

**TCP/11/16(330)**

**Planning Application 14/01494/FLL - Change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns**

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**Planning Application 14/01494/FLL - Change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

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Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 000105147-001

The online ref number 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

### Agent Details

Please enter Agent details

Company/Organisation:	Houghton Planning
Ref. Number:	
First Name: *	Paul
Last Name: *	Houghton
Telephone Number: *	01786 825575
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	<a href="mailto:paul@houghtonplanning.co.uk">paul@houghtonplanning.co.uk</a>

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	102
Address 1 (Street): *	High Street
Address 2:	
Town/City: *	Dunblane
Country: *	UK
Postcode: *	FK15 0ER

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both:*	
Other Title: *	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="K"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Knox"/>	Address 1 (Street): *	<input type="text" value="Durley Dene Crescent"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Bridge of Earn"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 9RU"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		
Please identify/describe the location of the site or sites.			
<input type="text" value="Former Binn Farm Cottages, Kinfauns"/>			
Northing	<input type="text"/>	Easting	<input type="text"/>

## Description of the Proposal

Please provide a description of the 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 of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena.

## 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 of 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.

See attached Local Review Statement.

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

☐ Yes ☒ No

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)

Planning application as submitted.  
Local Review Statement.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

14/01494/FLL

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

26/08/14

What date was the decision issued by the planning authority? \*

04/11/14

## 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

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

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

.

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: Paul Houghton

Declaration Date: 20/11/2014



## **Local Review Statement**

**Reference No:** 14/01494/FLL

**Applicant:** Mr and Mrs K Knox

**Proposal:** Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena.

**Site Address:** Former Binn Farm Cottages, Kinfauns

### **Introduction**

This Local Review Statement has been prepared in response to the Council's recent refusal under delegated powers of a detail planning application for the change of use of agricultural ground to residential, demolition of two dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena.

The planning application was refused for a single reason on 4<sup>th</sup> November 2014, as follows.

*"As the proposal includes the erection of a replacement dwelling, the proposal is contrary to Policy NE5 (Green Belt) of the adopted Local Development Plan 2014 which explicitly states that the Council's Housing in the Countryside Policy does not apply within the Green Belt and does not allow for any new residential development to occur except for conversions of existing buildings."*

It is requested that the Local Review Body (LRB) overturn this decision and grant planning permission. In particular, this statement sets out why there are considered to be material considerations, which indicate that a departure from the development plan is warranted.

It is requested that the LRB visit the application site before determining the local review.

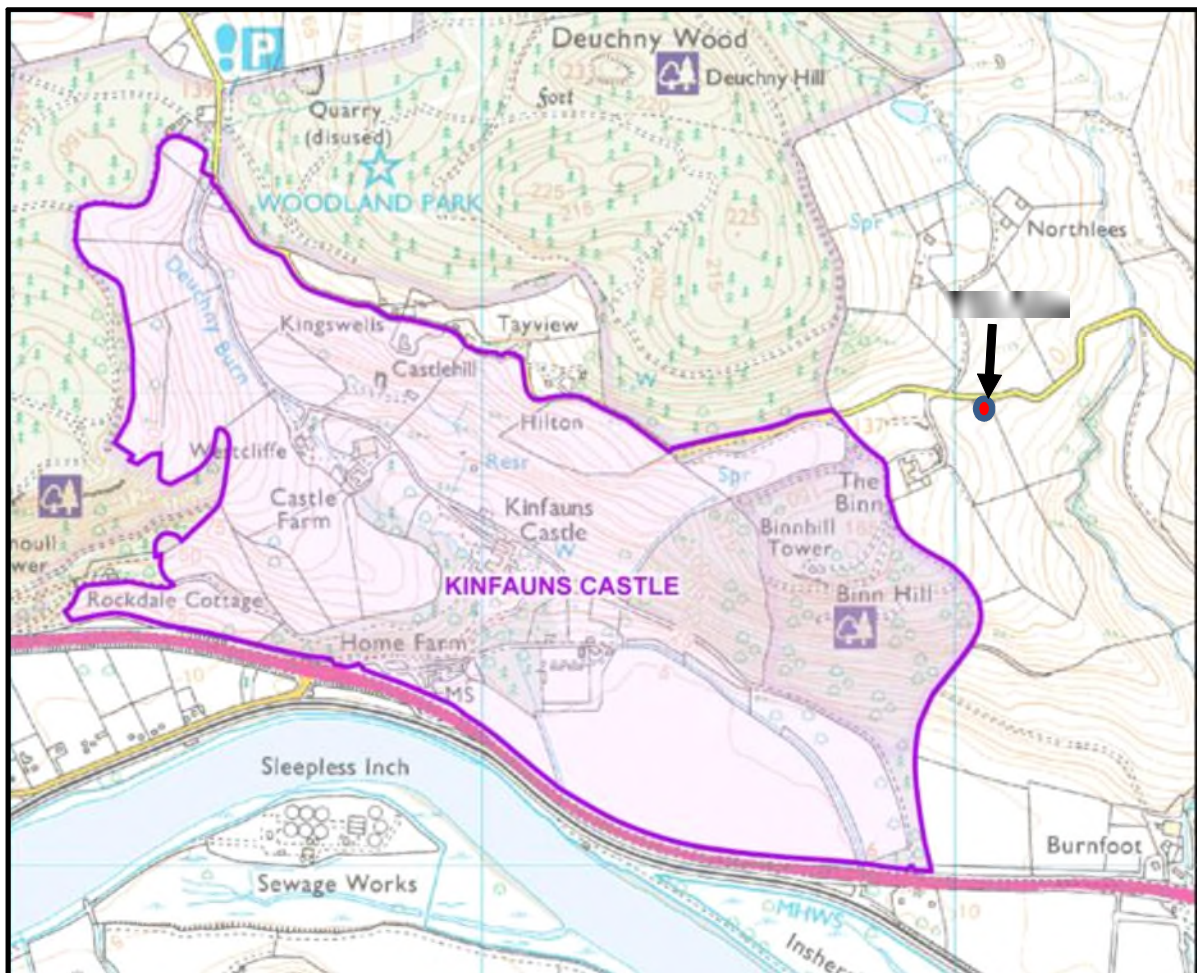
### **The Application Site**

The application site is situated in a rural location at Kinnoull Hill Road, close to Binn Hill. It comprises the site of two existing cottages and an area of associated farmland to the south of the C404 from which access is taken.

This area is designated as Green Belt in the Perth and Kinross Local Development Plan and falls with the Dolerite Hills Landscape Character Area.

The applicants have owned the application site and land since April 2014 and were not aware that it was Green Belt until they submitted the planning application, now the subject of this local review.

The site is c. 250 metres from the edge of Kinfauns Castle Historic Garden and Designed Landscape (see below), but there is no intervisibility from the application site beyond a ridge that runs north west to south east to the rear of The Binn and Binn Hill. This ridge is heavily wooded beyond that to the hilltop and towards the castle itself.



The cottages lie close to the road, but at a slightly lower level, with planting and a dilapidated garage building partly obscuring them from view from here. The footprint and garden of the cottages is the only generally level part of the site, as otherwise land rises up to the north, west and north west towards the tops of Kinnoull Hill and Binn Hill and falls away towards the

south, east and south east to the A90 and River Tay valley. The remaining land within the red line application site boundary, and otherwise owned by the applicants (blue land), is used as grazing land and extends to c. 7.28 hectares (18 acres).

The applicants are already using the farmland for their livestock, which generally comprises c. 100-120 sheep and five horses, and care for them by travelling from their temporary home in Bridge of Earn. Their horses are currently housed on the land without any form of shelter.

The two existing cottages date from the 1950s and are small, with a kitchen, living room, bathroom and two bedrooms in each. They are brick built, with a roughcast finish, and with substandard foundations and cement floors. They also have old services and wiring and one of them, the right-hand one looking from the road, has no central heating. They are not listed, but are simple in form and design. They could potentially be converted and extended to achieve more or less what the applicants hope to secure by way of a new build, but this is not their preferred solution, as they would like to start from scratch so that they can be sure that everything from the foundations upwards is compliant with modern building standards. They have also designed the house to be suitable throughout for wheelchair access, which would be difficult to achieve with converting the existing cottages. Furthermore, a new build is less expensive than a conversion due to the ability to reclaim VAT. This does not mean that the applicants intend to spend less on a new build, but rather if they can avoid VAT they can achieve more by way of quality of design and finishes and fixtures and fittings and thus contribute more to the local economy.

## **Proposed Development**

The proposed development comprises a number of elements, as follows.

