

**TCP/11/16(557) – 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy**

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**TCP/11/16(557) – 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100138426-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Alison"/>	Building Number:	<input type="text" value="█"/>
Last Name: *	<input type="text" value="McLeod"/>	Address 1 (Street): *	<input type="text" value="██████████"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="██████"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="██████"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="██████"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="CUIL FARM"/>
Address 2:	<input type="text" value="BOLTACHAN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERFELDY"/>
Post Code:	<input type="text" value="PH15 2JN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="750143"/>	Easting	<input type="text" value="285451"/>
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## Description of Proposal

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

Change of use from agricultural land to equestrian, siting of 2no. containers to provide field shelter and storage and formation of parking (in retrospect) at Cuil Farm, Boltachan, Aberfeldy

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to attached statement in support of the 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

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

The field shelter/storage unit has now been painted green (RAL Green 6013) as had been stated in the planning application to further mitigate against any impact on the surrounding landscape

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, proposed plans, supporting statement, drainage details, decision notice, Report of Handling and statement in support of Notice of Review

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01142/FLL

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

24/07/2018

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

05/09/2018

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr Mark Myles

Declaration Date: 27/09/2018



**Notice of Review Appeal Statement**

**Planning Application 18/01142/FLL  
Change of use from agricultural land to equestrian,  
siting of 2no. containers to provide field shelter and  
storage and formation of parking (in retrospect) at  
Cuil Farm, Boltachan, Aberfeldy**



## **1. Introduction**

- 1.1 This statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Ms Alison McLeod for the change of use from agricultural land to equestrian, siting of 2no.containers to provide field shelter and storage and formation of parking (in retrospect) at Cuil Farm, Boltachan, Aberfeldy.
- 1.2 The planning application (18/01142/FLL) (DOC1) was refused by Perth & Kinross Council on 5<sup>th</sup> September 2018 (DOC2).
- 1.3 The application had followed on from an earlier withdrawn planning application (18/00725/FLL) for the siting of 2no. containers to provide field shelter and storage (in retrospect) because the planning department subsequently decided that the application description should include reference to a change of use, resulting in the requirement for the applicant to submit a revised application but also a further planning application fee of £401.
- 1.4 The applicant is particularly aggrieved that she has had to pay twice for this application and at no point during the second planning application did the appointed officer raise any comments or concerns whatsoever, despite having ample opportunity to do so. Correspondence was entered into with the council's flood officer, but even then, the appointed officer did not raise any concerns. The lack of any communication and the subsequent refusal to meet with the architect and the applicant after the refusal was issued to find out what the appointed officer's concerns were and how they could be addressed has not been helpful and is against the council's own customer service standards.
- 1.5 The proposal requires to be considered under the terms of the relevant development plan policies and these are set out in the appointed officer's Report of Handling (DOC3) with the key policies being Policies ED3, PM1 and ER6 within the Perth & Kinross Local Development Plan 2014.
- 1.6 We contest the council's 2 reasons for refusal of the planning application and the justification that was given for those reasons within the Report of Handling and request that the Local Review Body (LRB) allow this appeal subject to any conditions that may be considered necessary.

## 2. Grounds of Appeal

- 2.1 From the reasons for refusal (DOC2) and the council's Report of Handling (DOC3) it can be seen that the key issue in this case relates to matters of detail and the acceptability or otherwise of the design, layout, form and external colour of this small-scale development in the countryside and the perceived '*adverse impact on the amenity of the area*'.
- 2.2 Policy ED3 Rural Business and Diversification specifically allows for favourable consideration to the creation of new businesses in the countryside particularly where they relate to a site-specific resource (i.e. in this case horses located in a field); create an employment opportunity (the applicant provides livery for 1 pony that is not her own); and where recreational facilities are provided (the applicant provides occasional riding lessons for 1 or 2 visitors). The principle of the proposal therefore clearly accords with Policy ED3 of the LDP.
- 2.3 The Report of Handling states that '*although storage containers may be appropriate under temporary consents for this type of use, the storage containers would need to be well sited to avoid having a detrimental impact upon the quality of place. This is in addition to being appropriately enclosed.*'
- 2.4 Firstly, the development is not located adjacent to or visible from any principal road and is well sited with a direct and minimal access/parking area next to the adjacent private access track. The concerns raised by the appointed officer may have been more understandable if the unit had been located in a highly prominent public roadside location or even if it were located further and higher into the field, with the need for a longer access road and additional fencing and gates, but it has been sited at road level so as to minimise its impact on the agricultural fields and also on the landscape. Despite this, concerns about the '*confined layout*' bizarrely also form part of the 1<sup>st</sup> reason for refusal. On the one hand the applicant is being refused for siting the unit and parking area immediately adjacent to the access road thus helping to minimise its overall impact on the landscape, and yet if it were to be set further into the field and/or utilise a greater part of the field then we have no doubt the appointed officer would have also raised concerns on that basis.
- 2.5 When approaching the site from the west the development cannot be seen at all due to the rising land, vegetation and because it is located close to the private access track and is so low, being a maximum of 2.8 metres in height. The first views of the unit are literally when you are a few metres from the site. There is therefore no detrimental impact upon the quality of the place or the wider landscape setting from the western approach.

- 2.6 From the east the topography of the land rises so views of the site are generally looking down to the unit from a higher level. Importantly however the views from this direction reveal the full extent of the roof that has been applied to the unit and which clearly has the appearance of a small agricultural/equestrian field shelter, the type of which can normally be expected to be seen at the edge of an agricultural field.
- 2.7 In addition, when viewing from the east the views of the unit are set against the access track and also the backdrop of the substantial group of buildings at Cuil Farm on the opposite side of the access track, so once again this does not look out of place in this particular rural setting.
- 2.8 Following the issuing of the refusal the applicant has also now decided to paint the entire unit (RAL Green 6013) as had been stated in the planning application (and which could easily have been applied as a condition by the appointed officer). From the attached photographs this now clearly shows that when viewed from all directions, the development has a negligible impact on the quality of the surrounding landscape and the rural setting as a whole. Importantly the application of the paint also ties the storage containers and roof together as one structure and has therefore removed any obvious reference to the appearance of the 2no. storage containers.
- 2.9 The appointed officer has made a great deal about the south east elevation which faces the access track and because it is *'open with no walls it makes the unit appear incomplete and unsightly'* and as such forms a basis for both reasons for refusal.
- 2.10 In response this view is set against the rising land behind and also the backdrop of trees on the hillside. In any event if travelling by car along the private track this particular view would only ever be seen for a split second if the occupants of the vehicle happened to be looking in that particular direction. The uniform application of the paint to the entire unit is significant as it has also helped to make the containers and roof all appear as one structure from all directions, including when viewed directly from the road. Whilst doors could be applied there are many examples of large and small scale agricultural and equestrian buildings including field shelters in the countryside that have open elevations. In any event, applying doors does not mean that they would always necessarily be kept closed so the case put forward by the appointed officer about the *'incomplete and unsightly'* nature of the development is considered tenuous at best.
- 2.11 The responses received from all the consultees raised no objections. The Transportation department had no objections with regards to roads and access and Environmental Health had no objections subject to a standard condition to manage the storage and removal of manure from the site.

Following the submission of further information from the architect during the consideration of the planning application in respect of clearing the existing culvert, the installation of a new section of culvert and the soakaway, The Structures and Flooding Team also raised no objections to the application.

- 2.12 The gross footprint of the storage units plus roof over is extremely small-scale amounting to only 49 sqm. The application of the green paint to the entire unit has also ensured that any perceived adverse impact to the quality or visual amenity of the place has now been fully mitigated as it has the appearance of a purpose built small scale field shelter. The size, form, layout and colour of the development also completely respects the rural environment and setting in which it is located without comprising the landscape character of the area in anyway.
- 2.13 For whatever reason the appointed officer's negative appraisal of the development has in our view been blown totally out of proportion and the concerns that were raised could have easily been dealt with by applying a condition to ensure the painting of the entire unit, as has now been done by the applicant. The application had attracted 2 letters of objection but the contents of these are not available to view on the council's planning portal. We therefore reserve the right to comment on any further representations submitted to this Notice of Review from the 2 'interested parties'.

### 3 Conclusions

- 3.1 For the reasons set out in this appeal statement the development is considered to comply with Policies PM1 and PM1B and ER6 (as well as ED3 – already acknowledged by the appointed officer) of the PKC LDP 2014. As such no undesirable precedent would be set.
- 3.2 We are therefore disappointed that there has been a need to bring this case before the LRB and respectfully request that this Notice of Review is supported based on the limited size and negligible visual impact of the unit in the landscape, its location adjacent to the access track and proximity to the group of buildings at Cuil Farm, and also the needs and requirements of the applicant's small rural enterprise, subject to any conditions that may be considered necessary by the LRB.







# PERTH AND KINROSS COUNCIL

Ms Alison McLeod  
c/o Fearn Macpherson Chartered Architects  
Rob Macpherson  
Aberfeldy Business Park  
Dunkeld Road  
Aberfeldy  
PH15 2AQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 5th September 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01142/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 24th July 2018 for permission for **Change of use from agricultural land to equestrian, siting of 2no. containers to provide field shelter and storage and formation of parking (in retrospect) Cuil Farm Boltachan Aberfeldy PH15 2JN** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

- 1 The proposal is contrary to Policies PM1A and PM1B 'Placemaking', of the adopted Perth & Kinross Local Development Plan 2014, as the design and layout of the unit, by virtue of its open nature on the South East elevation and confined layout, does not contribute positively to the quality of place or respect the rural environment in which the proposal is located. Furthermore, the proposal would set an undesirable precedent for similar future development in this area.
- 2 The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes', of the adopted Perth & Kinross Local Development Plan 2014, as the siting of the unit erodes the visual amenity of the place, resulting in the landscape character of the area being compromised.

## **Justification**

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

## **Informatives**

- 1 Within 4 months of the date of this decision notice, the unauthorised development must be removed in full, and the site reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority. Failure to comply may result in Enforcement Action being taken.

## **Notes**

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

Plan Reference

18/01142/1

18/01142/2

18/01142/3

18/01142/4

18/01142/5

18/01142/6

18/01142/7

## REPORT OF HANDLING

### DELEGATED REPORT

<b>Ref No</b>	<b>18/01142/FLL</b>	
<b>Ward No</b>	<b>P4- Highland</b>	
<b>Due Determination Date</b>	<b>23.09.2018</b>	
<b>Case Officer</b>	<b>Sean Panton</b>	
<b>Report Issued by</b>		<b>Date</b>
<b>Countersigned by</b>		<b>Date</b>

**PROPOSAL:** Change of use from agricultural land to equestrian, siting of 2no. containers to provide field shelter and storage and formation of parking (in retrospect).

