

TCP/11/16(212)
Planning Application 12/00842/FLL - Change of use of
existing clubhouse to dwellinghouse at Whitemoss Golf
Club, Dunning, PH2 0QX

COVERING REPORT

NOTICE OF REVIEW FORM

EXTRACT FROM MINUTE OF 6 NOVEMBER 2012

REPORT FOR LOCAL REVIEW BODY – 1 JULY 2014

**TCP/11/16(212) Planning Application Ref: 12/00842/FLL
Change of use of existing clubhouse to
dwellinghouse at Whitemoss Golf Club, Dunning,
PH2 0QX – Mr G V Westwood**

BACKGROUND:

- 1.1 In September 2012, the Local Review Body received and registered a notice to review the decision by the Appointed Officer to refuse planning permission for the above proposal.
- 1.2 At its meeting on 6 November 2012, the PKLRB reviewed the decision in the context of the Development Plan and the Housing in the Countryside Policy 2009 and resolved to overturn the decision by the Appointed Officer, by a majority, and approve the application subject to the imposition of appropriate conditions, including the provision of a Section 75 Agreement in connection with an education contribution, should the relevant sum not be paid prior to the Decision Notice being issued.
- 1.3 The property has now been sold and the current owner has submitted a further planning application, requesting that the property be used for both residential and commercial purposes.
- 1.4 The current owner is unwilling to enter into a Section 75 obligation or to make any alternative arrangement for the payment of an education contribution. The Local Review Body is accordingly now required to further consider the review application on the basis that the developer is not willing to comply with the Council's Supplementary Guidance in respect of an Education Contribution.



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Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000049340-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

MBM Planning & Development

Ref. Number:

First Name: *

Mark

Last Name: *

Myles

Telephone Number: *

01738 450506

Extension Number:

Mobile Number:

Fax Number:

01738 450507

Email Address: *

mm@mbmplanning.co.uk

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

Building Name:

Algo Business Centre

Building Number:

Address 1 (Street): *

Glennearn Road

Address 2:

Town/City: *

Perth

Country: *

UK

Postcode: *

PH2 0NJ

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="G V"/>
Last Name: *	<input type="text" value="Westwood"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text" value="Mosshead Farm"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Dunning"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Perthshire"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="PH2 0QX"/>

Site Address Details

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

Address 1:	<input type="text" value="Mosshead Farm"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Dunning"/>	Town/City/Settlement:	<input type="text" value="Perth"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH2 0QX"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="714445"/>	Easting	<input type="text" value="298965"/>
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Description of the Proposal

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

Change of use of former clubhouse to dwellinghouse

Type of Application

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

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See separate statement attached to Notice of Review

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

☐ Yes ☒ No

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

Planning application forms, refused plans, Report of Handling, Decision notice and Statement that addresses the reason the refusal

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/00842/FLL

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

15/05/12

Has a decision been made by the planning authority? *

☒ Yes ☐ No

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

13/07/12

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Mark Myles

Declaration Date: 28/09/2012

Submission Date: 28/09/2012

PERTH AND KINROSS LOCAL REVIEW BODY

Extract from Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 6 November 2012 at 10.00am.

Present: Councillors M Lyle, I Campbell and J Giacomazzi.

In Attendance: Councillor T Gray; D Harrison (Planning Adviser), C Elliott (Legal Adviser) and Y Oliver (all Chief Executive's Service).

Also Attending: H Hoey and K Brown, representatives from Renfrewshire Council; members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

543. APPLICATIONS FOR REVIEW

(iii) TCP/11/16(212)

Planning Application 12/00842/FLL – Change of use of existing clubhouse to dwellinghouse at Whitemoss Golf Club, Dunning, PH2 0QX – Mr G V Westwood

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use of existing clubhouse to dwellinghouse at Whitemoss Golf Club, Dunning, PH2 0QX.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

the Appointed Officer's decision be overturned, and the application for the change of use of existing clubhouse to dwellinghouse at Whitemoss Golf Club, Dunning, PH2 0QX be approved, subject to the imposition of appropriate conditions, including the provision of a Section 75 Agreement in connection with an education contribution, should the relevant sum not be paid prior to the Decision Notice being issued.

Justification

The proposal is not contrary to the Housing in the Countryside Policy 2009 as the applicant has provided sufficient information to

demonstrate that there is no viable alternative use for the premises other than housing.

Note: Councillor I Campbell considered that the proposal was contrary to the Housing in the Countryside Policy 2009 as the applicant has not provided sufficient information to clearly demonstrate that there is no viable alternative use for the premises other than housing.