- Change the use of a small section of agricultural ground to residential – The current curtilage of the two cottages equates to a site area of 0.13 hectares. It is proposed to increase this by the addition of a small area to the rear garden of c. 66 square metres. The case officer has raised no concerns in relation to this element.
- The demolition of the two existing dwellinghouses – The two existing cottages could be kept and converted, but, if the LRB accept the case for a new build, then there is no reason they could not be demolished and the case officer has raised no concerns in relation to this.
- The erection a replacement dwellinghouse with ancillary garage – The proposed dwelling will be located in the same position as the existing pair of cottages, is of similar scale to them, albeit slightly larger in footprint, and will retain their linear form. The proposed dwelling will offer living accommodation over one level only and will

not appear that much different in design and materials to what currently exists. It is this element that the case officer objects to, not on the basis of its design or any other impacts, but purely due to the fact that new build dwellings are not supported by Green Belt policy. This issue is explored further in the next section. The garage will be part domestic and part agricultural, also offering shelter for the applicants' horses. It is more or less a direct replacement for the current dilapidated garage, which is to be removed to improve access and sightlines.

- The agricultural shed – This building is designed and will be used for agricultural purposes and for shelter of horses and occasionally other livestock. The case officer considers that this building is *“modest in its size and appropriately finished in timber and metal sheeting which is not uncommon in rural areas and would not have an impact on the character of the Green Belt”*. The applicants concur with this view. Indeed, an agricultural building of the size proposed would be permitted development by virtue Part 6 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 were to be re-sited elsewhere on the land and further away from the road. However, the applicants prefer the siting shown on the site plan, as this will give them easy and level access to this building from the dwelling.
- The formation of an outdoor horse arena – The case officer also considers that the horse arena is something that can be developed in a Green Belt and will not have any wider impact and the applicants would concur with this. This arena will be used to exercise the applicants' horses. Although referred to as an arena, it is a low impact affair comprising some minor re-profiling of the ground, improved drainage and possibly a top covering of turf or other appropriate surfacing material surrounded by a low fence. There is no lighting proposed and it will be used solely by the applicants for exercising and schooling their horses.

## **The Case in Support of the Dwelling**

The basis for the refusal of the planning application relates solely to the fact that new build dwellings are not permitted in the Green Belt, although the conversion and extension of the existing pair of cottages would be.

The only applicable policy in the Local Development Plan is Policy NE5: Green Belt, as it is made explicit in the Plan that the Housing in the Countryside Policy RD3 does not apply in the Green Belt.

Policy NE5 states that:

*“Within the area designated as Green Belt, development will only be permitted where:*

*(a) It can be demonstrated that the development is essential for agriculture, horticulture (including allotments) or forestry operations that are appropriate to the Green Belt; or*

*(b) It constitutes woodlands or forestry, including community woodlands; or*

*(c) It constitutes uses which advance the Council's aims of improving public access to the countryside around Perth and are appropriate to the character of the Green Belt, including recreational, educational and outdoor sports development including modest related buildings which are located and designed in such a way as not to detract from the character of the Green Belt; or*

*(d) For buildings, where it involves alterations, extensions and changes of use to existing buildings these must not detract from the character of the Green Belt, (in the case of changes of use to residential property, these will only be permitted where the building is of suitable architectural quality); or*

*(e) For essential infrastructure such as roads and other transport infrastructure, masts and telecom equipment it must be demonstrated that they require a Green Belt location; and*

*(f) For all development within the Green Belt appropriate measures may require to mitigate any adverse impact on the character of the Green Belt."*

It is accepted that the current proposal does not comply with criterion (a) whilst criteria (b), (c) and (e) are not relevant. That leaves criterion (d), which is not relevant, as this is a new build rather than an extension, but is considered further below nonetheless. Criterion (f) is a catch-all and there is nothing in the Report of Handling that suggests any adverse impact on the Green Belt beyond an in principle objection on policy grounds.

As well as the planning policy, guidance in Scottish Planning Policy (SPP) is also relevant, which sets out the purposes of a Green Belt and the types of development that may be appropriate within one.

SPP (paragraph 49) states that a Green Belt can be defined around a town "to support the spatial strategy by:

- *directing development to the most appropriate locations and supporting regeneration;*
- *protecting and enhancing the character, landscape setting and identity of the settlement; and*
- *protecting and providing access to open space."*



Paragraph 52 goes on to state that Local Development Plans should set out the type of development that may be acceptable within them, which can include the *“intensification of established uses subject to the new development being of a suitable scale and form”*. This is presumably the basis for Policy NE5 supporting the conversion and extension of existing dwellings as a form of intensification.

Before explaining the material considerations that the applicants’ consider should weigh in favour of planning permission being granted, it should be stressed that there are considered to be no adverse impacts in this case. The case officer is content with all elements of the overall scheme and, whilst there has been one comment from a third party suggesting visual impact, this is not something supported by the case officer. The applicants agree with this opinion and this will be understood following a site visit, where it is apparent that what is proposed is modest in scale and extent and will have little additional visual impact over and above the buildings that currently exists. Equally, there will be no visual impact whatsoever upon the nearby Kinfauns Castle Historic Garden and Designed Landscape.

In terms of the case in favour, the following are considered to be material considerations in favour of supporting this application as a minor departure from the Local Development Plan.

1. The applicants were not aware that this area was Green Belt when they bought the land. It is appreciated that this is not a reason in itself for a departure, but perhaps suggests that a more flexible approach could be taken in this instance.
2. The proposals do not cause any harm to the purposes for which the Green Belt was designated in the first place in terms of paragraph 49 of SPP (see above).
3. The development can be replicated by extending the existing cottages and then converting them from two dwellings to one. Such conversion and extensions that are required may well be permitted development, but are anyway supported by policy NE5.

Point 3 is generally referred to as a fall-back position, when considered as a material consideration. It merits further consideration in this context because, in effect, what we are saying is that what is proposed could be achieved using permitted development rights and, even were this not the case, would be policy compliant with NE5 criterion (d). If that is the case, why refuse the application, deny the applicants the constructional and VAT (financial) benefit of a new build and force them to go for a conversion/extension scheme instead?

Permitted development rights are wide ranging for dwellings and, without going into too much detail, Part 1 of The Town and Country (General Permitted Development) (Scotland) Amendment Order 2011 would allow for each cottage to be extended by way of a single storey extension to the rear and side provided no more than 50% of the front or rear curtilage

(excluding the existing buildings) (Class 1A). Other classes would allow for a porch (Class 1C), changes to the external appearance, such as moving windows and doors (Class 2B) and the provision of incidental buildings, such as garages and sheds (Class 3A) and hard surfaces etc. (Class 3C).

It is, therefore, probable that what is proposed here, in relation to the new build dwelling, could be achieved anyway by applying permitted development and then knocking through to turn the two cottages into one dwelling.

If what is proposed is not permitted development, for whatever reason, maybe because it breaches the 1 metre distance to a boundary threshold, which is possible here as the existing rear gardens are quite short at c. 4 metres, then both the case officer (and the Local Development Plan Officer in the separate consultation response) accept that there would be no objection to achieving what is wanted by applying for planning permission and then converting and extending the pair of cottages. Comparisons between what exist and what is proposed suggest that this could easily be achieved albeit that it would require the applicants to start again with a fresh planning application, and possibly pay another application fee, if this altered proposal (and thus description of development) is regarded as materially different to the current application. The applicants will do this, if necessary, but hope that the LRB will allow this local review instead and thus allow a new build, with the advantages that come with this.

## **Conclusion**

For the reasons stated above, principally the fall-back material consideration related to permitted development rights and what would anyway comply with planning policy in the Green Belt, i.e. conversion and extension of the existing cottages, the LRB is asked to grant planning permission in this case. The departure from the development plan is minor, the proposed development causes no harm to interests of acknowledged importance and the applicants would appreciate a flexible approach being applied in this instance given that they were not to know the implications of the Green Belt being designated when they bought the property. Furthermore, asking them to convert and extend the existing cottages, rather than re-build, means that compromises will need to be made in terms of what is constructed and VAT will need to be paid rather than that money being invested in the quality of the build and thus the local economy.





## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	14/01494/FLL	
Ward No	1 - Carse	
Due Determination Date	04.11.2014	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena

**LOCATION:** Former Binn Farm Cottages, Kinfauns

#### SUMMARY

This report recommends **refusal** of a detailed planning application for the change of use of an area of agricultural land to residential, the demolition of 2 existing cottages and the erection of a new one, the erection of a shed and the formation of a horse riding arena as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 3 November 2014

#### SITE PHOTOGRAPHS



*View looking at the front (left) and rear (right) of the existing building.*

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site relates to two existing cottages and an area of associated farmland on a rural site on the side of Kinnoull Hill. The existing cottages are in a habitable condition but are not of any particular architectural merit and offer living accommodation over one level only.

This proposal seeks to,

- Change the use of a small section of agricultural ground to residential
- The demolition of the two existing dwellinghouses
- The erection a replacement dwellinghouse with ancillary garage
- The erection shed and
- The formation of an outdoor horse arena

The proposed dwelling will be located in same position as the existing building, be of similar scale to the existing building and will retain the linear form of the existing building, but will offer a slightly larger footprint and will have a slightly different appearance in terms of its elevations. The proposed dwelling will offer living accommodation over one level only.

