

**LRB-2022-62**  
**22/00648/FLL - Change of use from agricultural land to**  
**form extension to garden ground and erection of a shed,**  
**Toscana, Whitelea Road, Burrelton, PH13 9NY**

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**LRB-2022-62**

**22/00648/FLL - Change of use from agricultural land to  
form extension to garden ground and erection of a shed,  
Toscana, Whitelea Road, Burrelton, PH13 9NY**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name MR GAVIN MORRIS

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Postcode PH13 9NY

Contact Telephone 1

Contact Telephone 2

Fax No

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

22/00648/FLL

Site address

TOSCANA, WHITELEA ROAD, BURRELTON PH13 9NY

Description of proposed  
development

CHANGE OF USE OF AGRICULTURAL <sup>LAND</sup> TO FORM EXTENSION  
TO GARDEN GROUND & ERECTION OF A SHED

Date of application

5 APRIL 2022

Date of decision (if any)

15 AUGUST 2022

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

**Nature of application**

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

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

**Site inspection**

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

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

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

**Statement**

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

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

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

\* SEE ATTACHED STATEMENT

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

Yes  
☐

No  
☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.



**List of documents and evidence**

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

DOC 1. DECISION NOTICE 22/00648/FLL	15 <sup>th</sup> AUGUST 2022
DOC 2. DELEGATED REPORT 22/00648/FLL	" " "
DOC 3. SIGNED LETTER OF EVIDENCE OF USE	16/6/2022
PHOTOS 1-4	

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

**Checklist**

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

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

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

**Declaration**

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

Signed  Date 13/11/2022



## Statement

### Notice of Review

Change of use from agricultural land to form extension to garden ground and erection of a shed Toscana, Whitelea Road, Burrelton, Blairgowrie PH13 9NY

**22/00648/FLL**

### Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 15 August 2022 for change of use from agricultural land to form extension to garden ground and erection of a shed at Toscana, Whitelea Road Burrelton. (Doc 1)

The reasons for refusal are outlined below, relating to Policies 1A, 1B c) and 6 in that it will not respect the character and amenity of the place and the site is outwith the settlement boundary without meeting any exceptions:-

*1. The proposal is contrary to policy 1A and 1B c), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The excessive scale of the proposed garden ground and the siting, design and scale of the proposed shed does not contribute positively to the quality of the built and natural environment, does not complement its surroundings and does not respect the character and amenity of the place.*

*2. The proposal is contrary to Policy 6, Settlement Boundaries, of the Perth and Kinross Local Development Plan 2 (2019) as the site lies outwith the Burrelton/Woodside settlement boundary and it does not meet any of exceptions that would allow development to adjoin the settlement.*

The Review site is an area of garden ground to the west of the existing dwellinghouse. This ground has been used as ancillary garden ground since 2004 when it was taken out of agricultural use. There will be no significant loss of prime agricultural land. The appellant has tried unsuccessfully for residential development on this land as recently as 2013. Throughout this time however, the ground has been used uninterruptedly as ancillary garden ground and the applicant wishes to formalise this garden use and erect a storage shed on his ground.

In this Review it is concluded that:-

- The Review proposal complements its surroundings and respects the character and amenity of the place and the continued ancillary use and proposed shed will not have a significantly detrimental impact on village character.
- Although the Review site is outwith the current local plan boundary it's use as ancillary garden ground to the existing dwellinghouse is the established use and is in accordance with exception d) of Policy 6 as it *will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).*

#### Material considerations in the determination of the review proposal

It is important to consider the main purpose and context of the review application. Under Section 25 the Town and Country Planning (Scotland) Act 1997 it states that:-

*“where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”*

In this case the Review site land has been used as ancillary land to the dwellinghouse since 2004, when it was taken out of farm use and used as extended garden ground for Toscana.

It is concluded that this Review land has become established garden ground and is used ancillary to Toscana and this is now considered to be the lawful use, having been in this use for over 10 years. This lawful use is evidenced by the signed statement and photographs which were submitted in the Review application and referenced again in the Review. (Doc 3)

The change of use of this ground as ancillary garden ground will not set a precedent for further development to the west of Burrelton along Whitelea Road.

#### Current Planning Policy Context

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

## **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 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 50: Prime Agricultural Land

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

Placemaking supplementary guidance 2020

## **Reason for Refusal and Grounds of the Review**

The reasons for the review and matters to be taken into account in the determination of the review refer to the reasons for refusal, which state that the proposal is contrary to the Perth Local Development Plan policies 1A, 1B c) and 6 where it will not respect the character and amenity of the place and the site is outwith the settlement boundary and does not meet any exceptions.

The above issues will be considered below in the applicant's statement and argument against the reasons for refusal in support of the Review

### Impact on the character, quality and amenity of the place

The Review land has been used as ancillary garden ground since 2004. It is considered that this is the established lawful use and this is evidenced by the supporting information and statement from the appellant's father. (Doc 3, Photos 1-4). The proposed erection of a shed on this ground will not have a significant impact on the character or appearance of the surrounding area. The Review site slopes downhill away from the road and is well screened by existing planting in any views from the public road.

The shed will be painted olive green in colour and will blend sympathetically with the surrounding countryside and farmland to the west and south.

It will not have a detrimental impact on the character quality and amenity of the place.

### Contrary to Policy 6 of the local development plan

In the Delegated Report, Doc 2 it was stated that:-

*"The use of land that adjoins a settlement boundary is potentially acceptable as garden ground.*

*However, the scale of ground proposed in this case is of concern and the proposed layout of the site does not appear to lend itself to being integrated into the garden ground associated with the adjacent property and for domestic purposes".*

The use of the land is the key in this proposal. The Review site was taken out of agricultural use in 2004 and has functioned since then for the comfortable use and enjoyment of Toscana as ancillary garden ground as evidenced by the signed letter – Doc 3. The Review land is no longer in agricultural use and it's established lawful use is ancillary residential use for Toscana.

It is considered that the Review proposal is in accordance with Policy 6 as it is in accordance with exception d) of this policy and it *will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).*

### Conclusions

This Review proposal is retrospective in part as the Review land has been used as ancillary garden ground for Toscana since 2004.

