

TCP/11/16(231)
Planning Application 12/01435/IPL – Erection of a
dwellinghouse (in principle) at Pitkeathly Mains
Farmhouse, Bridge of Earn, PH2 9HL

PAPERS SUBMITTED
BY THE
APPLICANT

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Notice of Review

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Further Written Submissions – We have applied to the National Archives of Scotland office to digitalise a 1880 map of the area of Pitkeathly Mains which is held in their archives to see if it can prove conclusively one way or the other whether the area delineated in the attached map at Schedule 1 to this document was in fact a “walled garden” as suggested by the research findings of Mr Jeremy Duncan. This will not be available for at least another fortnight.

Hearing Session – We would like to have the opportunity to make oral representations if necessary.

Site inspection – While we appreciate that this is a procedure that it not always used, we consider that it might assist the Local Review Board to make a physical examination of the site.

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

We consider that the LRB would be able to undertake an unaccompanied site inspection but it might assist them to be able to seek clarification in which case an accompanied site visit might be of more use.

Statement

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

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

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

See below:

STATEMENT OF APPEAL TO LOCAL REVIEW BODY

We, Mr & Mrs Richard Bott, Applicants, seek a review of the decision by the appointed officer to refuse our application in principle for the erection of one house on land to the north of our present garden and orchard.

The application is only in relation to the decision by the appointed officer that the location of the proposed house would not be within the area of an existing ‘**building group**’ or **extended** building group (as permitted by the Housing in the Countryside Policy 2009).

However, we reiterate that our proposal is for the erection of a single storey 3 bedroomed house with integral garage for our personal use - on land that has lain fallow for at least the last 21 years. We offered it to two local farmers when we first bought our present house for their free use but they declined our offer because of the poor quality and stony nature of the ground making it uneconomical to work. During the last 21 years the area has been kept tidy by intermittent grazing (principally) by the horses and ponies belonging to our next door neighbours, the McGhees in the Red House and other neighbours, the Bells living close by. The Bells have frequently commented on the poor quality of the grass and all the ponies are only left to graze for restricted amounts of time.

We would also emphasise that we are committed to building a single storey house which is as energy efficient and ecologically sustainable as possible within a reasonable budget and that it should be in a style which would be compatible with other existing buildings within the group.

We would intend to use local businesses and tradesmen to carry out the work for our new house.

The application is on the following main grounds:

1. The decision to refuse the application appears to have been made in terms of the definition of “building groups” as defined in the PERTH AREA LOCAL PLAN 1995 - Annex 1 - Housing in the Countryside Policy – May 1994 instead of the definition in the Housing in the Countryside Policy 2009 – which, we understand is the current policy and which supersedes the more restrictive 1994 policy.
2. Our application for the proposed house falls within the definition of “Building Groups” as defined in the Housing in the Countryside Policy 2009.
3. If the Local Review Board is of the view that the proposal lies out-with the definition of “Building Group” in terms of the description of the building group as it was in **1992** when the original farmhouse and outbuildings were developed into the present 5 houses:

Pitkeathly Mill & Pitkeathly Mill Cottage
Pitkeathly Mains Farmhouse
Wyllieburn House
Hallburn House,
and the Red House (Pitkeathly Mains) remained a single storey two-bedroomed farm cottage at the end of the farm track;

then the Local Review Board should allow the application in terms of the definition which allows for consent to be granted “*for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting*” – in terms of the Housing in the Countryside Policy 2009. This is because of the development of the site over the last 21 years during which time all the properties mentioned above, apart from Wyllieburn House, have been extended so as to form a more cohesive group.

1. The application should be decided in accordance with current policy.

We have confirmed with the Planning Department that our application for planning in principle requires to be assessed in terms of the Housing in the Countryside Policy 2009. However, the decision to refuse the application appears to have been made in terms of PERTH AREA LOCAL PLAN 1995 - Annex 1 - Housing in the Countryside Policy – May 1994– in particular, by reference to the terminology used in the decision - “*nucleated group of 3 or more buildings of a size equivalent to a traditional cottage*” (Page 3 Paragraph 4 of the decision) – which is the terminology of the 1994 Policy.

The definition of “Building Groups” is more restrictive in terms of the 1994 policy, in particular as there is no mention in the Housing in the Countryside Policy 2009 of ‘nucleated group (shape)’. In addition, the 1994 policy is specifically restrictive in relation to “extension of the group” – something which is now specifically allowed by the 2009 policy.

For the sake of ease of reference the definition of “**Building Groups**” is reproduced below from the Housing in the Countryside Policy 2009:

“Building Groups.

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small

ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.”

(It should be noted in passing that this definition has been replicated in the Housing in the Countryside Guide 2012 – recently published on the Perth & Kinross Council website.)

The Planning Department has confirmed to us that our proposal does **not** “contribute towards ribbon development.”

2. The proposed application falls within the definition of “Building Groups” as defined in the Housing in the Countryside Policy 2009.

The Local Review Board will undoubtedly refer to the above definition when considering this part of our appeal. Unfortunately, the definition lacks both specific measurements between buildings and garden ground delineating a building group and square acreage - all of which make any judgement completely subjective. Specifically, however, the term “nucleated shape” is excluded from the 2009 definition.

We would ask the Local Review Board, when considering our application, to interpret the definition of “Building Group” as extending from the southern boundaries of the garden ground of the properties known as Wyllieburn House and Hallburn House on the south, to the public road leading to Glenearn Farm in the north. We suggest that the Review Board should use the burn which runs down the eastern side of the properties of Wyllieburn House and Pitkeathly Mains Farmhouse as the eastern boundary especially as all ground to the east of this burn is land which is in habitual use as agricultural land. The Review Board should use as the western boundary of the building group a line drawn roughly from the north western extremity of the stable block shown to the west of the Red House to the existing fence which separates the “gymkhana area” or garden ground from a field to the west of this area – southwards along a fence which separates planted forestry and fallow land until it joins the “track” leading from Pitkeathly Mill and Hallburn house up to a quarry to the south west of these buildings – all as shown on the attached plan – [Annex 1 of the Schedule of attachments].

The ‘appointed officer’ and our next door neighbours (in their objections), expressed the view that The Red House does not form part of the aforesaid “Building Group”.

We do not agree and would ask the Local Review Board to find that it does form part of this group. In our original application, we explained that the Red House formed part of the original group of farm buildings in that it was built for the use of farmworkers. Proof of this is now provided by the following documents attached to this appeal document:

Search [Annex 2 of the Schedule of Attachments]

Statement by Mrs Davina Scott Laing or Samson [Annex 3 of the Schedule of Attachments].

It is also built of the same red sandstone materials as the rest of the houses in the building group. The postal address for this house is “The Red House, Pitkeathly Mains.” – as shown in the planning application lodged by Mr & Mrs McGhee in 2002 and in the heading of the letter of objection lodged by Mr & Ms McGhee dated 29 August 2012.

We have also now measured the actual distance of the Red House and its garden ground from the garden ground of Pitkeathly Mill, which is another house within the building group, and can advise the Local Review Board that this is approximately 54 metres.

Further, we would ask the Local Review Board to find that the proposed location of the proposed single storey house lies within the Building Group area and is within a *‘definable site formed by existing topography and/or well established features which will provide a suitable setting.’* [Housing in the Countryside Policy 2009], within that area, in that the:-

Southern boundary of the area is formed by the garden ground of our current house and is divided from it by a stob and wire fence.

Eastern boundary of the area is formed by the aforesaid burn.

Western boundary is formed by a farm track leading from the Red House, (Pitkeathly Mains) at its northern extremity to our current house and by a stob and wire fence.

Northern boundary of the area is formed by the public road leading to Glenearn Farm and more immediately by a stob and wire fence.

The stob and wire fencing was re-newed 21 years ago, replacing old fencing round the above perimeters.

This ground slopes downwards from south to north but levels out at its northern aspect where by reference to the historical maps included in the last page of our original application there was an enclosure – now explained as a “walled garden”. [See below.]

The siting of the proposed house in this slight dip in the ground would therefore *“respect the character layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed houses”* of the existing building group including the Red House as part of this group.

Some of our neighbours took objection to our contention that these maps showed that there had been at the very least some sort of structure in the northwest corner of the land close to where we have applied to build our house. As a result of this, we asked local historian – Mr Jeremy Duncan to carry out further research on our behalf. He has been in touch with the National Library of Scotland – Map Collection staff who, having referred to the legend on the original map, have suggested that the hatched area shown indicates a “walled garden”. The map also clearly shows that the only other building within the vicinity at the time was Pitkeathly Mains. {A ‘walled garden’ at this location makes sense in that it is in an area of ground near the farmhouse (and on the same side of the public road as the farmhouse), which would have the maximum amount of sun during the year as it is substantially out of the shadow of the hill behind the farmhouse – one of the reasons that we have suggested the northern extremity of the ground as the site for our new house so as to take maximum advantage of solar energy.}

We accept that there are no visible remains of a walled garden now – but the Red House was built at the turn of the last century and it may well be that the stone from the walled garden was used in the construction of the Red House.

3. The application should be allowed in terms of the definition which allows for consent to be granted “for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting”

As we commented in our original planning application, over the last 22 years or so all the buildings in the group have been altered, renovated and developed into five substantial family houses (and a small cottage – Pitkeathly Mill Cottage). Pitkeathly Mains Farmhouse, Pitkeathly Mill and Pitkeathly Mill Cottage, Hallburn House and Wyllieburn House were all developed from the original farmhouse complex between 1992 and 1994. The Red House has been extended on various occasions since 1992 (see page 7). All the occupiers have developed their garden ground into well-established gardens, including (in some cases) orchards. In addition, all the properties, with the exception of Wyllieburn House have been further developed over the year as follows:

Pitkeathly Mains Farmhouse – (Our house) - Orchard ground was added at the northeast of the garden ground in 1993.

Hallburn House – (Occupied by Mr & Mrs Oliver Crane) - A carport was added to the northwest of the existing house in 2003 [Planning Reference 02/01839/FUL].

Pitkeathly Mill – (Occupied by Mr & Mrs M Beale) – a large sun lounge has been added to the front of the house in 2006. [Planning Reference - 06/02740/FUL]

In addition the garden ground has been extended in the past 5 years to the west of the track leading from the road to Glenearn Estate, northwards to encompass a new garage/ store, small chicken hut and run, polytunnel (erected in the last week and therefore not shown on the photographs) and large vegetable

and fruit garden – in total, approximately 23 metres square – [see Annex 1 of the Schedule of attachments].

The Red House – (Occupied by Mr & Mrs J McGhee) - has been extended over the last 20 years to transform it from a small farmworkers' cottage to a substantial family house:-

Planning Reference - 92/00974/FUL – Alteration and extension of existing building - Rushdie

Planning Reference - 02/01403/FUL - "alteration and extension of existing building - McGhee

Planning Reference - 03/00123/FUL - "alteration and extension to dwelling house - McGhee

In addition a substantial stable block was added to the property in 1998 [Planning reference – Planning Reference - 98/00027/FUL - "erection of stables" - McGhee]

During the last 18 or so years the garden ground of the property has been developed southwards to incorporate an orchard and summer house and part of the garden ground has been set out as a gymkhana area.

The distance separating the now extended garden ground of Pitkeathly Mill and the Red House is now approximately 54 metres.

We would ask the Local Review Board to find that the Red House can no longer be classified as isolated from the original farmhouse complex, (in terms of planning policy), but instead forms a natural part of the building group by its extension southwards towards the farmhouse complex over the years. This cohesion is reinforced by the extension in a northerly direction, (towards the Red House) of the development of the garden ground and garage/store construction undertaken by the occupants of Pitkeathly Mill.