To the rear (south) of the proposed dwelling, it is proposed to change the use of an area of farm land from an agricultural use allow for the creation of a small paddock area, presumably for horses and to allow for a new private drainage system to be installed. Adjacent to that area (to the east) is the proposed horse arena which will be approx. 800m<sup>2</sup> in area in a rectangular shape. No details of the surfacing of the arena have been submitted; however the arena will be enclosed by new 1.2m fencing.

At either side of the proposed dwelling two outbuildings are proposed. To the east an 'L' shaped garage is proposed whilst to the west a larger shed is proposed. The applicant has indicated that they currently work the surrounding land (and have a holding number) and that the larger shed will be used in connection with the farming activities on the land.

## **SITE HISTORY**

None related to this proposal.

## **PRE-APPLICATION CONSULTATION**

None related to this proposal.

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Of relevance to this proposal are,

### **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of specific relevance to this application are Paragraphs 74 - 83, which relate to Promoting Rural Development and Paragraphs 109 - 134, which relates to enabling the Delivery of New Homes.

### **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The lies within the landward area of the Local Development Plan 2014, and

within the Green Belt which surrounds the city of Perth where the following policies are applicable.

### **Policy NE5 - Green Belt**

Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. Policy NE5 explicitly states that the Housing in the Countryside Policy RD3 does not apply in the Green Belt.

### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

## **OTHER COUNCIL POLICIES**

**Shell UK Exploration And Production** have commented on the planning application and raised no concerns.

**Scottish Water** have commented on the planning application and raised no concerns.

**BP Consultations** have commented on the planning application and raised no concerns.

**HSE** have commented on the planning application and raised no objection.

## **INTERNAL CONSULTATION COMMENTS**

**Local Development Plan** team have commented on the planning application raising concerns regarding the proposal largely on the grounds that the proposal is located within the Green Belt area.

**Environmental Health** have commented on the planning application raising no objections.

**Transport Planning** have commented on the planning application raising no objections.

**Education & Children's Services** have commented on the planning application and indicated that the local primary school is operating at over 80% capacity.

**Contributions Officer** has commented on the planning application and indicated that there is no requirement for any financial contribution.

**Access Officers** were consulted on the planning application but have chosen not to make a comment.

## **REPRESENTATIONS**

Within the statutory timescales two letters of representation have been received, one of which is objecting to the proposal and one offering support. The main issues raised within the letter of representations are the visual impact that the proposal will have on the amenity of the area, the impact on the historic character of the area and that the proposal will adversely affect a pipeline.

The letter of support states that the proposal should be supported as it will improve the visual amenity of the area.

In addition to the two letters of representations which were received within the statutory timeframes, four others letters of support have been received.

## **ADDITIONAL STATEMENTS RECEIVED**

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material consideration, this includes a consideration of the approved policy on developer contributions, in relation to both Primary Education and also Transport Infrastructure.

## Policy Appraisal

In terms of land use, policy issues the key issue for this proposal is the fact that it is located within the Green Belt area which surrounds the city of Perth where *Policy NE5* of the Local Development Plan is applicable.

*Policy NE5* allows for alterations, extensions and changes of use to existing buildings providing these do not detract from the character of the Green Belt and in the case of change of use to residential property, these will only be permitted where the building is of suitable architectural quality. However, unlike the Housing in the Countryside policy (RD3) there is no scope within *Policy NE5* for the demolition and replacement of residential buildings.

*Policy RD3* of the Local Development Plan also clearly states that the Housing in the Countryside Policy does not apply within the Green Belt area.

To this end, and as this is proposal essentially is for the replacement of existing housing (with a new house), the proposal is contrary to *Policy NE5* of the Local Development Plan.

## Land Use

The proposal is essentially in three parts, the erection of a new dwelling (replacing two existing cottages), the formation of a horse arena and its associated change of use of farm land to domestic and the erection of new shed which will be used for agricultural purposes.

As all three of these proposed land uses have difficult issues attached to them, I shall assess their land use acceptability separately.

### New House

As stated previously, within the Green Belt area *Policy NE5* only allows for alterations, extensions and changes of use to existing buildings providing that the proposal would do not detract from the character of the Green Belt, and in the case of change of use to a residential property, these will only be permitted where the building is of suitable architectural quality. However, unlike the Housing in the Countryside Policy (RD3) there is no scope within *Policy NE5* for the demolition and replacement of residential buildings – either for mainstream housing or operational / economic need.

This position is clearly stated within *Policy RD3* of the Local Development Plan which states that the Housing in the Countryside Policy does not apply within the Green Belt area.

To this end, whilst the proposal in design terms is perfectly acceptable in land use terms - only a residential proposal for the conversion (which may include

an extension) of an existing building would be fully inline with the requirement of *Policy NE5* of the Local Development Plan.

#### Horse Arena and Change of use of agricultural land to domestic

*Policy NE5* offers support for new development (which is not residential), within the Green Belt providing that it is for a recreational, educational or outdoor sports development - including modest related buildings which are located and designed in such a way as not to detract from the character of the Green Belt. In my view, I would consider the formation of a private horse arena and associated paddock area to be generally inline with the aims of this Policy as the proposal is for the benefit of (private) recreational, outdoor sports which will not adversely impact on the character or amenity of the Green Belt.

#### New Shed

*Policy NE5* offers support for new development (which is not residential), within the Green Belt if it can be demonstrated that the development is essential for agriculture, horticulture (including allotments) or forestry operations that are appropriate to the Green Belt. The applicant has indicated that they own the surrounding land and have small holding with approx. 112 sheep and 5 horses. Whilst no other supporting information has been lodged, I consider it reasonable for a small holding of this size to have an associated shed, whether that be for the storage of feed, implements or even to house the livestock during the cold winter months. The shed proposed is fairly modest in its size and appropriately finished in timber and metal sheeting which is not uncommon in rural areas and would not have an impact on the character of the Green Belt.

However, whilst some of the proposal could be considered to be consistent with *Policy NE5* of the Local Development Plan, the inclusion of the replacement dwelling element renders the proposal unacceptable on land use grounds.

#### **Residential Amenity**

The proposed site is extremely isolated and will not affect the existing residential amenity of any other residential property. In terms of the level of private amenity space which will be available to future occupiers, the proposed layout meets with the Councils standards and will offer the new occupiers an adequate level of residential amenity.

#### **Visual Amenity**

The proposed replacement dwelling is of a good design, which will have a positive impact on the existing visual amenity of the area. In terms of the two

proposed outbuildings, but the outbuildings will be timber with metal profile sheeting. In this rural location I have no immediate concerns regarding the visual appearance of these structures and ultimately consider them acceptable in visual terms.

### **Roads and Access**

In terms of road related matters the proposal raises no issues.

### **Drainage and Flooding**

The proposal raises no issues in terms of drainage or flooding matters.

### **Pipeline Issues**

Within the representations, it has been raised that the proposal will have an adverse impact on the interiority of an existing pipeline. Both the operators who have an interest in the pipeline as well as HSE have raised no concerns over the proposal and I have no reason to offer a different view.

### **Impact on the Historic Character of the area**

Within the representations concerns have been raised regarding the impact that the proposal will have on the historic character of the area. Whilst there is a Historic Garden and Designed Landscape within the vicinity of the application site, this proposal will have little impact (either negatively or positively) on the integrity of the HGDL.

### **Developer Contributions**

#### Primary Education

As the proposal is not creating any new residential units, there is not any requirement for a financial contribution in relation to Primary Education.

#### Transport Infrastructure

In terms of Transport Infrastructure, the Council has not been seeking contributions from agricultural sheds as they have generally been erected in support of existing uses and are unlikely to create additional traffic pressure, but each case needs to be taken on its own merits. In this instance, as this application is reducing the total number of housing units on the site the impact of the shed being used in relation to the agricultural holding is unlikely to create additional traffic pressure and to this end a contribution in relation to Transport Infrastructure is not required.



## **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **Conclusion**

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan. On that basis the application is recommended for approval subject to conditions.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application for the following reason,**

As the proposal includes the erection of a replacement dwelling, the proposal is contrary to Policy NE5 (Green Belt) of the adopted Local Development Plan 2014 which explicitly states that the Council's Housing in the Countryside Policy does not apply within the Green Belt and does not allow for any new residential development to occur except for conversions of existing buildings.

## **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

**Informatives**

None applicable.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

14/01494/1 - 14/01494/8 (*inclusive*)

**Date of Report 03.11.2014**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000098148-001

The online ref number 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: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☒ 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)

Demolition and replacement of 2No. semi-detached bungalow cottages with new-build bungalow, associated private drainage system, ancillary garage/ sheds and horse arena; alterations to existing boundaries.

