



**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:** 23/00036/RREF

**Planning Application Reference:** 23/00331/FUL

**Development Proposal:** Erection of dwellinghouse

**Location:** Land South of 1 Netherwells, Jedburgh

**Applicant:** Mr Peter Caunt

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**DECISION**

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

1. The proposal would be contrary to policy PMD2 of the Local Development Plan 2016, the SPG on Placemaking and Design and Policy 17 of NPF4 as the poor-quality design of the development would not be compatible with or sympathetic to the character and visual amenity of the surrounding area.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land south of 1 Netherwells, Jedburgh. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	A LOCATION PLAN
Topographical Plan	SITE SURVEY PLAN
Proposed Plans, Section & Elevations	2302-L05
Proposed Site Plan	2302-L03REVB

**PRELIMINARY MATTERS**

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 20<sup>th</sup> October 2023.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultation Replies; e) Objections; and f) List of Policies), the Review Body noted that alternative proposals presented as 'Option B' are proposed which provide an alternative siting and design for the proposal. The Local Review Body noted that this information was not in front of the Appointed Officer at the time of determination. After consideration, it was judged that the alternative proposals presented as 'Option B' represented a material change and did not meet the Section 43B Test as more particularly set out the Town & Country Planning (Scotland) Act 1997. Members determined that 'Option B' should not be admitted and if the applicant wishes to pursue the alternative proposals, then the correct process would be via a new planning application. Members then proceeded to determine the case based on the original proposals.

## **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: the Scottish Borders Local Development Plan 2016 (LDP) and National Planning Framework 4 (NPF4). The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, IS2, IS7, IS9
- NPF4 Policies: 1, 2, 9, 17

### Other Material Considerations

- SBC Supplementary Planning Guidance on Householder Development (incorporating Privacy and Sunlight Guide) 2006
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems August 2020
- SBC Supplementary Planning Guidance on Development Contributions 2011 (updated 2023)

The Review Body noted that full planning permission was sought for the erection of a dwellinghouse. Members noted that the proposal seeks to develop a strip of grass paddock ground and that hardcore has been laid to the front of the site.

The Local Review Body considered the proposals against development plan policy provisions covering rural housing and placemaking, principally Policies HD2 and PMD2 of the LDP as well as Policy 17 of NPF4 as well as the SPG on Housing in the Countryside.

Members noted that the appointed officer and the applicant both agreed that there was a building group at Netherwells. Against the requirements of Section A) Building Groups of Policy HD2, the Local Review Body accepted that there was an identifiable building group at Netherwells which consisted of more than three residential properties. Under the scale of addition rule, Members were satisfied that the building group has the numerical capacity to accept further housing within the current local development plan period.

The Local Review Body proceeded to consider whether the site was well related to the sense of place of the building group and in keeping with its character. Members noted that the site was directly adjacent to a semi-detached cottage to the northeast and three properties were located on the opposite side of the road. The Review Body accepted that the group is characterised by the siting of properties on both sides of the access road. The application site was considered to fall within the enclave of ground which had been developed for non-agricultural purposes. Members considered that the site did not break into a previously undeveloped field and would positively redevelop a previously abandoned site, which had appeared to have last been used for storage purposes.

The site was judged to integrate with the linear pattern of the building group and be well related to the access road. Concerns were raised that the proposal may give rise to an unsatisfactory form of ribbon development however it was considered that the inclusion of a strong landscaped strip along the sites southwestern boundary would enclose the development and reinforce the edge to the building group. In principle, the LRB were satisfied that the proposal was well related to the character and sense of place of the existing group, in accordance with siting requirements for building group additions under Section A of Policy HD2 and Policy 17 of NPF4.

Members then turned their attention to design considerations. The Review Body considered that the proposal represented a modern form of development with positive energy efficiency credentials. However, it was determined that its design failed to represent a high-quality development where its external appearance was unattractive and did not sensitively integrate with the sense of place of its rural context and the character of the surrounding area.

The Local Review Body noted third party representations were concerned with the road safety implications associated with the additional traffic and vehicles movements that the development would generate along the private road and its junction with the public road. Members agreed with the Councils Roads Planning Service that the existing road network would have the capacity to safely accommodate the traffic movements associated with this development.

Members moved on to other material matters covering residential amenity, parking and site services. The Review Body were of the opinion that appropriate conditions and legal agreement could address each of these matters satisfactorily.

## **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.

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** 7 November 2023