We would, therefore, ask the Local Review Board to accept that an extension of the group has, to a certain extent, already taken place over the last 20 years and to find that we should be allowed to build a three-bedroomed, single storey house in which to retire because it would fall within the powers afforded to the Local Review Board in terms of the 2009 Housing and Countryside Policy “to *extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting*” – a power that was not included in the 1994 Housing in the Countryside Policy.

COMMENTS BY THE APPLICANTS ON THE OBJECTIONS LODGED TO THE PLANNING APPLICATION

1. Objections by the occupiers of Wyllieburn House

The Local Review Board may like to note that the amenity of the occupiers of Wyllieburn House will be completely unaffected by the proposed new house in that their property is completely separated from it both physically and visually by the properties known as Pitkeathly Mains Farmhouse and Pitkeathly Mill. In addition if we are granted permission to build the house where we propose, access to the new house will be from the main road leading to Glenearn Estate by way of a pre-existing access to the land and accordingly there will be no need to use the present farm track that leads to Wyllieburn House.

We refer to the letter from Mr & Mrs Foster dated 26 August 2012 and respond to their comments:

- i. Definition of ‘Building Group’ – see points made above.
- ii. ‘House Type’ – This will be decided in conjunction with advice from the Planning Department at the ‘Detailed Planning Stage’ and is not a matter for this stage of the application. In any event, it would be our intention to build a house that was very much in keeping with the present building group.
- iii. ‘Infill site’ – We accept now that our application does not fall within the definition of ‘infill site’.

2. Objections by the occupiers of Hallburn House

The Local Review Board may like to note that the amenity of the occupiers of Hallburn House will be completely unaffected by the proposed new house in that their property is completely separated from it both physically and visually by the properties known as Pitkeathly Mains Farmhouse and Pitkeathly Mill. In addition if we are granted permission to build the house where we propose, access to the new house

will be from the main road leading to Glenearn Estate by way of a pre-existing access to the land and accordingly there will be no need to use the present farm track that leads to Hallburn House and Wyllieburn House.

We refer to the letter from Mr Oliver Crane and respond to his comments:

- I. 'Infill site' – see above
- II. The occupiers of Hallburn House appear to accept that the Red House was a farm cottage and part of the original farm. However, they describe the proposed house as a 'random development with a site chosen through convenience of ownership' of the land 'rather than a natural and logical development'. We do own the land but we would ask the Local Review Board to look at the detailed representations that we have made in relation to the overall development of the building group over the last 20 years and the research findings of Mr Jeremy Duncan mentioned above.
- III. No consultation - There is no obligation upon us to discuss any planning application with our neighbours in the full knowledge that any application will be notified to 'interested parties' by the Planning Authorities. In addition, as the occupiers of both Wyllieburn House and Hallburn house are neither physically nor visually affected by our proposals, we saw no need to confer with them.

3. Objections by the occupiers of Pitkeathly Mill

In contrast, we have discussed the possibility of erecting a house on the land to the north of our house on a number of occasions with the occupiers of Pitkeathly Mill and understood that they had no objection to this proposal so long as we attempted to minimise the visual impact that such a house would have on their view. We were, therefore somewhat surprised by their objections. We have also established from leading national estate agents (Savills) that the construction of a single storeyed house at the northern part of the land in question would have no detrimental effect on any of the properties within the building group.

We refer to the letter of objection written on behalf of Mr & Mrs Beale from Woodside Parker Kirk Ltd dated 21 August 2012 and respond to the points raised by them:

- I. Introductory explanation – re the Red House is misleading and inaccurate. We would ask the Local Review Board to refer to Annex 1 of the Schedule of attachments to assess the correct topographical position of the Red House.
- II. Site & Outline Proposal - (Points 2,3,& 4) - Our original application was not an "Outline Application" but an application for Planning Permission in Principle in terms of the Housing in the Countryside Policy 2009.

In terms of this policy under the definition of "Building Groups" planning authorities require to take into account "*definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).*" As such we wished to demonstrate that we had considered these necessary conditions and were suggesting that our proposed development would respect the conditions of this policy.

(Point 7) – We agree that Wyllieburn House and Hallburn House are neither physically nor visually affected by our proposals.

lii. Context and Outline Proposal - We accept now that our proposal does not fall within the definition of either 'infill site' or 'pilot project creating eco-friendly houses'. However, we would re-iterate that it would be our intention to build a single storey house which is as energy efficient and ecologically sustainable as possible within a reasonable budget and that it should be built in a style which would be compatible with other existing buildings within the group.

Perth & Kinross Roads Department have no objection to our application.

- IV. Historical Context - We would refer the Local Review Board to the research findings of Mr Jeremy Duncan – mentioned above.
- V. Relevant Planning Policy - We do not, however, accept that our proposal does not fall within the definition of “Building Groups” as defined by the Housing in the Countryside Policy 2009 – see above. In addition, the proposed house would be built on land which has been rejected for (free) agricultural use by farmers in the past on the basis of the poor quality of the soil making it uneconomic to work. The land has been used intermittently for grazing – again because of the poor quality of the grass produced.

4. Objections by the occupiers of the Red House, Pitkeathly Mains.

We also discussed the possibility of erecting a house on the land to the north of our house with Mr McGhee and noted that he appeared to be concerned about further development within the countryside.

We are of the view that the occupiers of Pitkeathly Mill and the Red House are the only occupiers of land in the proximity of and affected by our proposed development.

As far as the Red House is concerned, we would like to make the two initial observations:

- a) Out of all the houses within the building group, the property known as the Red House is the one which has undergone the largest extension and development over the last 20 years, transforming what was a small farmworkers cottage to a substantial family home and stable block. [See page 7 above].
- b) The proposed location of the new house would only be overlooked by what we understand to be a bathroom window of the Red House. This is the only window on the east side of that house.

We refer to the letter from Mr and Ms McGhee dated 29 August 2012 and respond to the points raised by them:

- I. ‘Unsubstantiated claim’- that the Red House has no historical link to Pitkeathly Mains Farmhouse and does not form part of that building group - Proof of this is now provided by the documents ‘Annex 2 and 3’ of the Schedule of Attachments. [We note in passing, that in one of their planning applications and in their letter of objection dated 29 August 2012, they refer to their address as “The Red House, Pitkeathly Mains”.]
- II. Reference to Planning Application 11/00002/IPL – is irrelevant in that it bears no resemblance whatsoever to our application. In addition, the definition of ‘building groups’ referred to in the McGhee’s objection has been superseded by the definition in the Housing in the Countryside Policy 2009.
- III. The Red House is one of only two other (semi-detached) cottages on the road to Glenearn Estate.
- IV. “undesirable ribbon development” – We have confirmed with the Planning Department that our proposed building of one house will not contribute to a ribbon development. Reference is made to Annex 4 of the Schedule of Documents attached which we received from the Perth & Kinross Planning Department as a definition of ‘ribbon development’.
- V. Highways Issues – None as far as Perth & Kinross Council are concerned.
- VI. Capacity for Infrastructure – None as far as Perth & Kinross Council are concerned.
- VII. Historical context – See the research findings of Mr Jeremy Duncan mentioned above.
- VIII. Loss of Agricultural Land – Not accepted. See assertions above. Moreover the poor quality of the hay harvested at the end of last year by the McGhees and their friends was specifically commented upon to me.

ACCORDINGLY, we ask the Local Review Board to find that our appeal points have been substantiated in that:-

- The appointed officer erred in applying the wrong definition of 'building group' in making his decision in that although he referred to the Housing in the Countryside Policy 2009 – he applied the more restrictive terminology of the Housing in the Countryside Policy 1994,
- The Red House is part of the 'Building Group' of Pitkeathly Mains and has always been part of the building group – borne out by the proof now before the LRB. The indication of a 'walled garden' in the ground to the east of the Red House and to the north of what was the farmhouse itself indicates a cohesive group incorporating both these structures.
- The proposed site lies within a *“definable site formed by existing topography and well established landscape features which will provide a suitable setting”* as defined in the Housing in the Countryside Policy 2009 - as described at pages 5&6 above and as shown in Annex 1 of the Schedule of documents attached to this application.
- In any event, the properties in the building group have been developed to such an extent over the last 22 years that the Local Review Board should use the powers afforded them by the Housing in the Countryside Policy 2009 to extend the building group to allow the erection of a single storey house in the area requested as this a natural progression of extensions to the properties which have been steadily on going over the last 22 years.

We, therefore, ask the Local Review Board to allow our proposed development of a single storey 3 bedroomed house on the land north of our house does come within the definition of 'Building Group' in terms of the Housing in the Countryside Policy 2009 and to grant our application.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

We have not raised any new matters but we have included some new documentation for the sake of clarification and to provide proof of the matters raised in our original application and to respond to some of the objections which were made to that application.

The 'Google' maps we used were not up to date and we have therefore, now lodged a further map to show the development of the site over the last 22 years. We had previously relied on the site visit by the local planning officer to be able to interpret these developments and to include his views in his report. We now realise that we should have entered these details in the application and not relied simply on his knowledge of the area having viewed the property. We also wish to lodge further photographs to illustrate these developments.

The Search by First Scottish Group and the statement by Mrs Davina Samson provide proof that the Red House was at one time a farm cottage for Pitkeathly Mains.

We have also included details of the planning applications made by Mr Rushdie, Mr Crane, Mr & Mrs McGhee and Mr & Mrs Beale to show the development of properties within the building group.

As Mr & Mrs McGhee were concerned about Ribbon Developments we have also attached the definition of "ribbon development" provided to us by Perth & Kinross Planning Dept.

We also referred to historical maps in our original application and to the fact that they disclosed an enclosed area of ground at the north-west part of the piece of land in which we seek to build our new house. We asked local historian, Mr Jeremy Duncan to assist us to clarify the legend of the historical maps and now enclose a copy e-mail received by him from Jennifer Parkerson, National Library of Scotland – Map Collection in connection with this area of ground. {Note we have sought the assistance of the National Archives of Scotland Office to confirm this finding.}

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Schedule:-

Annex 1 – Plan and photographs

Annex 2 – Search by 'First Scottish Group' addressed to Messrs Rollo Davidson & McFarlane dated 5 October 2012

Annex 3 – Statement by Mrs Davina Scott Laing or Samson dated 13 February 2013.

Annex 4 – Definition of Ribbon Development provided to us by Mr Mark Williamson, Planning Officer, Perth & Kinross Planning Department

Annex 5 – Copy e-mail from Jennifer Parkerson to Mr Jeremy Duncan dated 20 February 2013

Annex 6 – Excerpt from Housing in the Countryside Policy – 1994

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

Checklist

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

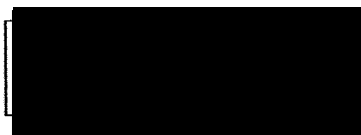
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

We the applicants/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

1 March 2013

NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE

[See Page 11 of the Application]

[PLANNING AUTHORITY'S APPLICATION REFERENCE – 12/01435/LPL]

Annex 1 – Plan and photographs

Annex 2 – Search by 'First Scottish Group' addressed to Messrs Rollo Davidson & McFarlane dated 5 October 2012

Annex 3 – Statement by Mrs Davina Scott Laing or Samson dated 13 February 2013.