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

Have the works already been started 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

## Agent Details

Please enter Agent details

Company/Organisation:

AGB Developments c/o Craig  
McDowall Architectural  
Services

You must enter a Building Name or Number, or  
both:\*

Building Name:

Ref. Number:

Building Number:

First Name: \*

Craig

Address 1 (Street): \*

Last Name: \*

McDowall

Address 2:

Telephone Number: \*

01738 560537

Town/City: \*

Extension Number:

Country: \*

Mobile Number:

Postcode: \*

Fax Number:

Email Address: \*

info@craigmcdowall.co.uk

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: \*

Other

You must enter a Building Name or Number, or  
both:\*

Other Title: \*

Mr & Mrs

Building Name:

First Name: \*

K

Building Number:

Last Name: \*

Knox

Address 1 (Street): \*

Company/Organisation:

Address 2:

Telephone Number:

Town/City: \*

Extension Number:

Country: \*

Mobile Number:

Postcode: \*

Fax Number:

Email Address:

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

1 Binn Farm Cottage

Address 5:

Address 2:

Kinfauns

Town/City/Settlement:

Perth

Address 3:

Post Code:

PH2 7LJ

Address 4:

Please identify/describe the location of the site or sites.

Northing

722970

Easting

316058

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

2746.00

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)

2No. semi-detached residential dwellings; pasture fields.

## Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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? \*

2

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)? \*

2

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, cycle spaces).

## Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

The existing septic tank will be replaced with a new septic tank and soakaway, to be located within the adjacent client-owned pasture field.

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)

Waste/ recycling storage to be stored on site adjacent to site access, as indicated on plan.

## Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## 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) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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: Craig McDowall

On behalf of: Mr & Mrs K Knox

Date: 25/08/2014

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County 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 developments (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 County 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.

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: Craig McDowall

Declaration Date: 26/08/2014

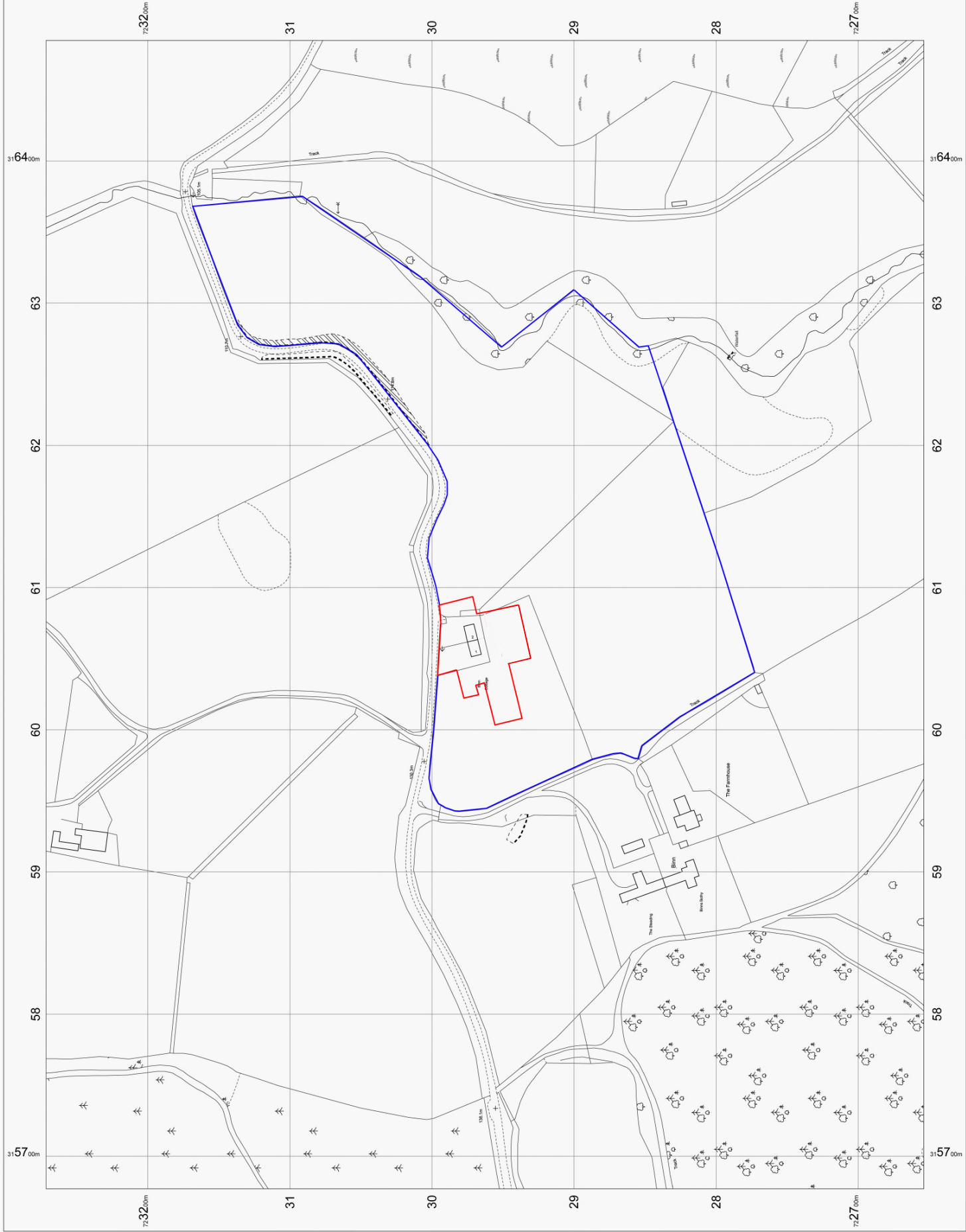
Submission Date: 26/08/2014

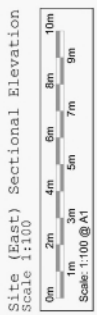
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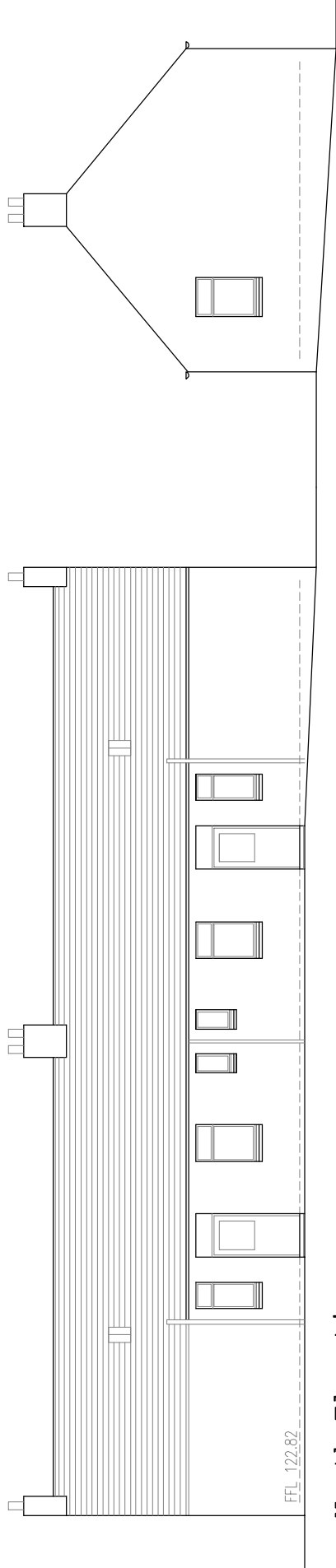
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Binn Cottages, Kinfauns

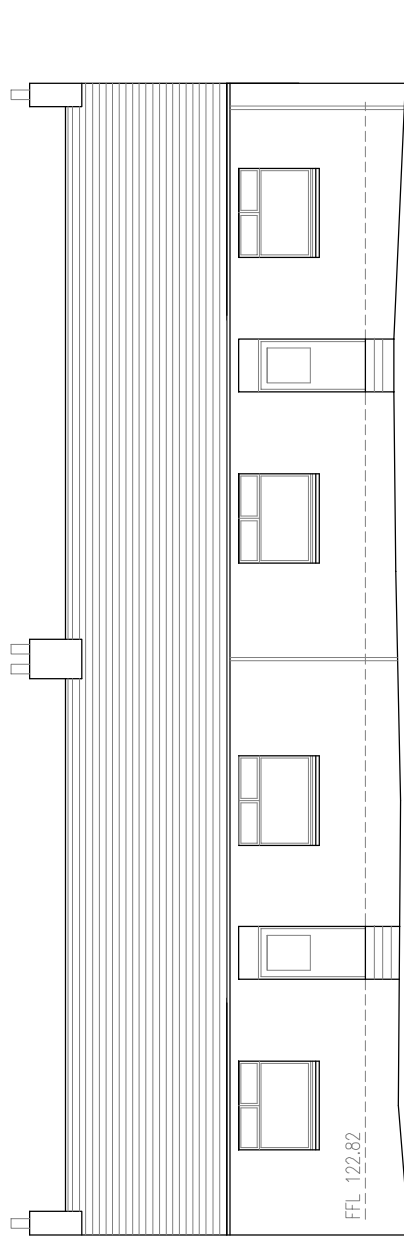




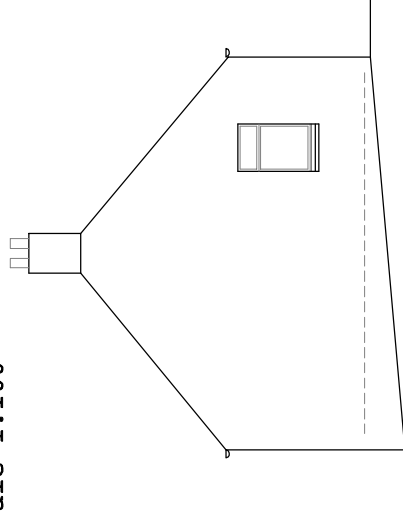


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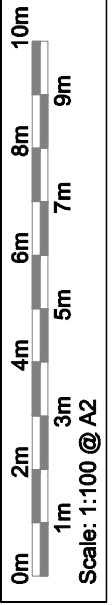
West Elevation  
Scale 1:100



