



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 November 2012; and three appeal decisions 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 20 November 2012 the LRB made the following decisions:

	Planning Application Reference	Site Address	Proposed Development	LRB Decision
1	12/00377/DPP	2 Glen View, Penicuik	Erection of detached garage	Permission granted
2	12/00188/DPP	48 Sixth Street, Newtongrange	Erection of two storey rear extension	Permission granted
3	12/00314/DPP	Cleikemin Cottage, Howgate	Erection of rear extension	Review dismissed

4 APPEAL DECISIONS

- 4.1 An appeal against non determination of an application for the erection of garage, workshop and studio at land adjacent 3 Eskview Villas, Eskbank was upheld and planning permission granted. A copy of the Scottish Government's Reporter's appeal decision notice dated 14 November 2012 accompanies this report.
- 4.2 An appeal against the refusal of a certificate of lawful use application with regard the occupation of a dwellinghouse in breach of a planning condition (requiring the construction of kennels prior to the occupation of an accompanying dwellinghouse) for over 10 years at Loanview House, Lang Loan, Straiton was dismissed and the Council was awarded costs. A copy of the Scottish Government's Reporter's appeal decision notice dated 13 November 2012 and decision to award costs dated 15 November 2012 accompanies this report.
- 4.3 Following the Council's decision to grant planning permission in principle for the erection of hotel, tourist retail outlet, tourist orientation centre and associated developments at Fordel Mains, land adjacent to the A68 Dalkeith Bypass the application was called in for consideration by the Scottish Ministers. Following a public hearing the Scottish Ministers have granted planning permission for the development. A copy of the decision notice dated 22 November 2012 accompanies this report.

5 REPORT IMPLICATIONS

5.1 Resource

There are no resource implications arising directly from this report.

5.2 Risk

Addressing the requirements of the Planning etc. (Scotland) Act 2006 is a strategic risk which has been adequately managed through actions by the Council to provide for its successful implementation.

5.3 Policy

Strategy

Implementation of the provisions of the 2006 Act and associated secondary legislation is a Corporate Resources Divisional priority.

Consultation

None required in the preparation of this report.

Equalities

This report is not proposing new services, policies, strategies or plans, and has therefore not been assessed for equalities implications.

Sustainability

The new procedures use the electronic e-planning system which substantially reduces the amount of paper previously required.

6 RECOMMENDATION

- 6.1 The Committee is recommended to note the decisions made by the Local Review Body at its meeting on 20 November 2012 and the Scottish Ministers' appeal decisions outlined in section 4 of this report.

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Background Papers: LRB procedures agreed by the LRB on the 12 June 2012.