Annex 4 – Definition of Ribbon Development provided to us by Mr Mark Williamson, Planning Officer, Perth & Kinross Planning Department

Annex 5 – Copy e-mail from Jennifer Parkerson to Mr Jeremy Duncan dated 20 February 2013

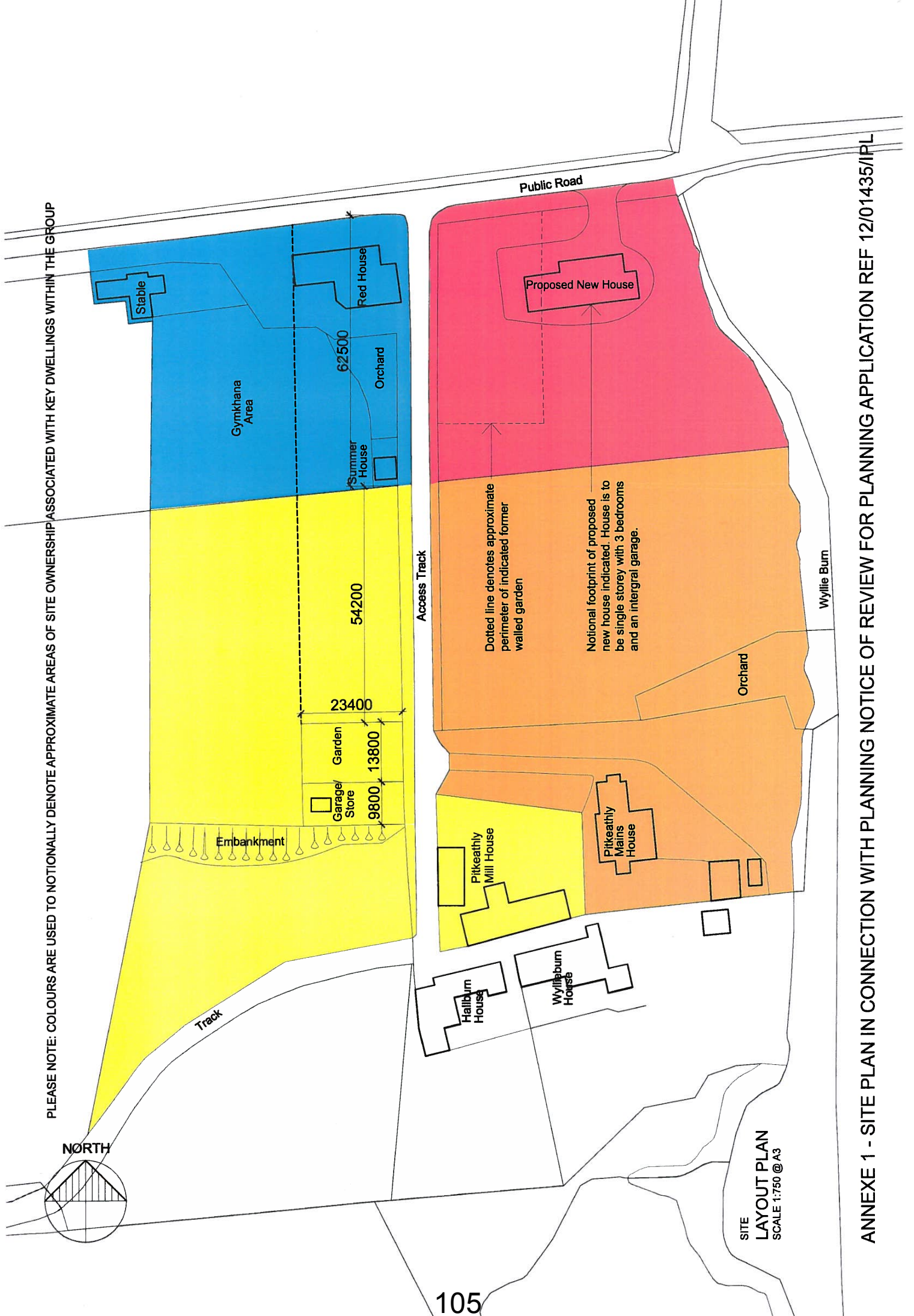
Annex 6 – Excerpt from Housing in the Countryside Policy – May 1994

**NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE**

Annex 1

MAP & PHOTOGRAPHS

PLEASE NOTE: COLOURS ARE USED TO NOTIONALLY DENOTE APPROXIMATE AREAS OF SITE OWNERSHIP ASSOCIATED WITH KEY DWELLINGS WITHIN THE GROUP



Dotted line denotes approximate perimeter of indicated former walled garden

Notional footprint of proposed new house indicated. House is to be single storey with 3 bedrooms and an intergral garage.

SITE LAYOUT PLAN SCALE 1:750 @ A3

ANNEXE 1 - SITE PLAN IN CONNECTION WITH PLANNING NOTICE OF REVIEW FOR PLANNING APPLICATION REF 12/01435/IPL



VIEW NORTH TOWARDS RED HOUSE SHOWING STABLES, GYMKHANA AREA AND SUMMER HOUSE



VIEW WEST TOWARDS GARAGE/STORE AND GARDEN AREA FOR PITKEATHLY MILL



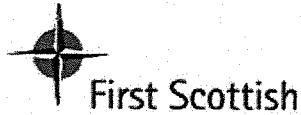
VIEW NORTH TOWARDS RED HOUSE WITH PITKEATHLY MILL GARDEN AREA ON THE LEFT

**ANNEXE 1 - CONTEXTUAL IMAGES
IN CONNECTION WITH PLANNING NOTICE OF REVIEW
FOR PLANNING APPLICATION REF 12/01435/IPL**

**NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE**

Annex 2

SEARCH



St Davids House
St Davids Drive
Dalgety Bay KY11 9NB
LP-2 DALGETY BAY
t 01383 826777
f 01383 826778
e customerservices@firstscottish.com
w www.firstscottish.com

ROLLO DAVIDSON & MCFARLANE
GLENROTHES
LP 5
GLENROTHES

Date: 05 October 2012
Our Ref: I00534046
Your Ref: RKB/AL

Dear Sirs

Clients: No Client Quoted
Subjects: PITKEATHLY MAINS, BRIDGE OF EARN, PH2 9HL

We refer to your instructions of 4 October 2012 and to our subsequent telephone conversation.

As requested we have carried out a search by Registers Direct for the County of Perth and confirm that the subjects in question, were alienated from part of the Farm of Pitkeathly Mains by virtue of the undernoted Disposition.

We trust this information to be of assistance and enclose a note of our fee.

Yours faithfully

First Scottish Group

UNDERNOTE:-

21 September 1992 (Fi 678.5)
Disposition by George Pitcaithly and others – To Manar Nazar Rushdi and Julie Margaret Rushdi – of 1.21 hectares, with The Red House, Pitcaithly Mains (otherwise Pitkeathly Mains), by Bridge of Earn Dated 8 June 1992.

First Scottish Searching Services Limited
Registered Office: 16 Churchill Way, Cardiff CF10 2DX. REG. No. 1026946. Registered in Cardiff. VAT
REGISTRATION No. 751 1148 60.

**NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE**

Annex 3

STATEMENT

STATEMENT

By

Mrs Davina Scott Laing or Samson
Aged 72 [DOB – 22.01.1941]
35 Kintillo Place
Bridge of Earn

I have lived in this area for most of my life. My grandfather and father both worked for the Pitkeathly family on their farms.

When my parents were married they were given the Red House to live in. At the time it was just a small farmworker's cottage at the bottom of the drive leading up to the farm. I was born there and lived there as a child. We then left and moved to live in the Rhynd area and a Mrs MacDonald moved into the cottage.

I can confirm that the Red House was one of a number of farm cottages in which the farmworkers who worked for the Pitkeathleys lived. As I recall there were two other cottages, used by farm workers, situated up on the side of the hill (south east) behind Pitkeathly Mains Farmhouse. Certainly one of these cottages was occupied by the gamekeeper when I was a child.

All these cottages formed part of the buildings of the farm and were used by people working on the farm.

I confirm I have no pecuniary or other interest in making this statement.

Signature

Date.....13.2.2013.....

**NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE**

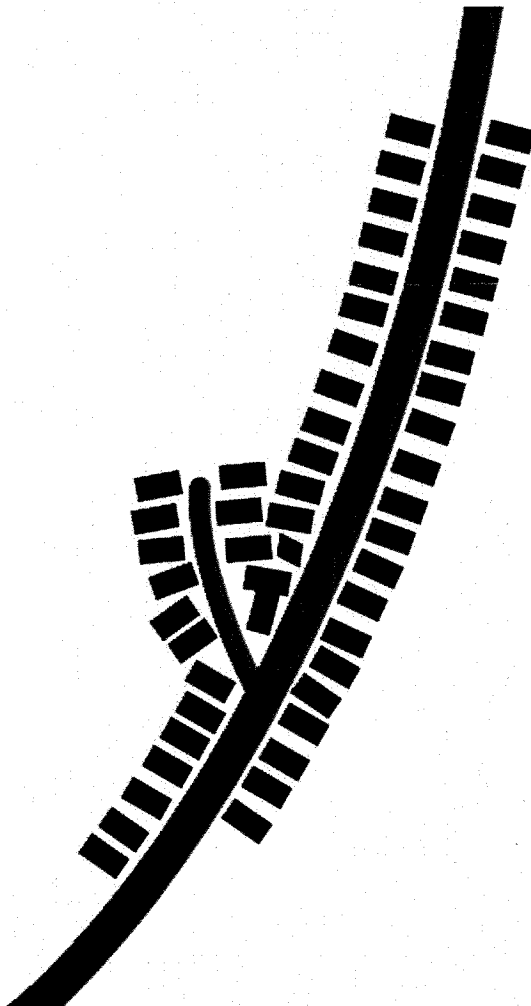
Annex 4

DEFINITION OF RIBBON DEVELOPMENT

Ribbon development means building houses along the routes radiating from settlements and into the countryside. It was described in relation to cities and large towns initially in the UK with the increase in sporadic house building along roads coming out of these settlements. Such development generated great concern in the UK and other countries during the 1920s and the 1930s where increasing car ownership allowed house sales even if they were remote from shops and other services. It was attractive to developers because they did not have to spend money on constructing or providing roads.

The practice became seen as inefficient use of resources and a precursor to urban sprawl meaning that a key aim for the UK's post-War planning system was to halt ribbon development. It led to the introduction of green belt policies which helped to stem the sporadic house building along these routes out of towns and cities.

Example of ribbon development



**NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE**

Annex 5

COPY e-MAIL

From: "Parkerson, Jenny" [REDACTED]
Subject: Ordnance Survey map symbols
Date: 20 February 2013 13:24:50 GMT
To: <jeremy.duncan [REDACTED]>

Dear Mr Duncan,

Further to your telephone call earlier this morning, regarding a map symbol (seen here: <http://maps.nls.uk/os/6inch/view/?sid=74428189#sid=74428189&zoom=7&lat=5736.5557&lon=3750.4054&layers=BT>) I just wanted to let you know the sources used in identifying this area of land as a garden.

There is an Ordnance Survey characteristic sheet on our website at <http://maps.nls.uk/os/6inch/view/?sid=74477147#sid=74477147&zoom=1&lat=3599&lon=2394&layers=BT>. The symbol for 'orchards and gardens' can be seen on the left hand side, second image from the top of the page.

(To get to this, select 'Series maps' from the list on the right of the maps homepage. Then, under the Ordnance survey heading, select 'Six-inch to the mile 1st edition 1843-1882'. You will then be presented with 3 ways to view the maps, as well as links to this sheet of symbols, a guide to abbreviations and a background essay.)

I then checked the OS 25-inch 1st edition map from the same date - <http://maps.nls.uk/os/25inch/view/?sid=74957370#sid=74957370&zoom=5&lat=10476&lon=11466.8454&layers=BT>. Unfortunately the sheet-line falls right across the middle of the bit of land we're looking at, but you'll see it right at the top of this map (and the rest of the garden is at the bottom of this map: <http://maps.nls.uk/os/25inch/view/?sid=74479272#sid=74479272&zoom=4&lat=2188.16129&lon=11418.29539&layers=BT>). This shows the parcel number 348. You can also see a path running through the middle of the garden.

The OS Book of Reference for Dunbarney parish can be seen at <http://archive.org/stream/ordnancesurveyof52unse#page/209/mode/1up> (click on the arrows at the bottom right of the screen to view previous/next pages). The page showing parcel number ("No on plan") 348 is at <http://archive.org/stream/ordnancesurveyof52unse#page/224/mode/1up> and this tells us that this patch of land is a garden. In this case, given the shape of the land, and the fact that there is a line around it, representing a physical boundary on the ground (probably a wall or fence) I suspect that this may have been a walled garden.