South Elevation  
Scale 1:100



East Elevation  
Scale 1:100



**Craig McDowall**  
**Architectural Services**

7 Poplar Crescent  
Perth  
ph11 1hr  
01738 560537 - 07762795107  
www.craigmc Dowall.co.uk  
info@craigmc Dowall.co.uk

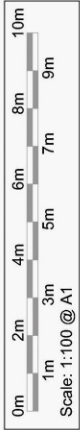
**NEW-BUILD REPLACEMENT DWELLING AT  
BINN COTTAGES, KINFAUNS  
PERTHSHIRE**

Client	AGB DEVELOPMENTS
Purpose	<u>PLANNING APPLICATION</u>
Drawing	EXISTING ELEVATIONS
Drawing No.	S01
Revision	
Scale	1:100 @ A2
Project Ref.	
Date	Aug 2014
Drawn	CSM

I CERTIFY THAT THIS IS A TRUE COPY  
OF THE PLAN(S) REFERRED TO IN THE  
PLANNING / WARRANT APPLICATION

SIGNED .....DATED .....

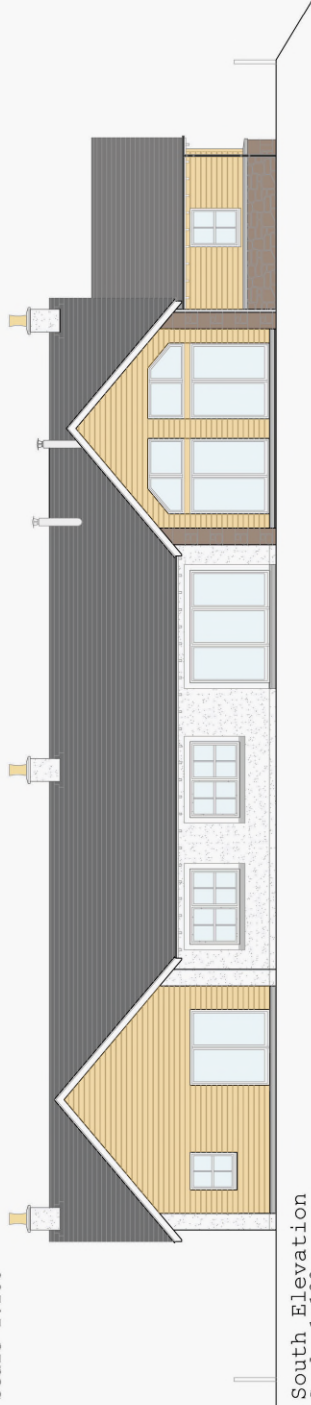
NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers written instructions, relevant Codes of Practice and relevant European standards.  
All dimensions, boundaries and levels to be site verified by contractor prior to construction. Report any discrepancies to CA/PM.  
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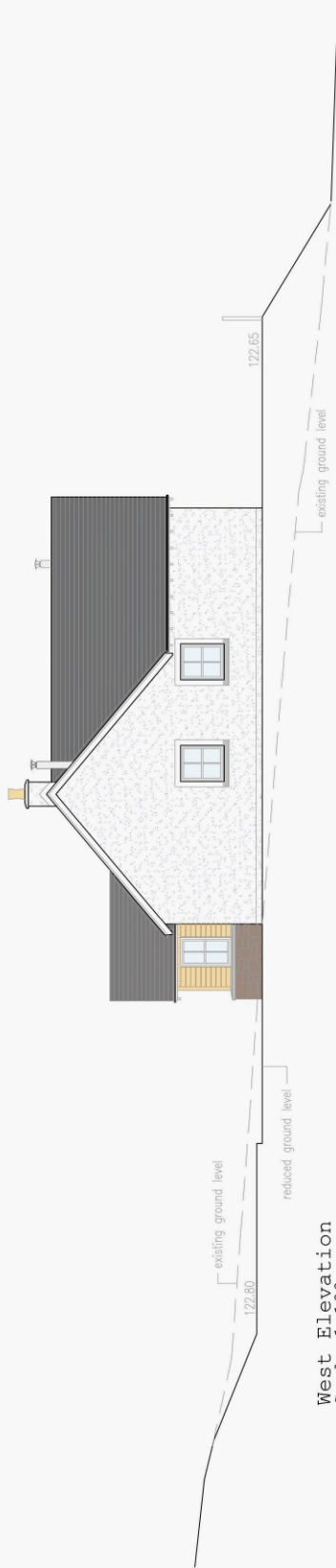
North Elevation  
Scale 1:100



East Elevation  
Scale 1:100



South Elevation  
Scale 1:100



West Elevation  
Scale 1:100

Craig McDowall  
Architectural Services

7 Poplar Crescent  
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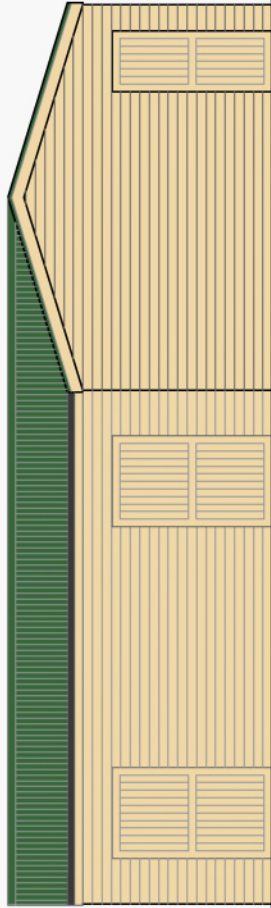
NEW-BUILD REPLACEMENT DWELLING AT  
BINN COTTAGES, KINFAUNS  
PERTHSHIRE

Client AGB DEVELOPMENTS  
Purpose PLANNING APPLICATION  
Drawing PROPOSED ELEVATIONS  
Drawing No. PL01  
Revision  
Scale 1:100 @ A2  
Project Ref.  
Date Aug 2014  
Drawn CSM

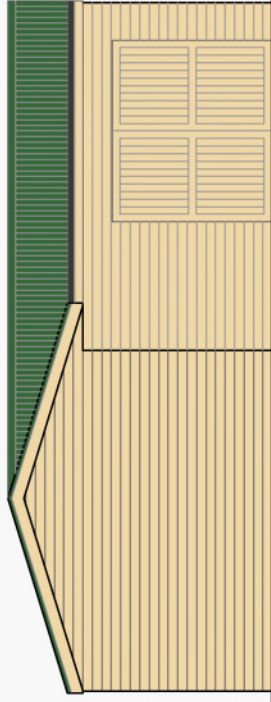
I CERTIFY THAT THIS IS A TRUE COPY  
OF THE PLAN(S) REFERRED TO IN THE  
PLANNING / WARRANT APPLICATION

SIGNED.....DATED.....

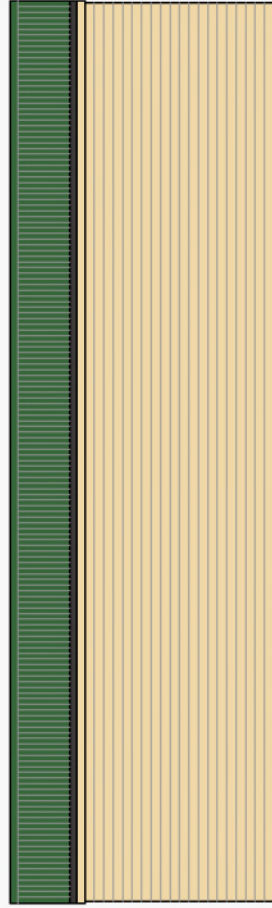
NOTE: All proprietary goods and materials are to be fitted in  
accordance with the relevant manufacturers' instructions, relevant Codes of  
Practice and British / EU Standards.  
All dimensions, boundaries and levels to be site verified by contractor prior to  
construction. Report any discrepancies to C&A P&L.  
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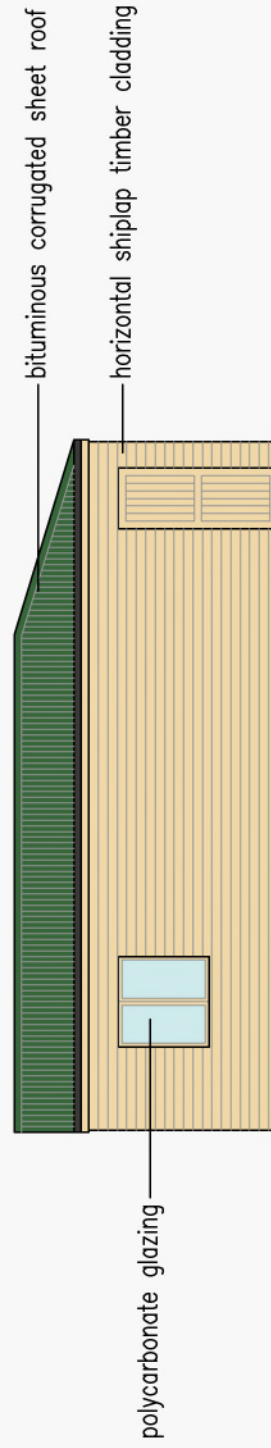
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Scale 1:100



