

Local Review Body: Review of Planning Application Reg. No. 14/00619/DPP

Mr Kevin Clark
28 Eskbank Road
Bonnyrigg
EH19 3AW

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Kevin Clark, 28 Eskbank Road, Bonnyrigg, EH19 3AW, which was registered on 21 January 2015 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use from communal land to private garden ground and erection of fence (retrospective) at 28 Eskbank Road, Bonnyrigg, EH19 3AW, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:100	29.08.2014
Site Plan		29.08.2014
Illustration/Photograph		29.08.2014
Illustration/Photograph		29.08.2014
Illustration/Photograph		29.08.2014
Illustration/Photograph		29.08.2014
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Conditions 1, 2 and 3 attached to the grant of planning permission dated 28 October 2014 under reference 14/00619/DPP has been removed by the Local Review Body (LRB). A non conditional planning permission for the Change of use from communal land to private garden ground and erection of fence (retrospective) has been granted. Please attach this decision notice to your original grant of planning permission.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 March 2015. The LRB carried out an unaccompanied site visit on the 9 March 2015.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built-up area
2. RP30 Midlothian Local Plan – Open space in Towns and Villages

In determining the review the LRB concluded:

The change of use of land to garden ground and the erection of boundary fence in its current form is compatible to the streetscape and as such does not have an adverse affect on the local area and therefore accords with policies RP20 and RP30 of the Midlothian Local Plan. There is no requirement to reposition the fence and plant landscaping as stated in the original decision notice issued on 28 October 2014.

Dated: 10/03/2015

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

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 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

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk