

Mr Thomas Kemp  
33 Weensland Park  
Hawick  
Scottish Borders  
TD9 9RR

**Please ask for:** Stuart Small  
01835 825055  
**Our Ref:** 22/01936/FUL  
**Your Ref:**  
**E-Mail:** stuart.small@scotborders.gov.uk  
**Date:** 24th March 2023

Dear Sir/Madam

**PLANNING APPLICATION AT 33 Weensland Park Hawick Scottish Borders TD9 9RR**

**PROPOSED DEVELOPMENT: Erection of raised decking (retrospective)**

**APPLICANT: Mr Thomas Kemp**

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 : 22/01936/FUL**

**To : Mr Thomas Kemp 33 Weensland Park Hawick Scottish Borders TD9 9RR**

With reference to your application validated on **27th January 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of raised decking (retrospective)**

**at : 33 Weensland Park Hawick Scottish Borders TD9 9RR**

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

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

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 22/01936/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
Location Plan	Location Plan	Refused
1	Proposed Plans	Refused
2	Proposed Plans	Refused
Various Photos	Photos	Refused

**REASON FOR REFUSAL**

- 1 The development is contrary to Policy HD3 of the Scottish Borders Local Development Plan (2016) and Policy 16 of the National Planning Policy Framework 4 (2023), in that the raised decking, by reason of its scale, height and positioning would result in an unacceptable impact in terms of outlook, overlooking and loss of amenity and privacy to neighbouring residential properties and their associated garden grounds.

**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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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).