

## Kate Jenkins

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**From:** Small, Stuart <Stuart.Small@scotborders.gov.uk>  
**Sent:** 07 March 2023 16:37  
**To:** Kate Jenkins  
**Subject:** [OFFICIAL] RE: 2 Rowan Court

Hi Kate,

Thank you for the supporting statement and quick response. Below is my response to the various points raised in your statement.

1. In paragraph 2.3 and 2.4 you have highlighted uses approved at LRB in recent years of which I am familiar with. However, each application is assessed on its own merit and it is my assessment that the loss of Suite 2, 1 Rowan Court, Cavalry Park as a Class 4 use is contrary to policy ED1.
2. In paragraph 2.10 you state that the proposed veterinary practice is a business and employment use. However, my assessment is that the veterinary practice is a service as set out in The Town and Country Planning (Use Classes) (Scotland) Order 1997. You have also referenced Policy 26 part c) of the NPF4 which states '*Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area*'. The primary function of Cavalry Park is provide suitable units for businesses operating under Class 4. By my assessment, to grant permission for a change of use to Class 2 without any evidence to suggest it can no longer suitably accommodate a Class 4 use would prejudice the primary function of Cavalry Park.
3. In Paragraph 2.13-2.14 and 2.18-2.20 you refer to the Galashiels and Hawick Town Centre Core Activity Area Pilot Study and its guidance on the suitability of veterinary practices. This is assessment is only relevant to their suitability within Core Activity Areas and not town centres as a whole. Veterinary Practices are still considered to be best suited within a town centre or on the edge of a centre.
4. In Section C you have asserted that it is unreasonable to request marketing evidence for the Class 4 use. There is no specific policy requirement to provide marketing evidence, however it is a way of demonstrating that the unit is no longer viable under Class 4. Policy ED1 rigorously protects strategic business and industrial sites to safeguard the existing supply of Class 4 units. I requested marketing evidence from you because without it I cannot determine this unit to be unviable under Class 4.
5. Also in Section C and other parts of the statement you have detailed the applicants search for new premises and the restrictions they face with the existing premises. I acknowledge that the large client base, lack of parking and need to safely treat large animals like horses makes the existing location untenable. However as Suite 2, 1 Rowan Court, Cavalry Park has not been marketed for Class 4 use or demonstrated that it is no longer suitable for Class 4 use, the proposal cannot satisfy Policy ED1.

Unfortunately, despite the additional information within your supporting statement I am still not able to justify a departure from the development plan in this case. Unless you are able to provide anything else to support your case a refusal will be issued. Can you please let me know before the 15<sup>th</sup> March if you wish to add anything further?

Kind regards,

Stuart

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**From:** Kate Jenkins <[kate@kjenkins.co.uk](mailto:kate@kjenkins.co.uk)>  
**Sent:** 06 March 2023 09:24  
**To:** Small, Stuart <[Stuart.Small@scotborders.gov.uk](mailto:Stuart.Small@scotborders.gov.uk)>  
**Subject:** 2 Rowan Court

CAUTION: External Email



Stuart,

Good morning. Just to confirm that I am uploading the response to your comments to e-planning this morning.

Kind regards  
Kate

Kate Jenkins MRICS MRTPI | Director  
**ERIGHT PLANNING & PROPERTY CONSULTANTS**  
Gifford House | Bonnington Rd | Peebles | EH45 9HF

Tel: 07795 974 083 | W: [www.erichtppc.co.uk](http://www.erichtppc.co.uk)



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