I do hope that all these links work for you, and I'm sorry if this email is longer than you were expecting! Please let me know if you have any problems, or if you need any more information. This has been very interesting for me too - I have worked in the Map Room for many years, and my attention has never been drawn to this symbol before, so I have learnt something today!

Please don't hesitate to get back to me if we can be of further assistance.

Kind regards,
Jenny

.....
Jennifer Parkerson

**NOTICE OF REVIEW
APPLICANTS – MR. & MRS RICHARD BOTT
SCHEDULE**

Annex 6

EXCERPT FROM HOUSING IN THE COUNTRYSIDE POLICY 1994

HOUSING IN THE COUNTRYSIDE POLICY - MAY 1994

1. The Council's policy in housing in the countryside recognises that the open countryside of Perth and Kinross, and its outstanding scenic qualities, should be preserved for both the benefit of locals and visitors. To that end its policy on housing in the countryside follows the principles contained in NPPG3, namely:-
 - ↙ *Development should be encouraged on suitable sites in existing settlements.*
 - ↙ *The coalescence of settlements and ribbon development should be avoided.*
 - ↙ *Isolated development should be discouraged in the open countryside unless particular circumstances are clearly identified in development plans or there are special needs.*
2. "Countryside" where this policy applies refers to all parts of the District outwith the boundaries of towns and villages defined in the District Council's Local Plans. This particular policy refers primarily to individual houses only. A separate policy will be prepared to deal with proposals for larger groups of houses.
3. AGAINST THAT BACKGROUND, CONSENT WILL NORMALLY ONLY BE GIVEN TO THE ERECTION OF INDIVIDUAL HOUSES IN THE COUNTRYSIDE WHICH FALL INTO AT LEAST ONE OF THE FOLLOWING CATEGORIES:-
 - (a) **Development Zones**
 - ↙ *Sites in the open countryside which fall within and meets the criteria for Development Zones identified within Local Plans. (not applicable to the Perth Area Local Plan).*
 - (b) **Building Groups**
 - ↙ **Development within** existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group (see examples).
 - ↙ **Development within or adjacent to** established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which would extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group (see examples).

TCP/11/16(231)

Planning Application 12/01435/IPL – Erection of a dwellinghouse (in principle) at Pitkeathly Mains Farmhouse, Bridge of Earn, PH2 9HL

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr And Mrs Richard Bott
c/o Nicoll Russell Studios
FAO Euan McCallum
111 King Street
Broughty Ferry
Dundee
DD5 1EL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th December 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/01435/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 6th August 2012 for permission for **Erection of a dwellinghouse (in principle) Pitkeathly Mains Farmhouse Bridge Of Earn Perth PH2 9HL** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 as it does not fall within any of the categories of this policy which would support the principle of a dwellinghouse on the site.

Justification

The proposal is not in accordance with the Housing in Countryside Policy 2009 and there are no other relevant material planning considerations for approving this proposal against this policy.

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 "Online Planning Applications" page

Plan Reference

12/01435/1

12/01435/2

12/01435/3

12/01435/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/01435/IPL
Ward No	N9- Almond And Earn

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Pitkeathly Mains Farmhouse Bridge Of Earn Perth PH2
9HL

APPLICANT: Mr and Mrs Richard Bott

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION:

OFFICERS REPORT:

Brief Description

The application site is a 0.88ha area of ground which is situated to the north of Pitkeathly Mains House, which is located within a grouping of 5 houses on the north facing slopes of the Ochil Hills approximately 2km to the south west of the village of Bridge of Earn.

The application site consists of a rectangular shaped open field which is bounded to the south by Pitkeathly Mains, to the west by a post and wire fence and access road to Pitkeathly Mains and the residential property, Red House at the bottom and on the west side of this road, by a line of trees along the northern boundary and to the east by a field boundary and open countryside beyond this.

This is an application in principle for the erection of a single dwellinghouse on the site. The applicant has submitted a Supporting Statement outlining the development and design strategy for the site. The applicant's preference would be to create a new house towards the north end of the site where it is contended that the proposed new house would balance the existing 'Red House' and frame the existing access track to the Mains buildings. It is also contended that a single house here would blend in with the existing rhythm of dwellings located intermittently along the road. It is proposed that an existing access, (presently blocked off), from the public road to the north would be reinstated to form the access. The applicants have stated that they are keen to pursue a sustainable 'eco-friendly' project and an approved benchmarking system (i.e. Passivhaus) could be employed.

Assessment

The application site is within the landward area where any proposal for new residential use falls to be assessed under the Housing in the Countryside Policy 2009. Under this policy new houses in the countryside may be acceptable if they fall within one of the following categories:-

- i) building groups;
- ii) infill sites;
- iii) new houses in the open countryside within existing garden ground of a country house or estate/within walled gardens, for the relocation of an existing house to avoid flood risk, on the basis of economic activity, as a house for local people presently inadequately housed and as a pilot project for eco-friendly houses;
- iv) for the renovation or replacement of houses;
- v) conversion or replacement of redundant non domestic buildings;
- vi) rural brownfield land which was formerly occupied by buildings.

In the applicant's Supporting Statement the following two main points were put forward :-

1) There is an existing building group at Pitkeathly Mains. This comprises the 'Red House' adjacent to the public road at the bottom and on the west side of the farm track which leads to and forms a cul-de-sac with what was originally the rest of Pitkeathly Farm and its related steading buildings at the top of the track. The original 'Red House' was built at the turn of the last century to provide housing for workers at Pitkeathly Mains. All the buildings in the group have been renovated and extended over time and more recently over the last 20 years. The farmhouse and steading buildings were renovated and converted to provide four large family houses, the applicants present house being the original farmhouse. The 'Red House', although originally much smaller than the other houses, has been repeatedly extended over the past 15 years so that it, too, conforms to the size and expectations of a modern family house which currently accommodates a family with three children and has an adjacent stable area with outbuildings which can accommodate four animals. All five households have developed their garden ground in harmony with the rural surroundings and the original nature of the buildings with flower gardens, small orchards and vegetable gardens.

The site for the proposed new house has been fallow for at least the last 20 years because of the poor quality of the soil, although it has been used intermittently as grazing for the ponies owned by the occupiers of the 'Red House'. The topography of the site, which slopes gently downwards to the north, with a slightly steeper slope and then level site at its northern most extremity is suggestive of an integrated accommodation of one single storey house being most appropriately located in this northern part. This is because the siting of a house here would respect the character, layout and building

pattern of the existing group, would not detract from either the residential or visual amenity of the group and would provide an aesthetic balance, in particular, for the 'Red House'.

In addition, there is documented evidence of previous existing buildings or enclosures on the proposed site dating from the 1800s into the 20th Century. These can be seen on the map extracts on the previous page. While it has been impossible to find definitive clarification of the exact nature of these structures, and there is no obvious surviving evidence of them on the site today, they do illustrate a history of development on the site and support the assertion that the 'Red House' and Pitkeathly Farmhouse are inextricably linked. The application is based on the assertion that it falls within the category of a building allowed within a building group.

2) The proposed position of the new house also fulfills several of the requirements relating to an infill site. The proposed plot for the proposed new house would be comparable in size to the plots already associated with the other houses in the group, apart from the present Farmhouse, which presently occupies the largest area of garden ground. However, the proposed site while being consistent in size with the other four houses in the group, also allows the present farmhouse to be separated from the others and retain the largest ground area in keeping with its status as the original farmhouse in that it is proposed that the area of ground between the present farmhouse and its adjacent Mill House and the proposed new house be retained as wild meadow and for intermittent grazing of the aforementioned horses and ponies. There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house and the amenity of the existing houses is maintained, most particularly by the location of the proposed new house at the northern part of the site. The existing houses in the group are all family houses of either three or four bedrooms with the 'Red House' conforming to this pattern after a number of extensions over the last 15 years. The applicants present house is the largest house in the group. The proposed new house would be a contemporary family house with three bedrooms, built in sympathy with the surrounding family houses, similar in size to the 'Red House' but fully utilising up to date environmental building materials and methods.

In terms of the Housing in the Countryside Policy 2009 the proposal requires to be assessed under the building group and infill categories.

A building group is defined in the Perth Area Local Plan 1995 - Examples of Building Groups where it is defined as a nucleated group of 3 or more buildings of a size equivalent to a traditional cottage. It is not agreed that Red House and the houses at Pitkeathly Mains can be regarded as a building group as required by the local plan definition. Red House is too remote from the existing group at Pitkeathly Mains and taken together they do not constitute a nucleated building group as required by the policy.

In terms of the category of infill sites the proposed site would not constitute a gap between established houses as the application site is not in the gap

between two houses as required by the policy as the houses cited here are on opposing sides of the access road. Also in an infill situation the plot created should be of a comparable size to that of the neighbouring residential properties, which is not the case in this instance.

The supporting statement has stated that there has been some form of historic enclosure at the northwest corner of the application site which is indicated on old maps. There is however no physical evidence of any built development on this part of the site which would allow for any justification for new development under the Housing in the Countryside Policy 2009.

There was reference made in the Supporting Statement that the applicant would be willing to pursue an eco-friendly house on the site, however there has been no supporting information provided to justify this type of project which would need to include full details of the eco-friendly house design and the associated land management strategy which would allow sustainable living, in accordance with the Housing in the Countryside Policy 2009.

There have been no objections to the proposed development from the main consultees subject to conditions. There were 4 letters of objection from neighbouring residents raising a number of issues and all concerned that the proposed development is not in accordance with the Council's Housing in the Countryside Policy 2009.

In conclusion, it is considered that the applicant's agent has provided a comprehensive submission in order to justify the principle of residential use on the application site, however, after having considered the proposal against the Council's Housing in the Countryside Policy 2009 and taken account of the relevant representations, it is concluded that the proposal is not in accordance with this policy for the reasons outlined above and the principle of a house on the site cannot be supported in this case.

DEVELOPMENT PLAN

Perth Area Local Plan 1995, incorporating Alteration No 1 'Housing Land' 2000.

The application site is within the landward area where landward area policies will apply.