It's continued use as garden ground will not have a significantly detrimental impact on the character and amenity of the place and the proposed shed will not have a significantly negative impact on the quality of the built and natural environment.

It is concluded that the Review proposal is in accordance with Perth Local Development Plan policies 1A, 1B c) and 6

For the reasons outlined above it is considered that the Review proposal is acceptable and it is respectfully requested that the Review is upheld.







Mr Gavin Morris  
c/o Mark Williamson  
34 Hermitage Drive  
Perth  
PH1 2SY

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **15th August 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/00648/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 16th June 2022 for Planning Permission for **Change of use from agricultural land to form extension to garden ground and erection of a shed Toscana Whitelea Road Burrelton Blairgowrie PH13 9NY**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to policy 1A and 1B c), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The excessive scale of the proposed garden ground and the siting, design and scale of the proposed shed does not contribute positively to the quality of the built and natural environment, does not complement its surroundings and does not respect the character and amenity of the place.
2. The proposal is contrary to Policy 6, Settlement Boundaries, of the Perth and Kinross Local Development Plan 2 (2019) as the site lies outwith the Burrelton/Woodside settlement boundary and it does not meet any of exceptions that would allow development to adjoin the settlement.

### **Justification**

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

### **Notes**

**The plans and documents 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

01

02

03

04

05

06

07

08

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	22/00648/FLL	
Ward No	P2- Strathmore	
Due Determination Date	15th August 2022	
Draft Report Date	15th August 2022	
Report Issued by	PB	Date 15 August 2022

**PROPOSAL:** Change of use from agricultural land to form extension to garden ground and erection of a shed

**LOCATION:** Toscana Whitelea Road Burrelton Blairgowrie PH13 9NY

#### 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.

#### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

In this instance, a physical visit to the site was considered necessary. The application site was visited on **20 July 2022**.

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for a change of use from agricultural land to form extension to garden ground and erection of a shed. The shed is to be sited around 38 metres to the south west of the existing house close to the southeastern boundary of the proposed new garden ground. It is to be located around 44m from the western extent of the proposed garden area. An access and hardstanding area is proposed to serve the new shed which will link to the existing access. A second access to the west is indicated on the proposed site plan although no details of this have been submitted and it is not included in the application form.

The red line site boundary does not include the existing house, Toscana, although would share the access and the land is in the same ownership. The existing house and garden is on a plot of around 990 square metres. The new garden area measures approximately 3800 square metres. The shed is single storey and measures 15 m x 8 m. There is a roller door 2.4m wide proposed in the east elevation and a pedestrian access door to the north. Height to roof ridge is 3m and to eaves 3.7m. It will be clad and roofed in a grey composite material.

The site currently contains a small chicken house and pond. Neither of these are identified on the existing site plan. The location of the new shed appears to be partly in the area where the pond is located so this would need to be filled in to accommodate the shed. The site plan indicates trees and hedging around the site but in reality, there are trees along the road frontage and a line of conifers on part of the boundary to the far south west. A timber fence divides the land from the house, Toscana. There is also internal chicken wire fencing with a larger area to the west having more the characteristic of a field than garden ground. There is a substantial stone wall at the access to the site. It is not clear whether this is to be altered or removed as part of the works to widen the access and provide a track and hardstanding area to and around the shed. Supporting information states that the application site has been used as ancillary land to the dwellinghouse since 2004 when it was taken out of farming use.

The site is on the edge of Burrelton village just within the 30mph speed limit but outwith and adjacent to the defined settlement boundary.

## **SITE HISTORY**

01/00345/FUL Extension to house at 5 April 2001 Application Approved  
98/00046/OUT Erection of a dwellinghouse (in outline)  
05/00471/FUL Erection of a dwellinghouse and garage (in outline) at  
12/00475/IPL residential development (two dwellinghouses in principle) Withdrawn  
28 June 2012  
13/00464/IPL Residential development Refused 7 May 2013

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 12/00164/PREAPP, 21/00152/PREAPP

## **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 2 (2019).

### **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 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 50: Prime Agricultural Land

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

Placemaking supplementary guidance 2020

## **CONSULTATION RESPONSES**

Development Contributions Officer

No comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.

## **REPRESENTATIONS**

1 representation received.

- Impact on trees – trees not shown on site plan.
- Block plan shows two accesses – object to two accesses on traffic and road safety grounds.
- Incorrect identification of “public pavement” to south of Whitelea Road. There is no pavement.
- Contrary to development plan – would extend beyond settlement boundary.
- May change use of land from residential to commercial.

The above points are addressed in the report below.

## **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted/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 and the adopted LDP2.

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**

The site is on the edge of the village of Burrelton where policy 6, Settlement Boundaries, applies. Built development on sites that adjoin a settlement boundary will only be permitted in certain circumstances. This includes where justification is made under policy 8, Rural Business and Diversification (a) and criteria b) where a specific operational or locational need is demonstrated and there are no suitable sites within the settlement boundary. c) and d) relates to proposals that are required to address a housing land supply shortfall in line with policy 24, Maintaining an Effective Housing Land Supply, and are not relevant to this site.

The development of the storage shed is contrary to policy 6, no justification has been submitted for the shed and no specific locational need has been demonstrated. The use of land that adjoins a settlement boundary is potentially acceptable as garden ground. However the scale of ground proposed in this case is of concern and the proposed layout of the site does not appear to lend itself to being integrated into the garden ground associated with the adjacent property and for domestic purposes.



The siting of a large industrial style shed in the centre of the proposed garden ground is not appropriate. The principle of the proposal is contrary to policy 6.

Policies 1A and B of the LDP2 relate to placemaking and seek to ensure any development reflects the established character of the area and states that development should respect the landscape character of the area, complement its surroundings in terms of appearance, height, scale, massing, finishes and materials.

The detail of the proposal and compliance with placemaking and other policies is discussed below.

