

LRB-2022-59**22/00707/FLL - Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land, 100 metres north east of Blairfordel Farm, Kelty, KY4 0HP****INDEX**

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LRB-2022-59**22/00707/FLL - Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land, 100 metres north east of Blairfordel Farm, Kelty, KY4 0HP**

**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 2013

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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms	Ref No.	
Forename	Bronwyn	Forename	
Surname	Tutty	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode		Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority		Perth and Kinross Council	
Planning authority's application reference number		22/00707/FLL	
Site address			
Land 100 Metres North East Of Blairfordel Farm Kelty			
Description of proposed development			
Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period)			

Date of application	13/04/2022	Date of decision (if any)	04/08/2022
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Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
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"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

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

6. 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.

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

If you have marked either of the first 2 options, 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 necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?	<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" 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:

N/A

8. 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.

Please see Review Statement

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

Review Statement
Planning Application Form
Planning Statement
Location/ Proposed Site Plan
Caravan Sections
Caravan Elevations/ Floor Plan
Pirate Ship Elevations/ Floor Plan

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

SITING OF 2 CARAVANS FOR WELFARE/ AGRICULTURAL STORAGE USE, ERECTION OF ANIMAL SHELTER AND ASSOCIATED WORKS(IN PART RETROSPECT) FOR A PERIOD OF 3 YEARS AT LAND 100 METRES NORTH EAST OF BLAIRFORDEL FARM, KELTY

REVIEW STATEMENT

**Town and Country Planning(Scotland) Act 1997 as amended
Planning Application Ref: 22/00707/FLL
Appellant: Ms B. Tutty
Date: October 2022**

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1.0 INTRODUCTION

Ms B. Tutty (“the Appellant”) submitted a planning application to Perth and Kinross Council (“the Council”) seeking planning permission for the siting of 2 static caravans for welfare/agricultural storage use, erection of animal shelter and associated works for a temporary period of 3 years at land 100m north east of Blairfordel Farm (“Review Site”).

The application was registered on 13 April 2022 and validated on 2 June 2022. The application was refused under delegated powers on 4 August 2022 without any discussion with the applicant despite email correspondence requesting an update.

The decision notice for planning application ref: 22/00707/FLL is dated 4 August 2022 and cites the following reasons for refusal:

1. The proposal is contrary to Policy 1 Placemaking of the Local Development Plan 2019 as the development does not contribute to the quality of the surrounding built and natural environment. The proposal by virtue of the design and density of the development on an undeveloped rural site within a wider area of land within numerous ownerships is detrimental to the character and amenity of the place.

2. The proposal is contrary to Policy 8 Rural Business and Diversification of the Local Development Plan 2019 as the development of site has not been justified in terms of a site-specific resource or opportunity in relation to a new or existing business.

3. The proposal is contrary to Policy 39 Landscape of the Local Development Plan 2019 as the type of development within a small plot which lies in a wider piece of rural land would have a negative impact on the wider landscape character.

The Appellant submits that there is no evidence to support refusal of the application on the grounds of a breach of the Perth and Kinross Local Development Plan 2 (2019) and that planning permission ought to be granted for the reasons set out within this Review Statement and related Documents.

2.0 REVIEW SITE

The Review Site is situated outwith the Blairforge settlement boundary as defined by the Perth and Kinross Local Development Plan 2019. The site is located 350m to the north of the B966 Public Road as illustrated by the Site Location Plan forming part of application ref: 22/00707/FLL.

The Review Site was formerly part of the larger Blairfordel farm complex and is one of a number of plots which have been created and sold off to different parties as the original farm complex has been subdivided.

Access to the site is taken from the B966 public road through the Blairforge. Where the public road terminates a track leads from Blairforge to the application site. The

track services adjoining fields as well as the application site by virtue of a gate in the north western corner.

The site is contained by post and wire fencing. The boundaries are supplemented by sporadic trees and shrubs. The former static caravans are sited to the north east of the site while the animal shelter is located to the south east of the site.

One of the static caravans has already been clad in recycled timber. The other caravan will be clad in timber to match should this application for temporary planning permission be granted.

3.0 PLANNING HISTORY

It was originally the Appellant's intention when she bought the application site to utilise the site:

- to support the ecological needs of the natural environment.
- to watch nature change and grow with the use of the land for growing trees, fruit and vegetables creating a place for the appellant and her children (ages 6 & 12) to have the time and space to appreciate the natural environment and get an understanding of what it means
- to connect back to nature and get back to a more basic and simple way of being something that has been lost and can be difficult to access in these fast paced busy times.
- grow vegetables and plant fruit trees. NB: Soil has been tested and quality confirmed for growing.
- plant wildlife friendly trees and hedges NB: Hedges as they make great nesting sites for birds as the dense foliage creates a safe, warm environment in which they can shelter from the cold in the winter and breed during spring and summer.
- educating children on how to grow plants and to 'help' with common 'land based jobs'.
- offer children something different to the usual types of experiences that tend to be in abundance these days. NB: A huge inspiration for this came from Project Wild Thing <https://vimeo.com/ondemand/projectwildthing>
- grow botanicals for use in the manufacture of natural skin care products by the Appellant's other business interest *Bodylush*.

The Appellant, was advised when buying the property that the above development would maintain the primary use of the site for agriculture and that the siting of caravans and an animal shelter would fall within the meaning of permitted development as defined by Class 18 of the Town and Country (General Permitted Development)(Scotland) Order 1992 as amended.

Following complaints from neighbouring residents the Council's Planning Enforcement Team engaged the Appellant advising of the alleged breaches in planning control and advised the Applicant to submit an application for planning permission.

Planning application ref: 21/00966/FLL was submitted to the Council on 31 May 2021 and sought planning permission for the siting of 2 static caravans for welfare/storage facility use/occasional overnight accommodation and 1 touring caravan for storage use, the erection of an animal shelter, occasional informal camping and associated works (in retrospect).

Planning application ref: 21/00966/FLL was refused on 8th October 2021. The decision notice for planning application ref: 21/00966/FLL outlines the reasons planning permission was refused. Prior to the expiry of the period for appealing planning application ref: 21/00966/FLL the Appellant reassessed her business and operating plan for the use of the site. Recognising the concerns raised by both the Council and neighbouring residents in response to planning application ref: 21/00966/FLL the appellant developed a viable business model for the property which will involve the growing of fruit, vegetables and botanicals.

The planning case officer exchanged emails with a family member of the Appellant prior to the submission of planning application ref: 22/00707/FLL. In the exchange of emails it was confirmed that the Appellant intended to utilise the property to grow fruit and vegetables for sale as well as grow botanicals for use in natural skin care products manufactured by their other business *Bodylush*.

The use of the land for these purposes falls within the meaning of agriculture as defined by Section 277 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc (Scotland) Act 2006 and Planning(Scotland) Act 2019. As the Appellant would not be changing the existing use of the land planning permission would not be required to cultivate the land in this way.

The Appellant lives in Burntisland and will travel to the site 3- 4 times a week to maintain the crops and botanicals sown and care for the animals. The animals were due to arrive on site earlier this year. However, on the basis of planning permission for the animal shelter being refused planning permission it would have been irresponsible to bring the animals on site. The Review Site was bought without access to any of the existing buildings forming the Blairfordel farm complex. As such to utilise the site for the agricultural purposes outlined above there is a need to provide on-site storage facilities for tools, produce and to provide welfare facilities (a sheltered place for food to be consumed and to provide WC facilities) whilst the land is being worked hence the submission of planning application ref: 22/00707/FLL.

Despite the planning statement accompanying planning application ref: 22/00707/FLL containing the information detailed in the above paragraphs the Report of Handling for application ref: 22/00707/FLL incorrectly states that it is the appellant's intention, *"to support the ecological needs of the natural environment through growing trees, fruit and vegetables, educating children on how to grow plants etc and grow botanicals. The applicant has her own children and there is no indication within the submission that any childcare business or otherwise is to be run from the site."*

4.0 PROPOSAL

The proposal seeks retrospective planning permission for the retention of the static caravans and animal shelter on the Review Site for a period of 3 years ending in November 2025.

One of the caravans has already been clad with recycled timber while the other will also be clad in matching recycled timber should temporary planning permission be granted.

The purpose of this application is to obtain consent to retain the caravans on site for a temporary period of 3 years. This would allow the appellant to obtain the necessary consents and erect a permanent agricultural building on the site. Thereafter, the former caravans would be removed from the site.

The caravans have been adapted with all internal fixtures, fittings and partitions removed to ensure that they can only be used primarily for agricultural storage.

5.0 PUBLIC PARTICIPATION

In assessing planning application ref: 22/00707/FLL the Council followed the statutory neighbour notification procedure. A total of 15 letters of objection were received.

The issues raised in the letters of objection are summarised as follows:

- contrary to LDP2
- unacceptable access
- insufficient information on drainage
- flood risk
- no waste collection facilities
- use for residential/overnight accommodation
- lack of supporting information i.e. bat survey, tree survey, environmental statement
- damage to bridge on access road
- light pollution
- noise pollution
- mining risk area
- impact on listed buildings
- impact on historic interest within the area
- increase in traffic
- road safety concerns
- adverse effect on visual amenity
- inappropriate land use
- out of character with the area
- impact on ROW
- loss of trees
- loss of open space
- lack of car parking

These issues are addressed in Section 7.0 of this Statement. However, in assessing planning application ref: 22/00707/FLL in relation to the concerns raised by the Objectors it was concluded by the Case Officer that additional statements/reports would not be required for example Bat survey – there are no buildings/trees to be removed, tree survey – no trees to be felled, environmental statement – not required for this scale of development.

6.0 POLICY FRAMEWORK

National Policy and Guidance

The Scottish Government expresses its planning policies through The National Planning Frameworks, 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 2019.

TAYplan Strategic Development Plan 2016-2036

TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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

The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

7.0 EVALUATION OF PROPOSED DEVELOPMENT

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.

As this is an application involving alterations to a listed building, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant to the outcome of the application and places a duty on planning authorities in determining such an application to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 application site is situated in a countryside location outwith any defined settlement boundary. Background policies including the placemaking considerations are therefore applicable in this instance. The main policy focus is to ensure that new development is appropriate to its location and does not result in any on or off-site negative impacts.

Visual Amenity, Design and Layout

The site is remote from the applicant's home in Burntisland. Therefore, the caravans are required for agricultural storage purposes and have been designed as such so that their appearance and location is subservient in relation to the wider agricultural use of the site.

The static caravans extend to 9.7 x 3.2 metres each in footprint with a ridge height of 2.8 metres above ground level. The original dark green coloured pitched roofs of the caravans will be retained while the walls will be finished with recycled timber cladding. The existing windows and door openings will be retained. The doors will be clad to match the walls while the existing windows will remain as existing. In terms of scale both structures have a combined floor area of 62sqm taking up 0.003% of the site.

The caravans have been purposefully orientated on site to minimise visual impact and also to screen the functional preparation area from the elements as well as to create an operational inter-relationship between the storage facilities, the grazing land and the main arable complex in the western sector of the site.

The site is enclosed by post and wire fencing with the northern boundary supplemented by sporadic shrubs and trees. The caravans are positioned within the north eastern corner of the site. To minimise the visual impact of the caravans it is proposed to clad them both in recycled timber. The timber clad caravans will have a uniform appearance and a location that is commensurate with traditional small scale agricultural buildings commonly found on agricultural land. It is proposed to plant a landscape buffer comprising of native species of trees along the site boundaries to screen the site from surrounding properties and further minimise any visual impact while also providing protection from prevailing winds to the fruits, vegetables and botanicals being cultivated.

At a distance of 400m from the nearest homes to the west of the site and set against a wooded backdrop and the steep wooded slope to the north of the site the timber clad caravans and animal shelter by virtue of their scale, massing, location and finish will blend into the landscape.

Landscape

The timber clad caravans will have a uniform appearance and be of a scale, massing, design, finish and location that is commensurate with traditional small scale agricultural buildings. As such no landscape features of merit will be affected by the proposals.

The boundary planting proposed will screen the site furthering the timber clad caravan's inconspicuous location and appearance while also enhancing the visual amenity, character and biodiversity value of the site and surrounding area.

Residential Amenity

The closest existing residential properties to the former caravans and animal shelter are all over 400 metres away. As such the use of the buildings for agricultural storage purposes and the provision of shelter for animals will not impact on the amenity of neighbouring residents by virtue of noise or smell nuisance.