**LOCATION:** Cuil Farm, Boltachan, Aberfeldy, PH15 2JN.

**SUMMARY:**

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 25<sup>th</sup> July 2018

**SITE PHOTOGRAPHS**



**BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is Cuil Farm, Boltachan, Aberfeldy. The application seeks detailed planning permission for the change of use from agricultural land to equestrian, the siting of 2no. containers to provide field shelter and storage and the formation of parking.

The development is in retrospect. It was brought to the attention of the Council in early 2018 that the development had been undertaken without planning consent. As such, an enforcement case was opened (18/00067/ALUNDV). This application therefore seeks to regularise the unauthorised development.

It should be noted that this application forms the resubmission of application 18/00725/FLL, which was originally submitted after the enforcement interest. Application 18/00725/FLL was withdrawn as the proposal also required a change of use due to the applicant using the land for commercial purposes. This current application now also involves the change of use element.

The proposed unit in its entirety measures approximately 8metres at maximum width, 6.1metres at maximum length and 2.8metres at maximum height. This creates a resultant footprint of approximately 49m<sup>2</sup>. The unit will be constructed from 2 storage containers which are connected by a small roof. The South East elevation of the unit is completely open with no walls or doors. It is intended to paint the entirety of the unit in a Reed Green colour (RAL 6013). The colouring has not yet been implemented.

## **SITE HISTORY**

03/00395/FUL - Alterations and extension farmhouse and convert steading to dwellinghouse at 12 May 2003: Application Permitted

97/00622/FUL - Conversion of steading to 3 residential units at 19 June 1997: Application Permitted

18/00725/FLL - Siting of 2no. containers to provide field shelter and storage (in retrospect) 8 June 2018: Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

No formal pre-application consultation was undertaken; however there has been correspondence from the Enforcement Officer regarding the unauthorised development on the site.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy ED3 - Rural Business and Diversification**

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Out-with settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes**

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary

Guidance will set out when a travel plan and transport assessment is required.

#### Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **OTHER POLICIES**

None.

### **CONSULTATION RESPONSES**

Environmental Health (Noise Odour):

No objection to the proposed development, subject to conditional control regarding waste/ manure management.

Transport Planning:

No objection to the proposed development.

Structures & Flooding:

Flooding initially requested further information regarding the clearing of the existing culvert, the installation of a new section of culvert and the soakaway that this is discharging to. This was consequently submitted and considered satisfactory by the Structures and Flooding team and as such now have no objection to the proposed development.

### **REPRESENTATIONS**

2 letters of representation were received objecting to the proposed development. In summary, the letters highlighted the following concerns:

- Flooding and drainage concerns
- Proximity of building to public road
- Roads and access concerns (reference to parking provision)
- Neighbour notification concerns
- Noise pollution / loss of amenity
- Inaccuracies in submitted Planning Statement

### **ADDITIONAL INFORMATION RECEIVED:**

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required

EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted (Supporting Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### **Policy Appraisal**

As the proposal is for a commercial equestrian use, Policy ED3 'Rural Business and Diversification', is directly applicable. This policy gives favourable consideration to the expansion of existing businesses and the creation of new businesses. There is a preference that this will generally be within or adjacent to existing settlements. Out-with settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used.

In this instance, as the proposed commercial equestrian use is on an existing agricultural field close to the grouping at Boltachan, the proposed development is therefore considered to be acceptable in principle. Nevertheless, attention now turns towards the detailing of the application and whether it would have an adverse impact upon the amenity of the area. However, for reasons mentioned within this report, the proposal is considered to be contrary to the relevant provisions of the aforementioned Local Development Plan as the design of the unit does not contribute positively to the quality of place.

### **Design and Layout**

As mentioned above, although the principle of the development is acceptable, the design of the unit is not considered to be acceptable. Although storage containers may be appropriate under temporary consents for this kind of use, the storage containers would need to be well sited to avoid having a detrimental impact upon the quality of place. This is in addition to being

appropriately enclosed. As seen in the below photograph, the South East elevation of the unit, which faces and is only 7.5metres from the road, is completely open with no walls or doors. This therefore makes the unit appear incomplete whilst also making it appear untidy and unsightly on the streetscene. The open nature of the unit this so close to the road does not contribute positively to the quality of place.



Further to the open nature of the proposed unit, the proposed fencing and layout arrangements to the front of the site make the site more confined than it requires to be and thus makes it out of character with the surrounding area.

With regards to the colouring, the Reed Green colouring proposed (RAL 6013) for the entirety of the unit is considered to be acceptable. However, the inclusion of this colour will be minimal when viewed from the road due to the open nature of this elevation.

### **Landscape and Visual Amenity**

Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of the unit, due to the open nature of the South East elevation, is considered to erode the visual amenity of the immediate area and thus will have an associated impact upon the local distinctiveness, diversity and quality of the landscape. As such, this will be included as a reason for refusal on this report.

### **Residential Amenity**

The application site is in a rural area with the nearest residential property being located approximately 30 metres away from the proposed unit.

Whilst the letter of representation received regarding the loss of residential amenity is noted, my colleagues in Environmental Health were consulted as

part of this application and consider that due to the scale and location of the use there will be no loss of residential amenity. Environmental Health did however recommend a condition to be attached to any consent granted to manage the storage and removal of manure from the site. I therefore have no adverse concerns in residential amenity which cannot be controlled via planning conditions.

### **Roads and Access**

The proposal incorporates a permeable hardstanding surface for visitor parking capable of accommodating at least 3 vehicles. This parking area is enclosed and is accessed from the immediately adjacent road. This is considered to be appropriate for the level of traffic likely to be generated by the proposed development. Whilst the comments received regarding parking concerns and blocking access are noted, this would be a civil matter and not a planning consideration. Furthermore, my colleagues in Transport Planning were consulted as part of this application and have no objection to make. I therefore have no adverse concerns in relation to roads and access.

### **Drainage and Flooding**

The Structures and Flooding team were consulted as part of this proposed development and initially requested further information regarding the clearing of the existing culvert, the installation of a new section of culvert and the soakaway that this is discharging to. This was consequently submitted and considered satisfactory by the Structures and Flooding team and as such they now have no objection to the proposed development.

Whilst the comments regarding the flooding and drainage of the site are noted, as my colleagues in Structures and Flooding have assessed the submitted information and have no objection to make, I have no adverse concerns in relation to drainage and flooding.

### **Conservation Considerations**

The site is not in a designated Conservation Area or in close proximity to a listed building or any other designated site. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

As the proposal incorporates a commercial element, there will be some economic impact associated with the development, which will have a positive

impact upon Aberfeldy and the surrounding area. The economic impact is however expected to be minimal due to the scale of the development.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application.**

### **Reasons for Recommendation**

- 1 The proposal is contrary to Policies PM1A and PM1B 'Placemaking', of the adopted Perth & Kinross Local Development Plan 2014, as the design and layout of the unit, by virtue of its open nature on the South East elevation and confined layout, does not contribute positively to the quality of place or respect the rural environment in which the proposal is located. Furthermore, the proposal would set an undesirable precedent for similar future development in this area.
- 2 The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes', of the adopted Perth & Kinross Local Development Plan 2014, as the siting of the unit erodes the visual amenity of the place, resulting in the landscape character of the area being compromised.

## **Justification**

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

### **Informatives**

- 1 Within 4 months of the date of this decision notice, the unauthorised development must be removed in full, and the site reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority. Failure to comply may result in Enforcement Action being taken.

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/01142/1  
18/01142/2  
18/01142/3  
18/01142/4  
18/01142/5  
18/01142/6  
18/01142/7

**Date of Report** 5<sup>th</sup> September 2018





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100094554-002

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

## Type of Application

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

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

## Description of Proposal

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

ERECTION OF TWO CONTAINERS FOR TACK STORAGE AND FIELD SHELTER FOR HORSES AND CHANGE OF USE (IN RETROSPECT)

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

The applicant was unaware of the requirement for planning permission as she considered this an agricultural building.

## 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:	Fearn Macpherson Chartered Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Rob	Building Name:	Aberfeldy Business Park
Last Name: *	Macpherson	Building Number:	<input type="text"/>
Telephone Number: *	01887 820098	Address 1 (Street): *	Dunkeld Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberfeldy
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	PH15 2AQ
Email Address: *	rob.macpherson@fearnmacpherson.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Alison	Building Number:	<input type="text"/>
Last Name: *	McLeod	Address 1 (Street): *	<input type="text"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

CUIL FARM

Address 2:

BOLTACHAN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERFELDY

Post Code:

PH15 2JN

Please identify/describe the location of the site or sites

Northing

750143

Easting

285451

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Enforcement conversation

Title:

Mr

Other title:

First Name:

Paul

Last Name:

Kettles

Correspondence Reference Number:

Date (dd/mm/yyyy):

17/04/2018

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

54.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Agricultural use

## Access and Parking

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

Yes  No

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

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

Yes  No

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

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

2

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

2

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

## Water Supply and Drainage Arrangements

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

Yes  No

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

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

Yes  No

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

No waste is produced

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Don't Know

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

54

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Horse Tack Storage

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

Do you have any agricultural tenants? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

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

Certificate B

# Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Iain Murdoch

Address:

[REDACTED]

Date of Service of Notice: \*

28/06/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

[REDACTED]

Address:

[REDACTED]

Date of Service of Notice: \*

[REDACTED]

Signed: Rob Macpherson

On behalf of: Ms Alison McLeod

Date: 28/06/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Rob Macpherson

Declaration Date: 28/06/2018



**FIELD SHELTER AND TACK STORE, CUIL FARM, ABERFELDY – 1131 (Rev A 22.06.2018)**

**ERECTION OF TWO CONTAINERS TO BE TACK STORAGE AND COVERED AREA FOR FIELD SHELTER FOR HORSES INCLUDING VISITOR PARKING AREA AND CHANGE OF USE AT CUIL FARM (IN RETROSPECT)**

**PLANNING STATEMENT**

This statement is for the provision of a tack store and field shelter with associated gates to field shelter and parking to a field above Cuil Farm, Boltachan. This is a re-application following advice to include a change of use to allow livery and pony riding lessons and allow a small area for parking provision. It also includes the installation of culvert and making good the drainage to the adjacent field ditches.



