

**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:** 23/00019/RREF

**Planning Application Reference:** 22/01935/FUL

**Development Proposal:** Installation of timber gates (retrospective)

**Location:** Church House, Raemartin Square, West Linton

**Applicant:** Mr JM and MRs G Barton

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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.

**DEVELOPMENT PROPOSAL**

The application relates to erection of boundary fence (retrospective) at Church House, Raemartin Square, West Linton. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan Refused	1 of 7
Proposed Plans Refused	2 of 7
Proposed Elevations Refused	3 of 7
Proposed Elevations Refused	4 of 7
Photos Refused	5 of 7
Photos Refused	6 of 7
Photos Refused	7 of 7

**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 14<sup>th</sup> August 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) Consultation Replies; and d) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to letters of support from local residents, updated response from the West Linton Community Council, letter from ward Councillor and letter from the West Linton Village trust, Members considered that the information did not raise any new material evidence that was not before the appointed officer. The information was admitted without the need for any further procedure. 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: 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, EP9
- National Planning Framework 4 Policies: 17, 14, 16

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- HES Guidance – Managing Change (Boundaries)

The Review Body acknowledged that it was unfortunate that the development had already been undertaken. Members noted that the site was located within the West Linton Conservation Area and that the property is a converted church with two separate gates providing access to the property from Raemartin Square. Members observed that the gated openings were formally iron railed with decorative tops and this appeal seeks permission for the painted timber boards had been added to both access gates.

The Review Body observed that the property was located down a narrow lane which was not extensively visible from other parts of the Conservation Area. Members noticed that other properties within the Conservation Area, including a neighbour opposite this site, had similar timber gates. Members noted that the iron gates remained in-situ behind the timber boards and gave weight to the fact that the works had not resulted in the complete loss of the original entrance features. The LRB judged that the works did not affect any of the retained gate piers or the stone boundary wall and its railings. Reservations were raised about the colour coating which had been applied to the timber boards, but it was accepted that this would weather in time.

The Local Review Body accepted that the timber gates did not pose any harmful impacts on the residential amenity of any neighbouring properties and that it did not result in any road safety issues.

Overall, the Local Review Body concluded that the timber gates did not adversely impact on the special character and amenity of the Conservation Area.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2 and EP9 of the Local Development Plan and Policies 7, 14 and 16 of National Planning Framework 4 whereby the development was not found to adversely impact on the character and appearance of the conservation area or the visual amenity of the residential area.

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** 2<sup>nd</sup> October 2023