### **Design and Layout**

The extent of garden ground proposed and the scale and siting of the proposed shed are inappropriate in this location. Whilst the red line site boundary does not include the existing dwellinghouse it is assumed that the garden ground is to relate to that building. However there are no obvious links between the two sites which are separated by a 1.8m timber fence. Toscana has garden ground of around 500m so an extension proposed of an area of nearly 4000 square metres is a significant increase. The separate access and hardstanding for the storage shed is also not appropriate for domestic garden use. There is little information submitted to suggest what the shed will be used for. It is also slightly odd that the eastern roller door entrance does not relate to the hardstanding area. Placemaking policies require development to respect the surroundings and contribute positively to the quality of the surrounding environment. This proposal fails to do this and as such is contrary to policies 1A and 1B, Placemaking of the LDP2.

### **Landscape**

The existing trees along the boundary contribute to the character of Burrelton. No detailed information has been supplied as to the make up of this tree belt. The proposed shed is sited around 16m to the south of the tree belt as shown on the site plan with the access road around 7m away. No detailed information as to root protection area or potential impact on trees from the development proposed has been submitted. If an application for built development was to be supported on this site a full tree survey would be required.

### **Residential Amenity**

The site is opposite and adjacent to residential dwellings. The proposal will not impact on amenity from overlooking or overshadowing. The nature of the storage use is unclear although if for domestic garden use there is unlikely to be any impact on local amenity.

### **Visual Amenity**

The proposed shed is of a basic design and would not enhance the visual amenity of the area. There is currently a relatively open aspect from this site that borders productive agricultural land. The shed is screened to some degree by the road side planting but would extend built development beyond the settlement boundary which is not necessarily desirable. The development due to its siting, design and location would have an adverse impact on visual amenity.

## **Roads and Access**

There is an existing access onto the public road that serves Toscana. A spur off this will be formed although limited detail is provided. This would result in the loss of some of the flower beds at Toscana and the removal of part of the timber fence. The proposed site plan also includes a new access to the west of the site. It is unclear what the purpose of this is or why it has been included as it is not mentioned in the planning application form. If such an access were to be supported further information would be required with regard to the impact of this on the existing tree belt.

The proposed plans indicate that there will be a public pavement to the east of the site. This is an existing grass verge. This is outwith the site boundary. It is not clear if the applicant intends to upgrade this to form an adopted footway or more likely this is an error on the plans.

## **Drainage and Flooding**

A drainage ditch runs to the south of the site. There is an existing pond located partly on the site where the shed is to be sited. No drainage details have been provided. All development should accord with policy 53C with surface water employing Sustainable Urban Drainage Systems (SUDS) measures. Further information on drainage arrangements would be required if built development on this site is to be supported.

## **Conservation Considerations**

No listed buildings exist in the vicinity. The site is not within a conservation area. There will be no impact on any built heritage assets.

## **Natural Heritage and Biodiversity**

All development should consider the impact on the ecology of a site and seek to enhance biodiversity. No ecological information or biodiversity enhancements have been proposed as part of this development.

## **Prime Agricultural Land**

Land capability national scale maps show this as class 2 land. The applicant has said it hasn't been farmed for some time however the land is still classed as prime. Policy 50 is relevant. This seeks to safeguard prime land for agricultural use. Whilst some small scale development is potentially acceptable on prime land this should meet a specific established need and should only be considered where it is compatible with other aspects of the policy framework and no other suitable site is available on non-prime land. In this case the proposal for built development on this land is contrary to policy 6 so development is not supported for other policy reasons.

## **Developer Contributions**

The site is within the reduced developer contributions boundary for Transport Infrastructure contributions. No contributions are required in this instance for a domestic storage shed.

## **Economic Impact**

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

## **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Reasons**

1 The proposal is contrary to policy 1A and 1B c), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The excessive scale of the proposed garden ground and the siting, design and scale of the proposed shed does not contribute positively to the quality of the built and natural environment, does not complement its surroundings and does not respect the character and amenity of the place.

2 The proposal is contrary to Policy 6, Settlement Boundaries, of the Perth and Kinross Local Development Plan 2 (2019) as the site lies outwith the Burrelton/Woodside settlement boundary and it does not meet any of exceptions that would allow development to adjoin the settlement.

### **Justification**

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

### **Informatives**

None.

## **Procedural Notes**

Not Applicable.

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

01

02

03

04

05

06

07

08

Toscana  
Whitelca Road  
Burrelton  
PA13 9NY  
16/6/2022

TO WHOM IT MAY CONCERN

Having lived at Toscana for 30 years I would like to confirm that the piece of land next to our house was removed from farm usage in 2004 when it was tree lined planted and seeded and used as extended garden ground for the house. It has been hand mowed by myself for over 15 years and is where I keep my hens and ducks.

Please see photos as evidence?

Yours faithfully





















**LRB-2022-62**

**22/00648/FLL - Change of use from agricultural land to  
form extension to garden ground and erection of a shed,  
Toscana, Whitelea Road, Burrelton, PH13 9NY**