Figure 1: Tack container and field shelter with Dave the pony

**Introduction**

An enforcement notice was issued regarding the provision of these containers. These were provided by the applicant as storage facilities primarily for tack. An area of the field has been fenced off with gates as necessary to create a field shelter and parking for the applicant's trailer and general use.

During the neighbour notification period it transpired that there had been issues with blocked drains and blocked gully between the road and the field. It was requested that this should be ameliorated and this can be achieved with ditch clearance and the installation of a culvert under the access, to discharge to a soakage area to the South West.

The applicant only provide livery for one pony that is not her own. She provides occasional riding lessons for one or two visitors and an area of existing hard landscaping is being provided to allow off street parking. The remainder of the ponies and horses are the applicants own.

### **The Works**

The works started around 2014 with the siting of the first container. The second container, roof over, hardstanding and gates were installed in 2015. The gross external footprint of the buildings (containers plus roof over) are 54 sq.m..

The fields to the North are owned by Ian Murdoch, and the applicant rents the fields from him for the horses.

The applicant operates this as a small scale livery business with occasional riding lessons an enterprise which is encouraged. There is one visitor at present who attends two or three times per week. It is intended to allow this to expand to two visitors three times a week. The applicant also own the Aberfeldy Pet Store and it is not intended to create a full time business.

The containers are appropriate as agricultural buildings, although a little unsightly and the applicant proposes to paint them in Reed Green – RAL 6013 which will tidy them up and camouflage them against the fields.

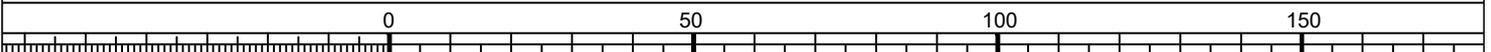


Report Prepared by

Rob Macpherson  
For: **Fearn Macpherson Chartered Architects**

**June 2018**

*Ref: 1131 PLANNING STATEMENT REVA*



**LOCATION PLAN**

Scale 1:1250

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Project  
**FIELD SHELTER AND TACK STORE**  
**CUIL FARM**  
**ABERFELDY PERTHSHIRE PH15 2JN**

**REVISION**

A 21.06.2018 Parking amended. Proposed field drain position indicated.  
 B 11.07.2018 Red line amended, parking amended

Drawing  
**LOCATION PLAN**

Date APRIL 2018

Scale 1:1250 @ A4

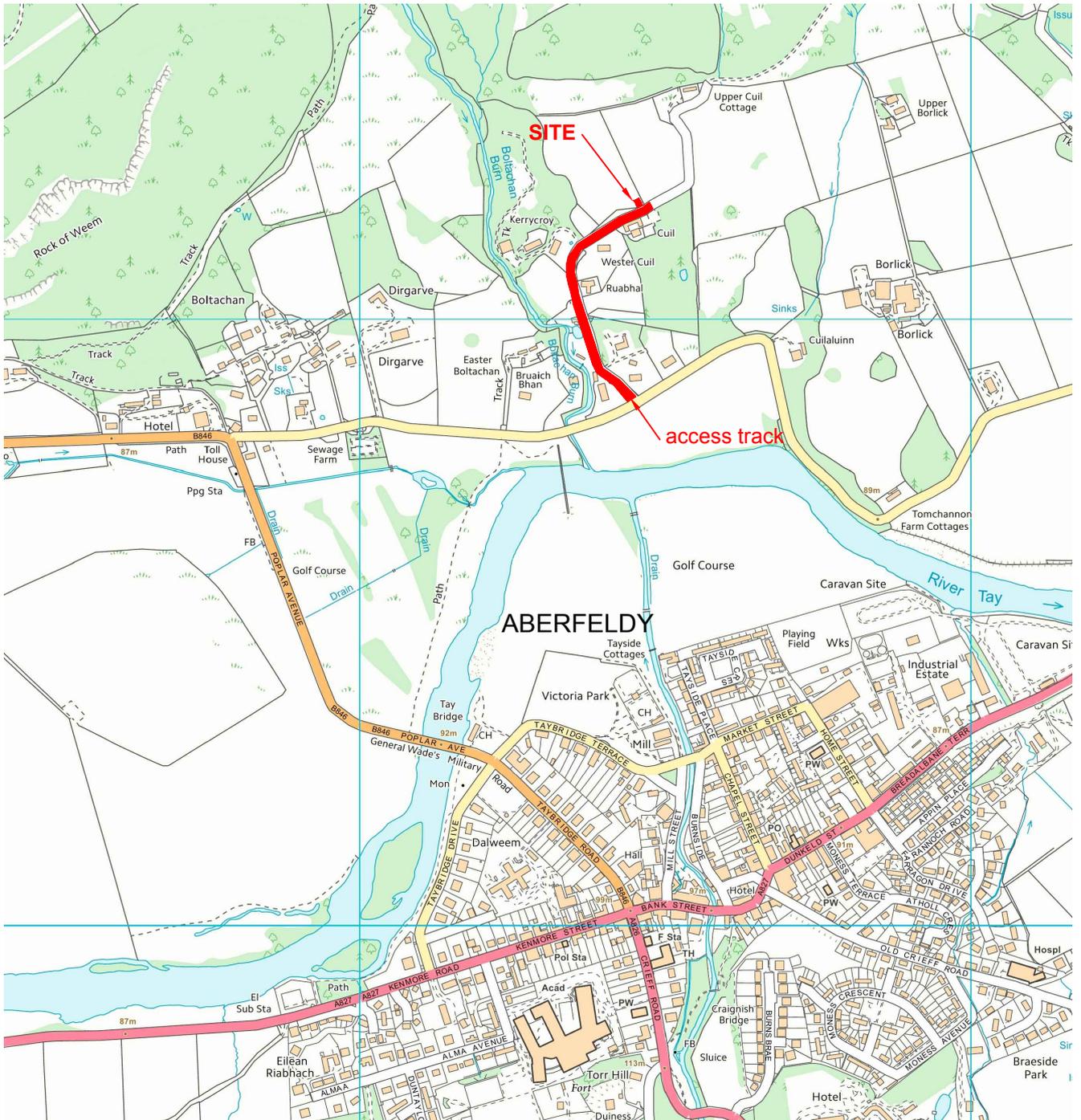
Drg No.	Rev.
<b>1131P02</b>	<b>B</b>

**FEARN  
 MACPHERSON**  
 CHARTERED ARCHITECTS

Aberfeldy Business Park  
 ABERFELDY  
 Perthshire  
 PH15 2AQ

Tel: (01887) 820098

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0 metres

1000

LOCATION PLAN

Scale: 1.10000



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Project

FIELD SHELTER AND TACK STORE  
CUIL FARM

ABERFELDY PERTSHIRE PH15 2JN

Drawing

LOCATION PLAN @ 1.10000

Date APRIL 2018

Scale 1.10000

Drg No.

1131P01

Rev.

**FEARN  
MACPHERSON**  
CHARTERED ARCHITECTS

Aberfeldy Business Park  
ABERFELDY  
Perthshire  
PH15 2AQ

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255

Project	
FIELD SHELTER AND TACK STORE	PH15.2JN
CUIL FARM	
ABERFELDY	PERTHSHIRE
Drawing	
SITE PLAN	Date APRIL 2018
	Scale 1,500 @ A3
	Drg No. 1131P04
	Rev. B

**FEARN  
MACPHERSON**  
 CHARTERED ARCHITECTS

Aberfeldy Business Park  
 ABERFELDY  
 Perthshire  
 PH15 2AQ  
 Tel: (01897) 820098  
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**SITE PLAN**  
 Scale 1,500

**REVISION**  
 A 21.06.2018 Parking amended, Proposed field drain position indicated.  
 B 11.07.2018 Red line amended, parking amended

0 50 100

NORTH

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Project  
**FIELD SHELTER AND TACK STORE**  
 CUIL FARM  
 ABERFELDY PERTHSHIRE PH15 2JN  
 Drawing  
**SITE PLAN**  
 Date APRIL 2018  
 Scale 1:250 @ A3  
 Drg No. **1131P03**  
 Rev. **B**

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256



**SITE PLAN**  
 Scale 1:250

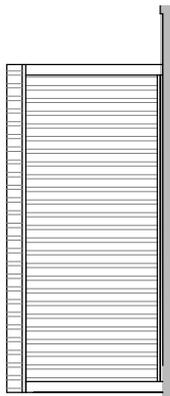
**REVISION**  
 A 21.06.2018 Parking amended, Proposed field drain position indicated.  
 D 11.07.2018 Red line amended, parking amended

NORTH

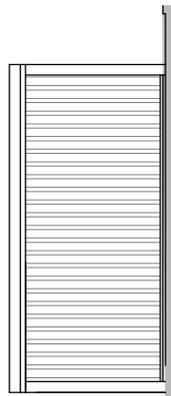
50 100

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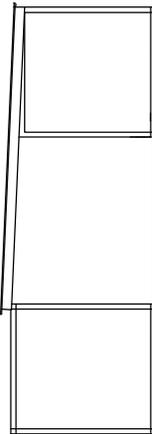
**METAL CONTAINER: ELEVATIONS**



