

**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:** 23/00009/RREF

**Planning Application Reference:** 22/01612/FUL

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

**Location:** Ratchill Farmhouse, Broughton

**Applicant:** Mrs Jane Prady

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions and informatives noted below.

**DEVELOPMENT PROPOSAL**

The application relates to the alteration and extension to Ratchill Farmhouse near Broughton. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	-
Existing cottage plans	PL_E01 Rev A
Demolition plan	PL_DEM
Proposed site plan	PL_101 Rev A
Proposed roof plan	PL_03 Rev A
Proposed first floor plan	PL_02
Proposed ground floor plan	PL_01
Existing site plan	PL_E101 Rev A
Existing cottage elevations	EL_101 Rev A
Proposed short elevations	EL_02 Rev A
Proposed long elevations	EL_01 Rev A
Design Statement	-
Site Diagrams	EL_03

## **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 19<sup>th</sup> June 2023.

After examining the review documentation at that meeting, which included: a) Officer and applicant response to NPF4 statements; b) Notice of Review (including the Decision Notice and Officer's Report); c) Papers referred to in Officer's Report; d) Additional Information; e) Consultation Replies; and f) List of Policies; the Review Body 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: Scottish Borders Local Development Plan 2016 and National Planning Framework 4. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD2 and HD3
- National Planning Framework 4 Policies: 14 and 16

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

The Review Body noted that the site lay outwith the settlement boundary of Broughton, located within a grouping of traditional buildings in a secluded and mature landscape setting. The existing cottage lay to the west of the grouping and was of a modest single storey nature.

Members acknowledged that the proposal was a large contemporary extension to the existing cottage. However, they were content that the design was sensitive to the locus and had architectural merit. Following discussion, they agreed that the extension was appropriate in scale, height and form when considered in the context of the group of buildings as a whole and not solely as an addition to the existing cottage.

In terms of the external materials, the Review Body considered that the red corrugated sheeting proposed for use on the roof and walls was a bold choice but noted that it was used in other agricultural buildings in the countryside around Broughton and was therefore an acceptable material in this locality.

Members decided that overall the development complemented the existing group of buildings at Ratchill, made a positive impact on the character and appearance of the existing cottage and provided an attractive family home.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2 and HD3 of the Local Development Plan and Policies 14 and 16 of National Planning Framework 4 and that there were no other material

considerations that would justify departure from the Development Plan. Consequently, the application was approved for the reasons stated above.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development to be commenced until precise details of all external materials and colours have been submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved scheme.  
Reason: To safeguard the visual amenity of the area.

## **INFORMATIVES**

1. As the development involves proposed demolitions of parts of the existing cottage, the applicant is reminded of the duties and responsibilities under the Conservation (Natural Habitat, &c.) Regulations 1994 and the Wildlife and Countryside Act 1981 in respect of protection of bats, birds and other protected species.
2. The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council).

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

## **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

## **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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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 S Mountford  
Chairman of the Local Review Body

**Date 3<sup>rd</sup> July 2023**