Main policies:

Policy 1; General Policy

Policy 5: Agriculture

Policy 32: Housing in the Countryside

Perth and Kinross Proposed Local Development Plan (PLDP) 2012

Policy RD3: Housing in the Countryside

Other Policies:

Perth and Kinross Council Housing in the Countryside Policy 2009

Perth and Kinross Council's Primary Education and New Housing Development Guidance 2009

SITE HISTORY

91/01532/FUL RESTORATION OF BURNSIDE & THATCHED COTTAGE TO 2 HOUSES 5 December 1991 Application Refused

CONSULTATIONS/COMMENTS

Education And Children's Services No objections

Environmental Health No objections

Scottish Water No objections

TARGET DATE: 6 October 2012

REPRESENTATIONS RECEIVED:

Number Received: 4

Summary of issues raised by objectors:

4 letters of representation have been received objecting to the proposal. Main issues raised:-

- the proposed house is not regarded as infill
- the new development would constitute random development
- the potential site is not within a building group
- the proposal is not in keeping with the area
- Red House is not part of the existing building group
- contrary to the Housing in the Countryside Policy 2009
- it would result in ribbon development
- traffic generation would be a problem
- proposal would result in a loss of agricultural land
- there is no substantial evidence of any historical development on the site

- Red House has not been repeatedly extended as suggested in the supporting statement
- the criteria for an eco-house project are not met in this case
- there are no buildings or remains of buildings within the site which could be used as a basis of progressing an application for residential use or conversion
- the proposal does not satisfy any of the categories in the Housing in the Countryside Policy 2009

Response to issues raised by objectors:

See report

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 eg Flood Risk Assessment

Not required

Legal Agreement Required:

Not required

Direction by Scottish Ministers

None

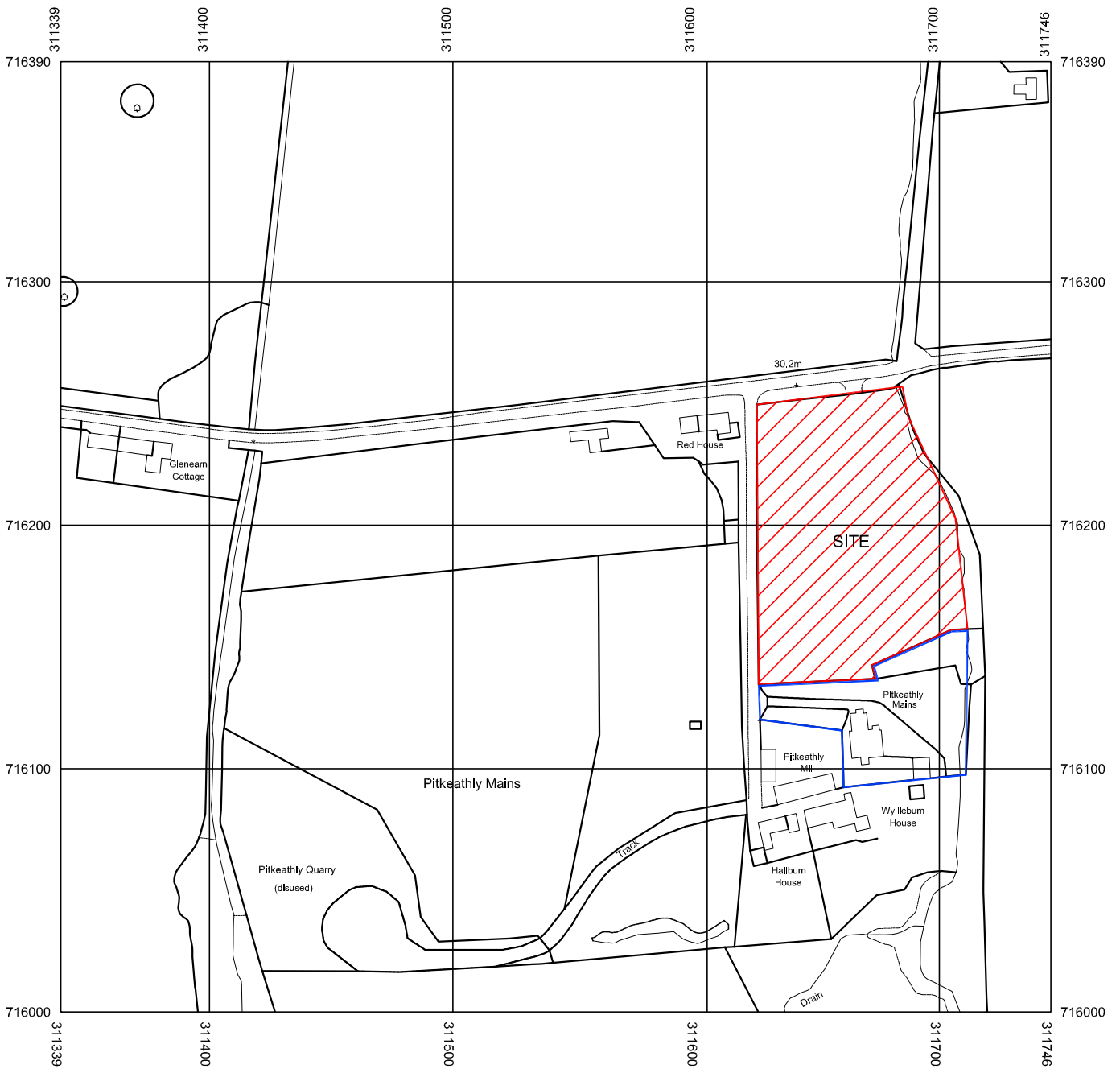
Reasons:-

- 1 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 as it does not fall within any of the categories of this policy which would support the principle of a dwellinghouse on the site.

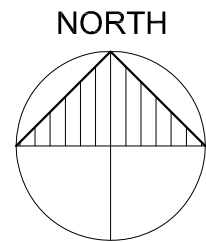
Justification

The proposal is not in accordance with the Housing in Countryside Policy 2009 and there are no other relevant material planning considerations for approving this proposal against this policy.

Notes



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Licence Information

Licence Start Date: 02/02/2012
 Licence End Date: 02/02/2013
 Purchase Reference: 001022895
 Vendor: Nicoll Russell
 Customer Name: Euan McCallum
 Products: MasterMap
 Centre Coords: X: 311542 Y: 716195
 Area Licensed: 0.159 sq km (15.9 ha)
 Supplied Data Format: DXF
 Customer Organisation: Nicoll Russell Studios
 Licence:
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 information is available on the Ordnance Survey web site:
<https://www.ordnancesurvey.co.uk/oswebsite/using-our-data/index.html>

DRAWING TITLE

LOCATION PLAN

PROJECT: NEW HOUSE, PITKEATHLY MAINS,
 LOCATION: PITKEATHLY MAINS
 CLIENT: MR & MRS BOTT
 DATE: FEB 2012
 SCALE: 1:2500 @ A4
 CAD FILE: APLOC
 JOB No: **2755** DWG No: **L(--)-00**

REV:



Red House

EXISTING ACCESS
TO BE REINSTATED.

EXISTING TREE (REMOVED
SHOWN DOTTED IN RED).

EXISTING TREES
RETAINED (GREEN).

We would consult planners and an arboriculturalist to ensure replacement and planting of other indigenous trees to provide an appropriate setting for the new house within the existing housing group.

APPLICATION SITE

Pitkeathly
Mains

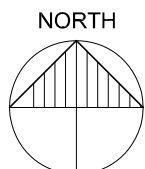
Pitkeathly
Mill

DRAWING TITLE

BLOCK PLAN

PROJECT: NEW HOUSE PITKEATHLY MAINS
LOCATION: PITKEATHLY MAINS
CLIENT: MR & MRS BOTT
DATE: FEB 2012
SCALE: 1:500 @ A3
CAD FILE: APLOC
JOB NO: 2755 DWG NO: L(--)-02

REV:



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Vendor: Nicol Russe
Customer Name: Euan McCallum
Products: MasterMap
Centre Coords: X: 311542 Y: 716195
Area Licensed: 0,159 sq km (15,9 ha)
Supplied Data Format: DXF
Customer Organisation: Nicol Russell Studios
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information is available on the Ordnance Survey web site:
<https://www.ordnancesurvey.co.uk/oswebsite/using-our-data/index.html>

Supporting & Background Information Document

Application for Planning Permission in Principle

Proposed New House at Pitkeathly Mains

August 2012



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT

CONTENTS

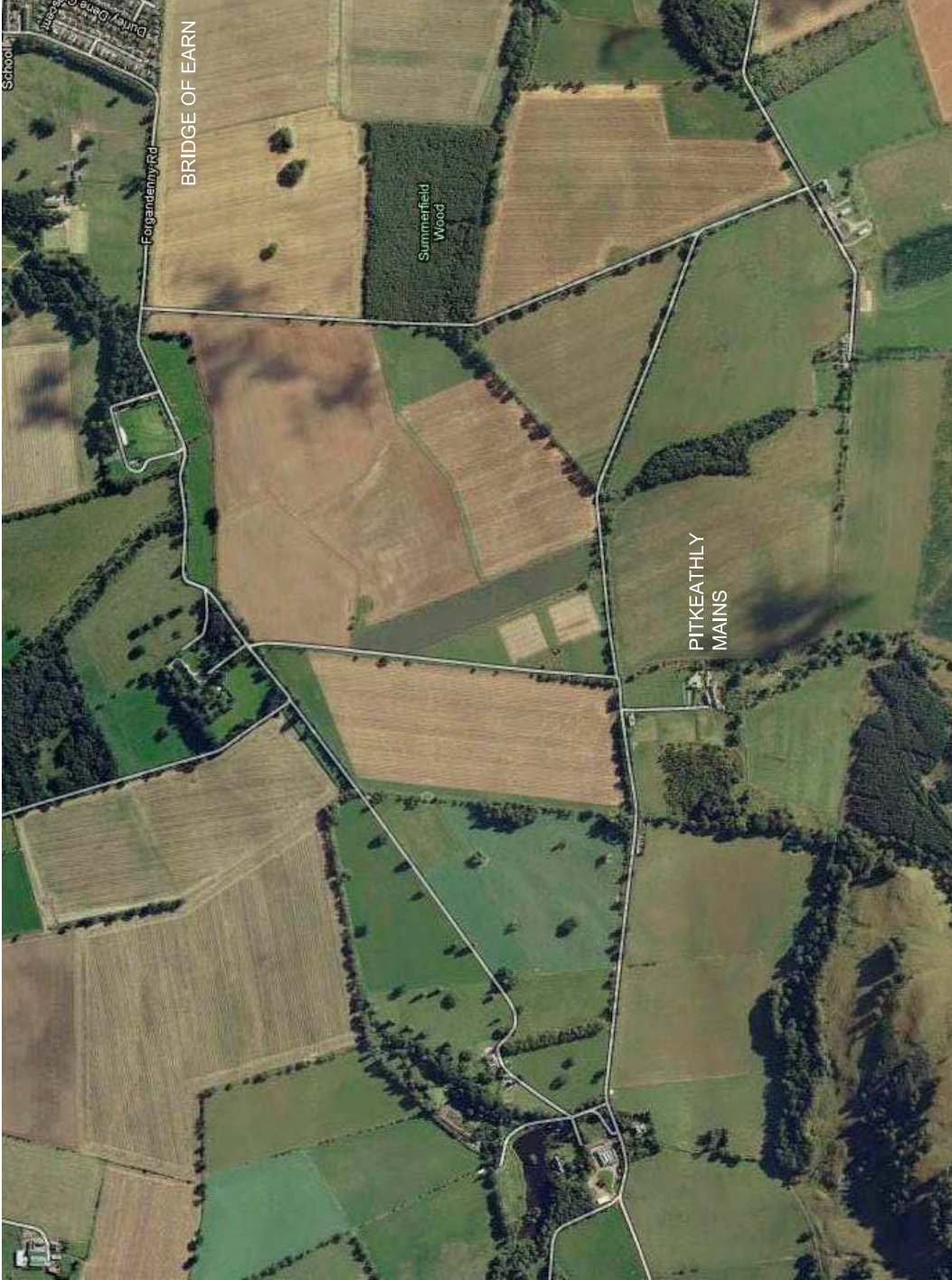
- Background
- Location
- Environs
- Site & Outline Proposal
- Context & Outline Proposal
- Historical Context
- Relevant Planning Policy
- Conclusions: A Personal Statement by Mr & Mrs Bott



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT

BACKGROUND

- Mr & Mrs Bott live at the farmhouse at Pitkeathly Mains near Bridge of Earn. They own approximately 2 acres of land to the North of the house.
- The Family have lived in the area for over 20 years.
- Their children have left home but over the years Mr & Mrs Bott have put down roots and have many friends in the area. They wish to downsize and remain in the area.
- Mr & Mrs Bott have contributed to the economy of the area. Mrs Bott worked as a Procurator Fiscal in Tayside and Fife and taught at Dundee University for over 20 years. She is now semi-retired but continues to run a small consultancy business from their present house. Mr Bott has worked as a Solicitor in Fife, with clients in Fife and Perthshire for over 35 years. Both their children went to private school in Perthshire.
- They have consulted with both Nicoll Russell Studios and a local Planning Consultant and are keen to engage with the Planning department to explore the possibility of building a house for their own use on the site.



