

Mr Alistair Hodgson  
per Camerons Strachan Yuill Architects  
9 West Street  
Berwick-upon-Tweed  
TD15 1AS

**Please ask for:** Stuart Small  
☎ 01835 825055  
**Our Ref:** 22/01982/FUL  
**Your Ref:**  
**E-Mail:** stuart.small@scotborders.gov.uk  
**Date:** 23rd February 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Scott House Douglas Square Newcastleton Scottish Borders  
TD9 0QU**

**PROPOSED DEVELOPMENT:** Installation of photo voltaic array to roof

**APPLICANT:** Mr Alistair Hodgson

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at  
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 22/01982/FUL**

**To : Mr Alistair Hodgson per Camerons Strachan Yuill Architects 9 West Street Berwick-upon-Tweed TD15 1AS**

With reference to your application validated on **23rd December 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Installation of photo voltaic array to roof**

**at : Scott House Douglas Square Newcastleton Scottish Borders TD9 0QU**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 22nd February 2023  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 22/01982/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
10252-PL-002	Existing Plans	Refused
10252-PL-003	Existing Elevations	Refused
Location Plan	Location Plan	Refused
10252-PL-004	Proposed Plans	Refused
10252-PL-005	Proposed Elevations	Refused
10252	Specifications	Refused

**REASON FOR REFUSAL**

- 1 The proposed development is contrary to Policies PMD2, ED9 and EP9 of the Local Development Plan (2016) and Policies 7 and 11 of the National Planning Framework 4 in that the pv panels would fail to preserve and enhance the character and appearance of Newcastleton Conservation Area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

1. Replacing slates on a like-for-like basis does not require Planning Permission. Under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact NatureScot (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by NS. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at: <http://www.bats.org.uk>

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).