



---

## 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 July 2012; and an appeal decision 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 will include decisions on appeals which have been considered by Scottish Ministers.

### 3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 31 July 2012 the LRB made the following decisions:

	<b>Planning Application Reference</b>	<b>Site Address</b>	<b>Proposed Development</b>	<b>LRB Decision</b>
<b>1</b>	11/00748/DPP	16 Temple, Gorebridge	Installation of rooflights/windows	Review dismissed (Refused)
<b>2</b>	11/00799/DPP	92 Burnbrae Road, Bonnyrigg	Erection of extension to dwellinghouse	Permission granted subject to conditions
<b>3</b>	11/00857/DPP	Oxenfoord Home Farm, Pathhead	Change of use of agricultural building to car wash and valeting.	Review withdrawn by the applicant
<b>4</b>	12/00153/DPP	Lyndean, St Leonards, Lasswade	Installation of replacement windows	Permission granted subject to conditions

<b>5</b>	12/00143/DPP	37 Belwood Road, Milton Bridge, Penicuik	Erection of extension to dwellinghouse	Permission granted subject to conditions
<b>6</b>	11/00864/DPP	74 Newbattle Abbey Crescent, Eskbank, Dalkeith	Variation/removal of conditions	Permission granted subject to conditions

#### **4 APPEAL DECISIONS**

- 4.1 An appeal against the refusal of listed building consent for the installation of replacement door and windows at Mauldslie West Cottage, Temple, Gorebridge was dismissed. A copy of the Scottish Government's Reporter's appeal decision notice dated 31 July 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 31 July 2012 and the Scottish Ministers' appeal decision regarding Mauldslie West Cottage, Temple, Gorebridge.

**Ian Johnson**  
**Head of Planning and Development**

**21 August 2012**

**Contact Person: Peter Arnsdorf, Development Management Manager.**  
**Tel No: 0131 271 3310**

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