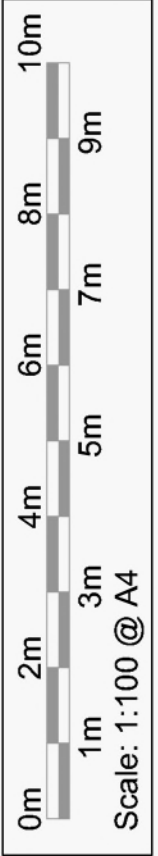
North Elevation  
Scale 1:100



East Elevation  
Scale 1:100



South Elevation  
Scale 1:100



Craig McDowell  
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info@craigmcdownall.co.uk

NEW-BUILD REPLACEMENT DWELLING AT  
BINN COTTAGES, KINFAUNS  
PERTHSHIRE

Client AGB DEVELOPMENTS  
Purpose PLANNING APPLICATION  
Drawing PROPOSED GARAGE ELEVATIONS  
Drawing No. PL03  
Revision  
Scale 1:100 @ A4  
Project Ref.  
Date Aug 2014  
Drawn CSM

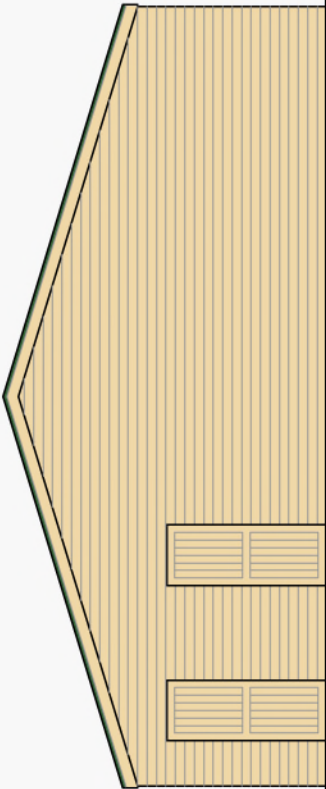
I CERTIFY THAT THIS IS A TRUE COPY  
OF THE PLAN(S) REFERRED TO IN THE  
PLANNING / ~~ARCHITECTURAL~~ APPLICATION

SIGNED.....DATED.....

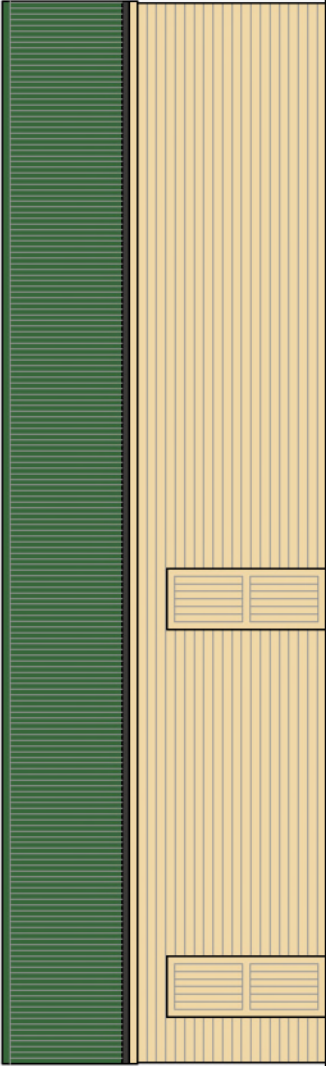
NOTE: All proprietary goods and materials are to be fitted in  
accordance with manufacturers written instructions, relevant Codes of  
Practice and British/ EU Standards.  
All dimensions, boundaries and levels to be site verified by contractor prior to  
construction. Report any discrepancies to CA/ PM.

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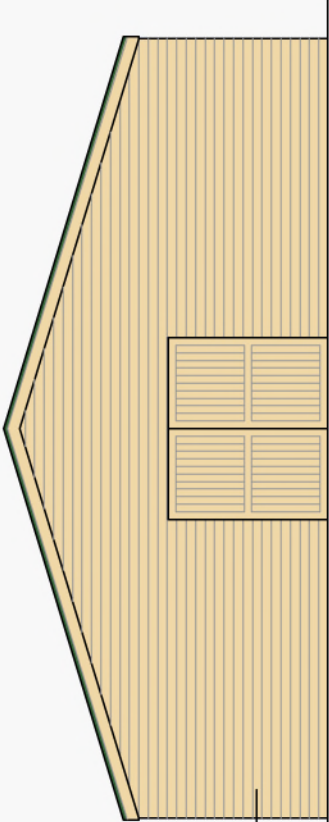




East Elevation  
Scale 1:100



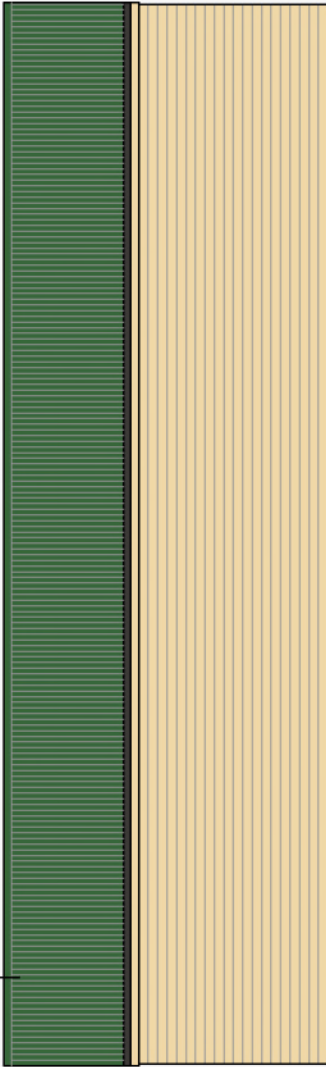
North Elevation  
Scale 1:100



West Elevation  
Scale 1:100

horizontal shiplap timber cladding

bituminous corrugated sheet roof



South Elevation  
Scale 1:100



Scale: 1:100 @ A4

Craig McDowell  
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01738 560537 - 07762795107  
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info@craigmcowell.co.uk