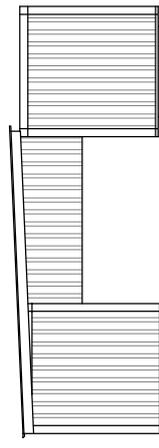
NORTH WEST ELEVATION



SOUTH WEST ELEVATION

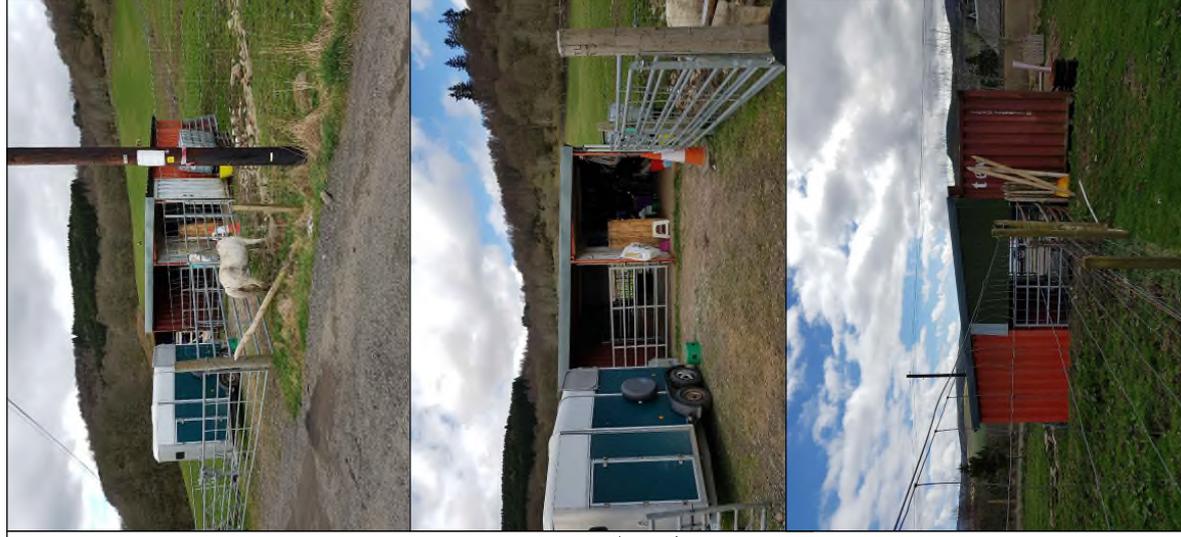
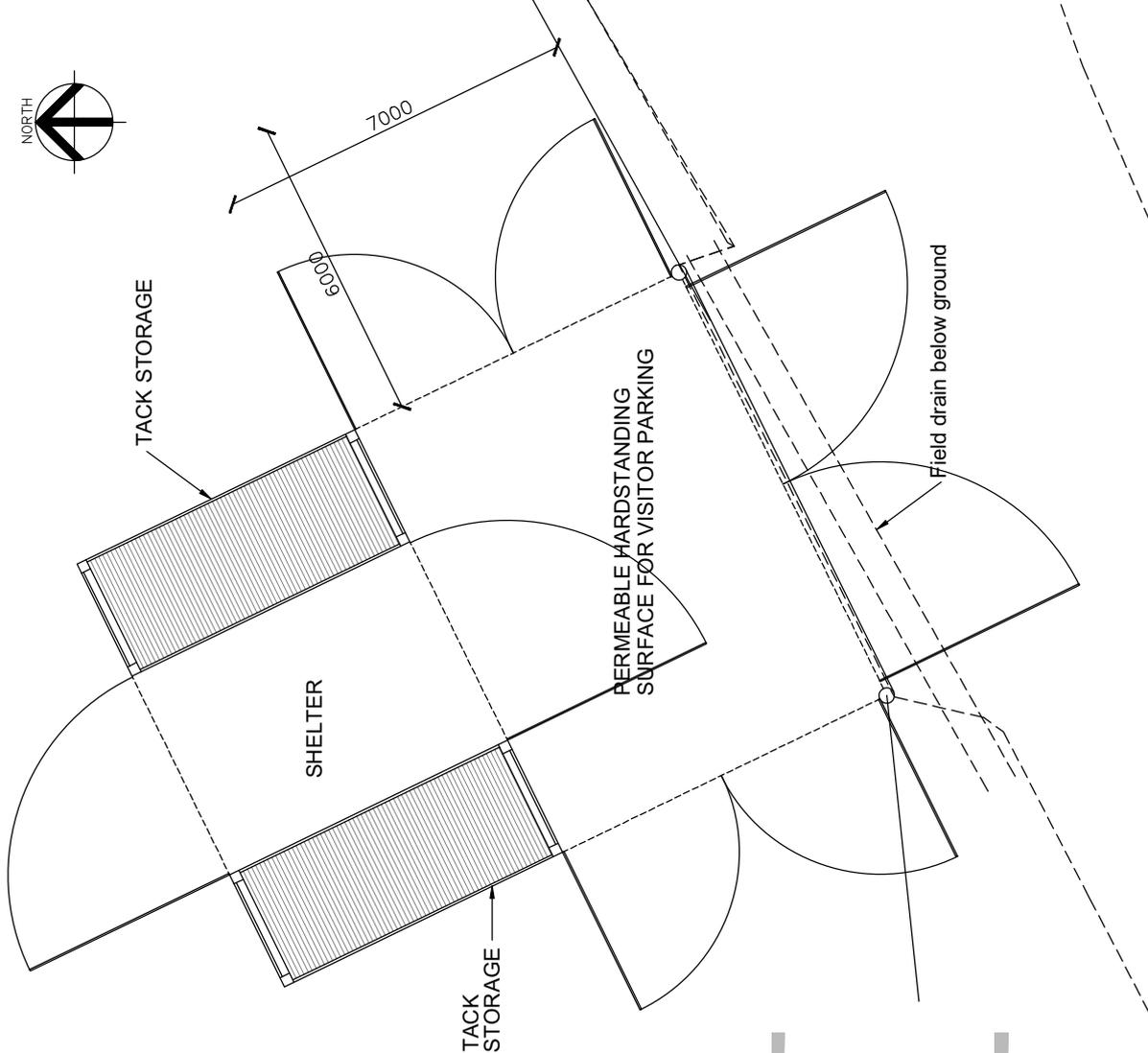


SOUTH EAST ELEVATION



NORTH WEST ELEVATION

257



Project  
**FIELD SHELTER AND TACK STORE**  
 CUIL FARM  
 ABERFELDY PERTHSHIRE PH15 2JN

Drawing  
**TACK STORE/ SHELTER:**  
**PLANS & ELEVATIONS**

Date APRIL 2018  
 Scale 1,100 @ A3  
 Drg No. **1131P05**  
 Rev. **C**

Aberfeldy Business Park  
 ABERFELDY  
 Perthshire  
 PH15 2AQ  
 Tel: (01897) 820098  
**FEARN  
 MACPHERSON**  
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0	1	2	3	4	5	10	15
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REVISION  
 A 03.05.2018  
 B 21.06.2018  
 C 11.07.2018

GENERAL REVISION  
 PARKING AMENDED  
 PARKING AMENDED AGAIN

TACK STORE/ SHELTER: PLANS & ELEVATIONS  
 Scale 1,100



**FearnMacpherson** Chartered Architects  
**Aberfeldy Business Park**  
**Dunkeld Road**  
**ABERFELDY**  
**PH15 2AQ**



Tel: 01887 820098  
mail@fearnmacpherson.com

Perth & Kinross Council  
Pullar House  
35 Kinnoul Street  
PERTH  
PH1 5GD

Monday, 13 August 2018

Dear Sirs

**CHANGE OF USE OF AGRICULTURAL; LAND TO EQUESTRIAN, SITING OF 2 NO  
CONTAINERS TO PROVIDE FIELD SHELTER AND STORAGE AND FORMATION OF  
PARKING (IN RETROSPECT) -18/01142/FLL**

Further to the comments from the flood team, please note the following information regarding the culvert and soakaway.

1. The existing ditch that is overgrown is 500 deep x 600 wide. It shall be cleared out with a mini digger ditching bucket. The field drain uphill of the containers shall be cleared and connected to the new culvert.
2. The culvert that we propose to install under the access and parking shall be 300 dia solid pipe, installed to drain into the ditch and then consequently into the soakaway.
3. The soakaway that the ditch and culvert drains into is 30m long x 15m wide and located under the overgrowth area shown in the attached photos.

Yours faithfully

R J Macpherson  
For Fearn Macpherson Chartered Architects

Cc Alison McLeod

enc



Existing blocked field drain



Location of access way for proposed culvert



Overgrown ditch



soakaway location

1131 pkc 13.08.2018

**TCP/11/16(557) – 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 229-230)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 231-239)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 251-257)*



**TCP/11/16(557) – 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy**

## **REPRESENTATIONS**



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/01142/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Change of use for agricultural land to equestrian, siting of 2no. containers to provide field shelter and storage and formation of parking (in retrospect)		
<b>Address of site</b>	Cuil Farm Boltachan Aberfeldy PH15 2JN		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	03 August 2018		



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/01142/FLL	<b>Comments provided by</b>	Gavin Bissett
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	██████████
<b>Description of Proposal</b>	<b>Change of use from agricultural land to equestrian, siting of 2no. containers to provide field shelter and storage and formation of parking (in retrospect)</b>		
<b>Address of site</b>	<b>Cuil Farm Boltachan Aberfeldy PH15 2JN</b>		
<b>Comments on the proposal</b>	<p>We are generally happy with this application however we would request some further information regarding the clearing of the existing culvert, the installation of a new section of culvert and the soakaway that this is discharging to. This should include the size of the existing culvert, details of the proposed maintenance works, sizing for the new length of culvert and details of the existing soakaway (dimensions and location)</p> <p>We were made aware of surface water issues in the Boltachan area through our consultation for the ongoing Aberfeldy Flood Study. The developer does refer to these issues in the supporting statement, and that the situation can be improved through the measures listed above.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	PKC Flooding and Flood Risk Guidance Document (June 2014)		
<b>Date comments returned</b>	10/8/18		



Development Quality Manager.  
Perth & Kinross Council.  
Planning & Development.  
Pullar House.  
35 Kinnoull Street.  
Perth PH1 5GD.

Dear Sir,

Horse Shelter and Store on Land North of Cuil Farm.  
18/01142/FLL.  
18/00725/FLL.

May I express my first previous application issued (18/00725/FLL should still be taken into consideration within the new application as now requested.

Firstly, again as notified.

The prepared hard-core foundation along with the so called parking area to accommodate Ms McLeod two containers complete with space between having a constructed roof along with a timber enclosed gable complete with timber supports and joists to accommodate steel profile sheets complete with fascia's, gutters and down pipes.

All making this a permanent structure carried out without any considerations or implications as to its lay down position, being over an existing culvert damaged and obstructing water flow within culvert preventing water flow.

The foundation carried out to accommodate this structure was excavated with a heavy 3-ton digger machine over the existing field culvert and has created damage to the culvert and is now having a dam effect with the excess water being forced **onto the main passing road (i.e. the only road.)**

Road being used by Busy Bunk House Traffic, Postman, Forestry Commission tree movements, along with upper Cuil Cottage neighbours.

This structure and the lay down area were carried out without any knowledge being considered as to the culverts water existing flow running through the under ground stone built culvert, which has resulted in a diverted flow being dammed and then resulting back up water being transfered onto the road. (Attached Pictures.) showing the result.

The other important issue is the constructed building itself. **Being far to close to the only passing road.** Obstructing passing vehicles, due to horse boxes, horse trailers along with continued horse pick ups and various rider's cars being continually parked on the passing road.