**PLANNING DECISION NOTICE** *(included in  
applicant's submission, pages 387-388)*

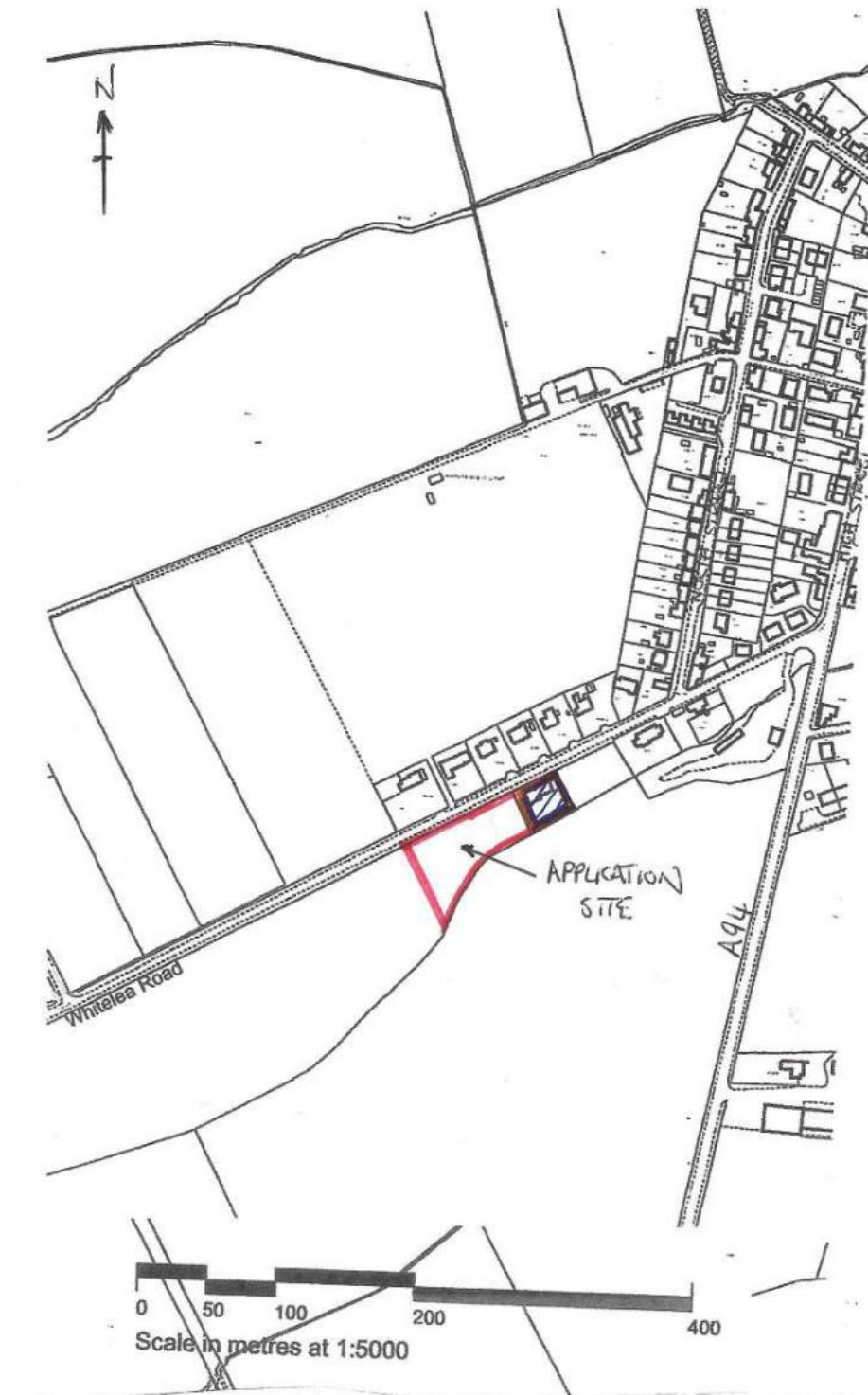
**REPORT OF HANDLING** *(included in applicant's  
submission, pages 389-396)*