Roads and Access

The site is served by a private access road which leads onto the B966 public road. The proposals do not seek to alter the access arrangements to the site.

Drainage and Flooding

SEPA flood maps show that the site has not flooded historically. The proposals will not alter the levels of the site and as such the use of the former caravans for agricultural storage will not exacerbate instances of flooding on the site or on neighbouring land.

Developer Contributions

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

Economic Impact

The proposed development will allow for the site to be used for agricultural purposes leading to the diversification and expansion of the Applicant's existing business operations. The economic impact of the proposal can be quantified by the creation of an additional 1 FTE post within the company as well as increased turnover and profit.

With regard to the circular economy the proposal aligns in full with the aspirations of both the Council articulated by Circular Tayside and Scottish Government through National Planning Framework 4. Repurposing the caravans to form agricultural storage and cladding them in recycled timber will reduce the amount of waste being sent to landfill and consequently reducing carbon emissions as well as the release of latent carbon.

8.0 ANALYSIS OF REFUSAL OF PLANNING APPLICATION REF: 22/00707/FLL

On 4 August 2022 the Council refused planning application ref: 21/02279/FLL on grounds that the proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policies 1 Placemaking, 8 Rural Business and 39 Landscape.

Despite the evaluation of the proposed development against the Development Plan in Section 7 of this statement demonstrating the proposal's complete compliance with Policy 1 of the adopted Local Development Plan this Section of the Statement will deconstruct the case officer's reasoning to demonstrate that contrary to Report of Handling the refusal of planning permission was illogical and unreasonable given that the proposal does not engage Policies 8 or 39 of the Perth and Kinross Local Development Plan 2 (2019).

Reason for Refusal 1 states:

1. *The proposal is contrary to Policy 1 Placemaking of the Local Development Plan 2019 as the development does not contribute to the quality of the surrounding built and natural environment. The proposal by virtue of the design and density of the development on an undeveloped rural site within a wider area of land within numerous ownerships is detrimental to the character and amenity of the place.*

With regard to Policy 1, the Report of Handling states:

“It is evident from the wider rural area that some form of development can be seen but this generally consist of buildings requisite for agricultural purposes being located around central farm steadings or close to dwellings where they are related to small holdings. More generally sporadic rural development may consist of small animal field shelters, huts/bothies, or in some cases agricultural storage buildings in remote locations where they are related to the operation of a large estate. The applicant proposes caravans and although indicate they are temporary the siting of two caravans within wider agricultural land in this location is out of place and not a usual feature in a rural landscape. Whilst I have no objection in principle to more productive use of land it must be the correct development in the correct place for example the development of a small holding or structured development of allotments.”

The Report of Handling does not refer to the Planning Statement submitted in support of planing application ref: 22/00707/FLL which addresses these concerns directly. The proposed plans forming part of application ref: 22/00707/FLL show the former caravans to be clad in recycled timber so that visually they have the appearance of small scale agricultural buildings and are not out of character with the surrounding agricultural landscape given that the similar type buildings are prevalent in the surrounding area as again demonstrated by the photographs contained in the Planning Statement which the Report of Handling does not take into account. It has also been demonstrated in Section 7 of this Statement that the scale of the former caravans is commensurate with field shelters and small agricultural huts and sheds.

Although the proposal involves the retention of the former caravans for a temporary period of 3 years the proposed plans also show that the caravans have been adapted internally with all partitions, fixtures and fittings removed ensuring that their only purpose is agricultural storage.

Further, the reference to the existing buildings in the surrounding area being requisite for agriculture and being located around central farm steadings is nonsensical given that the Report of Handling clearly states:

“This parcel of land was formerly part of a larger agricultural holding and is one of a number of plots which have been sold off to different parties.”

Therefore, the buildings and structures that can be seen in the area surrounding the Review Site are those belonging to the other parcels of land the were formerly part of the larger agricultural holding referred to.

The Report of Handling goes on to states:

“The concern as highlighted above is that the buildings proposed even if clad in timber are not an appropriate solution even for temporary period. The applicant would need to justify the operation on the site and the minimum scale of building reasonably required. The necessity in this case is that the applicant has bought a small piece of agricultural land with no buildings remote from her dwelling. The site due to the lack of containment and that it has formerly functioned as a wider piece of agricultural land does not have the natural boundaries to provide enclosure and screening. Whilst it may be common to see smaller structures such as field shelters for animals sporadically sited in rural areas, the siting of these types of structures in open countryside cannot be supported.”

The above extract demonstrates the unbalanced nature of the assessment of planning application ref: 22/00707/FLL. At no point in the assessment does the Report of Handling acknowledge that the appearance of the timber clad former caravans is no different to typical agricultural buildings strewn across the rural landscape surrounding the Review Site. Furthermore, neither Policies 1 or 8 of the Local Development Plan require there to be justification for the operation of the site and the minimum scale of building reasonably required. This is yet another fabricated test invented by the Planning Authority to justify refusing planning permission because there is a clear prejudice against the use of caravans to provide agricultural storage despite their appearance, in this instance, being commensurate with traditional timber agricultural buildings.

The reference to the Appellants place of residence has no bearing on the need for agricultural storage. It should be noted that many farmers do not live on a farm for example hence why there is a proliferation of agricultural buildings across the rural landscape surrounding the Review Site. It should also be noted that there is clearly an element of prejudice within the Report of Handling towards the proposed development and the operation of the site because the Appellant does not live nearby.

Notwithstanding the above concerns relating to manner in which the Report of Handling concludes the proposal to be contrary to Policy 1 it has been clearly demonstrated that the timber clad caravans are of a scale and finish (timber clad) that is commensurate with other agricultural buildings in the surrounding area. As such, the Appellant is of the view that the proposal satisfies Policy 1.

Reason for Refusal 2 states:

2. The proposal is contrary to Policy 8 Rural Business and Diversification of the Local Development Plan 2 2019 as the development of site has not been justified in terms of a site-specific resource or opportunity in relation to a new or existing business.

With regard to Policy 8 Rural Business and Diversification of the Perth and Kinross Local Development Plan 2, the Report of Handling states:

“The planning statement details briefly that the applicant has developed a viable business model for growing fruit, vegetable and botanicals. However, the applicant

has not applied for the development of a rural business under Policy 8 Rural Business and Diversification and although references are made the application is not supported by a business plan. In this case for the proposal to be considered under policy 8 very detailed criteria would need to be met but unfortunately it is considered that this is not a viable route to pursue as the policy requires a site-specific resource – in this case the applicant has purchased a small piece of undeveloped land remote from her home and there is no robust justification for a business.”

The above extract from the Report of Handling makes reference to the business model developed by the appellant to ensure that the use of the site for agriculture (the existing use) remained viable. However, it is not a requirement of Policy 8 for a business plan to be submitted to demonstrate compliance with this Policy. This appears to be a matter fabricated by the case officer designed to discredit the appellant. This is reaffirmed by the closing sentence in the above extract which seeks to discredit the appellant but also refers to the Review Site as undeveloped land when in fact it is agricultural land.

This is further reflected by the confirmation that the proposed development does not even engage Policy 8 as planning application ref: 22/00707/FLL does not seek permission for the creation of a new rural business:

“the applicant has not applied for the development of a rural business under Policy 8 Rural Business and Diversification”

The Case Officer has also concluded that the proposed development would not accord with Policy 8 even it was engaged by the proposed development on the basis that the Review Site does not constitute a site specific resource. For clarity the use of the site for agriculture will not change as a result of the proposed development. Indeed planning permission is only required for the temporary buildings/former caravans and not the use of the site for agriculture. In this context the Report of Handling causes great alarm as it would appear the Case Officer has not read the Planning Statement accompanying application ref: 22/00707/FLL or the planning application form which clearly outlines what this application seeks planning permission for. In addition the Report of Handling fails to recognise that agricultural land is not in abundance and land can't simply be turned to the purpose of agriculture in any location. As such, despite the Review Site being on a typical the Review Site is very much a site specific resource.

Despite the confused and contrived appraisal of the proposed development against Policy 8 of the Local Development Plan it is clear from the Report of Handling that planning application ref: 22/0707/FLL did not seek planning permission for the creation of a new rural business and as such does not engage Policy 8. In this regard there is no justification for Reason for Refusal 2.

Reason for Refusal 3:

3. The proposal is contrary to Policy 39 Landscape of the Local Development Plan 2019 as the type of development within a small plot which lies in a wider piece of rural land would have a negative impact on the wider landscape character.

Similar to Reasons for Refusal 1 and 2, the Planning Statement submitted as part of planning application ref: 22/00707/FLL and Section 7 of this Statement clearly illustrate the reasons by which the proposal does not impact on the wider landscape character of the area.

The Report of Handling under Policy 39 states:

“Policy 39 was not considered necessary to add in the previous refusal on this site but the overall piecemeal unauthorised development which has taken place here and on adjacent sites has the potential to have an impact. The proposal therefore due to the type of development of a small plot within a wider piece of rural land could have a negative landscape impact in terms of Policy 39 Landscape which would justify refusal under this policy.”

The Report of Handling doesn't specify what impact the proposal actually has on the landscape character of the surrounding area but rather insinuates that more development of this type could have a negative impact. This is a matter that is within the control of the Planning Authority and as such precedent is not a material planning consideration when each planning application is assessed on its own merits. Taking the content of the Planning Statement and Section 7 of this statement into account there is clearly no reasonable justification for concluding that the proposal is contrary to Policy 39. In this instance the proposal has been demonstrated to satisfy Policy 39.

9.0 CONCLUSION

The proposal seeks planning permission for planning permission for the siting of 2 static caravans for welfare/agricultural storage use, erection of animal shelter and associated works for a temporary period of 3 years on the Review Site.

This Statement has demonstrated clearly defined reasons for the approval of planning permission irrespective of the Case Officer's Report of Handling.

The Appellant respectfully request that on the basis of there being no justifiable reasons for refusing planning permission, this Review is upheld and planning permission granted.



Ms Bronwyn Tutty
64 Kilmundy Drive
Burntisland
Fife
KY3 0JP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: 3rd August 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00707/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 2nd June 2022 for Planning Permission for **Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period) Land 100 Metres North East Of Blairfordel Farm Kelty**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 1 Placemaking of the Local Development Plan 2 2019 as the development does not contribute to the quality of the surrounding built and natural environment. The proposal by virtue of the design and density of the development on an undeveloped rural site within a wider area of land within numerous ownerships is detrimental to the character and amenity of the place.
2. The proposal is contrary to Policy 8 Rural Business and Diversification of the Local Development Plan 2 2019 as the development of site has not been justified in terms of a site-specific resource or opportunity in relation to a new or existing business.
3. The proposal is contrary to Policy 39 Landscape of the Local Development Plan 2 2019 as the type of development within a small plot which lies in a wider piece of rural land would have a negative impact on the wider landscape character.

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

There are no relevant Informatives

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 "Online Planning Applications" page

Plan Reference

01

02

03

04

05

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00707/FLL	
Ward No	P6- Strathearn	
Due Determination Date	1st August 2022	
Draft Report Date	27th July 2022	
Report Issued by	JF	Date 27.07.2022

PROPOSAL: Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period)

LOCATION: Land 100 Metres North East Of Blairfordel Farm Kelty

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 has been visited on numerous occasions by the Enforcement Team with photographs provided to the case officer

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for in part retrospective permission to site 2 static caravans for welfare/storage use, erection of animal shelter and associated works (for a temporary period). This follows on from a recent refusal of a similar application which included, in addition to what is proposed here, a tourer caravan, occasional camping and overnight use.

The site is located to the east of a rural building group and is accessed from a private road and field track. The site is detached from the building group siting centrally within a larger area of agricultural/grazing land which has divided into lots and sold.

This application has been simplified from the previous submission two include two static caravans and an animal shelter only. The applicants' intentions are to support the ecological needs of the natural environment through growing trees, fruit and vegetables, educating children on how to grow plants etc and grow botanicals. The applicant has her own children and there is no indication within the submission that any childcare business or otherwise is to be run from the site.

The applicant notes that she understood the works on site to be covered by Class 18 of the General Permitted Development Order. The order however still requires the submission of a prior notification application and requires that those structures should be requisite for the purposes of agriculture, it is not considered that static caravans which have not been designed for agricultural purposes can meet this requirement. However as the site has been developed the applicant cannot not investigate the prior notification process (as they cannot meet the *prior* requirement) planning permission is now required.

