
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

25th March 2024

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

2.1 Planning Applications

- 2.1.1 Reference: 23/00646/LBC
Proposal: Replacement roof to glasshouse
Site: Garden House Linthill, Melrose
Appellant: Mr Geoff Longstaff

Reason for Refusal: The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.

Reasons for Appeal: The building subject to this appeal is a Category B Listed Building that sits within the walled garden at Linthill. In 2019, the glass house was dismantled and reconstructed, with a link introduced, integrating the glass house as a habitable room of the existing dwelling. At the time of dismantlement, it was widely accepted that the original glass house was in a deteriorated condition and that the majority of the original, historic fabric was beyond repair. It is considered that taking into account the addition of the contemporary dwelling within the Walled Garden, and loss of the historic fabric of the glass house, this has resulted in a detrimental impact on the significance of the glass house and Walled Garden itself. Special architectural and historic interest in the Listed Building remains, albeit moderately reduced. Furthermore, the integration of the glass house into the dwelling has altered the character of the once autonomous nature of the structure itself.

It is considered that the proposed development is required to ensure a neglected historic building is brought back into a sustainable and productive use, that is resilient to current and future impacts of climate change. It is also considered that the existing glass house has already been subject to loss of its historic fabric and experienced harm to its special architectural and historic interest, whilst this has been

retained/recreated where possible, it is not considered that the introduction of a shingled roof brings any further harm to the Listed Building. In addition, the proposed development is essential in order to create a resilient and future proofed building that brings a neglected historic building back into active use.

[Please see the DPEA Website for the Appeal Documents](#)

2.2 Enforcements

Nil

2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

4.1 There remained 3 appeals previously reported on which decision were still awaited when this report was prepared on 15th March 2024. This relates to sites at:

<ul style="list-style-type: none">• Land East of Kirkwell House, Preston Road, Duns	<ul style="list-style-type: none">• Middle House, Kingsmuir Hall, Bonnington Road, Peebles
<ul style="list-style-type: none">• Land South East of Mounthooly House, Jedburgh	<ul style="list-style-type: none">•

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 23/00647/FUL
Proposal: Replacement roof to glasshouse
Site: Garden House Linthill, Melrose
Appellant: Mr Geoff Longstaff

Reason for Refusal: The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.

- 5.2 Reference: 23/01003/FUL
Proposal: Commercial storage facility comprising 30 no. storage containers with associated works
Site: Former Gas Works, Princes Street, Innerleithen
Appellant: Mr M Campbell

Reason for Refusal: The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development.

- 5.3 Reference: 23/01381/FUL
Proposal: Change of use of church and alterations to form dwellinghouse (revision to planning permission 22/01508/FUL)
Site: Westruther Parish Church, Westruther
Appellant: Mr Graeme Wright

Reason for Refusal: The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.

- 5.4 Reference: 23/01845/FUL
Proposal: Change of use of public house, alterations and extension to form dwellinghouse
Site: Public House, 3 Orrock Place, Hawick
Appellant: Mr & Mrs David McLean

Reason for Refusal: The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that the proposed site is located within an area at risk of flooding and the proposed change of use from a public house (Sui Generis) to a residential dwellinghouse (Class 9) would result in a higher class of vulnerability as defined in SEPA's Flood Risk and Land Use Vulnerability Guidance. The resulting threat to future occupants of the property would not be overridden by material considerations.

6 REVIEWS DETERMINED

- 6.1 Reference: 22/00532/PPP
Proposal: Erection of dwellinghouse
Site: Land West of The Garden House, Brieryyards, Hornshole Bridge, Hawick
Appellant: Mr Michael Johnson

Reasons for Refusal: 1. The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016, New Housing in the Borders Countryside Supplementary Planning Guidance and Policy 17 of National Planning Framework 4 in that the site does not form part of an existing building group of at least three houses or buildings currently in residential use, or capable of conversion to residential use and it has not been adequately demonstrated that the proposed house is a direct operational requirement to support an established rural business or other enterprise at this location. This would lead to an unsustainable form of development which would have a detrimental impact on the character and amenity of the rural area. This conflict with the development plan is not overridden by any other material considerations. 2. The development is also contrary to policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the proposed dwellinghouse would result in additional vehicular traffic on a sub-standard access to the public road to the detriment of road safety. This conflict with the development plan is not overridden by any other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.2 Reference: 23/00844/FUL
Proposal: Erection of dwellinghouse
Site: Land South of 1 Old Edinburgh Road, Eddleston
Appellant: Mr Francis Gilhooley

Reasons for Refusal: 1. The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 3. The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers and Site Visit

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.3 Reference: 23/01007/PPP
Proposal: Erection of dwellinghouse with access and associated works
Site: Land East of Mos Easley, Teviothead
Appellant: Buccleuch Estates Ltd

Reason for Refusal: The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.4 Reference: 23/01014/FUL
Proposal: Erection of dwellinghouse
Site: Garden Ground of Glenbield, Redpath
Appellant: Mr Keith Robertson

Reasons for Refusal: 1. The proposed development would fail to comply with Policy 14 of National Planning Framework 4 and Policies PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that, due to the small size of the site and its narrow nature, the proposal would constitute overdevelopment that would not respect the character of the area or existing pattern of development in Redpath. 2. The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene resulting in adverse impacts on the character and appearance of the Conservation Area. 3. The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the proposed dwellinghouse is poorly designed, detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area. 4. The proposed development would not comply with Policies PMD2 and IS7 of the Scottish Borders Local Development Plan 2016 in that the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site resulting in vehicular access and parking to the detriment of road safety.

Method of Review: Review of Papers and Site Visit

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 8 reviews previously reported on which decisions were still awaited when this report was prepared on 15th March 2024. This relates to sites at:

• The Blue House Near Swansfield Farm, Reston, Eyemouth	• Land Adjacent Carnlea, Main Street, Heiton
• Middle House, Kingsmuir Hall, Bonnington Road, Peebles	• Land East of Blinkbonny Farmhouse, Kelso
• Land East of Buckletons, Stichill Stables, Kelso	• 8 St Dunstan, Lilliesleaf
• Land East of Morebattle Mains Cottages, Morebattle	• 11A Roxburghe Drive, Hawick

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained no S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 15th March 2024.

Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

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Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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