

**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

**Applicant(s)**

Name Ian Swann

Address The Trust Cottage, Stevenson Steading, ■

Postcode EH41 4PU

Contact Telephone 1

Contact Telephone 2

E-mail\*

**Agent (if any)**

Name MAKAR Ltd

Address Clachandreggy, Torbreck, Inverness

Postcode IV2 6DJ

Contact Telephone 1 07966218688

Contact Telephone 2

E-mail\* neil@makar.co.uk

Mark this box to confirm all contact should be through this representative:

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 22/01739/FUL

Site address Land west of The Old Barn, Westwater, West Linton, Scottish Borders

Description of proposed development Proposed Dwellinghouse and Garage

Date of application 11/10/2022

Date of decision (if any) 16/12/2022

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:

We would welcome a hearing if a question and answer process may be deemed helpful by the LRB.

**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 type="checkbox"/>            | <input checked="" 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:

The site is within the ownership of the applicant so the LRB is welcome to make an unaccompanied site visit.

**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.

We have prepared two documents in support of this planning review process:

1. Sustainable Design Statement (SDS), Version 2. This is an enhanced version of the original SDS which was submitted at the time of and in support of the application. This version includes additional written information, photographs and diagrams in order to make clear the design intentions, the reasons for them and the resulting proposal.
2. Applicants responses to the Planning Delegated Report, with appendices. We felt it important that we respond to the specific matters raised in the delegated report which resulted in the planners negative determination. We cover the specific policy context in addition to relevant SBC supplementary planning guidance.

These documents state why we are seeking a review of the application and set out all matters we consider are required to be taken into account in the review process.

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.

We believe there was sufficient information provided on submission of the application to justify support from the planning department on policy grounds. However having read the allocated planners delegated report it has become clear that there have been a considerable number of misunderstandings and assumptions made during the assessment of the application which we believe to be incorrect. We have therefore enhanced the supporting Sustainable Design Statement particularly in relation to the innovative and contemporary nature of the proposal and how this has influenced some of the planners concerns in relation to the proposed dwellings scale, form, and materials.

We also believe the site analysis undertaken during the planning process was rudimentary and did not take into account the overall context of the Westwater building group and the opportunity represented by the appropriate development of this site in relation to 'bookending' the building group.

The applicant's design brief outlined in the original SDS was overlooked in favour of an assumption of a single storey cottage; this despite there having been no scale restriction or Condition on Planning in Principle consent.

Many of these matters could have been covered during the application assessment period had the planner engaged with the applicant or ourselves the agents. Unfortunately this did not occur and it appears the application was determined in haste, several weeks prior to the target determination date.

**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.

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2. Applicants responses to the Planning Delegated Report, with appendices. We felt it important that we respond to the specific matters raised in the delegated report which resulted in the planners negative determination. We cover the specific policy context in addition to relevant SBC supplementary planning guidance.
3. Appendix A Comparative massing
4. Appendix B Bulding Group
5. Appendix C Landscape Document
6. Appendix D Privacy through overlooking
7. Appendix E Simon Wilkinson e-mai
8. Appendix F. DONALD McPhiling email.

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 15/03/2023.

**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](mailto:localreview@scotborders.gov.uk)**