

## Local Review Body: Review of Planning Application Reg. No. 15/00794/DPP

Mrs Hilary Larkins  
22 Tipperwell Way  
Howgate  
Midlothian  
EH26 8QP

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Hilary Larkins, 22 Tipperwell Way, Howgate, Midlothian, EH26 8QP which was registered on 25 February 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from agricultural land to private garden ground (retrospective) at Land North Of 22 Tipperwell Way, Penicuik**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PDR71585 1:1250	02.10.2015
Illustration/Photograph		02.10.2015

Subject to the following condition:

1. Within 3 months of this grant of planning permission:
  - i) The northeast boundary fence shall be removed and reinstated in alignment with the existing boundary between 22 and 23 Tipperwell Way;
  - ii) The southwest boundary fence shall be removed and reinstated in alignment with the existing boundary between 22 and 21 Tipperwell Way;
  - iii) The northwest boundary fence shall be reduced in length to align with the new positions of the northeast and southwest fences as stated in i and ii above; and
  - iv) No additional fencing shall be erected (with the exception of i – iii) unless otherwise approved in writing by the planning authority.

**Reason:** *To safeguard the amenity of neighbouring properties*

2. Within 3 months of this grant of planning permission details of a scheme of tree planting shall be submitted to and approved in writing by the planning authority. Details of the scheme shall include the location, species and size of trees proposed to mitigate the potential impact of overlooking of neighbouring properties and to soften the impact of the development into the landscape. A programme for completion and subsequent maintenance shall also be submitted. The tree planting shall be carried out in accordance with the scheme approved in writing by the planning authority. Thereafter any trees removed, dying, becoming seriously diseased or damaged shall be replaced in the following planting season by trees of a similar species to those originally required.

***Reason:*** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and protect the amenity of neighbouring properties.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 26 April 2016. The LRB carried out an unaccompanied site visit on the 25 April 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. DP2 Midlothian Local Plan – Development Guidelines

Material Considerations:

1. The individual circumstances of the site.
2. The potential impact of the proposed development on neighbouring properties.

In determining the review the LRB concluded:

The proposed development does not undermine the aims and objectives of the countryside subject to appropriate conditions to mitigate the potential impact of overlooking on the neighbouring properties.

Dated: 26/04/2016

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, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*