

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	Mrs	Ref No.	
Forename	Sharon	Forename	
Surname	Clark	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode	EH39 4LJ	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	East Lothian Council		
Planning authority's application reference number	23/00455/P		
Site address	1 Creel Court North Berwick EH39 4LJ		
Description of proposed development	2 bedroom flat in block of 6.		

Date of application

21/07/2023

Date of decision (if any)

25/08/2023

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.

• LOAD BEARING FINDING - COUNCIL POLICY IS UNLAWFUL AT COMMON LAW. *ALSO, POLICY IS VIOLATED BY THE PROVISIONS OF SEVERALS REGULATIONS 2009*

Business has been operating successfully, complaint free for over 9 years. We were originally advised that because our flat was in a shared stairwell that it would not necessarily be rejected. We then paid £700 in total for the Planing process, only to learn that effectively was the only reason for rejection. *SC*

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:

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.

As stated above , firstly..."Business has been operating successfully, complaint free for over 9 years. We were originally advised that because our flat was in a shared stairwell that it would not necessarily be rejected. We then paid £700 in total for the Planing process, only to learn that effectively was the only reason for rejection".

We have received no complaints, we only rent for about 10 weeks or so in the year, owing to the level of demand. We do not impact on residents in the block, evidenced by the zero complaint history.

The property has been professionally run by North Berwick holiday homes and there is a telephone number that is freely available 24/7 to any member of the public for any issues arising from the property.

The business has been run fully legitimately with full transparency through HMRC and also in respect of all mandatory safety compliance procedures and requirements.

Having been told that it would not necessarily be rejected because it had a common stair well by East Lothian Council (ELC) Planning staff (Bruce Murray, James Allan, Keith Dingwall), we feel we have been misled and now out of pocket for this money. Had ELC placed guidance on their website like Edinburgh has done regarding that it would be unlikely to pass, we would not have entered the process. We feel therefore that ELC have misled us and a separate complaint will be made against ELC in terms of how we have been treated.

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.

The fact that we have been misled. The fact that James Allan advised that as we were a complaint free business established over 9 years, that we should appeal.

Our initial submission omitted the availability of the 24/7 telephone number for members of the public.

Would like to restate that to access our flat, you do not pass any other residents doors. No complaints about noise pollution for residents, police or any other authority.

We have never allowed any hen/stag parties or similar and never will. It is mainly family's and golfers.

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

N/A

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.