Aerial Image – (taken circa 1992 – pre-dating development of 'Red House')



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT

LOCATION

- Pitkeathly Mains is situated a short distance to the Southwest of Bridge of Earn.
- The location is rural however there has been a group of buildings on the site for many years.
- This group of buildings has evolved over the years to fit the requirements of the land and the people living locally.
- To the North of the existing house the ground slopes gently towards the public road.
- To the South of Pitkeathly mains the ground rises steeply up the slopes of Glenearn and West Dron Hills.



Site Location

ENVIRONS

- The old farm steadings have been converted or replaced by domestic properties.
- The land surrounding the location is used for a mixture of arable farming, forestry and grazing.
- The land directly to the North of Mr & Mrs Bott's current house is unsuitable, because of the poor quality of the soil, for arable farming, but is used intermittently for grazing by the neighbours for their horses and ponies.



View of Building Group – (looking up access track from public road)

PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT



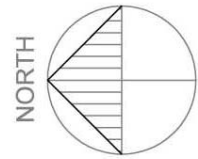
SITE & OUTLINE PROPOSAL

- Mr & Mrs Bott own a site to the North of their current residence. This area is hatched on the plan on this page.
- Their preference would be to create a new house towards the North end of the site.
- The proposed new house would balance the existing 'Red House' and frame the existing access track to the Mains buildings.
- A single house here would blend in with the existing rhythm of dwellings located intermittently along the road.
- It is proposed that an existing access, (presently blocked off), from the public road to the North would be reinstated.
- The site slopes gently behind the position of the proposed house and there are existing defined boundaries to the North, East and West.
- A position near the road would fit in better with the context of the present residential housing and would avoid any marked deterioration in the view or amenity of the present houses such as would be the case if the new house was built in front of the existing houses at the south of the existing building group where it would adversely affect the visual amenity of all the houses in the group.
- Mr & Mrs Bott are not commercial developers and are adamant that they wish to build only one house and to protect the amenity of both the proposed new house and the existing houses by precluding further development of the site. They would be happy to enter into a formal agreement with planners to this effect.



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Site Context



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT

CONTEXT & OUTLINE PROPOSAL

- The images illustrate the existing site context.
- It is understood that the Council's 'Housing in the Countryside Policy' would be the main criteria used in the consideration of the proposal.
- The 'Housing in the Countryside Policy' section 3.5 relates to 'Pilot projects creating eco-friendly houses'.
- Mr & Mrs Bott are keen to pursue a sustainable 'eco-friendly' project and an approved benchmarking system (i.e. Passivhaus) could be employed.
- The Scottish governmental policy document PAN 72 endorses such development.
- The intention is to create a project of high quality employing local materials and local people.
- The design will have an empathy with the local vernacular buildings and would be designed to blend sympathetically with the landform.
- As can be seen from the images, a new house at the North of the site would benefit more from passive solar gains which are advantageous for good sustainable design.



Looking from access track – view from South West



Looking from Pitkeathly Mains House – view from South



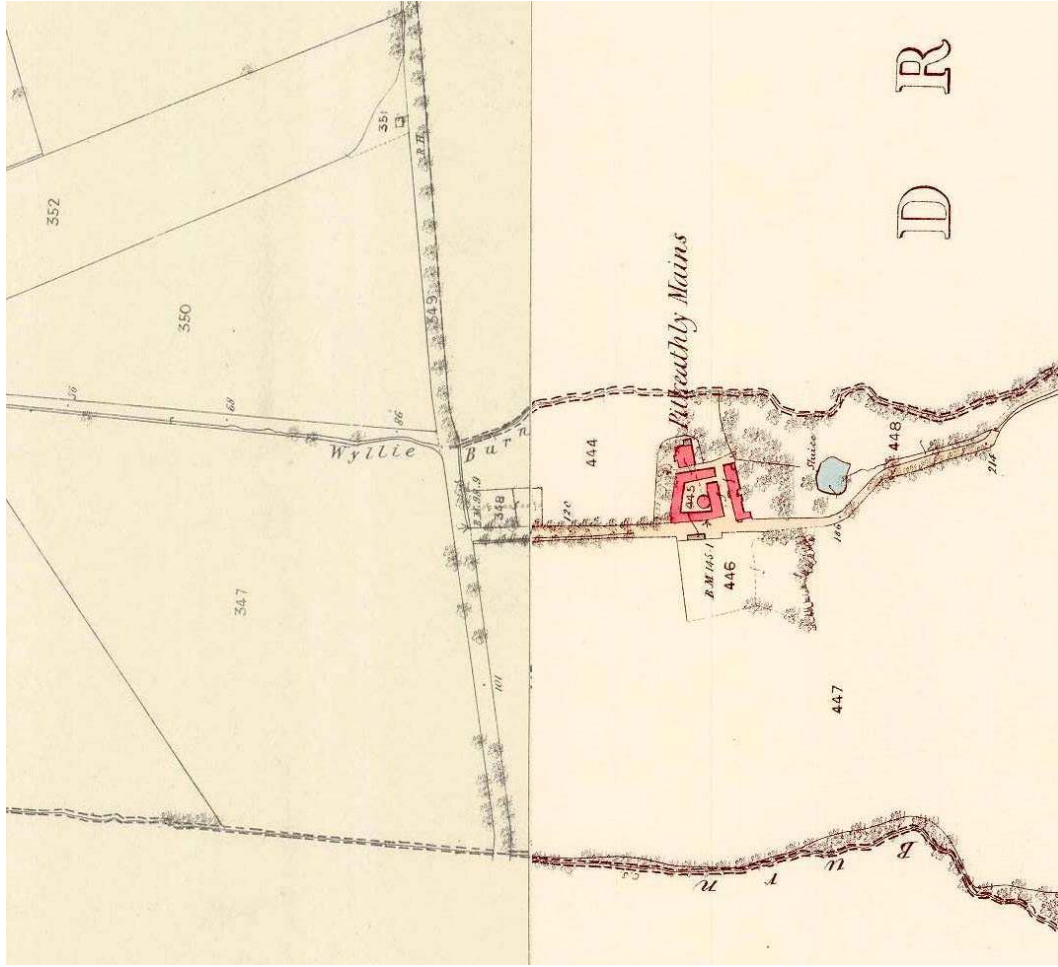
Looking towards Pitkeathly Mains – view from North



The 'Red House' – view from West



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT



Historical Maps

HISTORICAL CONTEXT

- The adjacent maps shows how the site was historically subdivided in the vicinity of the proposed new house.
- The earliest of these maps dates from around 1860 however this development is still evident on maps dating from the early 1900s.
- It has not been possible to confirm whether these lines indicate buildings or enclosures.
- The maps also show that a greater density of buildings historically existed around the existing mains house.
- The 'Red House' does not feature on these maps but is apparent in maps dating from the early 1900s.
- The proposed new house will be positioned in the vicinity of the historical development albeit not in the exact position.



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT

RELEVANT PLANNING POLICY

Pre-application discussions have been held with Mark Williamson of Perth & Kinross Council Planning Department including a meeting at the Council offices on 6th February 2012 and a further visit to the site on 30th April 2012. These discussions have been very helpful in preparing the groundwork for the application, and have been used to inform the development strategy and outline design.

It is understood that the Council's 'Housing in the Countryside Policy' would be the main criteria used in the consideration of this proposal.

“For All Proposals” – The proposal will be developed to conform to the relevant requirements contained in the Council's current guidance on the design of houses in rural Areas, in particular in relation to siting, design and materials. It is also made on the understanding that it will comply with subsequent detailed design guidance in terms of the Council's current Housing in the Countryside Policy.

The application is made in terms of the following two criteria:-

Building Groups - There is an existing building group at Pitkeathly Mains. This comprises the 'Red House' adjacent to the public road at the bottom and on the west side of the farm track which leads to and forms a cul-de-sac with what was originally the rest of Pitkeathly Farm and its related steading buildings at the top of the track. The original 'Red House' was built at the turn of the last century to provide housing for workers at Pitkeathly Mains. All the buildings in the group have been renovated and extended over time and more recently over the last 20 years. The farmhouse and steading buildings were renovated and converted to provide four large family houses, Mr & Mrs Bott's present house being the original farmhouse. The 'Red House', although originally much smaller than the other houses, has been repeatedly extended over the past 15 years so that it, too, conforms to the size and expectations of a modern family house which currently accommodates a family with three children and has an adjacent stable area with outbuildings which can accommodate four animals. All five households have developed their garden ground in harmony with the rural surroundings and the original nature of the buildings – with flower gardens, small orchards and vegetable gardens.

The site for the proposed new house has lain fallow for at least the last 20 years because of the poor quality of the soil, although it has been used intermittently as grazing for the ponies owned by the occupiers of the 'Red House'. The topography of the site, which slopes gently downwards to the north, with a slightly steeper slope and then level site at its northern most extremity is suggestive of an integrated accommodation of one single storey house being most appropriately located in this northern part. This is because the siting of a house here would respect the character, layout and building pattern of the existing group, would not detract from either the residential or visual amenity of the group and would provide an aesthetic balance, in particular, for the 'Red House'.

In addition, there is documented evidence of previous existing buildings or enclosures on the proposed site dating from the 1800s into the 20th Century. These can be seen on the map extracts on the previous page. While it has been impossible to find definitive clarification of the exact nature of these structures, and there is no obvious surviving evidence of them on the site today, they do illustrate a history of development on the site and support the assertion that the 'Red House' and Pitkeathly Farmhouse are inextricably linked.

The application is based on the assertion that it falls within the category of a building allowed within a "Building Group". However, because of the particular topography of the land and surrounding building group it could be argued that the submission could also be considered in terms of the category – "Infill Site" and therefore certain submissions are also advanced in respect of this category.

Infill Sites - The proposed position of the new house also fulfils several of the requirements relating to an infill site.

The proposed plot for the proposed new house would be comparable in size to the plots already associated with the other houses in the group, apart from the present Farmhouse, which presently occupies the largest area of garden ground. However, the proposed site while being consistent in size with the other four houses in the group, also allows the present farmhouse to be separated from the others and retain the largest ground area in keeping with its status as the original farmhouse – in that it is proposed that the area of ground between the present farmhouse and its adjacent Mill House and the proposed new house be retained as wild meadow and for intermittent grazing of the aforementioned horses and ponies.

There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house and the amenity of the existing houses is maintained – most particularly by the location of the proposed new house at the northern part of the site.

The existing houses in the group are all family houses of either three or four bedrooms – with the 'Red House' conforming to this pattern after a number of extensions over the last 15 years. Mr & Mrs Bott's present house is the largest house in the group. The proposed new house would be a contemporary family house with three bedrooms, built in sympathy with the surrounding family houses, similar in size to the 'Red House' but fully utilising up to date environmental building materials and methods.

It should be noted that Mr & Mrs Bott wish to build one house only on the site in order to preserve the amenities of all the existing houses and the new proposed house.



PROPOSED NEW HOUSE AT PITKEATHLY MAINS – BRIDGE OF EARN – for MR & MRS R. K. BOTT





CONCLUSIONS: A PERSONAL STATEMENT by MR & MRS BOTT

We are a local couple who have lived at Pitkeathly for 20 years. We have raised our two boys here and are very much integrated with the local community. However, our children have now left home and our present house and large garden are increasingly inappropriate to our needs and lifestyle. Nevertheless, we wish to remain in the area, to continue to live in the country and to contribute to the local community in which we are well known and respected, but in a dwelling that fits our changing circumstances.

[Mr Bott intends to continue to work in the legal firm in which he is a senior partner for approximately 3 years. He is the President of the Perth Mountaineering Club, a member of the Scottish Mountaineering Club and a Director of the Scottish Mountaineering Club Publication Committee. He is a keen wild life photographer and DIY enthusiast. Mrs Bott, who is semi-retired, has set up a small, legal education, home-run consultancy business. She is also a keen gardener. A study and workshop are part of the brief to the architects.]

While we will not be fully engaged in economic activity in the future, we hope to be able to increase our voluntary contribution to the local community. We are confident that in this age of equality, local planners will support us in our ability to achieve this.

