

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference:** 22/00046/RREF

**Planning Application Reference:** 22/01125/FUL

**Development Proposal:** Alterations and extension to dwellinghouse

**Location:** Dove Cottage, Gate Lodge, Press Castle, Coldingham

**Applicant:** Mr W Hannah

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**DECISION**

The Local Review Body upholds and varies the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The proposed development is contrary to Local Development Plan 2016 policy EP7 (Listed Buildings) and Policy 7 of NPF4 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.

**DEVELOPMENT PROPOSAL**

The application relates to the alteration and extension to dwellinghouse at Dove Cottage, Gate Lodge, Press Castle, Coldingham. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	22/B943/PL01A
Existing Plans and Elevations	22/B943/EX01
Proposed Floor Plan and Elevations	22/B943/PL03
Proposed Floor Plan and Elevations	22/B943/PL03A

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 20<sup>th</sup> February 2023. After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; e) Support comments and f) List of Policies, Members noted that National Planning Framework 4 (NPF4) was in force as part of the Development Plan and considered it necessary for the Review Body to have regard to any relevant Policies in NPF4 before determining the Review. Members concluded that it was appropriate to undertake further procedure by seeking written submissions from the Appointed Officer and Applicant in relation to NPF4.

The Review was, therefore, continued to the Local Review Body meeting on 17<sup>th</sup> April 2023 where the Review Body considered all matters, including the response from the Planning Officer and the applicant's reply to that response. Members then proceeded to determine the case.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises the Scottish Borders Local Development Plan 2016 and NPF4. The LRB considered that the relevant listed policies were:

- Local Development Plan Policies: PMD1, PMD2, HD3, EP7, EP8, EP10, EP13 and IS7
- NPF4 Policies: 1, 7, 9, 14, 16, 17 and 29

## **Other Material Considerations**

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- "Managing Change in the Historic Environment" HES
- SBC Survey of Gardens and Designed Landscapes 2008

The Review Body noted that the application was for the alteration and extension to dwellinghouse at Dove Cottage, Gate Lodge, Press Castle, Coldingham

Members firstly noted that there was also an associated refusal of listed building consent for extensions and alterations to the property and that this was a matter for the DPEA should an appeal against that refusal be submitted. The proposal at Review was in relation to refusal of planning permission for the same works and Members noted that they should assess the proposals against the relevant Development Plan Policies relating to the refusal of planning permission.

The Review Body also noted that two versions of the proposals had been submitted during the processing of the planning application, Drawing no. 22/B943/PL03 then being superseded by 22/B943/PL03 Revision A, the latter being the drawing that was refused planning permission by the Appointed Officer. Members also noted that the applicant had submitted the Review only on the basis of the original drawing before revision i.e. Drawing no. 22/B943/PL03. The Review Body noted both drawings and that they were entitled, and indeed

decided, to consider both in their determination of the Review. The differences between the two drawings were noted by the Members in their consideration of the proposals.

The Review Body noted that LDP Policy PMD2 requires any house extensions or alterations to be in scale, massing and height appropriate to the existing building and also to recognise context and finish in materials which complement the existing building and the area. Members also noted that Dove Cottage was a Category C statutorily listed building and that LDP Policy EP7 and NPF4 Policy 7 seek to protect the character and integrity of the listed building, together with high quality materials and design.

After consideration of both versions of the drawing and all submissions on the proposals, Members did not consider that the overall design of the extensions integrated successfully with the listed building, expressing particular concern that the flat roofs and means by which the extensions were attached to the house would jar with the appearance of the house and impact on its character and integrity. The proposals may have complied more with Policy if the approach had been of traditional design with pitched roofing or possible detachment from the dwellinghouse.. As the proposals stand, the Review Body considered that the proposals would harm the appearance, integrity and character of the house, contrary particularly to Policy EP7 and NPF4 Policy 7.

The Review Body finally considered other material issues relating to the proposal including screen fencing, trees, Designed Landscape, archaeology, access, parking, residential amenity and securing a family home from a holiday unit. As Members did not consider that the proposal was acceptable for design reasons, they agreed that these issues did not influence their final decision.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

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## **Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed** Councillor M Douglas  
Vice Chairman of the Local Review Body

**Date 28<sup>th</sup> April 2023**