The applicant lives in Burntisland and will travel to the site 3-4 times a week to maintain the crops and care for the animals. The applicant is seeking permission to retain the caravans on site for a period of three years to allow the applicant time to erect permanent agricultural buildings on the site.

To date after the previous refusal an enforcement notice to remove the structures was served and subsequently appealed with the reporter only extending the compliance period for removal of the structures until September.

SITE HISTORY

21/00966/FLL Siting of 2 static caravans for welfare/storage facility use/occasional overnight accommodation and 1 touring caravan for storage use, erection of animal shelter, occasional informal camping and associated works (in retrospect) 8 October 2021 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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 8: Rural Business and Diversification
Policy 15: Public Access
Policy 27A: Listed Buildings
Policy 39: Landscape

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 Policy 41: Biodiversity
 Policy 52: New Development and Flooding
 Policy 53B: Water Environment and Drainage: Foul Drainage
 Policy 53C: Water Environment and Drainage: Surface Water Drainage
 Policy 53E: Water Environment and Drainage: Water Supply
 Policy 55: Nuisance from Artificial Light and Light Pollution
 Policy 56: Noise Pollution
 Policy 58B: Contaminated and Unstable Land: Unstable Land
 Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance

CONSULTATION RESPONSES

Cleish And Blairadam Community Council Object with various points raised access, contrary to LDP2, impact on listed buildings, core path, residential amenity etc.

The Coal Authority No objection

Structures And Flooding No objection

Environmental Health (Noise Odour) No objection

Environmental Health (Contaminated Land) further information may be required.

Transport Planning no objection but further clarification sought

Development Contributions Officer No objection

REPRESENTATIONS

15 representations were received:

- contrary to LDP2
- unacceptable access
- insufficient information on drainage
- flood risk
- no waste collection facilities
- use for residential/overnight accommodation
- lack of supporting information i.e. bat survey, tree survey, environmental statement

- damage to bridge on access road
- light pollution
- noise pollution
- mining risk area
- impact on listed buildings
- impact on historic interest within the area
- increase in traffic
- road safety concerns
- adverse effect on visual amenity
- inappropriate land use
- out of character with the area
- impact on ROW
- loss of trees
- loss of open space
- lack of car parking

These issues are addressed in the appraisal section of the report. However it should be noted that additional statements/reports would not be required for example Bat survey – there are no buildings/trees to be removed, tree survey – no trees to be felled, environmental statement – not required for this scale of development.

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	Submitted
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 and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

This parcel of land was formerly part of a larger agricultural holding and is one of a number of plots which have been sold off to different parties. There have been recent refusals on two other plots for the erection of a dwellings to the east and south of this site and the enforcement team has been involved in a number of unauthorised developments over a number of plots. This application site is a central plot which the applicant has purchased and developed prior to any permissions being obtained.

The planning statement details briefly that the applicant has developed a viable business model for growing fruit, vegetable and botanicals. However, the applicant has not applied for the development of a rural business under Policy 8 Rural Business and Diversification and although references are made the application is not supported by a business plan. In this case for the proposal to be considered under policy 8 very detailed criteria would need to be met but unfortunately it is considered that this is not a viable route to pursue as the policy requires a site-specific resource – in this case the applicant has purchased a small piece of undeveloped land remote from her home and there is no robust justification for a business.

There is no site-specific resource or opportunity which makes this site different from many other rural parcels of land and it is considered that the applicant does not have a justified proposal for development at the site. Whilst the council is generally supportive of the ecological ideas and aspirations the applicant has this proposal/site is not considered to meet the policy requirements.

If the application is alternatively considered as a personal development to aid a self-sufficient lifestyle then the siting of the caravans and shelter could be considered more generally under Policy 1 and the Placemaking Supplementary Guidance. It is evident from the wider rural area that some form of development can be seen but this generally consist of buildings requisite for agricultural purposes being located around central farm steadings or close to dwellings where they are related to small holdings. More generally sporadic rural development may consist of small animal field shelters, huts/bothies, or in some cases agricultural storage buildings in remote locations where they are related to the operation of a large estate. The applicant proposes caravans and although indicate they are temporary the siting of two caravans within wider agricultural land in this location is out of place and not a usual feature in a rural landscape. Whilst I have no objection in principle to more productive use of land it must be the correct development in the correct place for example the development of a small holding or structured development of allotments.

It is therefore considered that the siting of these structures is not appropriate for the rural setting and it has not been justified why they are essential to manage this small piece of land. Whilst precedent cannot be given as a reason to refuse an application

this type of sporadic development if allowed throughout Perth and Kinross would have a detrimental impact on the wider landscape character of rural areas.

It is therefore considered that this type of development would not contribute positively to the quality of the surrounding natural environment and that the design and density of the development would not respect the character and amenity of the place. The application is therefore considered to be contrary to Policy 1 Placemaking and supplementary guidance of the LDP2. In addition the proposal is contrary to Policy 8 Rural Business as growing botanicals for business has been detailed but no justification offered to meet the requirements of this policy, in particular there is no site specific resource.

Design and Layout

The site is contained by post and wire fences (with sporadic trees and shrubs) accessed via a field track. The applicant has sited the two static caravans to the northeast and an animal shelter to the southeast. One caravan has been clad in timber the other will also be finished the same if permission is granted. The applicant notes that for agriculture purposes there is a need to provide on-site storage facilities for tools, produce and to provide welfare facilities (a sheltered place for food to be consumed and to provide WC facilities) whilst the land is being worked.

The concern as highlighted above is that the buildings proposed even if clad in timber are not an appropriate solution even for temporary period. The applicant would need to justify the operation on the site and the minimum scale of building reasonably required. The necessity in this case is that the applicant has bought a small piece of agricultural land with no buildings remote from her dwelling. The site due to the lack of containment and that it has formerly functioned as a wider piece of agricultural land does not have the natural boundaries to provide enclosure and screening. Whilst it may be common to see smaller structures such as field shelters for animals sporadically sited in rural areas, the siting of these types of structures in open countryside cannot be supported.

It is considered that the siting of these structures, even for a temporary period, would be contrary to Policy 1 Placemaking and the supplementary guidance as the design, density and siting of the development would not respect the character and amenity of the place.

Landscape

The letters of representation have raised concerns about the impact on the landscape character of the area in particular the Loch Leven and Lomond Hills Local Landscape Area (LLA). It is considered that in terms of placemaking as stated above the proposal would be out of character and although the proposal in isolation may not have a significant detrimental impact it could contribute negatively if this type of development is permitted throughout the area with robust justification. The applicant has noted that the boundaries are to be planted but this would take a long time to mature and screen the development but in effect seeking to hide the development does not make it acceptable.

Policy 39 was not considered necessary to add in the previous refusal on this site but the overall piecemeal unauthorised development which has taken place here and on adjacent sites has the potential to have an impact. The proposal therefore due to the type of development of a small plot within a wider piece of rural land could have a negative landscape impact in terms of Policy 39 Landscape which would justify refusal under this policy.

Residential Amenity

The proposal has been revised with the scale of development reduced from the previous refusal and is only to provide facilities for the applicant to farm the land. The applicant notes visits 3-4 times a week and it is anticipated that this would be by a single vehicle. Although letters of representation anticipate that more than what is proposed could take place this is not what is under consideration.

Environmental Heath (EH) have been consulted and note that the pirate ship animal shelter is to be used for the shelter of goats and there is also an existing goat pen. The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which was prepared in 2005 by the Scottish Executive recommends that new livestock buildings should not be within 400 metres of residential properties and where possible should be downwind of residential areas and the reverse is also true.

EH consider due to the distance attenuation to existing residential properties, the number of animals at the site and with good husbandry practices that odour from the site should not adversely affect the residential amenity of existing dwellinghouses.

Contaminated Land

The Contaminated Land officer is unclear on the activities to be undertaken on the site and may have reviewed some information from the previous application. The site is essentially to be used for agriculture/horticulture which is not a change of use from the existing. As the application is not being supported this has not been further queried as there is no need to add planning conditions including a potential contaminated land condition. If the proposal was being supported this issue could have been investigated further.

Roads and Access

The access to the site is along a private track that connects with the public road network within Blairforge. No details have been provided as to the likely number of trips but the applicant has indicated she will visit 3/4 times a week.

More information is required by Transport Planning (TP) but through further discussion with TP due to the reduced scale of the proposal it is not considered that this would form a reason to refuse the proposal. The would just require clarification on how the site is to be accessed for example any delivery of manure and where vehicles would be parked.

A number of objections have raised road safety concerns, traffic, road maintenance issues, right of way and right of access.

It is noted in letters of representation that there is a bridge which forms part of the private road and concerns regarding its condition have been raised. As with the rest of the private track the owners and/or those who have right of access would have maintenance/repair responsibilities. The owner of this site, should they have a right of access, would be liable to contribute and this would not be a planning issue.

The right of way (ROW) runs along the existing private road then extends to the north (application site veers to the east). There is a site currently being developed along this track. It is considered that the application site could be developed with mitigation in place to protect the ROW during construction.

Drainage and Flooding

The application form states that there will be no new drainage connections and the SUDS box has been ticked on the form. The applicant states that there will be no foul drainage proposals other than a portable toilet. The letters of representation state that there has been a water connection installed on the site and that no SUDS details have been submitted. If the application had been supported this information could have been requested ultimately a small surface water soakaway to take the run off from the caravans could have been provided within the site.

The Flood Team have no objection to the proposal.

Coal Authority

The proposed development lies in an area where there was extensive historical coal mining activity. Old mine workings can generate significant amounts of ground gases which may pose a high risk to developments. It is also possible that land around the mining may have been used for the disposal of mine spoil. The Coal Authority have been consulted and considering the scale and nature of the development proposed they do not consider that a Coal Mining Risk Assessment would be proportionate in this particular instance and do not object to this planning application.

Conservation Considerations

There is a listed building located over 650m from the site. This building is screened by the existing dwellings and the development of the site is not considered to impact the setting. There are a number of other historical assets in the area noted within letters of representation. However these are not adjacent to the application site, therefore the ROW and its associated historic route is not considered to be detrimentally impacted by the development.

Natural Heritage and Biodiversity

The application is not supported by a tree survey or an ecological assessment as noted in letters of representation. The site however does not have any significant

tree cover and the proposals are of a small scale where it is considered that these reports would not be required.

Developer Contributions

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

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.

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.

Conditions and Reasons

- 1 The proposal is contrary to Policy 1 Placemaking of the Local Development Plan 2019 and the supplementary Placemaking Guidance as the development does not contribute to the quality of the surrounding built and natural environment. The proposal by virtue of the design and density of the development on an undeveloped rural site within a wider area of land within numerous ownerships is detrimental to the character and amenity of the place.
- 2 The proposal is contrary to Policy 8 Rural Business and Diversification of the Local Development Plan 2019 as the development of site has not been justified in terms of a site-specific resource or opportunity in relation to a new or existing business.

- 3 The proposal is contrary to Policy 39 Landscape of the Local Development Plan 2 2019 as the type of development within a small plot which lies in a wider piece of rural land would have a negative impact on the wider landscape character.

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

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05



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 100554548-001

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.

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)

SITING OF 2 TIMBER CLAD STATIC CARAVANS FOR USE AS AGRICULTURAL STORAGE AND A TIMBER ANIMAL SHELTER FOR A PERIOD OF 3 YEARS

Is this a temporary permission? *

☒ Yes ☐ No

Description of Proposal Cont.

Please state how long permission is required for and why: * (Max 500 characters)

PLANNING PERMISSION IS SOUGHT FOR A TEMPORARY PERIOD OF 3 YEARS TO ALLOW FOR THE AGRICULTURAL BUSINESS TO BECOME ESTABLISHED AND CONSENT OBTAINED FOR A PERMANENT AGRICULTURAL BUILDING ON SITE. THIS NEW APPLICATION FOLLOWS THE REFUSAL OF PLANNING APPLICATION REF: 21/00966/FLL ON 08/10/21

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

☐ Yes ☒ No

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): *

01/04/2021

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

IT WAS UNDERSTOOD THE PLANNING PERMISSION WAS NOT REQUIRED FOR THE SITING OF THE STATIC CARAVANS ON SITE AND THE ERECTION OF THE ANIMAL SHELTER.

