

**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:** 22/00028/RREF

**Planning Application Reference:** 21/01905/FUL

**Development Proposal:** Erection of dwellinghouse

**Location:** Garden Ground Of Cheviot View Eden Road Gordon

**Applicant:** Mr Nigel Carey

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**DECISION**

The Local Review Body varies the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the small size of the site resulted in the proposal leading to a form of overdevelopment which does not respect the density of its surroundings and adversely impacts on the character and amenity of the surrounding area.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse with attached garage. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	C662-PP-001A
Proposed Site Plan	C662-PP-002B
Proposed Elevations	C662-PP-003A

## **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 21<sup>st</sup> November 2022. The review had previously been considered at the 17<sup>th</sup> October 2022 Local Review Body meeting where it was agreed that the appeal should be continued until a unaccompanied site visit had been carried out.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice, Officer's Report, consultations and appeal statement and supporting photograph's); b) Papers referred to in Officer's Report; and c) List of Policies. And having carried out further procedure in the form of an unaccompanied site visit, 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: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, PMD5, HD3, ED10, IS2, IS7, IS9,

Other Material Considerations

- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010

The Review Body noted that the proposal was for planning permission to erect a new dwellinghouse within an area of garden ground that was associated with the former dwellinghouse know as Cheviot View which has been demolished. Members noted that there was an extant planning consent for the erection of a single house directly to the west of this site, under planning reference 21/00913/FUL.

The Local Review Body noted that the site visit was of benefit as it allowed Members to view the site in its context and also consider the pattern of development within Gordon and particularly around Eden Road and Main Street. Members determined that the principle of backland development on this particular site would conform to the building pattern within the surrounding streetscape and that this was influenced by planning permission to build a house on another part of garden ground associated with the former dwelling of Cheviot View immediately adjacent to this proposal.

Members then moved on to consider the suitability of the proposal in terms of its siting and design. Members judged the size of the site to be small. Members observed that the small scale of the site resulted in the proposal being close to the position of the new house being developed under consent 21/00913/FUL. This would create a tight layout where two houses and their associated parking and turning areas would be located very close to one another and would have an uncomfortable relationship. The size of the plot would only offer limited

garden ground with its small scale minimising its function. The Local Review Body noted that Roads Planning had accepted the proposed access, parking and turning arrangements however Members noted that the small size of the site may struggle to accommodate future parking demands.

The Review Body concluded that the size of the site was the key determining issue. Overall, Members considered that the small scale nature of the site gave rise to a cramped layout, which represented overdevelopment of the site and failed to respect the character, amenity and pattern of development within the surrounding area. The proposal was judged to fail to comply with Policy PMD5 covering Infill Development, PMD2 covering Quality Standards and the Councils Placemaking and Design SPG.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

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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 Simon Mountford  
Chairman of the Local Review Body

**Date**.....