

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

---

**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**

---

**Local Review Reference:** 22/00017/RREF

**Planning Application Reference:** 21/01982/FUL

**Development Proposal:** Change of Use from agricultural store, alterations and extension to form dwellinghouse with garage

**Location:** The Blue House, near Swansfield Farm, Reston

**Applicant:** Mr Graeme Forsyth

---

**DECISION**

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

1. The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

**DEVELOPMENT PROPOSAL**

The application relates to change of use from agricultural store, alterations and extension to form dwellinghouse with garage. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	
Ground Floor Plan	21-028-001

First Floor Plan	21-028-002
SE and SW Proposed Elevations	21-028-003
NW and NE Proposed Elevations	21-028-004
Site Plan	21-028-005
Garage Plan and Elevations	21-028-006
Existing building	21-028-007

## **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 18<sup>th</sup> July 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in Officer's Report; c) Additional Information and d) List of Policies, the Review Body noted that the applicant had lodged an additional 3D image of the proposed development which had not been available to the Appointed Officer before a decision was taken on the application. Members applied the submission against S43B of The Act and admitted the image as they considered it to be material to their consideration of the Review.

The Review Body also noted that the applicant had requested further procedure in the form of written submissions, a hearing and site inspection but did not consider further procedure necessary in this instance and 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, HD2, HD3, ED9, ED10, EP1, EP2, EP3, EP8, EP13, IS2, IS7, IS9 and IS13

### **Other Material Considerations**

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- 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
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Renewable Energy 2018
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Use of Timber in Sustainable Construction 2009

- Scottish Planning Policy 2014

The Review Body noted that the application was for a change of use from agricultural store, alterations and extension to form dwellinghouse with garage at The Blue House, near Swansfield Farm, Reston. Members noted that the building was last used as an agricultural store, that it currently had no roof and that it had historic residential usage.

Members principally assessed the application against Section C of Local Development Plan Policy HD2 and the relevant Supplementary Planning Guidance. They noted this was the only Section of that Policy which covered conversion of non-residential buildings to dwellinghouses, Sections C and D relating to restoration or replacement of existing houses. Whilst Members were generally sympathetic to the applicant's intentions of bringing the old building back into use by conversion and addition, they agreed with the Appointed Officer that the scale of the new-build additions would be out of context with, and overbearing in relation to, the retained building. Members considered that this could result in the existing building appearing to be a subservient element, the overall impression being of a new-build dwellinghouse in an isolated position, outwith any building group.

Whilst the Review Body had no particular issue with the choice of contemporary materials, they considered that the excessive scale and incongruous relationship with the retained building would result in a conversion of little architectural merit. Members also did not accept the applicant's contention that the proposed overall design was intended to give the impression of an agricultural barn or grouping. Ultimately, the Review Body considered that the proposal was in contravention of Section C of Policy HD2 for reasons of excessive scale of the new-build additions. They also noted that Policy PMD2 required alterations or extensions to be appropriate to the existing building and that the proposal was too excessive in scale to achieve this.

Members suggested that a proposal of reduced scale more sympathetic to, and utilising the existing building at the heart of the conversion, would be more appropriate in relation to Policy HD2 and would be of greater architectural and historic merit.

The Review Body finally considered other material issues relating to the proposal including water, drainage, access, parking, archaeology, ecology, trees, contamination and developer contributions. As Members did not accept the scale of the development, they agreed that these issues did not influence their final decision.

## **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.

---

## **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.
- 

**Signed**.....  
Councillor S Mountford  
Chairman of the Local Review Body

**Date** 22 July 2022