th May 2023. This relates to a site at:

<ul style="list-style-type: none"> Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick 	<ul style="list-style-type: none">
--	--

Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

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.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACEtransrequest@scotborders.gov.uk