**REFERENCE DOCUMENTS**

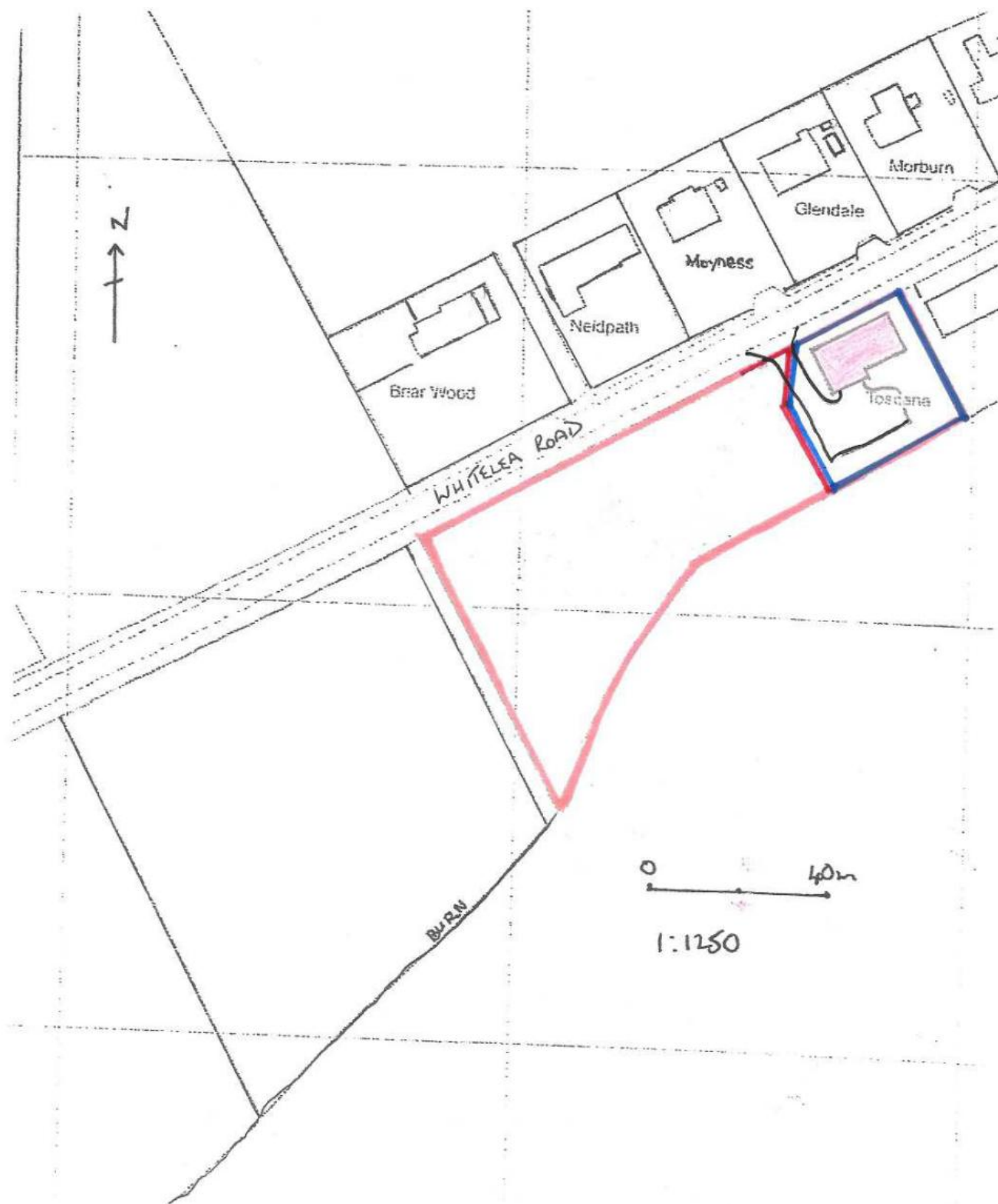




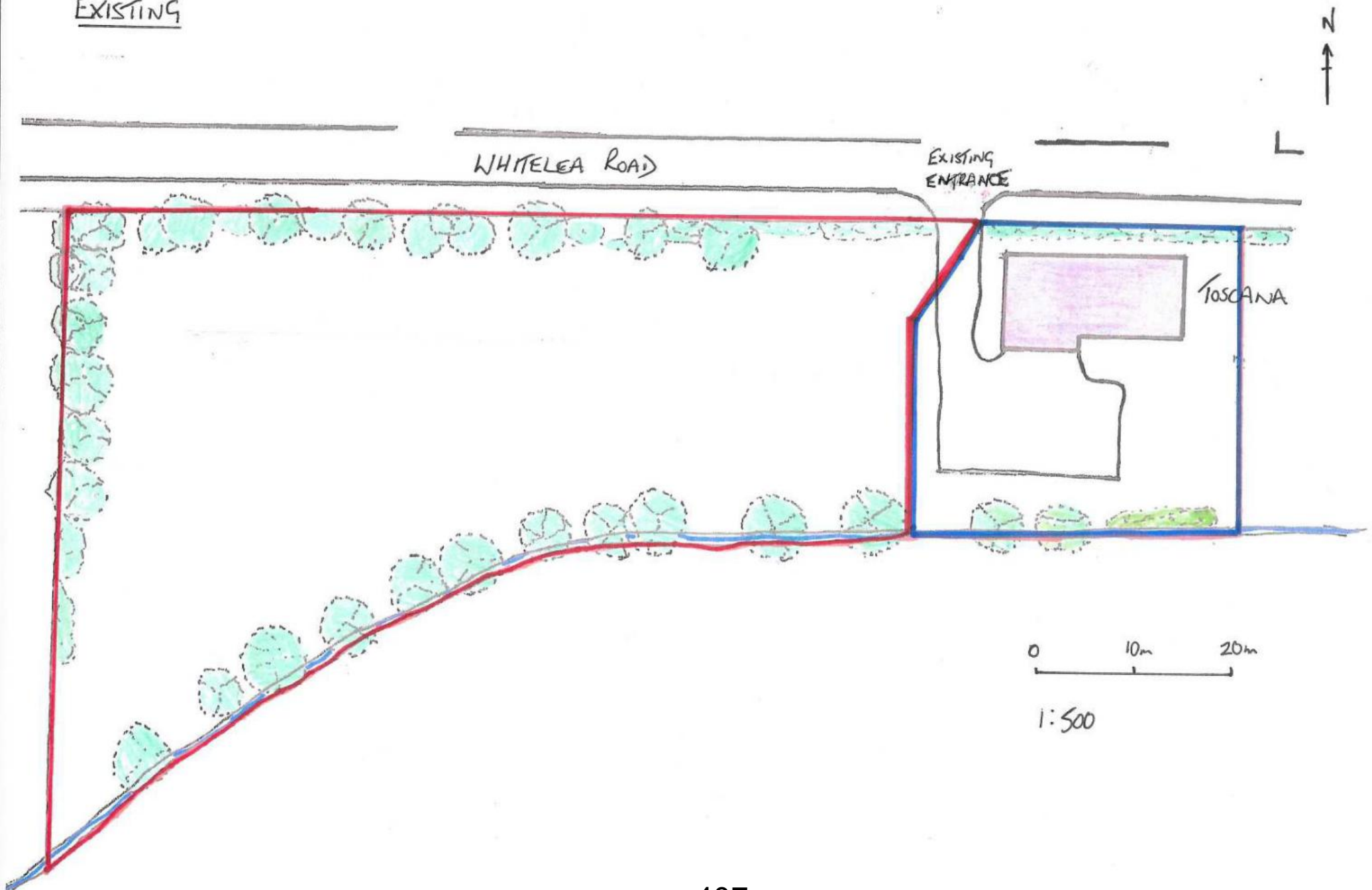
# LOCATION PLAN



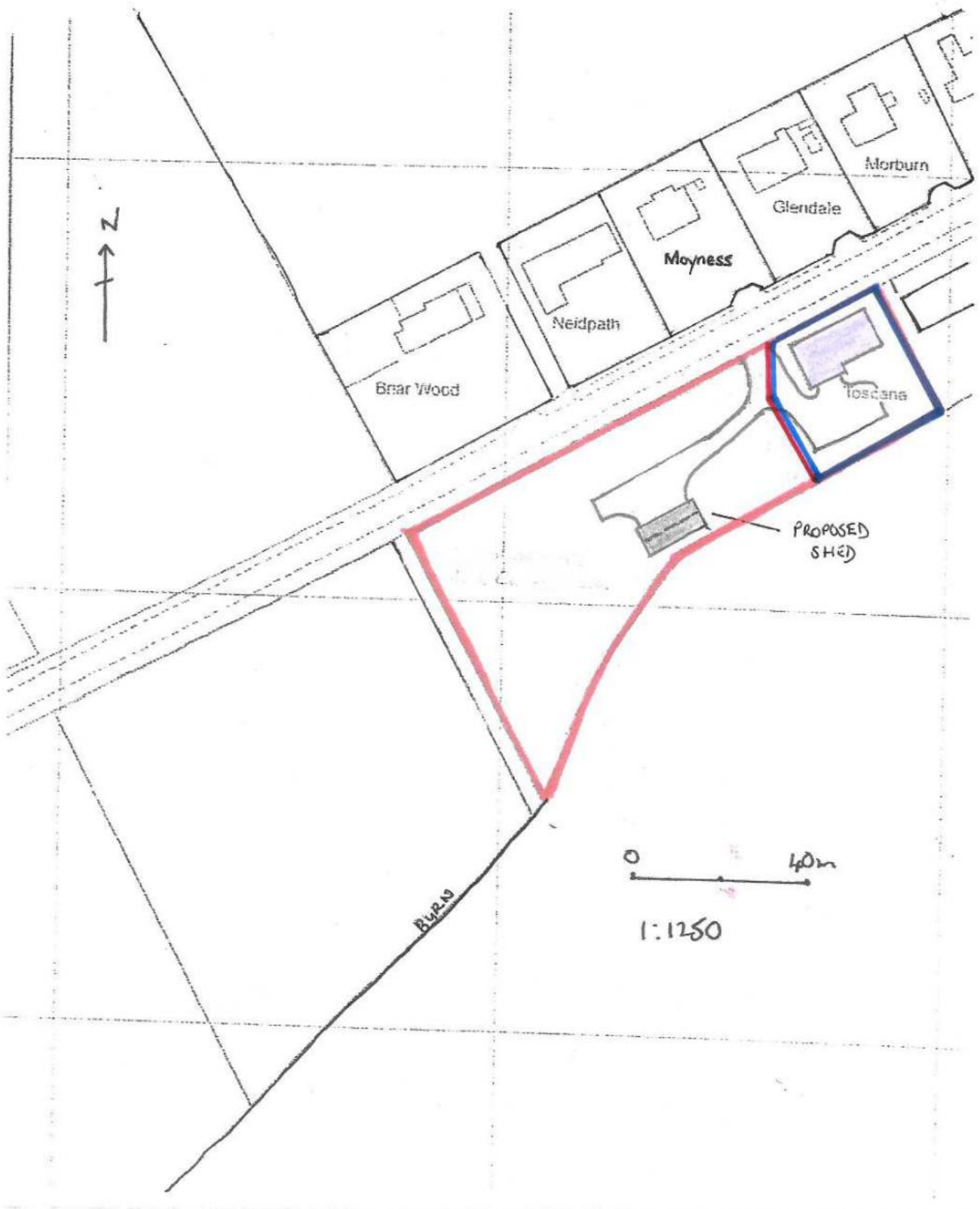
# SITE PLAN - EXISTING



BLOCK PLAN  
EXISTING

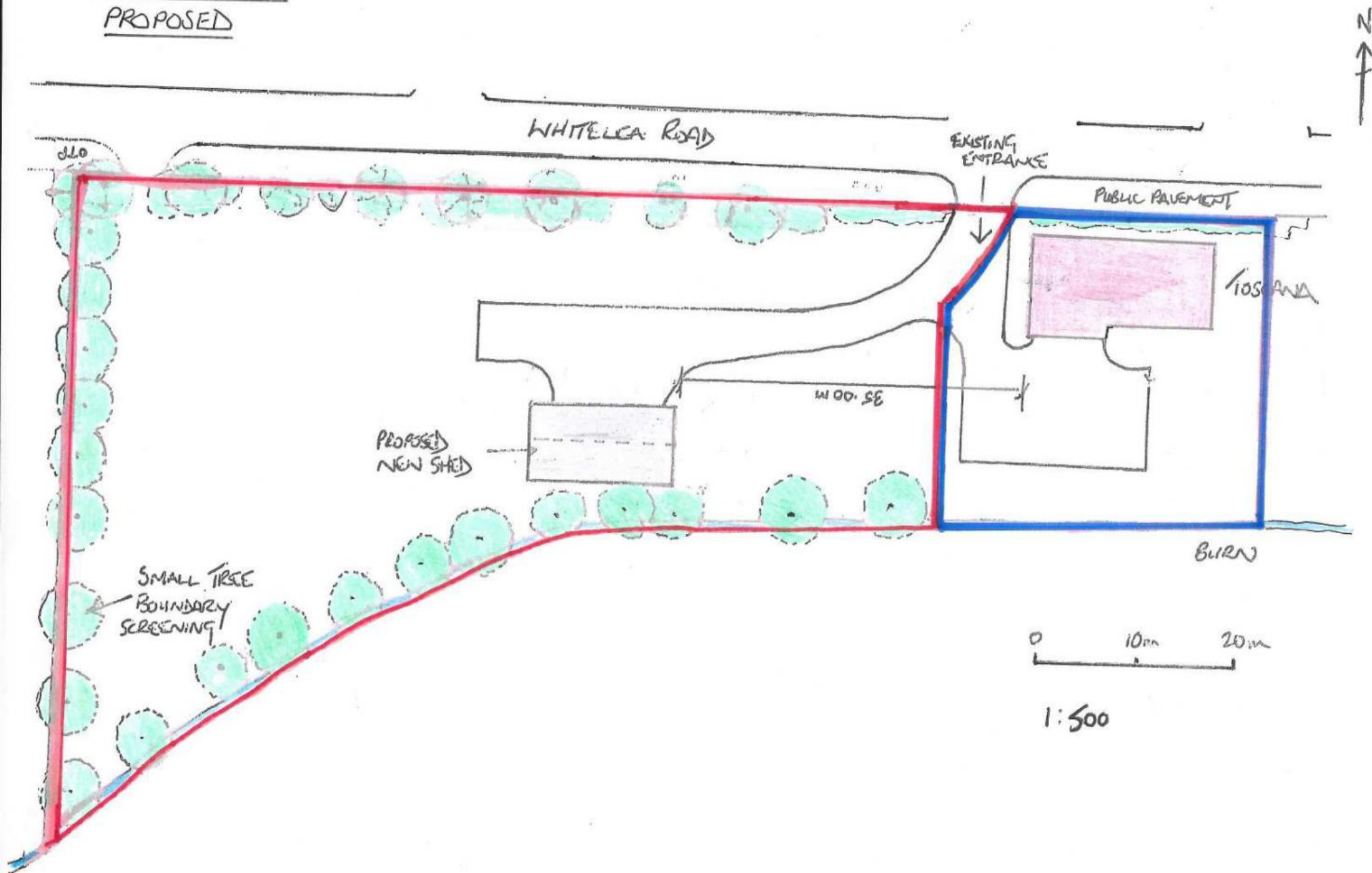


# SITE PLAN - PROPOSED





BLOCK PLAN  
PROPOSED



#### GENERAL NOTES:

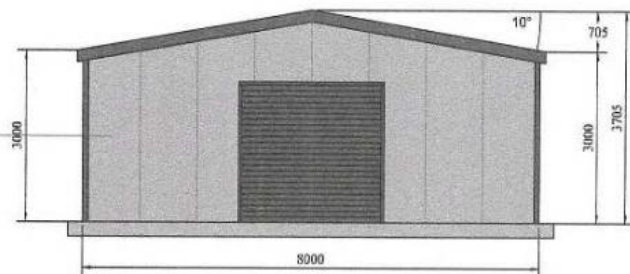
1. ALL CLADDING TO BE CE MARKED AND HOT-DIP GALVANISED TO BS EN 10346:2009.  
2. ALL STEEL (INCLUDING PURLINS) TO BE CE MARKED AND TO EXECUTION CLASS 2 AS PER EN 1090 - 1:2009 AND HOT-DIP GALVANISED TO BS EN 10346:2009 Fe E390G-Z275.

