

Mr Richard Spray
per John Handley Associates Ltd
65A Leamington Terrace
Edinburgh
EH10 4JT

Please ask for: Ranald Dods
☎ 01835 825239
Our Ref: 22/00933/FUL
Your Ref:
E-Mail: ranald.dods@scotborders.gov.uk
Date: 6th October 2022

Dear Sir/Madam

PLANNING APPLICATION AT Land South West Of West Loch Farmhouse Peebles Scottish Borders

PROPOSED DEVELOPMENT: Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility

APPLICANT: Mr Richard Spray

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 : 22/00933/FUL

To : Mr Richard Spray per John Handley Associates Ltd 65A Leamington Terrace Edinburgh EH10 4JT

With reference to your application validated on **25th July 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility

at : Land South West Of West Loch Farmhouse Peebles Scottish Borders

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

**Dated 5th October 2022
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 22/00933/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
95-010	Topographical Plan	Refused
01-102 D	Proposed Site Plan	Refused
01-103 A	Proposed Plans & Elevations	Refused
01-104 A	Proposed Plans & Elevations	Refused
01-105	Proposed Plans & Elevations	Refused
01-106 A	Proposed Sections	Refused
95-001	Location Plan	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to policy ED7 of the Local Development Plan 2016 in that the applicant has not demonstrated any overriding economic and/or operational need for the proposed Class 5 and Class 6 business operation to be located in this particular countryside location. This conflict with the development plan is not overridden by other material considerations.
- 2 The proposed development would be contrary to policy HD3 of the Local Development Plan 2016 in that the applicant has not provided any information in relation to how noise generated by the proposal would impact on residential amenity within the locality. This conflict with the development plan is not overridden by other material considerations.
- 3 The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed bunds would not be appropriate to the landscape setting of the site. The development would not, therefore, be compatible with or respect the character of the surrounding area. These conflicts with the development plan are not overridden by other material considerations.
- 4 The proposed dwellinghouse does not comply in principle with policy HD2 of the Local Development Plan 2016 in that it would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to 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.
- 5 The development would be contrary to policy EP13 in that no account has been taken of trees immediately adjacent the site. The applicant has failed to prove that the development would not have an adverse effect on trees which are an important landscape feature. No overriding case for the development as proposed has been substantiated.
- 6 The development would be contrary to policies EP1, EP2 and EP3 of the Local Development Plan 2016 in that the applicant has failed to prove that the development would not have an adverse effect on protected species which may be present on the site. These conflicts with the development plan are not overridden by other material considerations.

FOR THE INFORMATION OF THE APPLICANT

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.

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

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. 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).