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

Applicant Details

Please enter Applicant details

Title:

Ms

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

Other Title:

Building Name:

First Name: *

BRONWYN

Building Number:

Last Name: *

TUTTY

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 100 Metres North East of Blairfordel Farm

Northing

696397

Easting

314298

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)

IN AN EXCHANGE OF EMAILS WITH THE COUNCIL IT WAS CONFIRMED THAT THE RETENTION OF THE STATIC CARAVANS FOR AGRICULTURAL STORAGE PURPOSES AND ANIMAL SHELTER REQUIRED PLANNING PERMISSION AND COULD NOT BE THE SUBJECT OF A PRIOR NOTIFICATION APPLICATION AND DID NOT BENEFIT FROM PERMITTED DEVELOPMENT RIGHTS AS THE STRUCTURES WERE ALREADY IN SITU.

Title:

Miss

Other title:

First Name:

JOANNE

Last Name:

FERGUSON

Correspondence Reference Number:

Date (dd/mm/yyyy):

21/01/2022

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:

16187.00

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)

AGRICULTURE

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?

0

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)? *

0

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 **T** 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 **T** No ≤ Don't Know

Trees

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

≤ Yes **T** 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 **T** No

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

ALL WASTE GENERATED FROM THE USE OF THE SITE FOR AGRICULTURAL PURPOSES WILL BE STORED WITHIN THE STATIC CARAVANS AND REMOVED FROM THE SITE AND RECYCLED AT LOCAL WASTE RECYCLING CENTRES BY THE APPLICANT.

Residential Units Including Conversion

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

≤ Yes **T** No

All Types of Non Housing Development – Proposed New Floorspace

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

T 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): *

Not in a Use Class

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

60

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)

THE COMBINED FLOORSFACE OF THE STATIC CARAVANS IS 60SQM AND THEY WILL BE REPURPOSED FOR AGRICULTURAL 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

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Ms BRONWYN TUTTY

On behalf of:

Date: 12/04/2022

☐ 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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

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

A PLANNING STATEMENT HAS BEEN PROVIDED IN SUPPORT OF THIS APPLICATION

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: Ms Bronwyn Tutty

Declaration Date: 12/04/2022

SITING OF 2 TIMBER CLAD STATIC CARAVANS AND A TIMBER ANIMAL SHELTER FOR A PERIOD OF 3 YEARS AT LAND AT BLAIRFORDEL FARM, KELTY

PLANNING STATEMENT

CONTENTS

1. Introduction
2. Site & Context
3. Proposal
4. Policy Framework
5. Evaluation
6. Conclusion

1. INTRODUCTION

This statement has been prepared to support a retrospective planning application for the siting of 2 timber clad static caravans and an animal shelter at land at Blairfordel Farm for a period of 3 years ending in May 2025.

Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 directs that all planning decisions should accord with the development plan unless material considerations indicate otherwise:

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.

Section 37 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, re-affirms the above direction and confirms that in Determining planning applications, the Planning Authority “*shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*”.

The Scottish Planning Policy stipulates that in considering planning applications planning authorities should adopt a presumption in favour of development that contributes to sustainable development. Scottish Government Planning Policy states:

“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”

In addition the Scottish Planning Policy also states:

“Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.”

This statement shall demonstrate the proposal’s compliance with the objectives of the Development Plan that support the approval of planning permission.

2. SITE & CONTEXT

The development site is situated outwith the Blairforge settlement boundary as defined by the Perth and Kinross Local Development Plan 2019. The site is located 350m to the north of the B966 Public Road as illustrated by the Site Location Plan accompanying this application.

The application site was formerly part of the larger Blairfordel farm complex and is one of a number of plots which have been created and sold off to different parties as the original farm complex has been subdivided.

Access to the site is taken from the B966 public road through the Blairforge. Where the public road terminates a track leads from Blairforge to the application site. The track services adjoining fields as well as the application site by virtue of a gate in the north western corner.

The site is contained by post and wire fencing. The boundaries are supplemented by sporadic trees and shrubs. The former static caravans are sited to the north east of the site while the animal shelter is located to the south east of the site.

One of the static caravans has already been clad in recycled timber. The other caravan will be clad in timber to match should this application for temporary planning permission be granted.

It was originally the Applicant's intention when she bought the application site to utilise the site:

- to support the ecological needs of the natural environment.
- to watch nature change and grow with the use of the land for growing trees, fruit and vegetables creating a place for the appellant and her children (ages 6 & 12) to have the time and space to appreciate the natural environment and get an understanding of what it means
- to connect back to nature and get back to a more basic and simple way of being something that has been lost and can be difficult to access in these fast paced busy times.
- grow vegetables and plant fruit trees. NB: Soil has been tested and quality confirmed for growing.
- plant wildlife friendly trees and hedges NB: Hedges as they make great nesting sites for birds as the dense foliage creates a safe, warm environment in which they can shelter from the cold in the winter and breed during spring and summer.
- educating children on how to grow plants and to 'help' with common 'land based jobs'.
- offer children something different to the usual types of experiences that tend to be in abundance these days. NB: A huge inspiration for this came from Project Wild Thing <https://vimeo.com/ondemand/projectwildthing>
- grow botanicals for use in the manufacture of natural skin care products by the Appellant's other business interest *Bodylush*.

The Applicant was advised when buying the property that the above development would maintain the primary use of the site for agriculture and that the siting of caravans and an animal shelter would fall within the meaning of permitted development as defined by Class 18 of the Town and Country (General Permitted Development)(Scotland) Order 1992 as amended.

Following complaints from neighbouring residents the Council's Planning Enforcement Team engaged the Applicant advising of the alleged breaches in planning control and advised the Applicant to submit an application for planning permission.

Planning application ref: 21/00966/FLL was submitted to the Council on 31 May 2021 and sought planning permission for the siting of 2 static caravans for welfare/storage facility use/occasional overnight accommodation and 1 touring caravan for storage use, the erection of an animal shelter, occasional informal camping and associated works (in retrospect).

Planning application ref: 21/00966/FLL was refused on 8th October 2021. The decision notice for planning application ref: 21/00966/FLL outlines the reasons planning permission was refused. Prior to the expiry of the period for appealing planning application ref: 21/00966/FLL the Applicant reassessed her business and operating plan for the use of the site. Recognising the concerns raised by both the Council and neighbouring residents in response to planning application ref: 21/00966/FLL the applicant has developed a viable business model for the property which will involve the growing of fruit , vegetables and botanicals.

The planning case officer has since exchanged emails with a family member of the Applicant. In the exchange of emails it was confirmed that the Applicant intended to utilise the property to grow fruit and vegetables for sale as well as grow botanicals for use in natural skin care products manufactured by their other business *Bodylush*.

The use of the land for these purposes falls within the meaning of agriculture as defined by Section 277 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc (Scotland) Act 2006 and Planning(Scotland) Act 2019. As the Appellant would not be changing the existing use of the land planning permission is not required to cultivate the land in this way. The site is currently being prepared for planting.

The Applicant lives in Burntisland and will travel to the site 3- 4 times a week to maintain the crops and botanicals sown and care for the animals. The application site was bought without access to any of the existing buildings forming the Blairfordel farm complex. As such to utilise the site for the agriculture purposes outlined above there is a need to provide on-site storage facilities for tools, produce and to provide welfare facilities (a sheltered place for food to be consumed and to provide WC facilities) whilst the land is being worked.

3. PROPOSAL

The proposal seeks retrospective planning permission for the retention of the static caravans and animal shelter on the application site for a period of 3 years ending in June 2025.

One of the caravans has already been clad with recycled timber while the other will also be clad in matching recycled timber should temporary planning permission be granted. The purpose of this application is to obtain consent to retain the caravans on site for a temporary period of 3 years. This would allow the appellant to obtain the necessary consents and erect a permanent agricultural building on the site. Thereafter, the former caravans would be removed from the site.

The caravans have been adapted with all internal fixtures, fittings and partitions removed.

4. POLICY FRAMEWORK

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 - Approved November 2019

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 39: Landscape

Placemaking Guide 2020

The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

5. EVALUATION

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 application site is situated in a countryside location outwith any defined settlement boundary. Background policies including the placemaking considerations are therefore applicable in this instance. The main policy focus is to ensure that new development is appropriate to its location and does not result in any on or off-site negative impacts.

Visual Amenity, Design and Layout

The site is remote from the applicant's home in Burntisland. Therefore, the caravans are required for agricultural storage purposes and have been designed as such so that their appearance and location is subservient in relation to the wider agricultural use of the site.

The static caravans extend to 9.7 x 3.2 metres each in footprint with a ridge height of 2.8 metres above ground level. The original dark green coloured pitched roofs of the caravans

will be retained while the walls will be finished with recycled timber cladding. The existing windows and door openings will be retained. The doors will be clad to match the walls while the existing windows will remain as existing. In terms of scale both structures have a combined floor area of 62sqm taking up 0.003% of the site.

The proposed development relates to a relatively large site, but the physical development is quite modest, comprising of 2 static caravans and a small timber animal shelter. These buildings are positioned within the north eastern sector of the site which provides a logical layout as this area of the site is relatively flat. It also places the built development within a less visually intrusive position, further away from nearby housing in Blairforge and Blairfordel Farm. The timber finish of the static caravans is of a high quality, that softens their appearance allowing them to be absorbed within the countryside landscape.

The caravans have been purposefully orientated on site to minimise visual impact and also to screen the functional preparation area from the elements as well as to create an operational inter-relationship between the storage facilities, the grazing land and the main arable complex in the western sector of the site.

The site is enclosed by post and wire fencing with the northern boundary supplemented by sporadic shrubs and trees. The caravans are positioned within the north eastern corner of the site. To minimise the visual impact of the caravans it is proposed to clad them both in recycled timber. The timber clad caravans will have a uniform appearance and a location that is commensurate with traditional small scale agricultural buildings commonly found on agricultural land. It is proposed to plant a landscape buffer comprising of native species of trees along the site boundaries to screen the site from surrounding properties and further minimise any visual impact while also providing protection from prevailing winds to the fruits, vegetables and botanicals being cultivated.

At a distance of 400m from the nearest homes to the west of the site and set against a wooded backdrop and the steep wooded slope to the north of the site the timber clad caravans and animal shelter by virtue of their scale, massing, location and finish will blend into the landscape. The site is largely obscured from view from the South due to the tree lined boundaries of the adjoining field. So much so that the static caravans and animal shelter are not visible from the B966.

From an elevated position on the Hill Road to the north of the site the visual impact of the applicant's caravans is significantly reduced when clad in timber.

Overall, when viewed in context the proposed buildings will not be dissimilar to many small farm holdings and agricultural buildings found throughout the area and is considered to be of an appropriate scale and design. As such the development is conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2

Landscape

Policy 39 requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & 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.

The Council's adopted Landscape Supplementary Guide 2020 is applicable in respect to considering the potential landscape considerations from the proposed development. This guidance identifies the site as being located within the Loch Leven and Lomond Hills Local Landscape Area where the main objectives are as follows:

- Maintain accessibility of this area for diverse user groups, and for diverse sport and recreational uses from bird watching to gliding
- Retain and expand native or other appropriate woodland coverage around the loch and on the adjacent hills while retaining the dramatic open landform
- Maintain special character of lochside buildings and designed landscape features, including those not listed on the Historic Scotland Inventory
- Manage agricultural land around the loch to provide benefits for biodiversity and habitats
- Increase the extent of wetland around the loch in order to enhance this internationally important wildlife site
- Ensure particular care in siting and design of potentially intrusive structures such as masts and wind turbines

It is acknowledged that any development within this site will have some degree of visual impact, the scale and extent of development in this instance is relatively modest and does not give rise to any significant concerns in respect to the objectives listed above. The existing site is exposed to views from the Hill Road to the north of the site and from the residential properties within Blairforge to the west but is screened from the southern approach from Keltie on the B996. However, the development by its very nature, retains much of the character of the existing site, with the vast majority of the site retained as open agricultural land. Furthermore, the most sensitive western area of the site will not feature any buildings or notable built development.

The timber clad caravans will have a uniform appearance and be of a scale, massing, design, finish and location that is commensurate with traditional small scale agricultural buildings. As such no landscape features of merit will be affected by the proposals.

The boundary planting will screen the site furthering the timber clad caravan's inconspicuous location and appearance while also enhancing the visual amenity, character and biodiversity value of the site and surrounding area.

Residential Amenity

The closest existing residential properties to the former caravans and animal shelter are all over 400 metres away. As such the use of the buildings for agricultural storage purposes and the provision of shelter for animals will not impact on the amenity of neighbouring residents by virtue of noise or smell nuisance.