#### 3. DESIGN LOADS TO BS 6399-1:1997

AND BS 6399-3:1997. DEAD LOADS:  
SW CONSIDERED INTERNALLY WITHIN PROGRAMME  
-CEILINGS AND SERVICES =  $\text{kN/m}^2$   
-RAFTER CLADDINGS AND PURLINS =  $\text{kN/m}^2$   
-COLUMN CLADDINGS AND RAILS =  $\text{kN/m}^2$   
-SNOW LOAD =  $\text{kN/m}^2$   
-LIVE LOAD =  $\text{kN/m}^2$

#### 4. WIND LOAD ACCORDING TO BS 6399-2:1997 WITH THE FOLLOWING

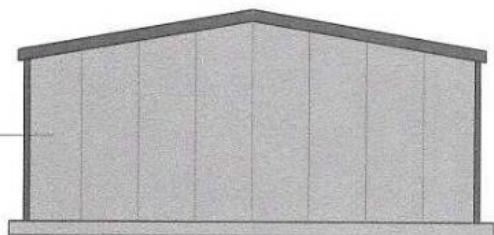
PARAMETERS:  
BASIC WIND SPEED =  $\text{m/s}$   
SITE ALTITUDE =  $\text{m}$   
SITE ALTITUDE FACTOR =  
SEASONAL FACTOR = DIRECTION FACTOR =  
SITE DISTANCE FROM SEA = Coastal  
5. ALL STEEL TO HAVE YIELD STRENGTH  $P_y = 450 \text{ MPa}$ .



Front Elevation (External)

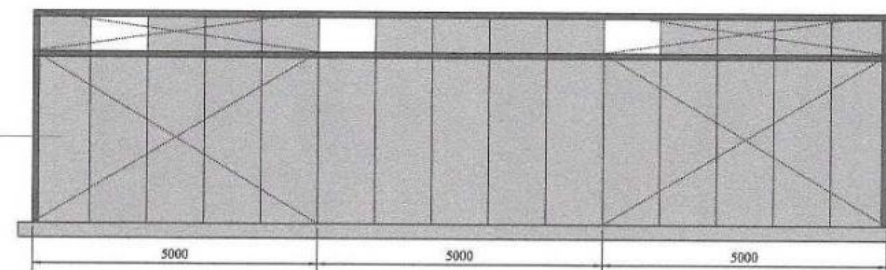
Wall Cladding  
AS35-40mm Composite PIR  
(Colour: Goosewing Grey)

*EAST*



Back Elevation (Scale = 1:125)

*WEST*

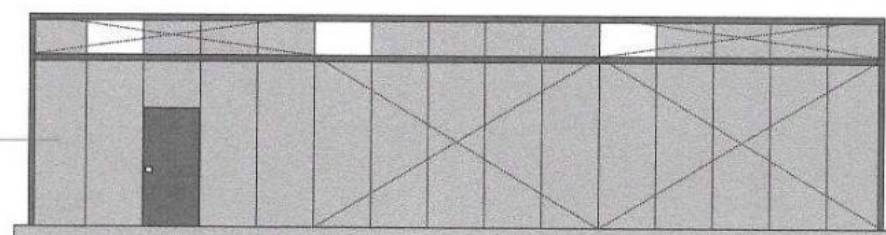


Left Elevation Internal (Scale = 1:125)

Wall Cladding  
AS35-40mm Composite PIR  
(Colour: Goosewing Grey)

*SOUTH*

Roof Cladding  
AS35-40mm Composite PIR  
(Colour: Goosewing Grey)



Right Elevation (Scale = 1:125)

*NORTH*



**Capital Steel Limited**

Web: [www.capitalsteelbuildings.co.uk](http://www.capitalsteelbuildings.co.uk)  
Email: [info@capitalsteelbuildings.co.uk](mailto:info@capitalsteelbuildings.co.uk)

Supplied By: Bonnyholm Steel Buildings

Phone 07881800947

Email [info@bonnyholmsteelbuildings.co.uk](mailto:info@bonnyholmsteelbuildings.co.uk)

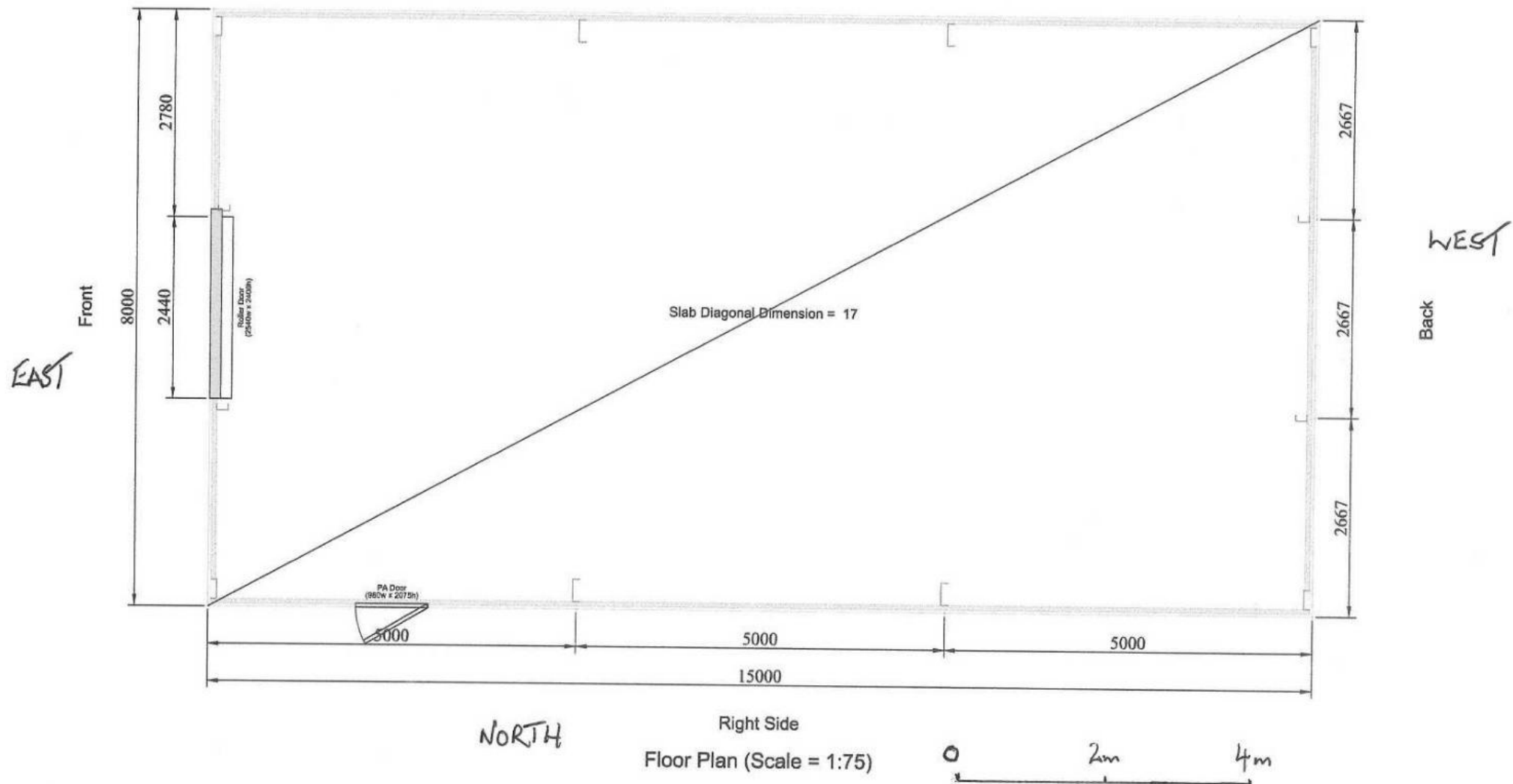
Customer: Gavin Morris

Blairgowrie, PH13 9NY

*1:125*

Left Side

SOUTH



Right Side

NORTH

Floor Plan (Scale = 1:75)



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Email: [info@capitalsteelbuildings.co.uk](mailto:info@capitalsteelbuildings.co.uk)

Supplied By: Bonnyholm Steel Buildings

Phone 07881800947

Email [info@bonnyholmsteelbuildings.co.uk](mailto:info@bonnyholmsteelbuildings.co.uk)

Customer: Gavin Morris

Blairgowrie, PH13 9NY

## Supporting Statement

### Application: 22/00648/FLL – Toscana, Burrelton

Following submission of the application in its original form, and in discussion with Perth and Kinross Council we have prepared amended drawings and a change in the development description to the change of use of the land adjacent to Toscana to garden ground and the erection of a shed. The additional application fee has been made for this.

The application land has been used as ancillary land to the dwellinghouse since 2004, when it was taken out of farm use and used as extended garden ground for Toscana. This is verified in the signed letter from Mr Morris along with photographic evidence dating back to 2012 – see attached below.

It is concluded that this land since 2004 has become established garden ground ancillary to Toscana and is now considered to be the lawful use of this land, having been in this use for over 10 years.

Given the existing boundary screening and relationship with the neighbouring housing on the other side of Whitelea Road, the proposed change of use will not have any detrimental impact on the character, appearance or amenity of this part of the village.

16 June 2022.



**LRB-2022-62****22/00648/FLL - Change of use from agricultural land to  
form extension to garden ground and erection of a shed,  
Toscana, Whitelea Road, Burrelton, PH13 9NY**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	22/00648/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Change of use from agricultural land to form extension to garden ground and erection of a shed		
<b>Address of site</b>	Toscana Whitelea Road Burrelton Blairgowrie PH13 9NY		
<b>Comments on the proposal</b>	I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	06 July 2022		



# Comments for Planning Application 22/00648/FLL

## Application Summary

Application Number: 22/00648/FLL

Address: Toscana Whitelea Road Burrelton Blairgowrie PH13 9NY

Proposal: Change of use from agricultural land to form extension to garden ground and erection of a shed

Case Officer: Persephone Beer

## Customer Details

Name: Dr Frank Moisey

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Loss Of Trees

Comment: PKC Planning Department.

Ref Planning Application 22/00648/FLL

I write regarding the above planning application which refers to ground opposite [REDACTED]  
[REDACTED]

The proposal is for the erection of a storage shed in the garden ground of Toscana.

The pre-application discussion contains some factually incorrect information, namely:

Page 3

1. Trees .... There are several trees adjacent to the site. The application suggests there aren't any.
2. The block plan existing is correct in that it shows the existing entrance, however the block plan as proposed shows a further break in the perimeter of the site accessing Whitelea road on the western boundary. This is not mentioned on anywhere in the application. I object to the granting of planning permission of the proposal in that only one access to the proposed shed - that using the combined driveway of Toscana and the new shed is highlighted as a change in access to Whitelea road. A second one would no doubt increase the volume and maybe the speed of traffic on the road which is commonly used for recreational exercise by families residing in the village.
3. The proposal block plan also suggests that there is a public pavement on south side of Whitelea road. The only pavement on Whitelea road is that on the north side of the road.
4. The development extends out with the settlement Boundary of Burrelton and Woodside as set in the Local Development Plan.
5. The development may change use of the land from residential to commercial.

On the grounds of the foregoing discrepancies and omissions I object to the granting of planning permission

Yours faithfully

Frank Moisey

