

Local Review Body: Review of Planning Application Reg. No. 15/00120/DPP

Miss Fiona Battey
Springfield Farm
Polton
Lasswade
EH18 1DY

Midlothian Council, as Planning Authority, having considered the review of the application by Miss Fiona Battey, Springfield Farm, Polton, Lasswade, EH18 1DY, which was registered on 22 July 2015 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of fence and gate and formation of access track (part retrospective) at Springfield Farm, Polton Road West, Lasswade, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	09.02.2015
Supporting statement		09.02.2015

The reason for the Council's decision is set out below:

It has not been demonstrated to the satisfaction of the planning authority that the proposed access track can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RP1, RP2 and RP6 of the adopted Midlothian Local Plan.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 October 2015. The LRB carried out an unaccompanied site visit on the 19 October 2015.

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. RP2 Midlothian Local Plan – Protection of the green belt
3. RP6 Midlothian Local Plan – Areas of great landscape value

4. RP7 Midlothian Local Plan – Landscape character
5. RP22 Midlothian Local Plan – Conservation area

Material Considerations:

1. The individual circumstances of the site.

In determining the review the LRB concluded:

Dated: 20/10/2015

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, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk