

M&J Ballantyne Ltd  
per Aitken Turnbull Architects Ltd  
9 Bridge Place  
Galashiels  
Scottish Borders  
TD1 1SN

**Please ask for:** Euan Calvert  
01835 826513  
**Our Ref:** 23/00684/FUL  
**Your Ref:**  
**E-Mail:** ecalvert@scotborders.gov.uk  
**Date:** 30th August 2023

Dear Sir/Madam

**PLANNING APPLICATION AT 58 Waldie Griffiths Drive Kelso Scottish Borders TD5 7UH**

**PROPOSED DEVELOPMENT: Change of use from amenity land to garden ground**

**APPLICANT: M&J Ballantyne 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 : 23/00684/FUL**

**To : M&J Ballantyne Ltd per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN**

With reference to your application validated on **4th May 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use from amenity land to garden ground**

**at : 58 Waldie Griffiths Drive Kelso Scottish Borders TD5 7UH**

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

**Dated 29th August 2023  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 23/00684/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P65 L 101	Proposed Site Plan	Refused
P65 LOC	Location Plan	Refused
P65 L 102	Specifications	Refused

**REASON FOR REFUSAL**

- 1 The proposal would be contrary to Policy 20 of National Planning Framework 4 and Policies PMD2 and EP11 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in the loss of public open space that would be out of character with the existing and proposed development pattern to the detriment of the visual amenity and character of the surrounding area. In addition, it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for development outweighs the need to retain the space. No comparable or enhancement of existing open space has been provided to mitigate the potential loss.

**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).