NEW-BUILD REPLACEMENT DWELLING AT  
BINN COTTAGES, KINFAUNS  
PERTSHIRE

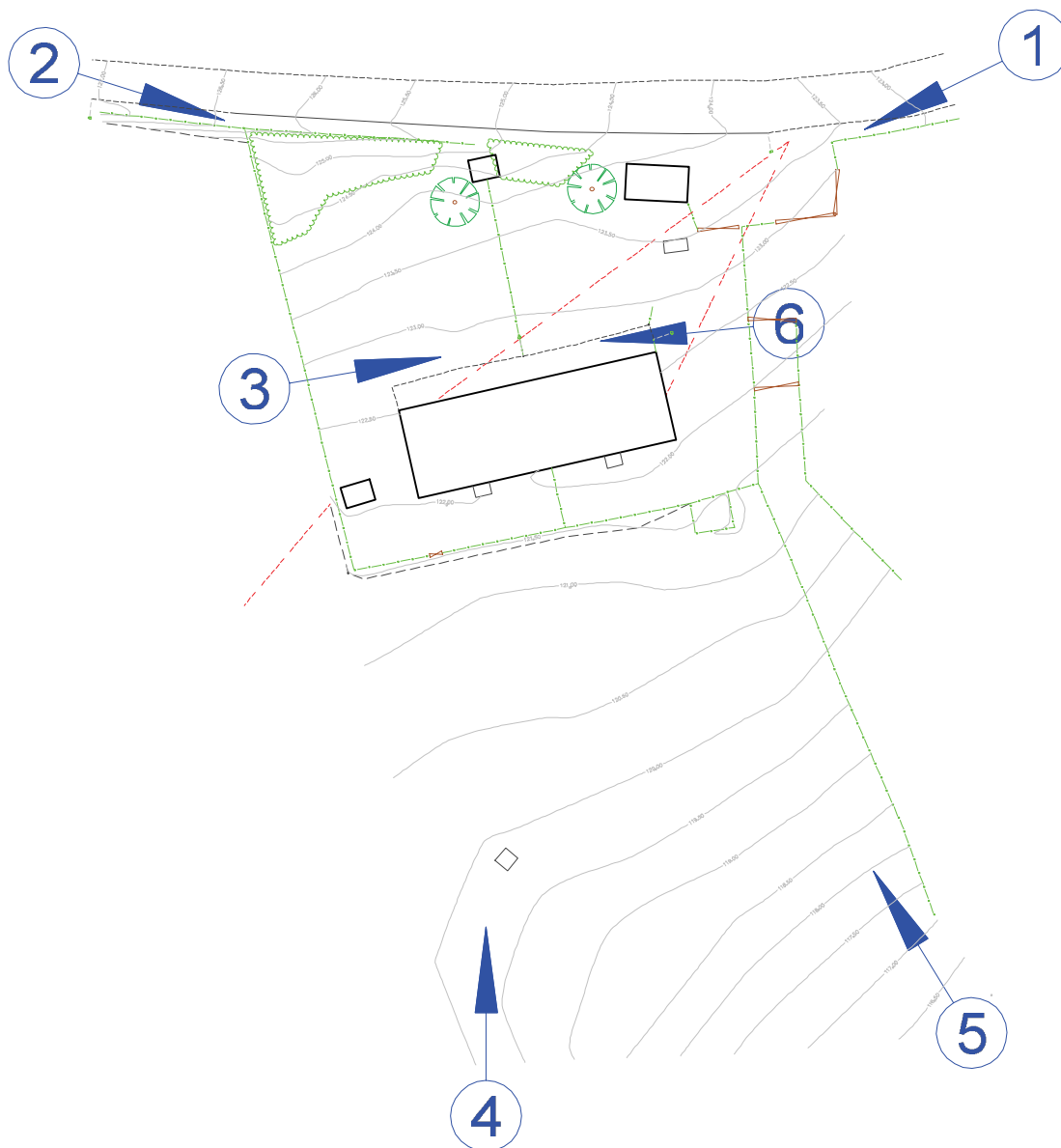
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Purpose PLANNING APPLICATION  
Drawing PROPOSED SHED ELEVATIONS  
Drawing No. PL04  
Revision  
Scale 1:100 @ A4  
Project Ref.  
Date Aug 2014  
Drawn CSM

I CERTIFY THAT THIS IS A TRUE COPY  
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PLANNING / ~~WARRANT~~ APPLICATION

SIGNED.....DATED.....

NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers written instructions, relevant Codes of Practice and British/ EU Standards.  
All dimensions, boundaries and levels to be site verified by contractor prior to construction. Report any discrepancies to CA/ PM.  
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Subject **Photo Location Diagram for  
Binn Cottages,  
Kinfauns.**

Drawn by  
**S.WILSON**

Page  
**1 of 1**

Dwg No  
**21414/01**

Date  
**19/07/2014**

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Project Reference : Binn Cottages, Perthshire

Dwg. No : 21414/01

Date : 21<sup>st</sup> July 2014







**TCP/11/16(330)**

**Planning Application 14/01494/FLL - Change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns**

## **PLANNING DECISION NOTICE**

**REPORT OF HANDLING** *(included in applicant's submission, see pages 613-622)*

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 631-639)*



# PERTH AND KINROSS COUNCIL

Mr And Mrs K Knox  
c/o AGB Developments  
C/o Craig McDowall Architectural Service  
Craig McDowall  
7 Poplar Crescent  
Perth  
PH1 1HR

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 4th November 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01494/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 5th September 2014 for permission for **Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena Former Binn Farm Cottages Kinfauns** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the proposal includes the erection of a replacement dwelling, the proposal is contrary to Policy NE5 (Green Belt) of the adopted Local Development Plan 2014 which explicitly states that the Council's Housing in the Countryside Policy does not apply within the Green Belt and does not allow for any new residential development to occur except for conversions of existing buildings.

### Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

**Plan Reference**

**14/01494/1**

**14/01494/2**

**14/01494/3**

**14/01494/4**

**14/01494/5**

**14/01494/6**

**14/01494/7**

**14/01494/8**



**TCP/11/16(330)**

**Planning Application 14/01494/FLL - Change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns**

## **REPRESENTATIONS**

- Representation from Development Negotiations Officer, dated 11 September 2014
- Representation from Shell UK Ltd, dated 16 September 2014
- Representation from BP Midstream Pipelines, dated 22 September 2014
- Objection from S Pearson, received 25 September 2014
- Representation from Transport Planning, dated 1 October 2014
- Representation from Regulatory Services Manager, dated 2 October 2014
- Representation regarding the Local Development Plan, dated 7 October 2014
- Objection from Mr and Mrs Hayes, dated 13 October 2014



## INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management  
From: Euan McLaughlin  
Date: 11 September 2014  
Planning Reference: 14/01494/FLL

Description of Proposal: Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena Former Binn Farm Cottages Kinfauns for Mr And Mrs K Knox

**NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.**

### Primary Education

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Kinnoull Primary School.

The site presently consists of two semi-detached dwellings. This proposal seeks to replace them with a single dwelling. This proposal will not create a net increase in the total number of dwellinghouses on the site. The Developer Contributions Supplementary Guidance will not apply.

### Transport Infrastructure

With reference to the above planning application the Council Transport Infrastructure Development Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The site presently consists of two semi-detached dwellings. This proposal seeks to replace them with a single dwelling. This proposal will not create a net increase in the total number of dwellinghouses on the site. The Transport Infrastructure Supplementary Guidance will not apply.

### Summarised as follows

Education: £0

Transport Infrastructure: £0

**Total: £0**

### Contacts

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin  
Tel: 01738 475381  
Email: [emclaughlin@pkc.gov.uk](mailto:emclaughlin@pkc.gov.uk)

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren  
Tel: 01738 476405  
Email: [sjmclaren@pkc.gov.uk](mailto:sjmclaren@pkc.gov.uk)



AMB

Mr N Brian  
Development Quality Manager  
Perth & Kinross Council  
The Environment Service  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD



Shell U.K. Limited  
Onshore Pipelines  
Orchardbank Industrial Estate  
Forfar  
Angus DD8 1TD  
United Kingdom  
Switchboard +44 (0) 1307 462225  
Tel +44 (0) 1307 475351  
Fax +44 (0) 1307 468522  
Internet <http://www.shell.com/eandp>

16<sup>th</sup> September 2014

Your ref: 14/01494/FLL  
Our ref: UIO/W/PSDP/CB/kc

RECEIVED

23 SEP 2014

Dear Sir

**The Town and Country Planning (Scotland) Act 1997  
as Amended by Planning etc (Scotland) Act 2006  
Consultation on an Application**

**Change of Use of Agricultural Ground to Residential, Demolition of 2No. Dwellinghouses  
Erection of Replacement Dwellinghouse, Ancillary Garage and Shed and Formation  
of an Outdoor Horse Arena, Former Binn Farm Cottages, Kinfauns for Mr & Mrs K Knox**

Thank you for your recent consultation regarding the above planning application. From the information provided on your website, there is no reason why the development would directly affect our pipeline servitude strip or the safety and integrity of our pipeline. However, the developer should be made aware that we should be consulted prior to the laying of any services associated with the development that would need to cross our pipeline.

I expect that as the development is within the consultation zone for the pipeline, that you may also be seeking advice from the HSE. Should this be so I would be pleased if you will provide a copy of such advice to me.

Yours faithfully  
Shell U.K. Limited

PP

Colin Ballantine  
Pipeline Engineer





Ken W. Smith

Wayleaves Team Leader  
BP Midstream Pipelines



BP Midstream Pipelines  
Antonie House  
PO Box 21746  
Callendar Business Park  
Falkirk  
FK1 1XR

22 September 2014

Attn: Nick Brian  
Perth & Kinross Council  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

ENTERED IN COMPUTER

23 SEP 2014

RECEIVED

23 SEP 2014

Dear Sir,

Phone: 01324 478842  
Fax: 01324 476779  
Mobile: 07990 551153  
Email: smithk42@bp.com

**APPLICATION REFERENCE: 14/01494/FLL**

**RE: CHANGE OF USE OF AGRICULTURAL GROUND TO RESIDENTIAL, DEMOLITION OF 2NO. DWELLINGHOUSES, ERECTION OF REPLACEMENT DWELLINGHOUSE, ANCILARY GARAGE AND SHED AND FORMATION OF AN OUTDOOR HORSE ARENA, FORMER BINN FARM COTTAGES, KINFAUNS for MR AND MRS K KNOX.**

We thank you for your recent consultation regarding the above planning application and advise you that, as the safety and engineering integrity of our BP Forties Pipeline will not be affected, we have no comment to make on the proposal.

