



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100596719-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Bellspool Coach House"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Garcia"/>	Address 1 (Street): *	<input type="text" value="Dawyck"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH459JU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

2F1

Address 2:

21 MARYFIELD

Address 3:

ABBHEYHILL

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH7 5AR

Please identify/describe the location of the site or sites

Northing

674520

Easting

326979

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from residential to short-term lets

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☐ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☒ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed by Edinburgh Planning since the application was received by them.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

220717_Maryfield_Appeal_Statement, 220512_MARYFIELD_CHANGE OF USE_STATEMENT, 220512_MARYFIELD_CHANGE OF USE_BASE PLANS,

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

100566323-001

What date was the application submitted to the planning authority? *

16/05/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Scott Garcia

Declaration Date: 29/08/2022

PLANNING APPLICATION

21/9 MARYFIELD, EH7 5AR

Change of use from residential to short-term lettings use

11th May 2022

PLANNING, DESIGN AND ACCESS STATEMENT

Introduction

This application relates to the proposal to change the use of a one bedroom tenement flat into a short-term let use.

Location of site

The property is on the second floor of a typical 4 floor late Victorian tenement building in the Abbeyhill area.

Pedestrian access to the tenement building is via a communal door on Maryfield. Maryfield lies outside the City of Edinburgh Council controlled Parking Zones

Maryfield

The street carries two-way traffic with kerbside parking on both sides. Maryfield is cul-de-sac from London Road linking to Rossie Place via a pedestrian stair. On the opposite side of the street to this property are a terraced row of two-storey Edinburgh Colonies.

The street is residential street within a congested urban area.

Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have

materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a small one bedroom flat close to Easter Road and London Road and highly accessible to public transport. The flat could accommodate two people.

The common access stairwell serves 16 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 15 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (one to two) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 6 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a one bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 16 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

PLANNING APPLICATION APPEAL

Against the Non-Determination by City of Edinburgh Council in respect of Planning Application 22/02651/FUL

**2F1 21 Maryfield
EH7 5EP**

Description of development: Change of use from residential to short stay lettings use

**Application received by CEC 18th May 2022
Determination deadline 15th July 2022**

Statement of Appeal

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed either formally or informally by Edinburgh Planning since the application was received by them.

Location of site

The property is on the second floor of a typical 4 floor late Victorian tenement building in the Abbeyhill area.

Pedestrian access to the tenement building is via a communal door on Maryfield. Maryfield lies outside the City of Edinburgh Council controlled Parking Zones

Maryfield

The street carries two-way traffic with kerbside parking on both sides. Maryfield is cul-de-sac from London Road linking to Rossie Place via a

pedestrian stair. On the opposite side of the street to this property are a terraced row of two-storey Edinburgh Colonies.

The street is residential street within a congested urban area.

Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a small one bedroom flat close to Easter Road and London Road and highly accessible to public transport. The flat could accommodate two people.

The common access stairwell serves 16 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 15 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (one to two) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 6 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a one bedroom property and its

comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 16 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

Neighbour Comments and Representations

Total consulted 86 Comments received 19

Objections 3. Support 16

It has not been possible to read the contents of these representations, as they are not made publicly available on the planning applications website.

Presumably these will be made available to the Government appeal service on request. We do know, however, that numerous letters of support for the change of use have been received from near neighbours and local businesses

Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

16th July 2022



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100566323-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use from residential to short-term lets

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☒ Yes ☐ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name: Bellspool Coach House
First Name: *	Scott	Building Number:
Last Name: *	Garcia	Address 1 (Street): * Dawyck
Company/Organisation		Address 2:
Telephone Number: *	01463 655555	Town/City: * Peebles
Extension Number:		Country: * Scotland
Mobile Number:	07799 355555	Postcode: * EH459JU
Fax Number:		
Email Address: *	s.garcia@bellspool.co.uk	

Site Address Details

Planning Authority:	City of Edinburgh Council
Full postal address of the site (including postcode where available):	
Address 1:	2F1
Address 2:	21 MARYFIELD
Address 3:	ABBEYHILL
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH7 5AR

Please identify/describe the location of the site or sites

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Northing	674520	Easting	326979
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

46.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Short-term lets

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☐ Yes
☐ No, using a private water supply
☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

On-street refuse and recycling collection is available.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Scott Garcia

On behalf of:

Date: 16/05/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Scott Garcia

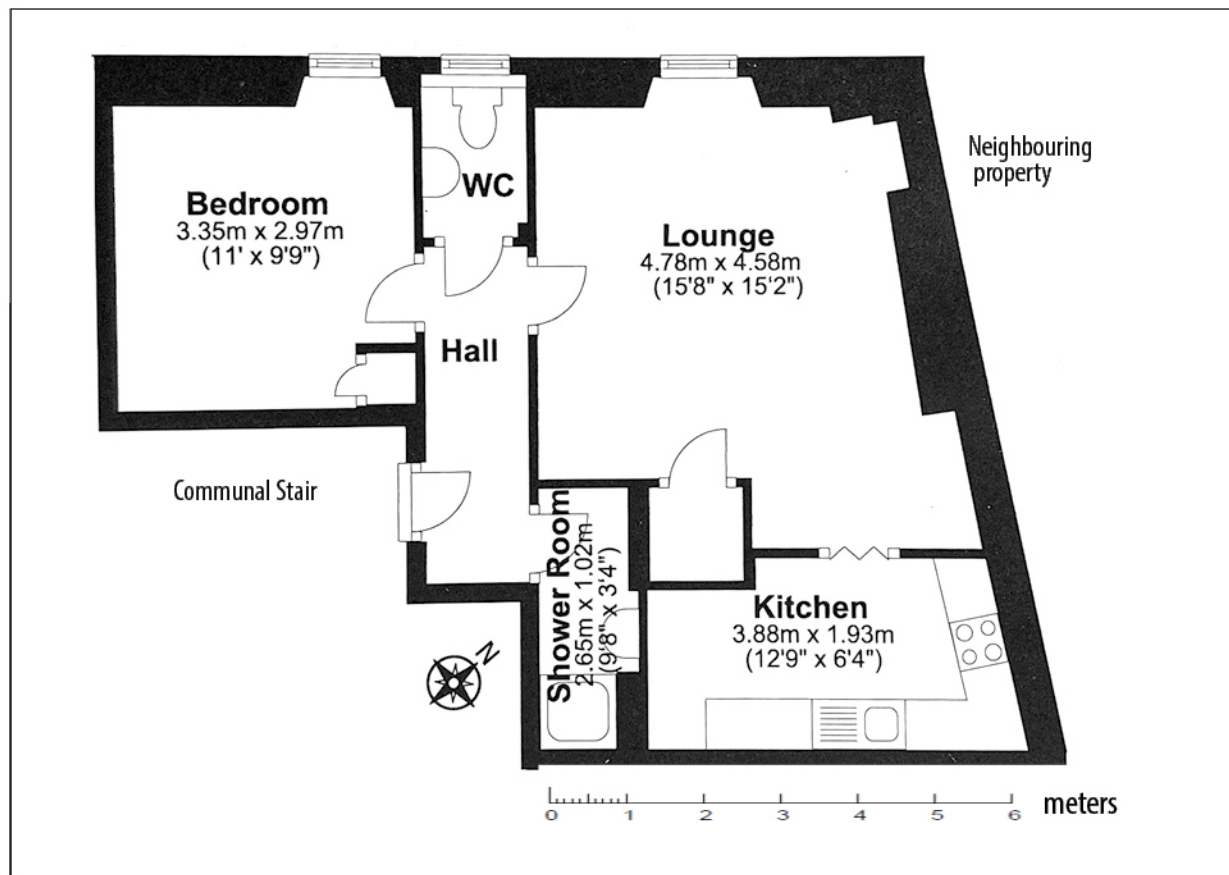
Declaration Date: 16/05/2022

Payment Details

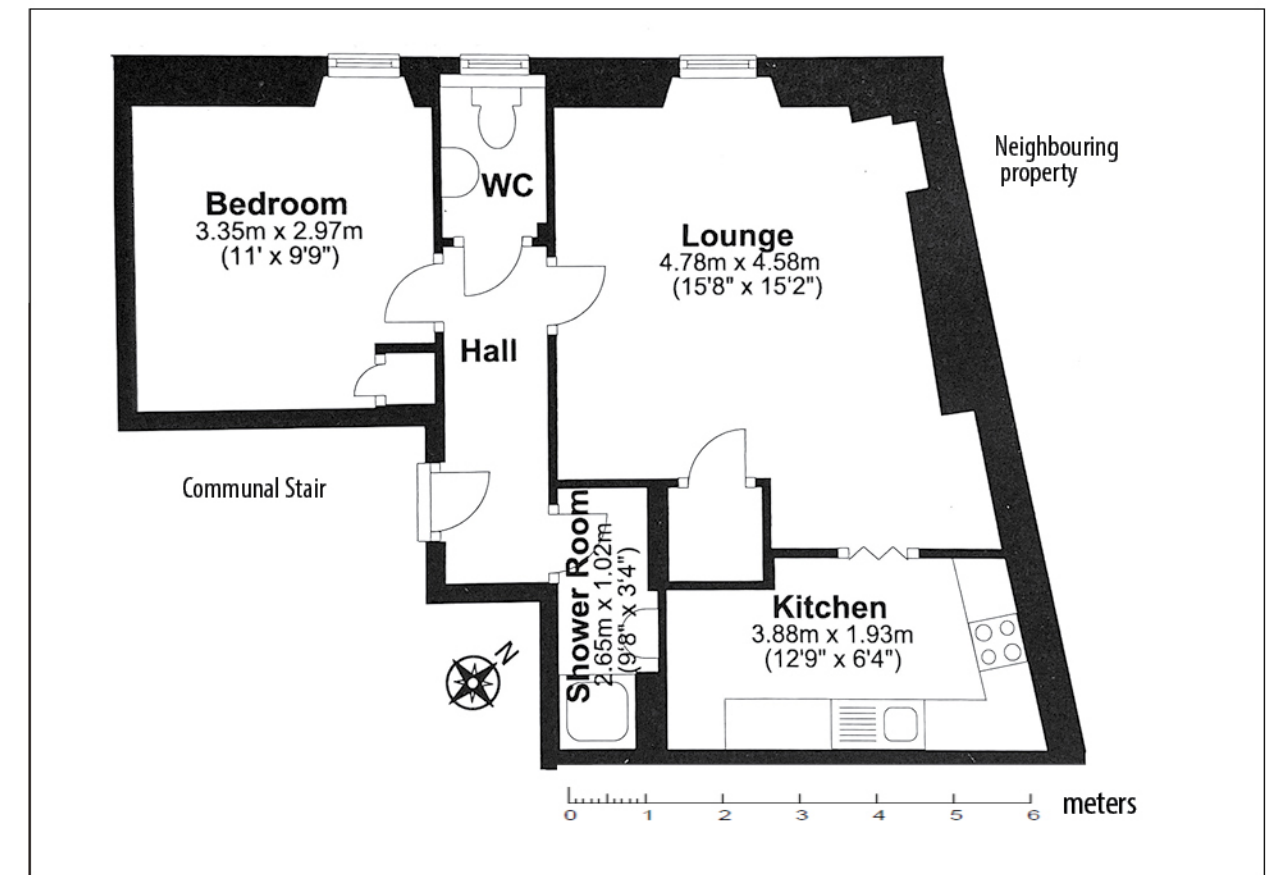
Online payment: [REDACTED]

Payment date: [REDACTED]

Created: 16/05/2022 14:02



Existing Floor Plan (Residential Use)



Proposed Floor Plan (Short-Term Let)



Location Plan 1:1250 @A3



Location Plan 1:500 @A3

- Notes:**
- This drawing is copyright and remains the property of One A Ltd unless otherwise agreed.
 - One A Ltd accept no responsibility for any unauthorised amendments to the drawing and do not permit unauthorised copying of the drawing.
 - All work and material based on these drawings to be in accordance with current applicable Statutory Legislation and to comply with all relevant Codes of Practice and British Standards.
 - All discrepancies to be notified to the Architect.
 - This drawing is not to be scaled.

Preliminary

This drawing is issued for the above purpose only and must not be used for any other purpose without the express permission of One A Ltd

Notes

Revisions

Job Title

Change of Use from Residential to Short-Term Letting:
21/9 Maryfield, Edinburgh EH7 5RR

Client

Mr Scott Garcia

Dwg Title

Existing & Proposed Second Floor Plans & Location Plans

Scale

scale varies @A3

Date

09/05/2022

Drawn by

ec

Checked by

ac

Drawing No.

SG_MF_09/05/2022

OneA

Planning & Landscape

Bellscoil Coach House
Dawyck
Peebles EH45 9JU
Tel 01721 760 312