We are looking to build a 'single storey' house which will be:

- flexible for the future,
- as up-to-date in building design and materials, ecologically friendly and sustainable as is possible within a contained budget, and
- of a scale and profile to fit in empathetically with the local environment and preserve the amenity of the houses within the existing housing group.

We are environmentally aware and are fully committed to building a sustainable dwelling. The intention is to design and build a house in accordance with one of the following accredited benchmarking standards; Passivhaus, BREEM Ecohomes or Gold Standard level for Scottish Building Standards (Section 7 – Sustainability). We would like to work with local planners to create an exemplar project within a reasonable budget.

We have suggested the siting of the house for a number of environmental reasons:

- to maximise the harnessing of solar power as the upper part of the site is shaded during December and January,
- the relatively generous site area would make it practicable to employ low energy technology such as a ground source heat pump,
- the existing, well established boundaries,
- it preserves the view and amenities of the present houses within the existing housing group, and
- it continues to allow an area of wild meadow for grazing and enhancement of the natural habitat.

When we came to live in the newly renovated farmhouse more than 20 years ago, the 'garden ground' consisted of bare earth. We have since planted a beautiful garden, bounded by a variegated beech hedge to the south, a number of indigenous trees to the east and an orchard to the north. Our garden is now home to many species of birds, numerous ones returning annually. In establishing this natural habitat, we have demonstrated our commitment to biodiversity and preservation of the environment for the future. We would intend constructing a similar habitat in the garden ground surrounding the proposed new house. We would intend to retain those existing mature trees that are in good condition and undiseased. We would consult planners and an arboriculturalist to ensure replacement and planting of other indigenous trees to provide an appropriate setting for the new house within the existing housing group.

In conclusion, we would like to build a smaller, eco-friendly and sustainable house. We believe that our proposals fall within the ambit of local planning policy and that the nature and quality of this house will enhance the local area and provide a better use for poor quality land which has lain fallow for more than 20 years. It would also allow us to live in a house which would be more appropriate to our changing circumstances, reduce our present running costs in particular in relation to fuel conservation and permit us to continue to contribute to our local community.



Richard & Betty Bott



TCP/11/16(231)

Planning Application 12/01435/IPL – Erection of a dwellinghouse (in principle) at Pitkeathly Mains Farmhouse, Bridge of Earn, PH2 9HL

REPRESENTATIONS

- Objection from Woodside Park Kirk Ltd, dated 21 August 2012
- Objection from Mr and Mrs Foster, dated 26 August 2012
- Representation from Transport Planning, dated 28 August 2012
- Objection from Mr and Ms McGhee, dated 29 August 2012
- Objection from Mr Crane
- Representation from Mr O Crane, dated 19 March 2013
- Representation from Mr and Mrs McGhee, dated 20 March 2013
- Representation from Woodside Park Kirk Ltd, received 20 March 2013
- Applicant's response to representations, dated 24 March 2013

wprk

OUR REF: PCP/WT/F

21 August 2012

The Development Manager
Planning Department
Perth and Kinross Council
Pullar House
Kinnoull Street
Perth
PH15GD

RECEIVED

27 AUG 2012

Woodside Parker Kirk Ltd
Dunbarney Studios
Manse Road
Bridge of Earn
Perth PH2 9DY

01738 815984
admin@woodsideparker-kirk.co.uk
www.woodsideparker-kirk.co.uk

Dear Sir

Re: Lodgement of objection to the Planning Application in respect of proposed residential development, Bridge of Earn: Ref. 12/01435/IPL.

We act on behalf of clients who wish to formally object to the Planning Application as detailed above and we enclose in the accompanying document responses to the information supplied by the Applicants agents under the following headings:

- those issues which are not relevant to an Application in Principle
- an analysis of the headed sections in the Supporting Document from Background through to Conclusions as related to the HICP.
- a summary of the main issues precluding a development of this nature.

We trust this information will enable you to assess the Application and find that the essence of what is trying to be achieved is contrary to the Councils policies in every respect.

Yours faithfully.



P. C. Parker

ENTERED IN COMPUTER

27 AUG 2012

**LODGEMENT OF OBJECTION TO THE PLANNING APPLICATION IN RESPECT OF
PROPOSED RESIDENTIAL DEVELOPMENT, BRIDGE OF EARN, PERTH.
REF. 12/01435/IPL.**

INTRODUCTION

Our client owns the property known as Pitkeathly Mill which is located to the south of the site defined by the applicant. The Mill forms part of a concentrated and well defined group of 5 houses running along the 45-50 metre contour on the northern slope of West Dron Hills which were converted and improved some years ago. Further to the north and isolated by the applicant's site is the cottage [Red House] on the unclassified road from Bridge of Earn. The site is currently under grass and has recently been harvested for hay.

The following observations are based on the headings supplied by the applicants agents and have been numbered for clarity.

SITE AND OUTLINE PROPOSAL

There are a number of statements detailed in this section some of which are erroneous and some which are not relevant to an application in principle:

Points 2, 3 and 4

The proposed location for the new house and descriptions of "balancing" and "framing" are not relevant points for discussion or design statements which could be supported in an Outline Application.

Point 7

The location of the proposed house would be subject to a further application in detail but the assertion that any position other than to the north of the site would "adversely affect the amenity of all the houses" is incorrect in that the two southmost dwellings in the group have very limited or non existent views over the site to the north.

CONTEXT AND OUTLINE PROPOSAL

Points 3, 4 and 5

The Housing in the Countryside Policy [HICP] relating to Pilot projects and eco-friendly houses specifically links such a development to "...the management of land or use of land for sustainable living". It is evident that in this case the criteria are not being met and in addition, the premise that an eco house would be a major influence in supporting any planning decision is now largely irrelevant in that the technologies to be used [based on, for example, the Passive House principles] are now widely available, affordable and not restricted or exclusive to rural developments of this nature. Furthermore, the Building Regulations demand high levels of insulation and air tightness as the norm and these approach the specialist house standards referred to.

In relation to the general heading of Housing in the Countryside policy," The council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the need to travel minimised". We would point out that the roads supporting the area are narrow and of poor quality. There are no official passing places between the property and Bridge of Earn and the use of large farm vehicles, lorries and delivery vans already make the road unsafe. The unsold houses at Clachan View in themselves promise a significant increase in traffic when sold. Another property will only add to that increase.

HISTORICAL CONTEXT

Points 1, 2 3 and 6

It is clear from the notes and copies of historical maps that although some lines indicate field boundaries or paddocks, these cannot be interpreted as former buildings in support of the application.

Point 4

Under the HICP, the reuse of redundant agricultural buildings was encouraged and it should be noted that although the historical map for Pitkeathly Mains details former buildings no longer extant, the principle buildings were converted to residential use and that their footprint was restricted to those buildings which had an identifiable structure still standing. There are no buildings or remains of buildings within the site boundary which could be used as a basis for progressing an application for residential use or conversion.

RELEVANT PLANNING POLICY:

Point 1: For all proposals

The first of the criteria listed relates to Planning Applications in detail and is largely irrelevant in this case.

Point 2: Building Groups

Whilst there is a clearly defined building group at Pitkeathly Mains and a cottage on the road side to the north of the site [Red House] there can be no justification for "integrated accommodation of one single storey house being most appropriately located in this northern part" of the site or anywhere else within the boundaries identified by the applicants for the following reasons:

- A. The position, form and scale of the proposed house would be subject to a later application in detail;
- B. It cannot "respect the character, layout and building pattern of the existing group" as it is not related in any physical way, being isolated from both main group of buildings and the Red House;
- C. The inextricable link suggested between the Red House and the group of dwellings at Pitkeathly Mill is highly subjective and historically inaccurate and no evidence is submitted connecting the use of the buildings;

- D. There is an erroneous assertion that the proposal would fall within a "Building Group" as the Pitkeathly and Red House are clearly defined and separated by the applicants site which is in agricultural use and actively being grazed;
- E. It cannot be considered an "Infill Site"

INFILL SITES

There are 5 headings under which the proposal could be considered and, notwithstanding the nature of this application being in principle, none of these can be deemed applicable. The sixth heading relates to category 3: New Houses in the Open Countryside but under the headings numbered 3.1.to 3.3 such a proposal would not satisfy any of the conditions detailed.

CONCLUSION

On the basis of the information presented with the Planning Application in Principle it would appear that there are no headings or points of justification lodged which could be deemed to be in support of the proposals.

There are no opportunities as detailed in the HICP, specifically in sections 1 and 2 which confirms that there is no historical basis for extending the groups of buildings, and nor does it present an opportunity to build a house on an infill site. Furthermore, Policy 3 in HICP contains no basis for granting consent for a new house in such a location.

On this basis the Application should be rejected.



**WOODSIDE PARKER KIRK
ARCHITECTS
22 AUGUST 2012**

MON.

David & Linda Foster
WYLLIE BURN HOUSE.
PITKEATHLY MAINS.
BRIDGE OF GARD.
PERTH. PH2 9HZ.
26.8.12

The Development Manager
Planning Department.
Perth & Kinross Council.
Pillar House.
Kinross Street
PERTH. PH1 5GJ.

ENTERED IN COMPUTER
29 AUG 2012

RECEIVED
29 AUG 2012

Dear Sir,

RE Lodgement of Objection to Planning Application;
Bridge of Earn. Ref. 12/01435/1PL.

We raise several concerns and objections to the above application which we feel should be taken into consideration.

- 1 The potential site we feel does not fall within a 'building group' as suggested.
- 2 We would be concerned that the house type suggested may not be 'in-breeding' with the other houses in the area all built from red sandstone.
- 3 We cannot see how this area can be described as an 'infill site'. Should it be classed as such what about the land to the south and west of the Red House? Would this be classified the same? We are concerned therefore that our development may lead to others to the detriment of the area in general.

We thank you for your attention in this matter.



MEMORANDUM

To	Mark Williamson Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/01435/IPL	Date	28 August 2012

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 12/01435/IPL for planning consent for:- **Erection of a dwellinghouse (in principle) Pitkeathly Mains Farmhouse Bridge Of Earn Perth PH2 9HL for Mr And Mrs Richard Bott**

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.
- Prior to the occupation or use of the approved development a maintenance strip 6.00 metres wide shall be provided adjacent to the watercourse. The maintenance strip shall not form part of any garden ground and access shall be provided for maintenance purposes at all times. Details of any tree felling or planting shall be agreed with the Council as roads authority to the satisfaction of the planning authority. Details of the maintenance arrangements for the land in question shall be agreed in writing with the planning authority prior to the commencement of work on 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.



MOA RECEIVED

30 AUG 2012

The Red House
Pitkeathly Mains
Bridge of Earn
Perthshire
PH2 9HL

29 August 2012

Mr Nick Brian
Development Quality Manager
Planning and Registration
Perth and Kinross Council



Dear Mr Brian

Objection to Planning Application on Neighbouring Land - 12/01435/IPL

The following five concerns outline our objection:

1. The Red House is not part of the existing "building group" surrounding Pitkeathly Mains Farmhouse.

The assertion that our property, The Red House is "integral" to Pitkeathly Mains Farmhouse and the other four dwellings in the group is unsubstantiated.

On 28 February 2011 application 11/00002/IPL for a dwelling within PH2 9HL was refused. In particular we believe the following reason, cited from the refusal is equally applicable to 12/01435/IPL.

*"Policy 32 Housing in the Countryside
In terms of Policy 32 of the local plan, it is considered that the appropriate category to consider the proposed is (a) "Building Groups". This category indicates that a building group must have a compact nucleated shape creating an identifiable "sense of place"."*

The Red House was built some time after Pitkeathly Mains Farmhouse and is separate to the existing group of houses. Despite its name, The Red House is characteristic of the cottages spread along the roadside leading west to Gleneam Estate, rather than that of the houses in close proximity and surrounding the Farmhouse. The proposed dwelling, particularly if developed somewhere to the north of the site would mean that it would be isolated with no real "sense of place".

