

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr and Mrs	Ref No.	
Forename	Mark and Lindsey	Forename	
Surname	Niznik	Surname	
Company Name		Company Name	
Building No./Name	The Old Manse	Building No./Name	
Address Line 1	20 Westgate	Address Line 1	
Address Line 2		Address Line 2	
Town/City	North Berwick	Town/City	
Postcode	EH39 4AF	Postcode	
Telephone	01392 661000	Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	East Lothian Council		
Planning authority's application reference number	16/00108/P		
Site address	The Old Manse 20 Westgate North Berwick EH39 4AF		
Description of proposed development	Erection of wooden fence (retrospective)		

Date of application **23 February 2016**

Date of decision (if any) **8th April 2016**

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site Inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

n/a

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached document for statement and supporting photographs.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Letter to the Clerk to the Local Review Body
Section 8 of this Notice of Review form completed in separate document
Photo 1 - our fence and fence at 1 West End Place
Photo 2 - raised block wall at 16 Westgate
Copies of photos and plans in original application (4)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**Notice of Review –
Re - planning application 16/00108/P
Erection of fence (retrospective) – 20 Westgate, North Berwick (Niznik)**

8. Statement

We respectfully appeal this decision as we feel this fence has been erected within the context of existing timber fences within the immediate vicinity of our home. The fence mirrors the timber fence on the house opposite us on West End Place (see Photo 1).

We intend to stain this wooden fence and allow it to weather and will continue to blend it in with the existing stone wall. NB As we have been going through this retrospective planning permission procedure, following notification from the ELC Planning Department that we did not actually have permission for this wooden fence*, we have not stained the fence as yet this year.

*Due to a misunderstanding from our planning permission in 2010 when we renovated our house, we thought we had permission for the fence when we erected it, hence our retrospective planning application. We had initially applied to make our existing stone wall higher using more stonework of the same type as our existing wall having noted that a neighbour (at 16 Westgate) had already increased the height of their wall using block and render (see photo 2). This initial application was turned down at which point we applied to erect a wooden fence in the same manner as our neighbour across the road at 1 West End Place.

Please note that we know of no complaints regarding our fence since we erected it.