The revised plan shows no improvement's as to increase parking spaces or allowing better passing areas by keeping all horse traffic movements well off and away from the only one passing road. Turning space should also be taking into consideration.

There is a lot of issues as to both applications presented being overlooked, and should health and safety not be taken into consideration.

I cannot see any real reason for supporting the revised application being presented therefore **I must confirm my objection** as to my reasons as stated.

I would prefer to see the unsightly containers and structure taken away and the main culvert made good , and back to how it was.

John Wright.

██████████  
████████████████████

10<sup>TH</sup> August 2010.

PS: Attached two pictures of flood water flow and damaged caused.



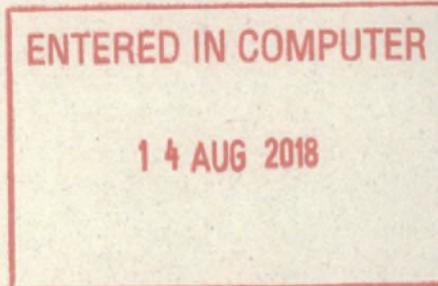


Tracy McManamon

18/01142/FLL

**From:** Will Fraser - [REDACTED]  
**Sent:** 13 August 2018 13:22  
**To:** Development Management - Generic Email Account  
**Subject:** Horse Shelter and Tack Store, north of Cuil Farm, Aberfeldy.

Development Quality Manager,  
Perth & Kinross Council  
Planning & Development  
Pullar House,  
35 Kinnoull Street,  
Perth PH1 5GD



Dear Sir,

Horse Shelter and Tack Store on land north of Cuil Farm, Aberfeldy.  
18/01142/FLL  
18/00725/FLL

First; in case of misunderstanding, I point out that the address given in the application is incorrect. The site is not part of [REDACTED] and the postcode is invalid.

Second; as in the case of the previous (withdrawn) application (18/00725/FLL), [REDACTED] has been omitted from the notification process, despite my property being the closest to the development and most affected by it. This requires investigation and an explanation.

Third; my comments made in response to the previous (withdrawn) application are relevant to this new application and should be treated as part of my response to the new application. A copy is sent with this note.

There are three principal issues I wish to raise here, namely flooding; vehicle parking and turning; and amenity.

**Flooding**

As explained in my comments of 21st May 2018, the development in question covers the route of an early 19th century underground stone culvert which has been the source of local flooding on various occasions over the last 20 years or more, most recently in the winter of 2015-6, after this unauthorised development was carried out. Its effect was to exacerbate the flooding due to the area of hardstanding blocking or obstructing the flow of water so that water surged to the surface of the field upstream. The height of the hardstanding then diverted the water on to the Glassie access road, with about half surging through the adjacent gateway into my garden.

John Wright, Wester Cuil, took photographs at the time which I understand he will send to you with his comments. One of these shows the water flowing down the road from my top gate to Wester Cuil. Necessarily, this excludes the flow of water into my garden, but gives some impression of the volume of water involved. This flooding was a direct result of the development in question, prior to which it would have flowed into a ditch north of the access road.

The applicant's proposals for dealing with this problem lack credibility. The site plans show the culvert on the road verge and in front of the hardstanding, as if outwith the development. In fact, the culvert is located some metres away on the north side of the fence and underneath the hardstanding. The proposal is to install a field drain to discharge into a soakaway, but in the position shown, the drain would be vulnerable to damage by the weight of vehicles on the road, and there is no site for a soakaway which could cope with the volume of water involved. There is a ditch which leads back to the culvert above Wester Cuil, but this tends to overflow in times of flood causing extensive damage to the road below.

#### Vehicle parking and turning

As explained in my comments of 21st May 2018, there is effectively only one off-road parking place currently provided and this has often been occupied by a trailer or horse-box when not in use (see photograph in the applicant's 'planning statement'). The other 'parking space' is needed for other purposes, eg grooming, saddling. But even when the space is free, it is not used for parking. The proposals make no new space available for parking.

Over the last year or two there has been a marked increase in the number of non-family people involved in the enterprise, presumably due to the growth in 'livery' activities. A common feature of these people, the applicant, associates and clients, with or without horse-boxes, loading or unloading (eg to/from agricultural shows), not to mention vets, farriers and other visitors, is that they all park their vehicles on the verge of this single track road, thereby obstructing the road and my gate, causing inconvenience to local residents, clients of the Glassie bunkhouse and the 40+ tonne trucks extracting timber from the forestry plantations above. There is an absolute need for additional off-road parking, preferably not enclosed by gates. Otherwise the road verge or my gate entrance would tend to be used for the sake of convenience.

In addition to parking, there is a need for turning space, particularly acute for horse-box trailers. In its absence, the entrance areas of [REDACTED] and other private houses close by are used instead.

#### Amenity

The shelter and tack store are close to my house, and apart from the unsightly containers and the clutter that seems to be inseparable from this kind of activity, and the annoyance/inconvenience of eg parking which has blocked the entrances to my property, my main complaint is noise. So I don't welcome the livery and riding lessons or any expansion of it. It provides a further argument for siting the shelter and store elsewhere (see below).

#### Summary

The development was put in place by the, then, husband of the applicant who, as a farmer and formerly a digger driver for a local contractor, would have been well aware of the flood history of the site and the effect that the development would have in deflecting flood water on to the Glassie road in the event of a blockage or overload of the culvert above. In fact, he chose to build a hardstanding on top of the culvert, thereby causing the obstruction. This would have been an issue if planning approval had been sought before the project took place, as would the unsuitability of the site in general, being an area liable to flood at the confluence of the culvert and field drain. I believe he was well aware of the need for planning approval.

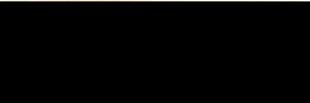
The new application displays a lack of understanding of the position of the culvert and how to address the problem. Minimal redress would require a new plastic culvert, say 900 mm, under the hardstanding and linking the old stone culvert to a ditch running south-west down to Wester Cuil. This, of course, transfers the flooding problem downstream where other blockages and leaks have caused substantial damage to the road and properties over the last 15 years.

- The application makes no proposal for improving parking facilities in order to avoid parking on the road verge and the associated dangers particularly involving articulated timber trucks. Parking is inadequate for current use, never mind any expansion in livery or riding lessons. There is also no proposal to assist the turning of vehicles. It seems to me that, to provide the necessary space, the two containers would need to be re-sited.

In these respects, I don't believe that the issues have been adequately addressed in the application, and I hereby confirm my objection. Both applications have contained misinformation and appeared disingenuous to an extent, and I do not believe that the issues can be properly addressed by a conditional approval. The application should be rejected and the applicant required to remove the structures and reinstate the culvert, drains and the site.

By inviting the applicant to submit a new application, I am concerned that the planning officer involved may be predisposed to allow the status quo. There is an important legal principle that benefit should not accrue from illegal action (unauthorised development in this case). If the applicant had applied for planning approval before undertaking the project, surely it would have been negligent for the planning authority to have given approval as it now stands; on the route of the culvert and a site of known flooding risk. There may be alternative sites nearby where there is no such flooding risk, where there is space to provide off-road parking and reduce amenity loss to residents. The applicant could be encouraged to investigate these.

Will Fraser



12th August 2018



**Will Fraser**

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**From:** "Will Fraser" [REDACTED]  
**Date:** 21 May 2018 14:05  
**To:** <DevelopmentManagement@pkc.gov.uk>  
**Subject:** Pony Shelter north of Cuil Farm, Aberfeldy

Development Quality Manager,  
Perth & Kinross Council,  
The Environment Service,  
Pullar House,  
35 Kinnoull Street,  
Perth PH1 5GD

Dear Sir,

Pony Shelter north of Cuil Farm, Aberfeldy  
ENF18/00085/UNAUSE  
18/00725/FLL

For 14 years I have been developing a garden at [REDACTED] with a view to rivalling those at Cluny House and Bolfracks, but the steady expansion of Ms McLeod's pony activities over recent years and the associated noise and disturbance now seriously affect the amenity of my property. It is now much more than a family hobby, it is a business involving clients needing access to the property with their own transport. Last year there would typically have been seven ponies in the field above my property and possibly three others in another field further west, served from the pony shelters in question here.

There are two entrances to my property from the Glassie access road which are affected by this development. My main entrance and parking area has been used by Ms McLeod and continues to be used by others associated with the ponies as a turning point for their cars and horsebox trailers causing damage to edgings. On one occasion, pony dung was left in this area (which Ms McLeod cleaned up on my request) and on another occasion my main entrance was occupied by a car and horsebox for much of an afternoon. The driver told me that Ms McLeod had said that it would be alright to park there (while his wife was inspecting a pony with a view to purchase).

The top gate (opposite the pony shelter) is the vehicular access to my garden, used eg for the delivery of chipped bark, plants and materials, and for the collection and delivery of my garden tractor and ride-on mower for repair and service. Ms McLeod and her clients and associates have blocked this entrance on innumerable occasions by parking their cars and/or horseboxes either across the gateway or with the effect of impeding access to/from my property. They have regularly left the site for a ride lasting an hour or more, making no provision for the obstruction to be moved if the need arose.

Since speaking to Ms McLeod about these matters, she and another lady now normally park their cars on the road verge opposite the gate. When not in use, the horsebox is now normally parked on the hardstanding in front of the shelter or within the field close to the shelter, but at least on one recent occasion, it was parked across my gateway for an extended period. When in use, it seems that the horsebox is either parked to block my gate or on the road verge opposite my gate.

12/08/2018

However, by parking their cars or horsebox on the road verge, they are obstructing other road users, particularly the trucks (some 40+ tonne articulated vehicles with trailers) which are extracting timber felled in the forestry plantations in the hillside above. These trucks run a shuttle from early morning to late evening and recently (9th May) I noted a truck halted at my gateway. The driver (apparently frustrated by previous experiences) said he was unable to pass the two cars (of Ms McLeod and another lady) parked on the road verge. Nevertheless another attempt was successful, but with literally only one or two inches spare. The potential danger of such heavy loads, perhaps mounting a verge to avoid parked cars is an issue to be considered.

Forestry Enterprise Scotland (formerly the Forestry Commission) has a legal right of access over the Glassie road, as do local residents, the local farmer attending his fields and livestock, and the owner and clients of the Glassie bunkhouse. It is not right that they are inconvenienced (or possibly endangered) by the activities of Mrs McLeod, her associates or clients.

