

Mr Ewan Irvine
per Gain Planning Services
122 Scott Street
Galashiels
Scottish Borders
TD1 1DX

**Please ask
for:**



Ranald Dods
01835 825239

Our Ref:

23/00524/FUL

Your Ref:

E-Mail:

ranald.dods@scotborders.gov.uk

Date:

3rd July 2024

Dear Sir/Madam

**PLANNING APPLICATION AT White Bridge Park Kingsmeadows Road Peebles Scottish
Borders EH45 9DH**

PROPOSED DEVELOPMENT: Change of use of from Class 4 business to Class 6 plant
hire and builders yard (retrospective)

APPLICANT: Mr Ewan Irvine

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 : 23/00524/FUL****To : Mr Ewan Irvine per Gain Planning Services 122 Scott Street Galashiels Scottish
Borders TD1 1DX**

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

**Proposal : Change of use of from Class 4 business to Class 6 plant hire and builders yard
(retrospective)****at : White Bridge Park Kingsmeadows Road Peebles Scottish Borders EH45 9DH**

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

**Dated 3rd July 2024
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00524/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
1 of 9	Location Plan	Refused
2 of 9	Location Plan	Refused
3 of 9	Proposed Site Plan	Refused
4 of 9	Proposed Site Plan	Refused
5 of 9	Proposed Site Plan	Refused
6 of 9	Proposed Sections	Refused
7 of 9	Landscaping Plan	Refused
8 of 9 [10 sheets]	Photos	Refused
9 of 9	Photos	Refused

REASON FOR REFUSAL

- 1 The site is greenfield within the countryside on land designated as a special landscape area. The land is not allocated for storage and distribution purposes nor is it supported explicitly by policies within the LDP. The development is contrary to National Planning Framework 4 policies 4 and 9 and policies PMD2, PMD4 and policy EP5 of the Local Development Plan 2016.
- 2 The development is contrary to National Planning Framework 4 policies 26 and 29 and policies ED1 and ED7 of the Local Development Plan 2016 in that the applicant has not demonstrated that there are no suitable alternatives allocated within the LDP nor has it been demonstrated that there are any overriding economic and/or operational need for the proposed Class 6 operation to be located in this particular countryside location. This conflict with the development plan is not overridden by other material considerations.
- 3 The proposal has introduced a storage and distribution use into a rural setting and has altered fundamentally the character of the area and would be detrimental to the amenity of the surrounding area. The development would not, therefore, be consistent with the six qualities of successful place set out in National Planning Framework 4 policy 14. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the development is not compatible with nor does it respect the character of the surrounding area. These conflicts with the development plan are not overridden by other material considerations.
- 4 The development is contrary to National Planning Framework 4 policy 6 and policies EP12 and EP13 of the Local Development Plan 2016 in that a significant area of woodland resource has been removed and no account was taken of trees within or immediately adjacent the site. The loss of the woodland resource has had a seriously negative effect on the landscape, ecological and shelter value of the site and the associated Greenspace Network. The applicant has failed to demonstrate that the development would result in public benefits which would outweigh the loss of this woodland resource. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

- 5 The development is contrary to the terms of National Planning Framework 4 policy 4 and policies EP1, EP2 and EP3 of the Local Development Plan 2016 in that the applicant has failed to prove that the development would not have an adverse effect on protected species which may be present on the site. These conflicts with the development plan are not overridden by other material considerations.

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).