

Notice of Review: Braidlaw Farmhouse, Penicuik

Determination Report

Report by Ian Johnson, Head of Planning and Development

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' to remove condition 7 of planning permission 02/00864/FUL, for the erection of a dwellinghouse at Braidlaw Farmhouse (formerly known as Lansik Stud), Penicuik.

2 Background

- 2.1 Planning application 13/00348/DPP to remove condition 7 of planning permission 02/00864/FUL, for the erection of a dwellinghouse at Braidlaw Farmhouse, Penicuik was refused on 29 July 2013; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B);
 - A copy of the case officer's report (Appendix C);
 - A copy of the policies stated in the case officer's report (Appendix D); and
 - A copy of the decision notice issued on 29 July 2013 (Appendix E).

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an accompanied site visit for Monday 25 November 2013; and
 - Have determined to progress the review by way of written submissions.

- 4.2 The case officer's report identified that there were no consultations required and no representations received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012, and without prejudice to the determination of the review, conditions are usually prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission. However, in this case it is considered that no conditions would be required if the LRB is minded to grant planning permission.

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Background Papers: Planning application 13/00348/DPP available for inspection online.