

APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Head of Planning and Development

1 Purpose of Report

- 1.1 This report informs the Committee of notices of reviews determined by the Local Review Body (LRB) at its meeting in September 2013; and an appeal decision received from Scottish Ministers.

2 Background

- 2.1 The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse the application or to impose conditions on a grant of planning permission.
- 2.2 The decision of the LRB on any review is final, and can only be challenged through the Courts on procedural grounds.
- 2.3 Decisions of the LRB are reported for information to this Committee.
- 2.4 In addition this report includes decisions on appeals which have been considered by Scottish Ministers.

3 Previous Reviews Determined by the LRB

- 3.1 At its meeting on 3 September 2013 the LRB made the following decisions:

	Planning Application Reference	Site Address	Proposed Development	LRB Decision
1	12/00792/DPP	38 Dewartown, Gorebridge	Installation of replacement windows	Permission granted
2	13/00002/DPP	41 Easter Langside Medway, Dalkeith	Extension to dwellinghouse	Permission granted
3	12/00835/DPP	Eastfield Industrial Estate, Penicuik	Change of use of industrial unit to dance and fitness studio	Permission refused
4	13/00161/DPP	Hardengreen Industrial Estate, Dalkeith	Change of use of industrial unit to fitness studio	Permission granted

4 Appeal Decisions

- 4.1 An appeal against a refusal of planning permission (11/00847/DPP) for the erection of 9 wind turbines, up to 115m in height to blade tip, and associated transformers; erection of anemometer; formation of access tracks and associated works at land at Fala Moor, Fala was dismissed. The Reporter concluded that *“the appeal proposal would give rise to an unacceptable number of significant adverse landscape and visual amenity impacts, including cumulative impacts”*. Two copies of the Scottish Government’s Reporter’s appeal decision notice dated 28 August 2013 have been placed in the Member’s Library.

5 Recommendation

- 5.1 The Committee is recommended to note the decisions made by the Local Review Body at its meeting on 3 September 2013 the Scottish Ministers’ appeal decision outlined in section 4 of this report.

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Background Papers: LRB procedures agreed on the 19 June 2012.