The development as it stands is unacceptable. It needs to allow unimpeded access to legitimate users of the road and for me to my property at all times. That implies that the pony shelter development must be able to accommodate **off-road** all vehicles (cars, trailers, horseboxes) of all those involved, (inc. associates and clients) in the pony activity, and without the need to open gates. Otherwise on past evidence those involved will revert to blocking my gate and parking on the road verge for the sake of convenience. In addition, there needs to be sufficient space to enable a car and horsebox trailer to turn around, thereby avoiding the use of my property and other nearby properties for this purpose. Taking account of space needed for grooming, saddling, etc., this implies that the shelters need to be re-located further north of the road and the hardstanding extended.

Another important objection to this development is its impact on flooding of the access road and my property. There has been a long-standing problem of the road and adjacent properties being damaged by flooding, but this unauthorised development exacerbated the problem in the winter of 2015/16. Crucial to this is an **underground stone culvert**, built in the early 19th century to lead water from a hill burn above Upper Cuil cottage to a mill, now defunct, in the grounds of Boltachan House. The culvert crosses the site of the pony shelter development under the hardstanding in front of the containers. Before the development was carried out, flowing water could normally be seen in the culvert just east of where the hardstanding now is, and after heavy rain, any overflow would flow into a ditch running south-west. However, after the development, following a period of heavy rain in December/January 2015/16, water welled up to the surface of the field perhaps 10-20 metres north-east of the pony shelter, surged down to the site where the increased height of the hardstanding forced the water on to the access road. At the height of the flood, about half of the water flowed through the upper gate into my garden and the rest flowed down the road to join other flood water at Wester Cuil, causing serious damage to the road and adjacent properties.

The issue here is that the hardstanding in front of the two containers and roofed area appears to have blocked or obstructed the water flow in the culvert causing the water to well-up upstream, and the height of the new hardstanding blocked the flood water from entering the ditch, instead forcing it on to the road and my property. Redress would be to clear the blockage in the culvert and install a new plastic culvert of sufficient capacity under the hardstanding leading the water into the existing ditch. Otherwise, the experience of 2015/16 is likely to recur in the next period of exceptional rainfall.

Overall, in my opinion, this site is not suitable for a business of this nature. An alternative site

12/08/2018

should be sought by the applicant, perhaps in the forestry plantation above, where adequate parking can be provided and the activities and clutter associated with a horse/pony business will not affect the amenity of residents. The existing containers should be removed and the site reinstated.

### **Planning Statement**

The Planning Statement submitted by Messrs Fearn Macpherson on behalf of Ms McLeod is inaccurate, incomplete and misleading. Some of the issues are as follows.

- \* The site is not 'a corner' of a field.
- \* The development comprises two containers, a roofed area and hardstanding enclosed by gates. The photograph obscures one of the containers.
- \* The second container, roofed area, hardstanding and gates were put in place in 2015 (before the flood of 2015/6). The first container was installed a year or two before. The year quoted for the works, 2017, is untrue.
- \* The entry under 'Assessment of Flood Risk' is untrue.
- \* Although my property is closest to the site of those notified, I have not been included in the notification process.
- \* The application shows the hardstanding as providing two spaces. One space is sometimes used for parking the horsebox (as in photograph) but I have no recollection of the other space being used for parking. That space is used for other purposes, eg access, grooming, saddling, etc. Effectively there is only one parking space.

It is important to clarify these issues before a decision is made. An important source would be Mr William Bruce. He is chairman of the Boltachan Residents Association, a group constituted to deal with resident's concerns about the Glassie access road. It is important that his views are taken into account before a decision is made.

Will Fraser,

  
21<sup>st</sup>  
20<sup>th</sup> May 2018



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/01142/FLL	Our ref	LA
Date	21 August 2018	Tel No	

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission  
RE: Change of Use from Agricultural Land to Equestrian, Siting of 2no. Containers to Provide Field Shelter and Storage and Formation of Parking (in retrospect), Cuil Farm, Boltachan, Aberfeldy, PH15 2JN for Ms Alison McLeod**

I refer to your letter dated 31 July 2018 in connection with the above application and have the following comments to make.

## Recommendation

I have no objection in principle to the application provided that the under noted condition is included on any given consent.

## Comments

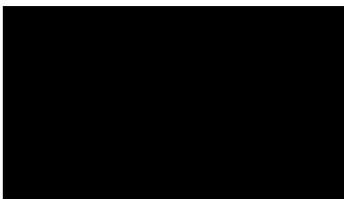
This application for the change of use to allow livery and pony riding lessons and for the provision of a parking area, tack store and field shelter in retrospect. This is to allow for occasional riding lessons and provide livery for a pony that is not owned by the applicant, although the field is currently used to keep the applicants ponies and horses.

The application site is in a rural area and with the nearest residential property being located approximatley 30 metres from the tack store and pony shelter.

Due to the scale and location of the use I do not believe there will be a loss of residential amenity but would recommend that the undernoted condition be attached to the consent to manage the storage and removal of manure from the site.

## Conditions

1. An effective waste management plan for the site will be in place for the storage and removal of manure, to ensure that odour is kept to a minimum





(Fraser) Additional Comments

Tracy McManamon

From: Will Fraser [REDACTED]  
Sent: 27 August 2018 13:55  
To: Development Management - Generic Email Account  
Subject: Horse Shelter and Tack Store on land north of Cuil Farm, Aberfeldy.

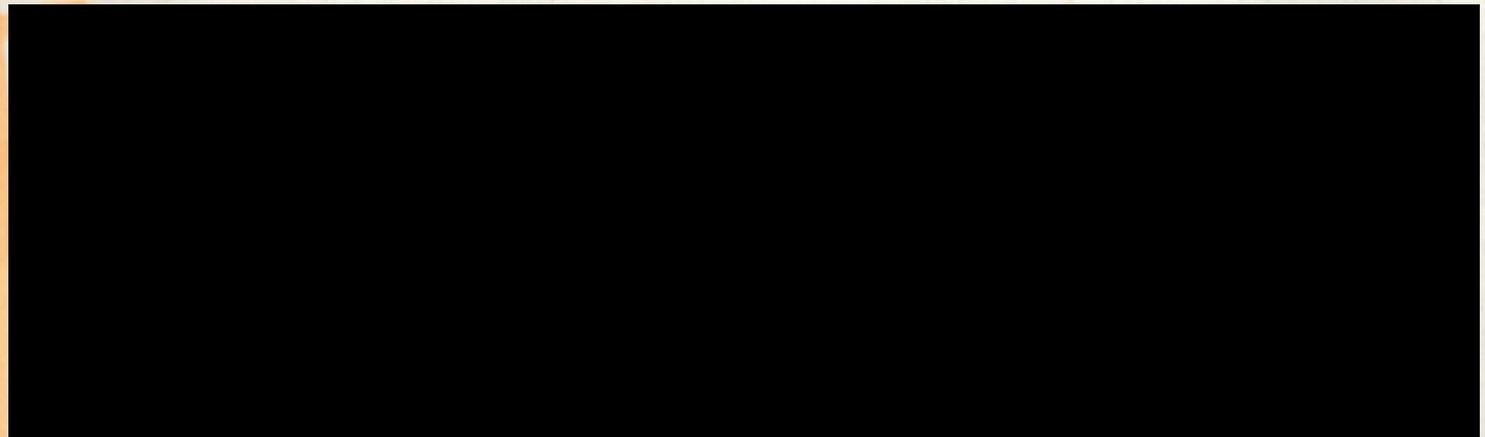
Development Quality Manager,  
Perth & Kinross Council,  
Planning & Development,  
Pullar House,  
35 Kinnoull Street,  
Perth, PH1 5GD

ENTERED IN COMPUTER  
27 AUG 2018

Dear Sir,

**Horse Shelter and Tack Store on land north of Cuil Farm, Aberfeldy  
18/01142/FLL**

I refer to Tracy McManamon's email of 14th August admitting an error in not notifying me regarding the above, and extending the period available for my comments.



In case of further misunderstanding, I confirm that [REDACTED] is not a working farm (nor has been for 40+ years). It is a modest country house with a seven acre garden. Change of use was formalised, probably in 2003. The part of the old steading not used for living accommodation is an integral part of the whole, which is located on the road verge about 15 metres from the horse shelter development.

In my comments dated 12th August 2018, I emphasised the issues of flooding and vehicle parking and turning. The main relevance of this note is the loss of amenity to [REDACTED] if the application is approved. I have no fundamental objection to 'horsey' activity per se, but the shelter and store (which is the centre of the activity) is too close to my house and directly opposite my top gate. The containers and plastic clutter are unsightly and there is increasing noise and disturbance from cars, car radios, horse boxes and chatter due to the recent increase in 'livery' business. One evening recently, I was disturbed in my house by the noise of a heavy vehicle, which proved to be a large motorised horse transporter which must have taken over 15 minutes to turn around on the narrow single-track road after collecting or delivering horses (see my comments of 12th August regarding turning space).

If [REDACTED] perhaps these matters would not count for much, but as a private house they do. The only other business operating from the access road is the Glassie bunkhouse, over a

mile away. This development was carried out by the applicant in pursuit of her own personal interests, without planning approval or reference to me or other residents. It would not be right to allow it to continue, and for the reasons quoted here and in my comments of 12th August and 21st May, I object to the application.

Will Fraser,

[REDACTED]  
27th August 2018

ENTERED IN COM  
31 AUG 2018

**Will Fraser**

---

**From:** "Will Fraser" [redacted] <[redacted]>  
**Date:** 22 October 2018 11:03  
**To:** <PlanningLRB@pkc.gov.uk>  
**Subject:** Horse shelter and Tack Store on land north of Cuil Farm, Aberfeldy

**From:** [Will Fraser](#)  
**Sent:** Monday, October 22nd 2018  
**To:** [PlanningLRB@pkc.gov.uk](mailto:PlanningLRB@pkc.gov.uk)  
**Subject:** Field Shelter and Tack Store on land north of Cuil Farm, Aberfeldy  
 Ref. 18/01142/FLL  
 Ms A McLeod

I refer to the email from Gillian Taylor dated 9th October 2018 and the attached Decision Notice. In response to your invitation to make further representations, I now include the points made below. Related to this, you will also be receiving further information from John Wright, [redacted] which will include a number of photographs to illustrate various issues covered in my representations below.

In objecting to this application and its predecessor 18/00725/FLL, I have written three letters to the Development Quality Manager at P&K Council, dated 20th May, 12th August and 27th August 2018, each of which is relevant and which should be made available to the review panel.