Yours faithfully,

**KEN W SMITH**





RECEIVED

29 SEP 2014

AMB



Coates of Fingask Farm Cottage

Rhynd

PERTH

PH2 8QH

Perth and Kinross Council,  
Planning Department,  
Pullar House,  
35, Kinnoull Street,  
PERTH  
PH1 5GD



Your Ref:

14/01494/FLL

**Former Binn Farm Cottages, Kinfauns.**

I hereby give notice of my objection to the aforementioned Planning Application, currently under consideration by your department. The application relates to the Binn Farm Cottages, Muirhall Road, Kinfauns, PH2 7LJ, where I was resident for some 16 years until June, 2013.

**APPLICATION - NEIGHBOURS.**

The application relates to the change of use from agricultural to residential land, demolition of 2 cottages, erection of replacement dwelling, garage, shed and horse arena. The applicants purchased this property together with about 18 acres (7.28ha) of agricultural land in April 2014. Whilst acknowledging the current system regarding "neighbour notification" I would contend that such a change of use will effect all contiguous land owners. As it stands, you have sent such notifications to 1 and 2 Binn Cottages only (despite them be clearly marked as unoccupied), thus achieving the spurious result of notifying the applicants of their own application!

- 1) I therefore suggest that this application be re-submitted with full and proper neighbour notification carried out**

**VISUAL IMPACT.**

The location is one of outstanding natural beauty, with stunning views over the Tay Valley and has long been the subject of numerous photographs and paintings. The proposed construction shows the house will be some 8 metres wider than the existing and taken together with the ancillary

buildings (garage, shed and horse arena) will extend from West to East for a distance of over 240 metres, compared with the existing footprint of around 90 metres on the same axis. The impact of such a construction from the public road and the overlooking Deuchny Wood would be severe, to say the least.

It should also be noted that the public road and the nearby Northlees Farm road, form part of the Historic Coronation Walk, which is a tourist attraction, bringing countless walkers to the area.

**2) I would suggest that Historic Scotland should be consulted on this application.**

I now turn to the visual impact from the Southern side. The property is visible from the main Perth to Dundee road (A.90) from a point near Toft Hill Farm travelling West until the slip road leading to Kinfauns itself. It is also fully visible to residents of Inchyra and numerous positions South of the River Tay. I call attention to Perth and Kinross Planning reference 05/00513/FUL (Pedgrift) where your department ruled that the elevation of a new building had to be such, that it was not visible from the A.90. I further refer you to P & K. C. reference 99/01941/FUL (Booth) which was refused in part due to the visual impact of the proposed building from the South. This refusal was upheld on appeal by the Government.

**3) I would contend that the proposed increase of more than 100% of the development footprint clearly will impact visually from the South and that given the previous decisions of Perth and Kinross Council, must be rejected.**

**DEMOLITION.**

The applicant proposes to demolish the existing cottages. As mentioned above, I was resident in one of those cottages (No. 1) until June 2013. Throughout the 16 years I was there, the roof/attic space was home to a colony of bats.

**4) In accordance with NPGG14 Natural Heritage and PAN60 Planning for Natural Heritage, I insist that a full "Bat Survey" be carried out prior to work commencing.**

It should be noted that the then owner, Mrs. P. Robb, was fully aware of the existence of this colony and hopefully passed this information on to the applicants.

**HORSE ARENA.**

I would ask the Council to consider whether there is a need for such a structure at the location, given that a Commercial Stable and Arena already exist within 850 yards (direct). The applicant has made no mention of the use they intend to make of this structure, i.e. whether it will be entirely for their own use, or whether it will be made available on a commercial basis.

**5) If the latter is the case, then the council need to consider the increased traffic on the public road, as well as the adverse effects on an existing business**

**RESIDENTIAL USE**

As stated previously, the applicants own 18 acres of land and if granted a change of use, what is to prevent them selling on large portions to building developers? A change to residential use would

also conflict with the existing oil pipeline which transits through the land on a North-South axis. Given the recent decision regarding the Balado site for "T in the Park" – this surely has to be considered by the council.

- 6) Council should consider the Development Plan regarding the loss of Agricultural Lands and also the Health and Safety concerns regarding the pipeline.**

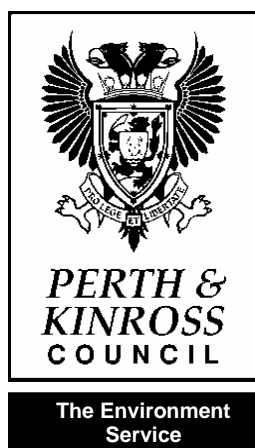
Yours faithfully,

A handwritten signature in blue ink, appearing to read 'S. Pearson', with a large, stylized initial 'S'.

S. Pearson.

CC: Councillor D. Pover.





# MEMORANDUM

To	Andy Baxter Planning Officer	From	Niall Moran Transport Planning Officer Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	14/01494/FLL	Date	1 October 2014

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 14/01494/FLL for planning consent for:- **Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena Former Binn Farm Cottages Kinfauns for Mr And Mrs K Knox**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

I trust these comments are of assistance.



# Memorandum

To	Development Quality Manager	From	Regulatory Services Manager
Your ref	PK 14/01494/FLL	Our ref	SP
Date	2 October 2014	Tel No	(01738) 476 460

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an application for Planning Permission

**PK14/01494/FLL RE: Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena Former Binn Farm Cottages Kinfauns for Mr And Mrs K Knox**

I refer to your letter dated 17 September 2014 in connection with the above application and have the following comments to make

### Environmental Health (assessment date 2/10/14)

#### Recommendation

**I have no objection in principle to the application but recommend the undernoted conditions be included on any given consent.**

#### Comments

This application is for the demolition of 2 already existing cottages, the erection of a replacement dwelling house, ancillary garage and shed and formation of an outdoor horse arena.

The proposed site is in a rural location on the outskirts of Perth near Kinnoull Hill and the closest residential property is approximately 140m away. As far as I can ascertain there has been 1 objection to this proposal on the basis of visual amenity, roads etc.

#### Condition

1. The horse arena will have in place and carry out a waste management and removal system for all manure from the site, as to ensure that odour is kept to a minimum.
2. The horse arena shall remain in the same ownership as the dwelling house.







## **CONSULTATION ON PLANNING APPLICATION – LOCAL DEVELOPMENT PLAN**



**To:** Development Management

**From:** Katrina Walker

**Date:** 7/10/14

**Planning Reference:** 14/01494/FLL

**Description of Proposal:** Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement

**Site Address:** Former Binn Farm Cottages, Kinfauns

**LDP & Area:** Perth and Kinross Local Development Plan 2014 – North Area

---

### TAYplan

Policy 3: Managing TAYplan's Assets requires the LDP to designate a Green Belt boundary at Perth to preserve its setting, views and special character; assist in safeguarding the countryside from encroachment; to manage long term planned growth; and define appropriate forms of development within the Green Belt.

### Local Development Plan

The site to which this application refers is within the designated Green Belt where policy NE5: Green Belt applies. There is a general presumption against built development in the Green Belt; policy NE5 only allows development to be permitted in a limited number of circumstances. The Housing in the Countryside policy (RD3) does not apply within the Green Belt.

### Comments

It is noted that as part of the proposal the applicant wishes to erect ancillary garage / sheds and a horse arena. However it is not clear from the information submitted whether this is solely for private use or whether it forms part of a business. Either way no evidence appears to have been submitted that the proposed dwellinghouse is essential for agriculture, horticulture or forestry operations (part a), or that the proposal will advance the Council's aims of improving public access to the countryside including recreational, educational or outdoor sports development (part c). It is therefore suggested that the only part of policy NE5 which the proposal can be assessed against is (d). This part of the policy allows for alterations, extensions and changes of use to existing buildings providing these do not detract from the character of the Green Belt and in the case of change of use to residential property, these will only be permitted where the building is of suitable architectural quality. Unlike the Housing in the Countryside policy (RD3) there is no scope within policy NE5 for the demolition and replacement of residential buildings.

No information appears to have been submitted which suggests that the existing buildings could not be re-used and perhaps converted to create a single unit, which could be acceptable under part d) of the policy. If the condition of the building is such this is not possible then some form of replacement, whilst not strictly in line with policy NE5, may offer a practical solution. It is suggested however that any such replacement should be 'like for like' in terms of size, scale and position whilst allowing for modest extension in line with what would be permissible under permitted development rights. Whilst this may offer some scope for the construction of a replacement house on this site it is suggested that the proposals for the associated shed and garage as they currently stand and without any further justification under part a) or c) would not be in line with policy NE5.



REC

14 OCT 2014

Deuchny House  
Northlees  
Kinfauns  
Perth  
PH2 7U

13 October 2014

Perth and Kinross Council  
Planning Department  
Pullar House  
35, Kinnoull Street  
Perth

Dear Sirs

**Binn Farm Cottages, Kinfauns**

We refer to the recent planning application submitted by Mr and Mrs Knox under reference 14/01494/FLL.

We understand that an objection has been lodged to the application and write to advise that, as neighbours of the Binn Farm Cottages, we welcome the plans now under your consideration and feel that the work to be carried out will vastly improve the site.

In summary, we have no objections to the plans currently submitted by Mr and Mrs Knox.

Yours faithfully



Tom and Patricia Hayes



