



U-Store Business Units Ltd
per Ray Cherry
Hillmount Cottage
Main Street
Birgham
Scottish Borders

Please ask for: Euan Calvert
01835 826513
Our Ref: 23/00325/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 27th April 2023

Dear Sir/Madam

PLANNING APPLICATION AT U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

PROPOSED DEVELOPMENT: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

APPLICANT: U-Store Business Units Ltd

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 : 23/00325/FUL

**To : U-Store Business Units Ltd per Ray Cherry Hillmount Cottage Main Street Birgham
Scottish Borders TD12 4NE**

With reference to your application validated on **1st March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

at : U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

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

**Dated 26th April 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00325/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
201	Proposed Plans	Refused
Site Plan Showing Parking	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- 2 The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

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).