**Site History**

I note that there is no reference made in the Delegated Report to the application and appeal in 2004 by Henry Murdoch for planning permission in principal for a house on the west side of the field in question here. The application reference is; P/PPA/340376. My memory of the outcome is that the field was identified as being outside the Boltachan settlement and that a housing development was not consistent with the policy of Housing in the Countryside.

Please consider the relevance of that decision to the case in question here.

**Flooding**

In the winter of 2015-16, after a period of sustained heavy rain, water welled up to the surface of the field with a force almost like water from a fire hydrant, on the line of the old stone culvert 10+ metres north east of the horse shelter. It then flowed down to the hardstanding in front of the shelter where, due to the relative height of the hardstanding, it was diverted on to the access road. At the peak of the flood, about half flowed through the top gate of my property and into my garden (Cuil Farm) and the rest flowed down the road to Wester Cuil (see photograph attached to John Wright's letter taken after the worst of the flood had passed).

This event was assumed to have been caused by a blockage of the culvert below the hardstanding, but may have been due to another blockage or even the inability of the culvert to cope with the volume of water. There have been various similar blockages over many years, and I understand that parts of the stone culvert have been replaced by modern plastic culverts. The stone culvert is

22/10/2018

reputed to have been built by French prisoners during the Napoleonic wars over 200 years ago, so further blockages must be expected.

The line of the culvert running north east (from the horse shelter to its origin at a hill burn above Upper Cuil) relative to the contours of the field, mean that flood water must tend to flow towards the horse shelter, being located in a relatively flat hollow, after which the ground starts to fall away more steeply to the south west.

I concentrate here on the 2015-16 flood because it is the most recent and most apt to this case, and because I witnessed the events due to the proximity of my property. My principal source for the history of the site is Willie Grieve whose experience of the area dates back to his teens and subsequently as a groundworks contractor who repaired the culvert after previous blockages.

I now refer to the letter from Fearn Macpherson to Perth & Kinross Council dated 13th August 2018. This letter implies that the flooding at the horse shelter can be resolved by installing a new 300mm culvert under the hardstanding in front of the containers, leading into an existing ditch and thence into a soakaway, 30 metres long and 15 metres wide. I do not believe any such soakaway exists. In fact, that area as indicated by a photograph attached to the letter is covered by a large mound of earth and rubble approximately 1.5 metres high and 30 metres long, which prevents water from leaving the ditch. Furthermore, Fearn Macpherson's letter only refers to effluent from the blocked field drain running north adjacent to the containers. No mention is made to the effluent from the old stone culvert running north east from the shelter, which is the source of far more flood water than the field drain. The proposed new 300mm culvert would be inadequate to cope with flood water from both sources. The plastic culvert under the road at Upper Cuil (the origin of the old stone culvert) is 700 mm. A similar or larger bore might be needed at the horse shelter.

Crucially, however, there is no destination for the floodwater to travel without flooding the access road and residential properties down the hill on the way to the public road at Boltachan House. Even if the mound of rubble was removed and a proper soakaway was dug (assuming permission from the land owner), it would tend to be overwhelmed by the volume of water involved, and not helped by the boggy soil conditions due to the run-off from the steeply sloping bank of the field above. Floodwater overflowing from a soakaway might be caught by the ditch below and, either return to the old stone culvert at Wester Cuil, or overflow the culvert on to the access road causing damage as far as the public road at the bottom of the hill (see John Wright's photographs of the impact of the flood in 2015-16).

Below Wester Cuil, the stone culvert crosses under the road, becomes inaccessible in the stone foundations of the road, and in times of flood, leaks large amounts of water into the garden of Wester Cuil. The water then flows through the grounds of the three properties below, namely Ruabhal, Cuil Farm (south west corner), and Boltachan Wood, before returning to the access road just above its junction with the public road (Weem to Strathtay). This sequence occurred in three successive winters up to and including 2015-16. In each of these years neighbours and myself were involved in digging an emergency ditch to prevent water entering the underbuilding of Ruabhal, occupied by a widow in her mid eighties.

The reality is that there is no simple solution to the flooding problem in this case. Fearn Macpherson do not understand the extent of the problem and their proposals lack credibility. Without the availability of a safe run-off, the confluence of the field drain and the old stone culvert

22/10/2018

at the field shelter, together with the lie of the land, result in the probability, if not inevitability, of future flooding on the site of the shelter. Therefore, there should be a presumption against development (Policy EP2). The development of the shelter clearly exacerbated the flooding in 2015-16 and the absence of a repeat since is due to two relatively dry winters.

I believe that I have demonstrated that there is a flood problem at the site of the horse shelter, that it is likely to recur in the future and that there is no simple solution without increasing the flood risk to the road and properties downstream. The residents of these properties should be the priority of the Council, not those responsible for an unauthorised development. There is no evidence in the Delegated Report that the Flooding and Structures team, Fearn Macpherson or the case officer have fully investigated this issue. If doubts remain after reading this new evidence from John Wright and myself, it is essential that a meeting is arranged at which we are given the opportunity to explain the reality of the matter. It needs to be fully re-examined before a final decision is made in this case.

### **Parking and Turning of Vehicles**

I now refer to the section 'Roads and Access' in the Delegated Report. I take issue with the phrase '--- this would be a civil matter and not a planning consideration.' Redress for cars blocking my gateway or turning in my entrance is a civil matter but car parking across the verge of a single-track road used by 40+ tonne articulated timber lorries is surely a planning issue. It is a matter of public safety and the interests of other road users, not just the rights of proprietors. The provision of 'appropriate car parking' is a requirement of Policy TA1B.

I see that the applicant now claims to provide space for three vehicles, whereas in the original application it was two. There may notionally be space for three cars within the hardstanding/gated area, but that space is also required for grooming, saddling and other functions. The parking space should be used when those involved are attending to the horses for grooming etc., and the space cannot be used for both purposes at the same time. Evidence of the inadequacy of parking space is that the cars of those involved are invariably parked on the road verge. I don't remember ever seeing more than one vehicle parked within the gated area, and that would normally be a horse-box trailer. But even that is more usually parked within the field nearby, adding to the loss of visual amenity.

I believe that parking space is inadequate for the number of people involved, and to enable motorised horse-boxes and trailers to turn around due to the narrow road adjacent (see paragraph 4 of my letter dated 27th August). However any remaining doubt was dispelled on Friday 19th October, when a large articulated lorry delivered a substantial load of horses/ponies to the field, thereby blocking the road to other traffic for a period of around 45 minutes. After the lorry left I counted 19 horses in the field or in the shelter, plus another two in a field further west. Ms McLeod's business has now expanded far beyond the impression given in the planning application ('small scale livery business) and grounds of appeal ('livery for 1 pony', 'occasional riding lessons for 1 or 2 visitors'). The rise in the number of horses implies a substantial increase in the number of people involved, in the transport of horses, activity and noise. It suggests that the current provision and layout of the gated and parking area is now functionally obsolete as well as aesthetically flawed (as pointed out in the Delegated Report). What is now required for the expanded business is a much larger (longer and wider) area to allow off-road the parking and turning of all vehicles including delivery lorries, without the restriction of gates, and with provision to accommodate grooming and saddling, etc. Such provision is neither available at the current site nor appropriate to

22/10/2018

the context. In view of this new evidence, the planning application needs to be reconsidered and, I contend, be refused on these grounds.

### **Amenity**

I am puzzled by comments in the Delegated Report under 'Residential Amenity'. This development has been placed on the north side of the access road, exactly opposite the top gate into my property; a distance of 8 metres rather than the 30 metres quoted in page 6 of the Delegated Report and close to my house. It is difficult to imagine a position more obtrusive and damaging to my amenity. The loss of visual amenity to the local area has rightly been identified elsewhere in the report, but this applies to Cuil Farm as well as the local area. The enjoyment of my property has also been reduced by the noise of vehicles, car radios, and chatter, etc. The conclusion that there is 'no loss in amenity' to my property is facile, and I am curious why 'colleagues in Environmental Health' were needed to reach this conclusion.

The countryside around this area is exceptional, natural and largely unspoilt, particularly the wooded back-drop to the north, and I support the Council in recognising its importance and seeking to protect the ambience of the locality by refusing permission for the development. I hope that I have contributed to the amenity of the area by developing the garden of Cuil Farm over the last 15 years (see photographs attached to John Wright's letter). Although the garden is not yet open to the public, I had a visit last June from over 40 members of the Hardy Plant Society and an article was published in Scotland on Sunday last autumn. My aim has been to create a garden suited to its context, and I was flattered by the comment of the professional photographer working on the article who exclaimed that 'this garden could only be in highland Perthshire'.

The road up to Glassie has become a popular walking and cycling route for local people and tourists, but the horse shelter has become a blight on the landscape. It is not just the shelter building that is offensive, but the clutter that surrounds it, eg the horsebox parked in the field, the barrel collecting rainwater from the roof of the shelter, old rusting gates and metal barrels, plastic pails and other accoutrements. This will only get worse if permission is granted. I also point out that although the applicant makes various references in her grounds of appeal to the painting of the containers, at the time of writing, this has not yet been completed, contrary to the content of subsection 2.13. This is not an important point per se, but further evidence of the applicant's 'economy with the truth'.