2. The proposal is contrary to the revised Housing in the Countryside Policy 2009

The "Building Groups" category in this policy is relevant because of the potential for the proposed house to create a separate building group to the

north of the existing group. By building to the north of the site, in particular if placed near to The Red House, the new dwelling together with The Red House and it's stables which are equivalent to the size of a traditional cottage could form a new "building group". This could facilitate application for further developments to the west of the new dwelling and the south of The Red House and it's stables.

Furthermore, depending on the position of the new house, if built in line with The Red House and it's stables a precedent for further development could be set. In the future land to the west of The Red House and east of the site could be urbanized resulting in undesirable ribbon development.

3. Highway Issues: Traffic Generation, Vehicular Access and Highway Safety

The roads from Bridge of Earn to the areas around PH2 9HL are single track, very narrow and have no official passing places. Large Farm vehicles and delivery vans regularly use the road compromising the safety of pedestrians, horse riders and cyclists. The proposed house, along with increased traffic from the sale of properties at Clachan View (to the east of PH2 9HL) mean that the safety on the roads serving this area will be further compromised.

4. Capacity of Infrastructure

Refuse collection at PH2 9HL has to be undertaken manually compromising the safety of council workers as the roads cannot accommodate the usual refuse collection lorry. For related reasons recycling services are not available to residences in PH2 9HL. A further dwelling in this area without the infrastructure to support this will negatively impact on the health and safety of council workers and the commitment to encouraging recycling.

5. Loss of Agricultural Land

Historically Pitkeathly Mains Farmhouse has been surrounded by agricultural land. The proposed application in the field to the north of the Farmhouse would reduce the availability of agricultural land. Contrary to the view stated in the information presented for the application that the site is of poor agricultural quality; the field like those surrounding it has been harvested and used for grazing by local farms. Moreover, it has been intermittently used by local residents, including ourselves providing good quality grazing for horses and other animals.

Finally with reference to specific headings within the "*Supporting and Background Information Document*" for the application we would wish you to take the following into consideration during your assessment:

Environs – point three states that the land is unusable. This is contradicted within the *Conclusions* heading where reference is made to the establishment of the current

Farmhouse's garden and orchard and the plan to cultivate similar around the new house.

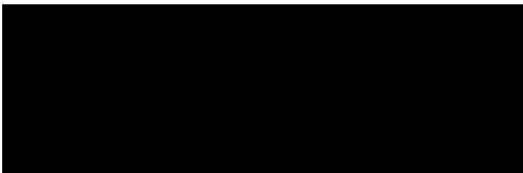
Site and Outline Proposal – points three and four assert that The Red House is part of the building group around the Farmhouse. This assertion is implied within other headings. As outlined in our objection we feel that there is no evidence to support that The Red House is part of the building group.

Historical Context – point six highlights that the new house will be “within the vicinity of the historical development”. Reference to this development is made under other headings, being repeated in the *Conclusions*. There is no substantiated evidence of an historical development on the site.

Relevant Planning Policy, Building Groups – The statement that The Red House was built “to provide housing for workers at Pitkeathly Mains” is not substantiated. Further, it is suggested that The Red House has been “repeatedly extended over the past 15 years”. In fact there has only been **one extension** in this time, resulting in a pitched roof replacing an existing flat roof and the addition of a conservatory.

Thank you for the time you have taken to consider our objection.

Yours sincerely



Ms J McGhee
Mr Joe McGhee

Hallburn House, Pitkeathly Mains, Bridge of Earn Perthshire. PH2 9HL
United Kingdom.

Objection to Planning Application 12/01435/IPL

Dear Sirs

Further to the letter you sent me dated 9th August 2012, I we hereby wish to object to this on two counts.

Firstly the building of the new property contradicts environmental legislation regarding infill. Whilst the applicants have endeavoured to produce a case for existing building on the land over 100 years ago, these are not substantiated and rather wishful thinking to support self-interest rather than factual.

All the existing properties fit either the original farm – developed some 20 years ago around the pre-existing buildings, or the ‘Red House’ sitting at the bottom of the drive as an original working cottage.

To all intense and purpose, this new build is a random development with a site chosen through convenience of ownership of the field rather than a natural and logical development.

The second objection is that contrary to the 2006 Scottish Planning Act, there has been no discussion of this by the applicant with us to address any concerns prior to the formal planning process. The first I have heard about it beyond hearsay has been the letter of notification above. The applicant has never spoken of the matter to our family.

Yours sincerely,

Oliver Crane

Audrey Brown - Democratic Services

From: Yvonne Oliver
Sent: 21 March 2013 10:35
To: Audrey Brown - Democratic Services
Subject: FW: Planning and Building

-----Original Message-----

From: Enquiries - Generic Email Account
Sent: 19 March 2013 17:50
To: [REDACTED]
Subject: Planning and Building

Dear Mr Crane,

Thank you for your recent submission via our online system.

I have forwarded your comments to our Planning Review Body.

If we can be of any further assistance, please do not hesitate to ask.

Yours sincerely,

Nicki Robertson
Senior Customer Service Advisor
Pullar House
35 Kinnoull Street
Perth
Scotland
PH1 5GD

01738 475000
enquiries@pkc.gov.uk

Original Enquiry –

Application refused 20 December 2012 12/01435/IPL

Dear Sir,

Thank you for your letter of 6 March 2013 in respect of the above and the submission of further comments for the forthcoming Review Body meeting.

I support in full the Planning Officers conclusions and recommendations, merely adding that there can be no justification under the T and C Planning [Scotland]Act 1997 or the HICP to support any development on the site as identified or indeed any adjoining land under the applicants ownership.

Having read the papers on line in association with the initial application, the justification for continuing to turn down the application, lies in the following material taken from the submission by the architects acting for Mr and Mrs Beale.

Oliver Crane

Mr Oliver Crane
Hallburn House
Pitkeathly Mains
Bridge of Earn
Perthshire
PH2 9HL

[REDACTED]

The Red House
Pitkeathly Mains
Bridge of Earn
Perthshire
PH2 9HL

20 March 2013

Gillian A Taylor
Clerk to the Local Review Body
Perth and Kinross Council

Dear Ms Taylor

Further Representation – Local Review Body

Application Reference: 12/01435/IPL – Errection of dwellinghouse (in principle) at Pitkeathly mains Farmhouse, Bridge of Earn, PH2 9HL – Mr and Mrs Bott

Thank you for advising us of the forthcoming review and opportunity to make further representation.

We note that the decision to refuse the planning application 12/01435/IPL is because it does not fall within the Council's Housing in the Countryside policy 2009. We wish to support this decision and offer further points relating to the Notice of Review submitted by the applicants and dated 1 March 2013.

1. Current Housing in the Countryside Policy 2009

We agree with the planning officer who refused the application and assert that the application does not meet the terms of reference for building groups detailed in the Council's current policy.

2. Housing in the Countryside Policy 2009 Building Groups.

We note that the applicants refer to the definition of **Building Groups** by quoting the Council's Housing in the Countryside Policy 2009:

“An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy”.

They then suggest that the definition lacks detail in that it does not offer specific measurements between buildings meaning that interpretation will be very subjective. We believe that the lack of detail in the definition allows an experienced planner to

use professional judgement to assess an application and make informed decisions. The definition is useful in that it will inform the planners decision.

We would wish to support our original objection that the Red House is not part of the building group by highlighting that:

- It was built at a different time to Pitkeathly Mains Farmhouse
- It was not sold as part of the Farmhouse and related outbuildings, which were renovated/converted and sold on.
- It has a separated septic tank facility.

I

While we note that the applicant has sought tentative evidence from a witness that the Red House was built for farm workers from Pitkeathly Farm; we feel this asserts the deliberate distance that separates the Red House from the Farmhouse. Workers cottages were not built in close proximity to the principle house.

While the applicants have suggested the West boundary of the suggested Building Group be considered in line with the Red Houses stable block we believe a natural “topographical boundary” would be the farm road and burn. Along with the distance from the Farmhouse and other houses, this divides the Red House from what should be considered the obvious building group.

Finally

- 3. The application does not uphold the definition of: “houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting”**

As noted we do not believe the Red House is part of the Building Group, therefore the application to build one house would not “extend” the group. Furthermore, we do not believe that there is any obvious topography within the field were the applicants propose to build that would suggest a house would be pleasing to the eye or look “meant”. It would be a new build which would appear isolated within a field.

Thank you for the time you have taken to consider our additional representations.

Yours sincerely

Sent via email so not signed

Ms J McGhee
Mr Joe McGhee

wpk

Perth and Kinross Local Review Body

Perth and Kinross Council
2, High Street
Perth
PH1 5PH

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

21 MAR 2013

RECEIVED

Woodside Parker Kirk Ltd
Dunbarney Studios
Manse Road
Bridge of Earn
Perth PH2 9DY

01738 815984
admin@woodsideparker-kirk.co.uk
www.woodsideparker-kirk.co.uk

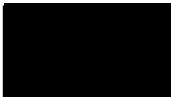
FAO Gillian Taylor
[ref TCP/11/16 [231]]

Re: Further representations in respect of the Planning Application for residential development, Bridge of Earn: Ref. 12/01435/IPL;

Thank you for your letter of 6 March 2013 in respect of the above and the submission of further comments for the forthcoming Review Body meeting.

We have again consulted clients and would take this opportunity to support in full the Planning Officers conclusions and recommendations, merely adding that there can be no justification under the T and C Planning [Scotland]Act 1997 or the HICP to support any development on the site as identified or indeed any adjoining land under the applicants ownership.

Yours faithfully.

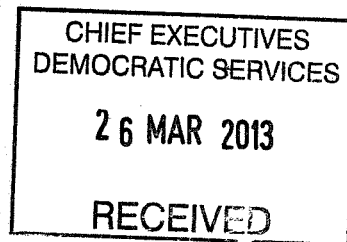


P. C. Parker

Pitkeathly Mains Farmhouse
Bridge of Earn
Perthshire
PH2 9HL

Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross Local Review Body
2 High Street
PERTH
PH1 5PH

Your Ref: TCP/11/16 (231)



24 March 2013

Dear Madam,

Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review Procedure)(Scotland)
Regulations 2008
Application Reference: 12/01435/IPL – Erection of a dwelling house (in principle) at Pitkeathly
Mains Farmhouse, Bridge of Earn, PH2 9HL

We refer to your letter of 21 March and to the further e-mail that we received from your staff today. We understand that you have received three representations in relation to our application.

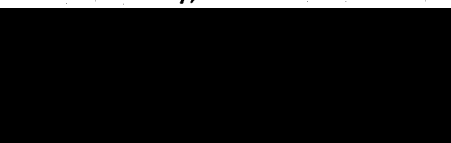
We note that all three representations state that the Planning Officer made his decision in terms of the HICP 2009. It is our contention that while the Planning Officer stated that he had made his decision in terms of that policy – the wording used by him refers to the definition of 'building group' in the HICP 1994 which has been superseded by the 2009 and 2011 HICP. These latter policies:-

- (a) do not refer to "nucleated groups", and
- (b) expressly allow for extension of a 'building group'.

Specifically, in relation to the representations made by Mr and Mrs McGhee, we would re-iterate that the Red House has been shown by us to be unequivocally part of the Pitkeathly Mains Farmhouse building group. In addition, we have led evidence to show that, historically, there was a walled garden belonging to the Farmhouse in the ground directly east of the Red House (on the other side of the farm track) – which emphasises not only the relationships of all the buildings comprising a single building group; but also the existence of a structure in the past in the vicinity of where we would seek to build our new house.

We would be grateful if our appeal could now be put before the Local Review Body and we look forward to receiving the date on which our appeal will be heard.

Yours faithfully,



Mr & Mrs R. K. Bott