Will Fraser,  


22/10/2018

## **CHX Planning Local Review Body - Generic Email Account**

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**From:** john wright <[REDACTED]>  
**Sent:** 22 October 2018 13:29  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Fwd: 18/01142/FLL

**Subject : Field Shelter and Tack Store North of Cuil Farm, Aberfeldy.  
Ref : 18/01142FLL.  
Ms A McLeod.**

**In Reference to the email as issued from Gillian Taylor dated 9th October 2018 with the attached Decision Notice. I hereby respond to your invitation, responding along with attached pictures of excess flooding issues created without being taken into consideration.**

**1. Flooding pictures were taken in the year 2015-16 with devastating effect as being seen and recorded. The water flow being re-routed by this new container base being formed without any forwarding planning as to existing field drains or the under ground historic culvert. This historic culvert runs diagonally starting North, below Cuil Cottage, running South West, through the field with its flow being disrupted by the new installed container base hence flooding water running down the only access road**

**2. Fearn Macpherson Architects dated 13th August 2018 related to Perth and Kinross Council suggested a 300mm culvert under the hardcore in front of the containers into a ditch then into a soakaway. This would not work the pipe diameter would not accommodate this flow of water, plus suggesting a soak pit again this would not be a solution.**

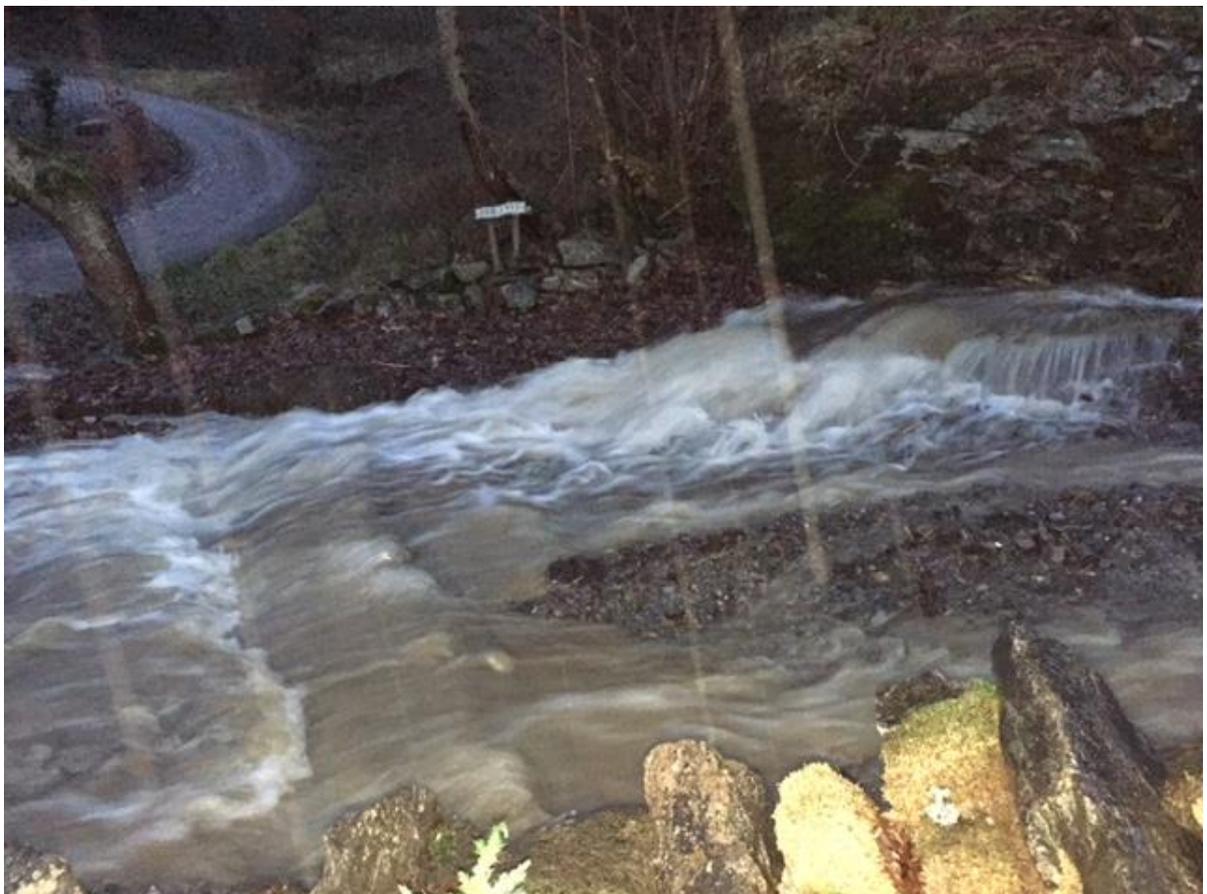
**3. Can I also inform that Boltachan Resident Association have had various meetings with the Forestry Roads Engineers as solutions on flood prevention and can assure you that 300mm diameter pipe would definitely not accommodate**

**All three points above along with all points being issued by Mr Will Fraser of Cuil Farm being read which I support. All structures to be removed with all drains and culvert replaced and re-instated**

Water Flowing East to West



Culvert at WesterCuil



Culvert Opposite Wester Cuil Entrance



Excess Water Shed onto Road Flowing West ( Yellow Sign To Bunkhouse.)



Water Running Down Road Going South



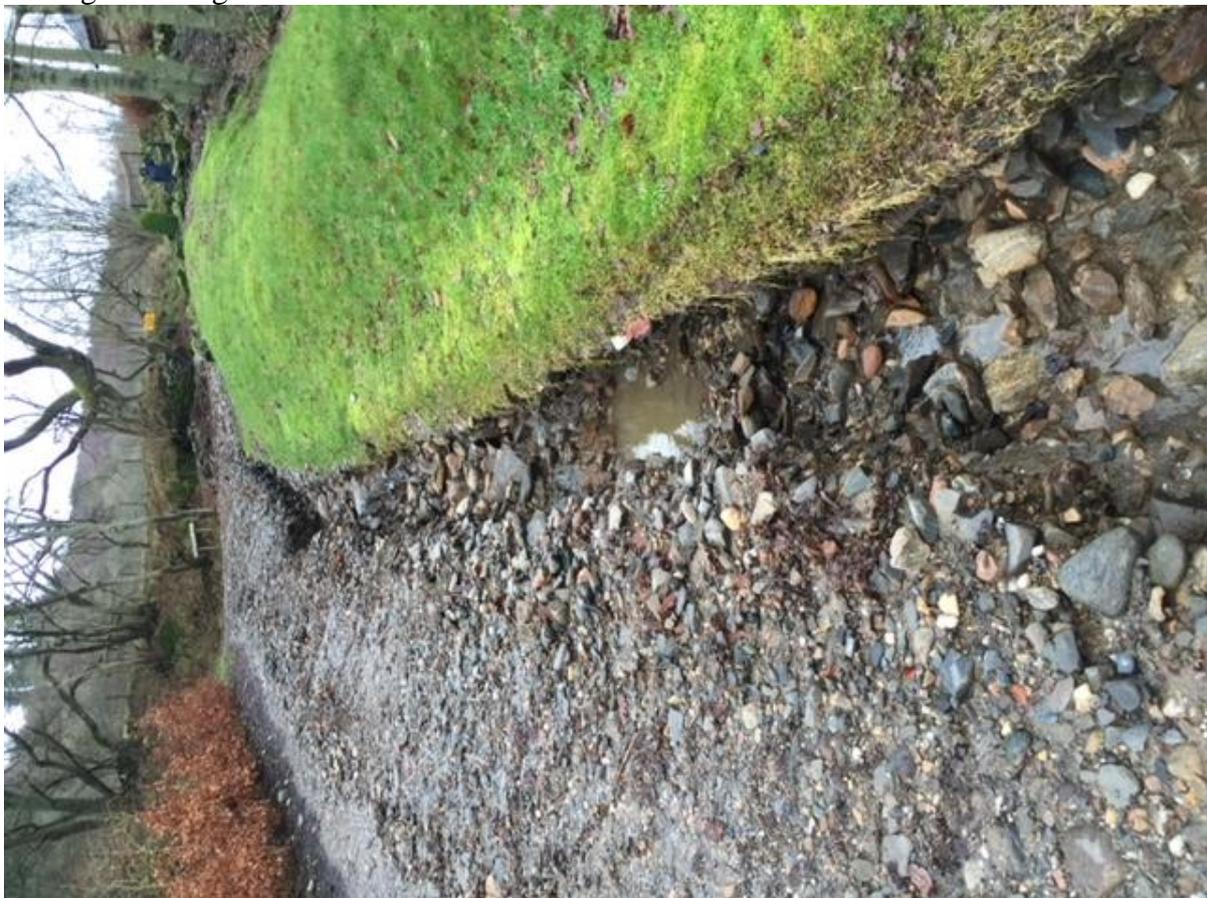
After Math Looking Up North



Damage Look Down South



Damage Looking North





## CHX Planning Local Review Body - Generic Email Account

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From: john wright <[REDACTED]>  
Sent: 23 October 2018 10:47  
To: CHX Planning Local Review Body - Generic Email Account  
Subject: Field Shelter and TrackStore North Of Cuil Farm. Aberfeldy.

Ref : 18/01142/FLL.  
Ms A McLeod.

Further to my email issued 22nd October 2018 at 13.28 can I please add further comments based on pictures as attached.

Picture 1. Relates to the view looking (North) from Mr Frasers opening gates from his property at Cuil Farm .

Picture 2 Relates to the view looking (West) of the Container wall elevation exposed to all passing.

Picture 3 (Looking West.) Relates to the gate positions being approx only 8 meters apart also lack of external parking places.

All these points to be taking into consideration for refusal

Picture 1.



Picture 2.



Picture 3





## CHX Planning Local Review Body - Generic Email Account

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**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 09 November 2018 09:21  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16 (557)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### **Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**  
**Application Ref: 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy**

Thank you for your email of 2<sup>nd</sup> November 2018 in respect of the above Notice of Review and the opportunity to respond to the two additional objections received.

I note that neither of the further objections respond in any detail to our Grounds of Appeal Statement.

The previous application for a house further to the west of the current proposed site has no relevance whatsoever to the determination of this current Notice of Review as that proposal would have been assessed and determined under a completely different set of policies.

The number of horses in any field at any given time is clearly not a relevant planning matter.

Looking at the photographs provided you would think that this proposal contributes to major flooding in the area. It's clear that the flood waters emanate from high above the field and was obviously caused by an extreme weather event prior to the siting of the proposed field shelter and storage unit. This proposal clearly did not cause the flood and no major flood defensive works are proposed nor are they required.

The appellant has bought two lengths of drainage pipe (totalling 6m). If planning permission is granted by the LRB then this will be installed at the gateway into the field as soon as a digger becomes available, and the proposed culvert will then drain into the ditch and then consequently into the soakaway.

The proposed drainage solution has already been the subject of extensive dialogue with the council's Flooding & Structures Team and the proposals dated 13<sup>th</sup> August 2018 from Fearn Macpherson were also clearly agreed as an acceptable solution by the Flooding & Structures Team, who then raised no objections to the planning application.

The parking spaces are located inside the gates (as required by Transportation Department) and notwithstanding the attempts by the objectors to raise many completely unfounded transport and traffic related issues, we would simply again highlight that the council's own Transportation Department raised no objections to the proposals. The Cuil Farm gates access the rear garden of the objector's property not the front or main access as is inferred.

I look forward to hearing from you to confirm when this Notice of Review will be presented to the LRB.

Kind regards

Mark Myles  
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Algo Business Centre  
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