Roads and Access

The site is served by a private access road which leads onto the B966 public road. The proposals do not seek to alter the access arrangements to the site or create parking on site.

Drainage and Flooding

SEPA flood maps show that the site has not flooded historically. The proposals will not alter the levels of the site and as such the use of the former caravans for agricultural storage will not exacerbate instances of flooding on the site or on neighbouring land.

In terms of surface water run-off generated by the roofs of the caravans, it is proposed to install water butts so that the water can be collected and repurposed for the agricultural use of the site.

Developer Contributions

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

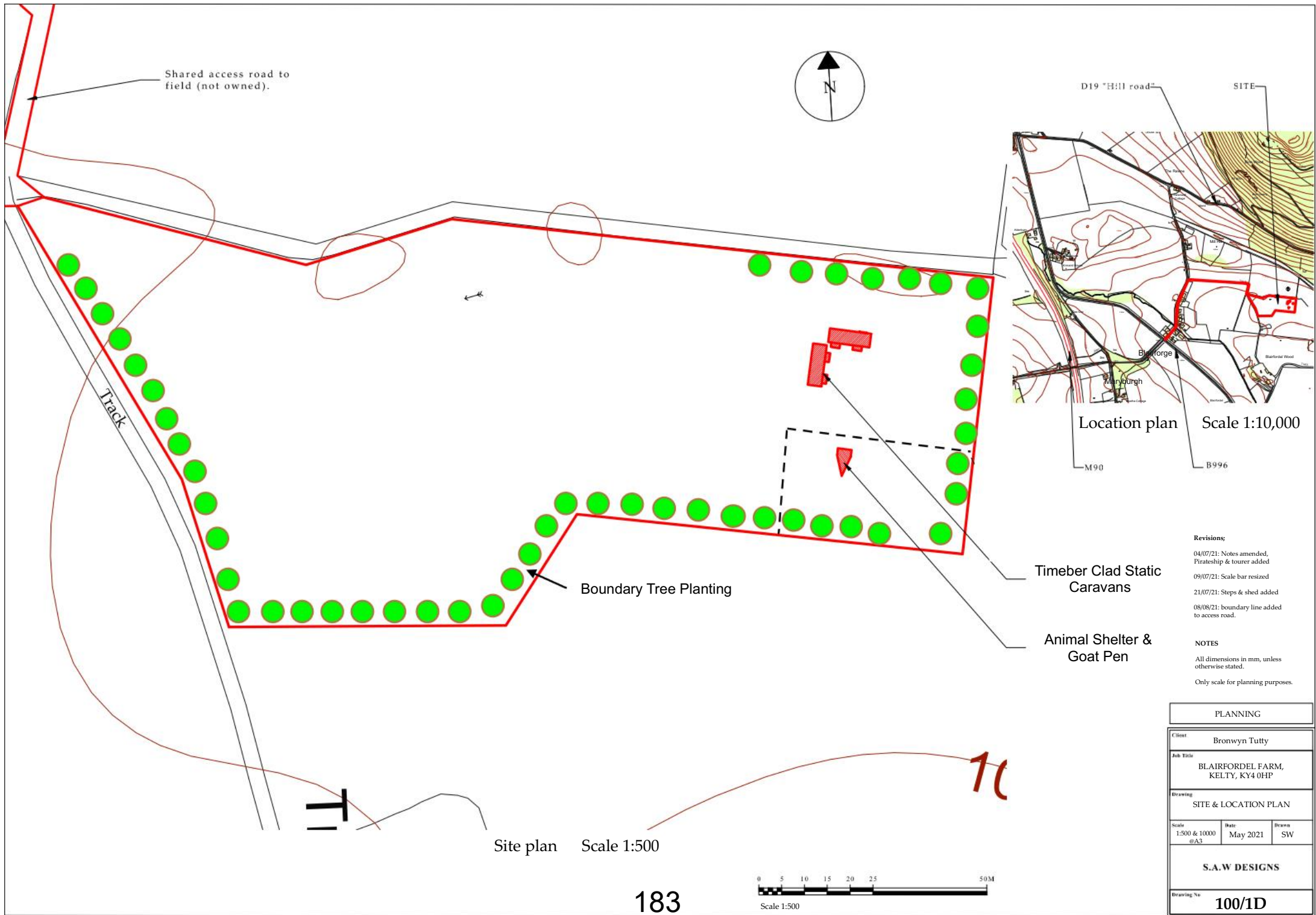
Economic Impact

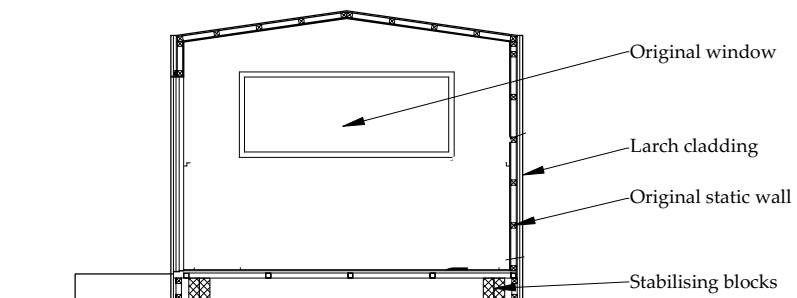
The proposed development will allow for the site to be used for agricultural purposes leading to the diversification and expansion of the Applicant's existing business operations. The economic impact of the proposal can be quantified by the creation of an additional 1 FTE post within the company as well as increased turnover and profit.

With regard to the circular economy the proposal aligns in full with the aspirations of both the Council articulated by Circular Tayside and Scottish Government through National Planning Framework 4. Repurposing the caravans to form agricultural storage and cladding them in recycled timber will reduce the amount of waste being sent to landfill and consequently reducing carbon emissions as well as the release of latent carbon.

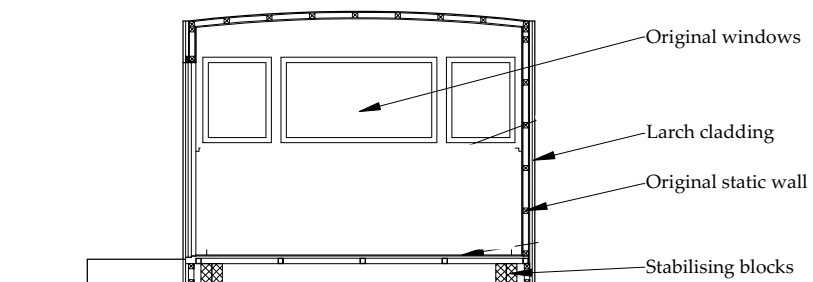
6. CONCLUSION

Taking cognisance of the above reasoning we have demonstrated that the scale of development proposed accords with the requirements of Policies 1A, 1B and 39 of the Perth and Kinross Local Development Plan. The proposal is of a scale that is commensurate with the context of the application site while the high quality design solution will contribute to the character and quality of development in the surrounding area. The proposed development aligns in full with the aspirations of the Development Plan.





Section A-A Static 1

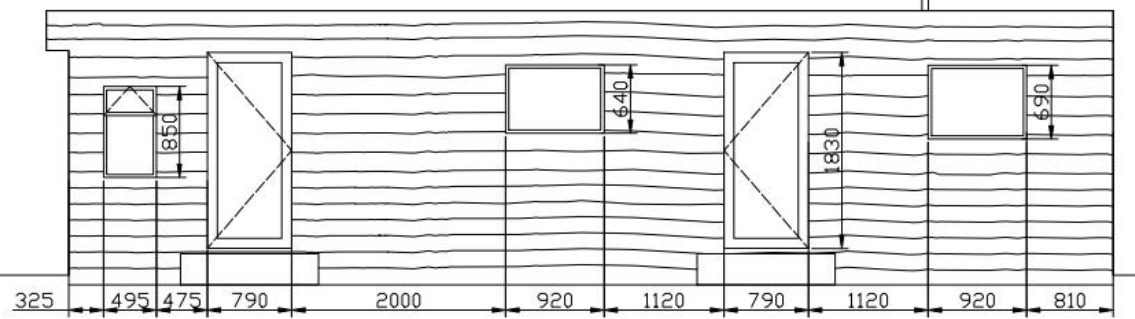


Section A-A Static 2

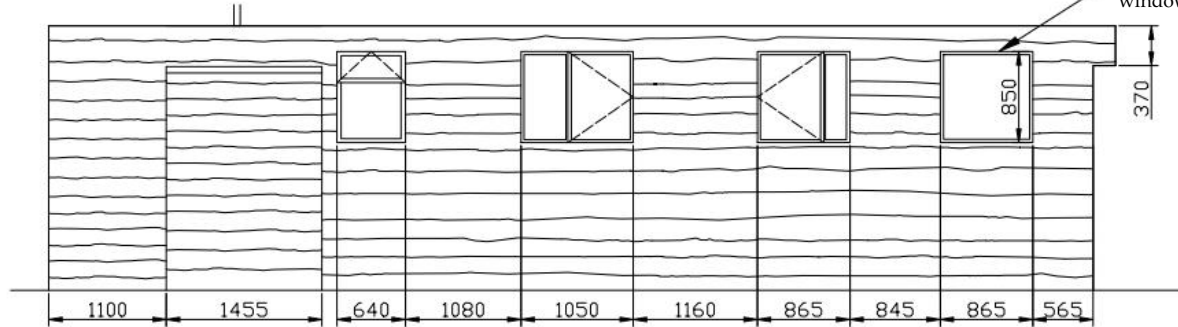
REVISIONS;
09/07/21: Scale bar resized

PLANNING		
Client	Bronwyn Tutty	
Job Title	BLAIRFORDEL FARM, KELTY, KY4 0HP	
Drawing	STATIC CARAVAN SECTIONS	
Scale	Date	Drawn
1:50 @ A3	June 2021	SW
S.A.W DESIGNS		
Drawing No	100/5A	



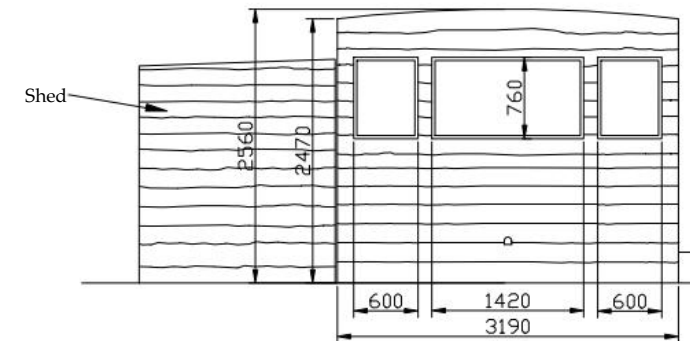


South Elevation

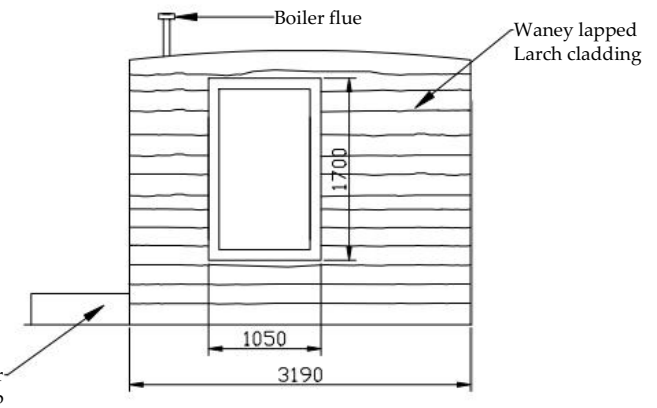


North Elevation

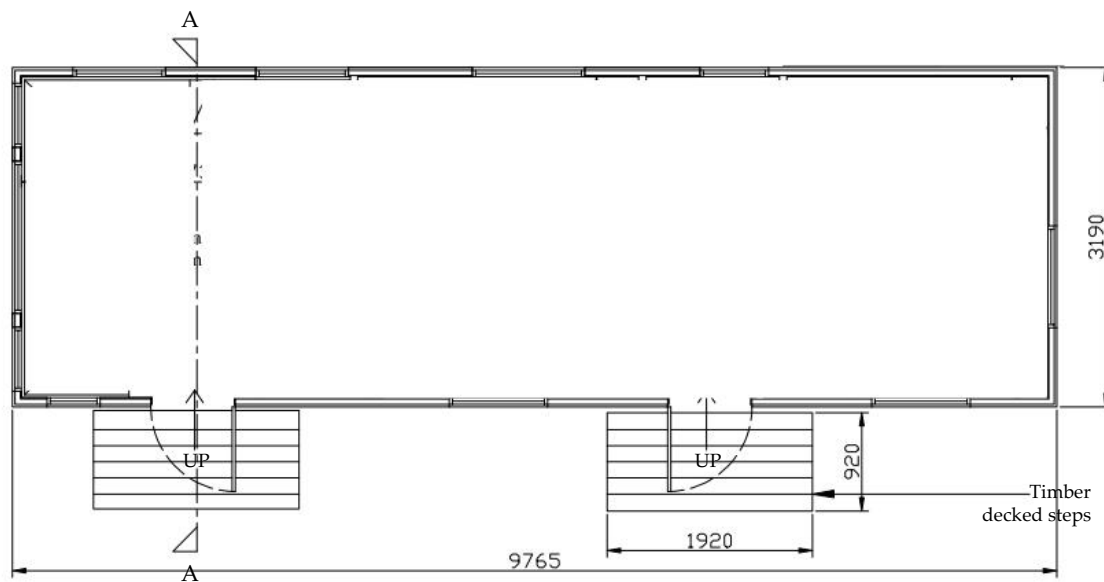
All original windows/Doors



West Elevation



East Elevation



Floor Plan

185

SPECIFICATION NOTES;

Roof: Original static aluminium roof.

Walls: Untreated larch boards, applied horizontally with waney lapping, all to weather naturally.

Doors&Windows: All unaltered original aluminium static caravan windows & doors, finished in original colours.

REVISIONS;

09/07/21: Scale bar resized

21/07/21: Annotation changed and shed added to floor plan



PLANNING

Client Bronwyn Tutty

Job Title
BLAIRFORDEL FARM,
KELTY, KY4 0HP

Drawing
STATIC CARAVAN 2 ELEVATIONS &
FLOOR PLAN

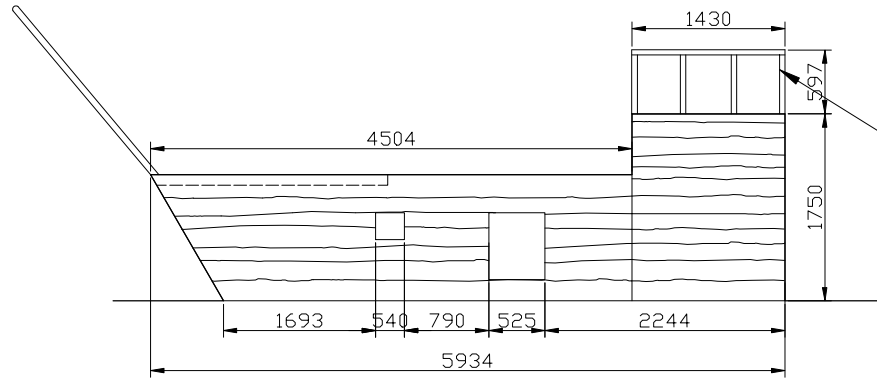
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1:50 @ A3

Date
June 2021

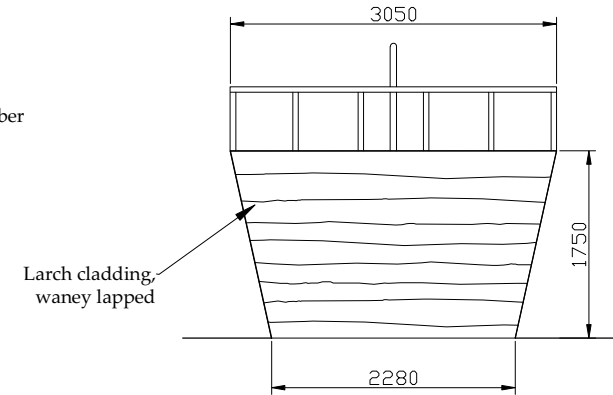
Drawn
SW

S.A.W DESIGNS

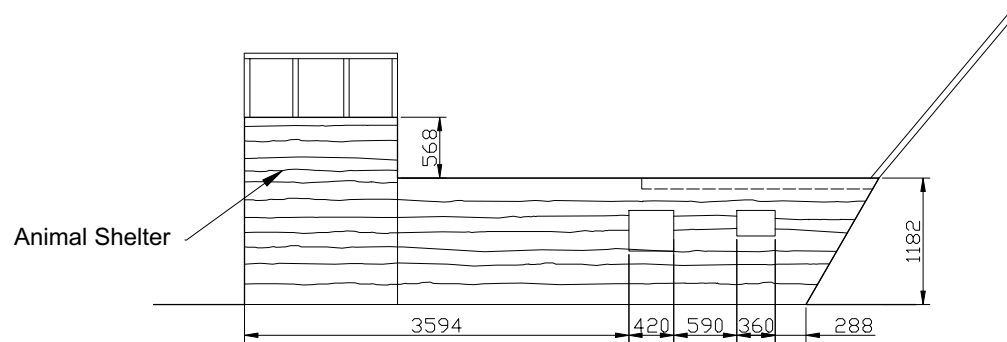
Drawing No
100/3B



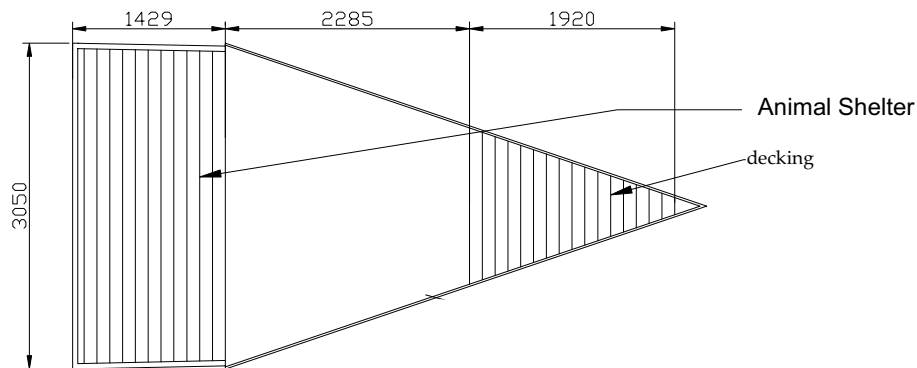
East Elevation



North Elevation



West Elevation



Floor Plan

REVISIONS;
09/07/21: Scale bar resized
21/07/21: Annotation changed

PLANNING

Client	Bronwyn Tutty	
Job Title	BLAIRFORDEL FARM, KELTY, KY4 0HP	
Drawing	PIRATE SHIP FLOOR PLAN & ELEVATIONS	
Scale	Date	Drawn
1:50 @ A3	June 2021	SW
S.A.W DESIGNS		
Drawing No	100/4B	



LRB-2022-59

22/00707/FLL - Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land, 100 metres north east of Blairfordel Farm, Kelty, KY4 0HP

PLANNING DECISION NOTICE *(included in applicant's submission, pages 153-154)*

REPORT OF HANDLING *(included in applicant's submission, pages 155-165)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 175-186)*

LRB-2022-59

22/00707/FLL - Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land, 100 metres north east of Blairfordel Farm, Kelty, KY4 0HP

REPRESENTATIONS



Objection to 22/00707/FLL

Dear Sirs,

I write to object to the above planning application.

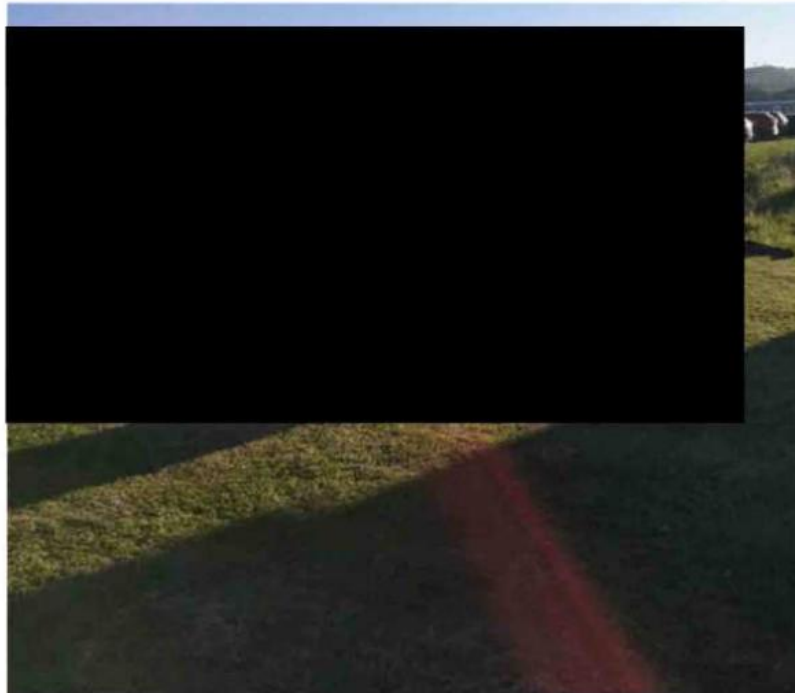
Effectively this is the same application, with minor modifications and removals, as the previous one 21/00966/FLL, for example all references to children have been removed from the "Pirate Ship". In essence the objections from the Council and the local residents that occasioned the original refusal are still pertinent, as are the comments passed by the Scottish Government Reporter in his adjudication following the appeal against the Enforcement Notice served after the last planning refusal. All the factors or points removed from the original application can be easily reinstated, after and if this application is approved. In my opinion this is the intention of the applicant should approval be granted.

The applicant held an overnight gathering on site on the weekend of the 4th – 5th June, advertised on the applicant's Facebook page as Fire Up Your Life camping retreat Kinross from Saturday 16:00 to Sunday 12:00. The cost was £188. There were 7 vehicles on site with an unknown number of passengers. This was a contravention of the unvaried part of the Enforcement Notice but also shows that the static caravans were capable of and were used for sleeping. I will concede that there was a small orange tent, but this would be incapable of housing more than 2 adults. If the static Caravans have been stripped where were the toilet facilities for such a gathering, there was no portaloo or toilet tent on site. Embedded is an image taken from the applicant's Facebook page to show the interior of the caravan, hardly the finish to be expected if it is to be used for storage (note smoke detector).



In her Facebook page, dated June 16th, there is advice that the applicant is giving up her beauty business so there is no need for the cultivation on this site (see attachment to covering email). The applicant has another Facebook page under Bronnercise which advertises various events. This indicates that the applicant has no intention of adhering to the planning requirements. An event is scheduled on the site on the 21st of July between 15:00 and 18:00 (see attachment).

The embedded photo was taken from the applicants Facebook page and shows activities, not in the current application, being conducted on the site for which the application is sought.



The current application papers

The pirate ship elevations.

Identical to the original with as already advised the removal of all references to “kids play hut” the wording being altered to animal shelter. The wording, central play area etc, has also been removed along with the advice to the side of the plan. Why would animals require to have a raised area at one end with railings unless it is intended to be a climbing frame for primates. Two unusual points for an animal shelter are: - one there is no door and two the roof appears to be totally flat with no waterproof covering. I contend that it is the intention that this will be used for its original stated use a children’s climbing frame and play area.

The site plan.

Identical to the original but showing no touring caravan, (still on site), and an additional “goat pen.” The animals will have to be “looked after” by non-resident owners who, by their admission in the first application, have no experience or knowledge of animal husbandry. An immediate case for the SSPCA. In my opinion the goats are only an addition to attempt to show a greater agricultural use. Has an application been made with the appropriate Government department for the necessary paperwork? Do they even know that this is required?

The site plan is also defective in that it shows the full site but does not show the “lodge” which is located towards the Western end and has been recently positioned in full knowledge that the site is covered by an Enforcement Notice for the removal of the existing structures. This shows a total disregard for the planning structure and processes and is a further indication, as suggested, that if consent is granted the applicants will revert to their original plans.

The application document.

Two static caravans are not required for the storage of materials needed for the working of the amount of land currently under cultivation. It is noted that the welfare aspect has been removed.

It is stated as being for a period of three years, but this makes no difference to the basic premise that the development, as decided following the first application, does not satisfy the planning criteria for this area. Planning legislation does not allow for a suck it and see proposal which is further borne out by the lack of a business plan. This was not the intention in the first application and is merely a ruse in my opinion.

“it is understood...” As stated, before in the original objection and in the Blairforge statement to the Reporter this is not advice from a professional person if the applicant insists it is they should produce the written advice on appropriately headed paper.

“in an exchange of emails....” The applicant should have been fully aware after the failure of their original application which stated in the report on handling the reasons for the refusal that their proposal did not satisfy planning requirements. They did not appeal the refusal notwithstanding that one of their neighbours did. The Council because of non-compliance served an Enforcement Notice for amongst other things the removal of structures which was appealed. The reporter upheld the Council’s position only varying the time for removal of the structures. “in the interest of fairness given the appellant’s intention to submit a new planning application.... And for the caravans and other structures to be removed in the event of the application being refused.” This does not state that the caravans should stay except for the length of the variation, 4 months, and also warns that the Council could still insist on removal. I note from analysis of the Planning web site that the average time in this area between application and decision is three and a half months.

The answer to the vehicle parking question is 0. This is not the case, an example of the number of vehicles on site has already been given. Comments will be passed later in this objection regarding how vehicles reach the site.

There is no provision for drainage either surface or foul water. If the site is to be worked foul water drainage would be required for workers.

There is no provision of water supply. In the rare occasions in this area when there are periods of low/no rainfall how will the crops be watered and how will potable water be supplied for the workers who will be on the land. The small "pond" collecting rainwater will become stagnant and although possibly adequate for plant watering it will not be suitable for animal or human consumption.

The waste will be commercial waste as the applicant indicated in the last application that she was growing for her business. Where is the disposal point, in Perth as I believe that this is the nearest site for commercial waste or on her way home to Burntisland into one of Fife's recycling centres.

The planning statement.

Second page

Third paragraph as it will be shown later at report on handling, this proposal does not comply with the Council's planning document LDP2. The same applies to paragraph four. Paragraph six this is not "the right development in the right place." Paragraph seven as paragraph two.

2 Site and Context

According to the documents available with the application, the applicant has not supplied legal advice on the access roadway confirming their servitude right of access through Blairforge. The Disposition of Blairfordel farm in 1927 between William Adam, Blairfordel Estate, and William Easton Hill states that the access is by Benarty Road. The subsequent title between Mr Hill and Miss and Mr Kemp of 1946 is currently being discussed with the Registers of Scotland but the likelihood is that the Eastmost section of the road and verges to the medium filum is owned by the heirs and successors of Mr Hill. The Westmost section by another party which, at the moment, I am not prepared to disclose. The road was declared a Right of Way in 1978-1979 by Perth and Kinross Council. I will not burden you with the case law but suffice to say that a party cannot leave a Right of Way to gain access to an area along that right of way. Access is therefore not possible to any of the sites on Blairfordel farm despite the continued use by a large volume and variety of vehicle types, some exceeding the weight restrictions on the bridge over the Kinnaird burn. Traffic flow has been commented on in the report on handling and in the two Enforcement Notices concerning areas 7 and 8. The current traffic flow on the road, because of the activity on the greater Blairfordel site, is at a ludicrous level for the road width, where there are no passing places and the fact that it is a designated Right of Way.

The following paragraph is covered by the Council's comments in the embedded report on handling.

The second paragraph after the above shows not only what the applicant's intentions were but also in my opinion what they still are. Comment is passed about the soil, (backfill after opencast mining works), unlikely to be a good growing medium. There is another application

in Blairforge running parallel to this and I will quote from the letter of support to that application 22/00822/FLL, prepared by a firm of consulting and civil engineers. The last line of the first paragraph "The land currently has very little quality grass and little topsoil." Both applications are on land mined and backfilled and part of the same original farm site, so there is no reason not to assume that the soil quality is not similar. The report on handling advises that further soil investigation is required this has not been provided.

Then "the applicant was advised...." Again, no indication of the professional qualification and no written advice attached to the application.

The last paragraph of this section comments on the applicants place of residence and advises that the site will be visited three to four times a week a round trip of approximately 24 miles. This is hardly an eco-friendly action bearing in mind some of the applicant's aims. The animals are only to be checked every second day, again a case for the SSPCA.

Last line of section 4, "with all internal fitting fixtures and partitions removed." Where are the toilet facilities already mentioned by the applicant and where are the structural engineering calculations relative to the partition removal and the cladding of the exterior?

The previous report on handling for 21/00966/FLL.

It is obvious that the applicant has not read the report on handling for the original application, as this states the reasons for refusal as follows: - At Policy Appraisals

*The proposal is contrary to Policy 60B New Development
Proposals of the Perth and Kinross Local Development Plan 2 (2019) as
insufficient information has been submitted to show that the access can
accommodate all the development proposed without works being undertaken
to provide suitable passing places.*

*The proposal is not the expansion of an existing business and although there are elements of
education and growing botanicals there is no obvious business case. The
proposal is not diversifying an existing business and the policy states that
sites will be acceptable where they are related to an existing site specific
resource or opportunity.*

*This parcel of land was formerly part of a larger holding and is one of a
number of plots which have been sold off to different parties. Two other
applications for the erection of a dwelling in principle have been refused on
plots to the east and south of this site. This application site is a central plot
which the applicant has purchased and developed prior to the application
being submitted. The applicant lives in Burntisland and this is where they will
continue to spend most of their time.*

*There is no site-specific resource or opportunity which makes this site
different from many other rural parcels of land and it is considered that the
applicant does not have a justified proposal for development at the site. Whilst
the council is generally supportive of the ecological ideas and aspirations the
applicant has this proposal/site is not considered to meet the policy
requirements.*

Furthermore in terms of the criteria the proposal does not meet the following:

- (a) in that it doesn't provide permanent employment, it's not providing visitor accommodation as the accommodation proposed is informal no indication it's for holiday use, there's no clear indication within the submission that it's providing additional tourism or recreational facilities, it also doesn't involve the reuse of existing buildings (this relates to buildings on the site not as in the re-use of the buildings which have been purchased and sited).

- (b) states that proposals should not encourage unsustainable travel patterns as the applicant lives remote to the site and that the details of the proposal in terms of the travel movements to the site has not been clearly provided within the submission it has not been justified that it wouldn't encourage unsustainable travel patterns.

- (e) It has not been justified that the proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities

- (g) it has not been justified that the road network can accommodate the scale of the development.

It is considered that the submission does not provide any justification for the development under Policy 8 Rural Business and Diversification and that furthermore the proposal does not meet a number of the criteria outlined in the policy.

The site due to the lack of containment and that it has formerly functioned as a wider piece of agricultural land does not have the natural boundaries to provide enclosure and screening. Whilst it may be common to see smaller structures such as field shelters for animals sporadically sited in rural areas, the siting of these types of structures in open countryside without robust justification cannot be supported.

It is considered that the siting of these structures would be contrary to Policy 1 Placemaking and the supplementary guidance as the design, density and siting of the development would not respect the character and amenity of the place.

Environmental Health consider that there must be further investigations as the soil analysis to date is not sufficient for this purpose. If the development had been supported a contaminated land condition would have been required.

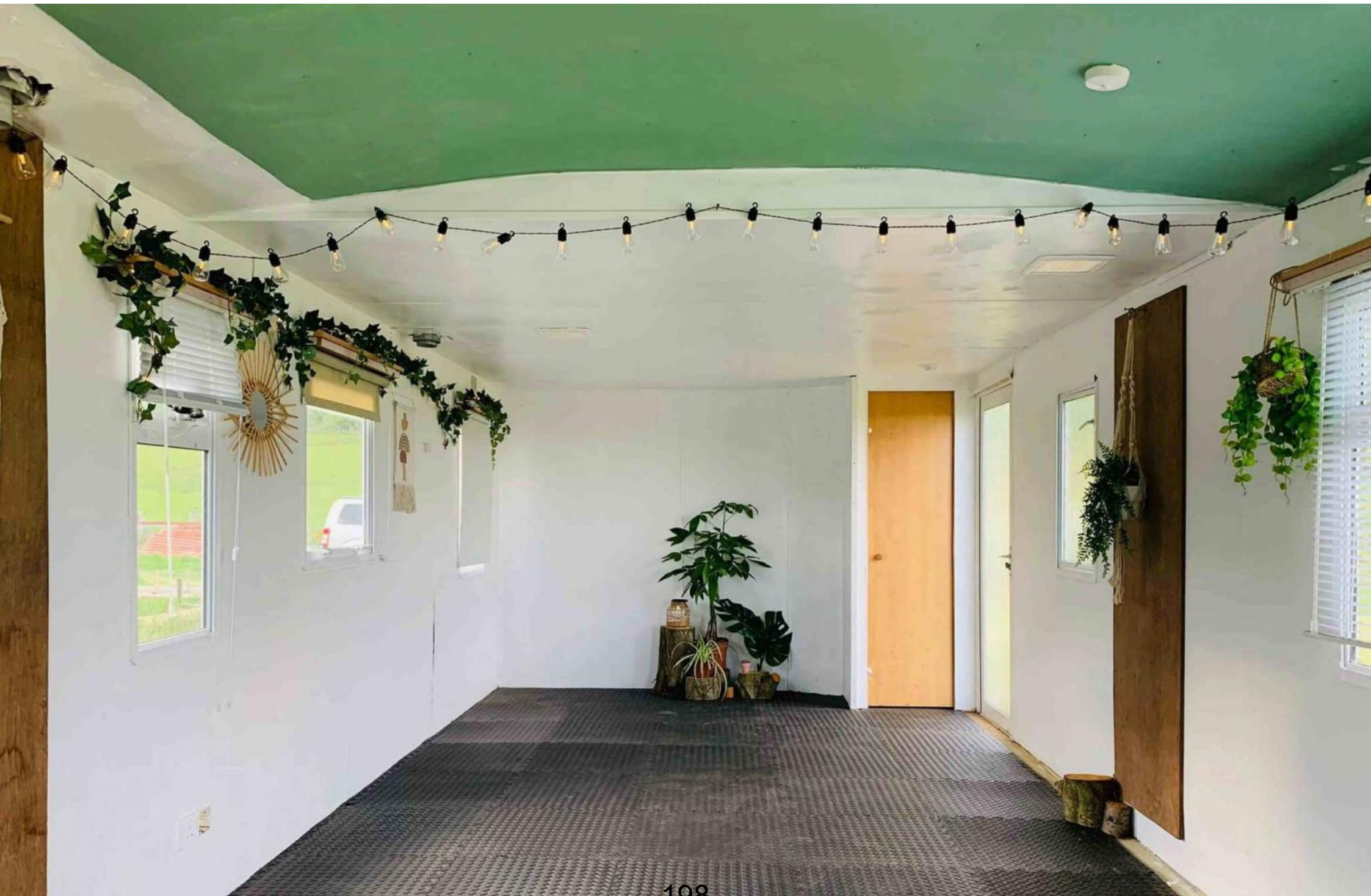
All the above points are still relevant.

This is already a lengthy document so to save further comment here I would request that due consideration is given to objections raised by the Blairforge residents and others to the original application, the applicant's statement to the Reporter and the Blairforge resident's statement to the Reporter. If you do not have these to hand, I can forward them to you. The applicants Facebook page and Googling Bronnercise will show the intended use of the site.

I consider that the details provided in this letter show more than adequate reasons for the refusal of the application.

Jim Dallas and family













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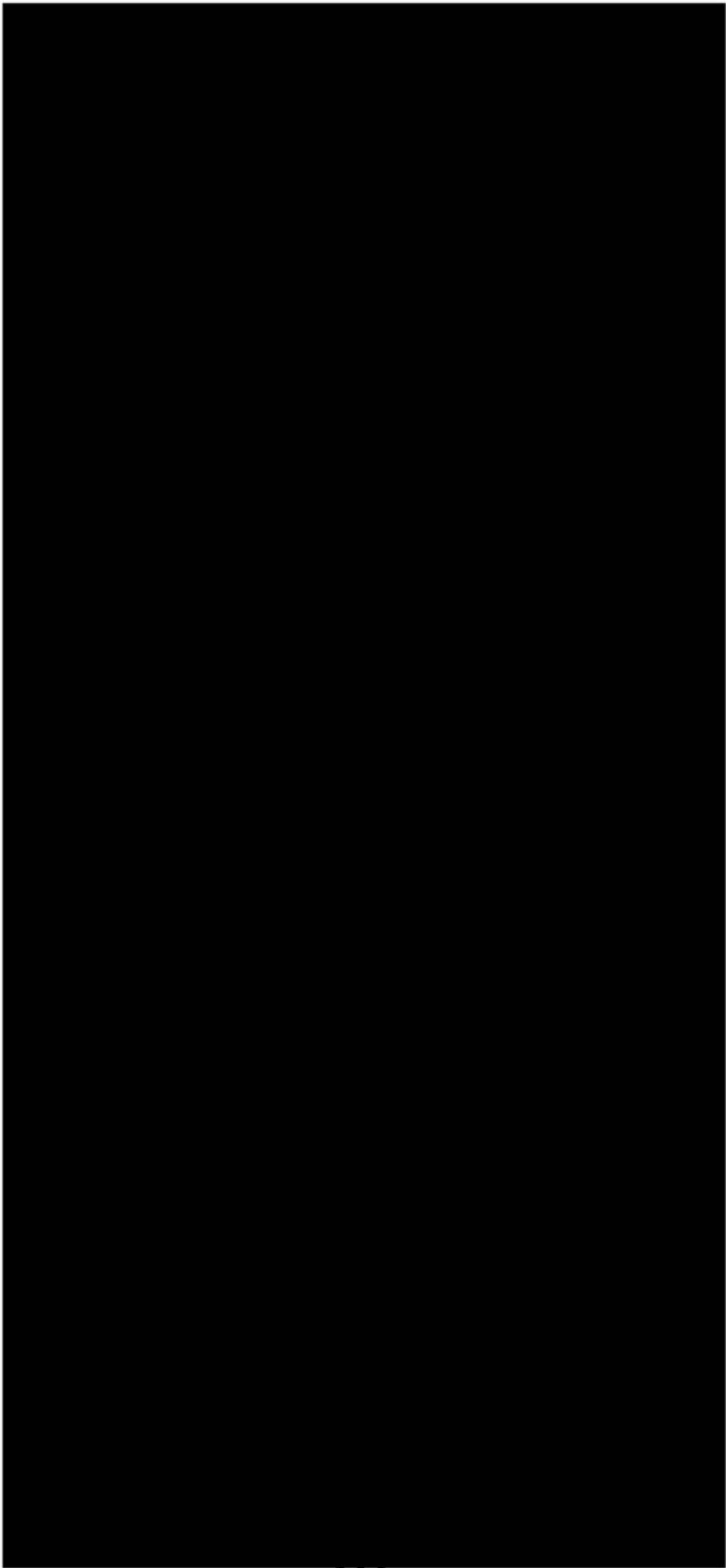
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30MIN COACHING SESSIONS FROM BRON.

SAT 14TH - SUN 15TH MAY - £188



[REDACTED]

[REDACTED]





Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00707/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner
Description of Proposal	Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period)		
Address of site	Land 100 Metres North East Of Blairfordel Farm Kelty		
Comments on the proposal	I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 June 2022		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00707/FLL	Comments provided by	Charlie Haggart
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period)		
Address of site	Land 100 Metres North East Of Blairfordel Farm Kelty		
Comments on the proposal	No objections.		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	16/06/2022		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00707/FLL

Our ref CHF

Date 17/06/2022

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

22/00707/FLL RE: Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period) at Land 100 Metres North East Of Blairfordel Farm Kelty for Ms Bronwyn Tutty

I refer to your letter dated 7 June 2022 in connection with the above application and have the following comments to make.

Contaminated Land

Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent.

Comments

The proposed use of the site is unclear and ranges from storage through to home-schooling activities for primary aged children as stated in the letter of support dated 5/7/21. The site is in proximity to old mine workings with a trial pit shaft approximately 300m from the proposed application. In addition, there is land which was used historically for railway operations approximately 100m north of the site. Due to children potentially being on site for regular schooling activities the suitability of the land for this proposed use; including growing fruit and vegetables, and providing suitable water provisions, must be further investigated as the soil analysis to date is not sufficient for this propose.

I therefore recommend the following condition be applied to the application.

Condition

EH41

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

17.06.22



Planning Department-Perth and Kinross Council

Planning Application 22/00707/FLL- Objection

Dear Sirs,

My wife and I are writing to object to the above planning application. It should be noted that this fresh application is an amended application based on the previously refused application 21/00966/FLL. The appeal by the reporter varied the appeal only with respect to the provision of an application for planning with a date of 4 weeks from the date of the reporters' determination. The original refusal and EN asks for all items in this application to be removed from site. The intention here may be that the omitted items from the previously refused application will be reinstated if this application should this application be approved. It is noted that the application is for a period of 3 years. It is clear that the applicant is using this site for several uses. Public gatherings, the living in the onsite accommodation, erection of tented accommodation. The applicant is clearly in contravention of the current live amended Enforcement Notice. The objections are as follows:

Application Form

Heading 'Use' – This section asks for details of the current or most recent use. The application does not state its current use; instead, it states its intended use and the supporting statement clearly defines this.

The facility could still be used for home schooling for the applicants' children, for other families who home school and for educational facilities for the wider public. Intended use is also for members of the public who wish to visit the facility. As stated above the applicant is currently using the facilities. All as stated in the previously refused application. The applicant has progressed as per their original intentions.

The future use is to grow botanicals to use as a commercial venture.

Access and Parking - This box is ticked as not altering the vehicular access to or from a public road. The current situation is that members of the public leave their motor vehicles on the adopted road at the entrance to Blairforge, sometimes parking on the pavement and then walking to the facility.

The facility is also advertised as a retreat. Does this indicate that the facility falls under a commercial business? The parking onsite states four additional vehicles. The site is currently a rough grazing field served by a rough farmland track.

Water Supply and Drainage Arrangements – Box ticked as 'No'. How will sanitary facilities be provided for home-schooled children and members of the public? How will overnight stays in the static caravan be facilitated with regards to suitable washing and sanitary facilities? This is unclear but 'SUDS' is ticked as 'Yes'.

Assessment of Flood Risk – LDP2 logs state that the site is vulnerable to flooding yet the roads and footpaths are not to be updated. Winter usage will result in the farm track, with no aggregate, becoming difficult to use.

Waste and Storage – The waste collection point is in the main area of the adopted road at Blairforge, some 400mts from the site location. Waste from the applicants' site could be classed as commercial waste as it will be used by members of the visiting public. Public waste collection sites require to be explained.

Residential Units Including Conversion – Ticked as 'No'. The supporting statement suggests that people will be living in the static and wheeled caravan. This could therefore be classed as a residential caravan site and, when approved, can be extended to multiple caravan use.

Schedule 3 Development – This is ticked as 'Yes'. With reference to the supporting statement and supporting information listed on PKC online planning site re. non farming activities, the applicant does state that they are not farming minded nor inclined to farm. The facility could, however, be classed as educational.

Certificates and Notices – Agricultural holding is ticked as 'No'. The site was purchased as a result of the formerly registered Blairfordel farm being sold as lots.

Checklist – Item G is incomplete. Elevations, floorplans, cross sections and roof plans are included. This is an amendment from the first application.

The 'Landscape plan' box has been ticked, but no supporting information provided. The 'Photographs' box has been ticked, but no information is visible on the PKC website.

There is no environmental statement; Design and Access Statement, DIA, TIA, CLA, Habitat Survey, nor Processing Agreement provided in this application. The Applicant has provided a Soil Report.

There is no tree survey appended to this application. There is no Bat survey appended to this application. Bats are known to be in this area.

Policy 53B: Foul Drainage. No information of the drainage requirements on this site are provided with the supporting statement.

There has been no study done on the impact of what needs to be protected in this proposal.

The proposal does not comply with the 'Key Design Considerations' checklist.

The bridge parapets are cracked down to the foundations. The bridge deck is higher than the entrance and egress points due to the current heavy use due to the illegal dumping of materials on surrounding sites.

The existing private road surface is also very poor and almost impassable in the winter time.

The introduction of a dwelling/structure or other buildings in this situation (out with a settlement in open countryside and within the Lochleven and Lomond hills LLA) is considered to be contrary to policy 55 (Light pollution) LDP.

The site is on top of both deep mining and shallow surface recent mining sites. The coal authority states that the site is in a high-risk area. There is no mining assessment appended to this application. The soil quality is poor.

Conclusion

This proposal should be refused as it does not comply with the LDP2 - Place making / Built context.

The assessment for new proposals cannot be met. The proposal cannot be considered under its current application form as the proposal is not for singular use nor single family use.

The proposal will not form a similar pattern of development to that of Blairforge. Indeed, it is some significant distance from the current Blairforge hamlet.

Road safety for the current residents of Blairforge and users of the frequently used right of way will be significantly affected should this proposal be approved. The current private road/track is not suitable for additional vehicular traffic as it has lack of drainage; low weight bearing capacity; no pavement; it is unlit and has no passing points. The applicants' statement regarding the option not to upgrade the right of way means that the people visiting this facility will park at the adopted end of the Blairforge/Parenwell right of way, immediately adjacent to the B996 road. This adopted road and track has already become very busy as a result of the forced access by the seller of Blairfordel farm not allowing access from the original farm access point at Blairfordel/Meadows Rd.

The B996 road is a hot spot for accidents at the Maryburgh/Blairforge road intersection with 9 accidents reported since Christmas 2020. The road was closed for most of the day on the 11th June due to a serious accident. There is evidence of car debris within the hedge, north of Blairforge, due to these accidents with the owners of the field having to repair the damage through their insurance company. Photos are available for inspection.

LDP2 Landscape areas

LSG2020 makes reference to the historical statement of significance, to the deep links with the monastic heritage of Scotland and with the life of Mary Queen of Scots. This historical reference extends to the route off the B996 up to Parenwell Bridge.

The Blairforge bridge was built around the same time as the Parenwell Bridge. The 1826 map located in Kinross Museum shows the main linkage between the coast, Kelty Bridge, Maryburgh and then through Blairforge up to Parenwell, prior to the B996 being constructed. Objectives for the conserving and enhancing of these bridge structures and rights of ways must be held as per the objectives of LDP2 SG 2020 page 43 and 48.

The route between Blairforge and Parenwell covers three listed buildings: The Smiddy at Blairforge listed as B-LB6408; Parenwell Bridge listed as B-LB5283 and Binns Cottage and the Monument placed on the garden wall LB5285. Parenwell spring originated some 100m south of the Parenwell Bridge Monument. This Bridge/Monument is visited regularly by people walking the historical route between Maryburgh and Parenwell, using the existing tracked right of way via Blairforge.

Interestingly, Blairfordel Bridge is listed as C-LB49958. However, Blairforge Bridge isn't yet listed. It seems very odd that this main arterial road-route bridge has not been listed given its historical significance.

Historical significance of the area.

Prior to 1685 the area between Ballingry and Cleish formed part of the Ballingry Parish with Benarty House being a significant historical building.

The word Blar, (Scots) under the Ballingry Parish descriptor is Open, Level Land. However, after 1685, the county boundary between FIF and KNR changed and the parish of Cleish and surrounding

areas became part of KNR. Extensive lands under the Cleish Parish were now called 'Blair' and straddled the Cleish and Ballingry boundary.

Historically, the different areas of land have generated a variety of names:

Under the Cleish Parish: Blairadam (which was known as Blair until the purchase of the estate by architect William Adam in the early eighteenth century (Lang 1951, 31)); Blairfordel; Blairforge; Blairhill Wood; North Blair (all on OS Path F) and Blaircrambeth (or Blair of Crambeth) near Dowhill, formerly Crambeth.

Under the Ballingry parish: Blair Mill and Blaircushnie or East Blair (now Benarty House NT56965).

Under Benarty (BEA): Blairenbathie, and probably Blairathie.

All the above areas date back to the early 1700s and were linked to the main road to Kinross which was the sole arterial road. Originally the road crossed the Gairney Bridge and up past Maryburgh until an act of parliament was passed in 1809 to allow a change of route from Kinross south. Businesses moved to be near the new road including the Coaching Inn (later Blairfordel Farm House), the Post Office and probably The Forge. At this time there would have been much traffic in the form of carts, walkers, horses etc. between Parrenwell and the main road south. The new road, now the B996, was completed in 1813.

The planning harm generated with this type of development would be significant.

Kind Regards,

Craig and Dorothy Gilmour

[REDACTED]

From: Jimmie Carver [REDACTED]
Sent: 18 June 2022 16:33
To: Development Management
Subject: Planning Application 22/00707/FLL -Objection

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

18/06/22
[REDACTED]

Planning Department-Perth and Kinross Council
Planning Application 22/00707/FLL- Objection

Dear Sirs,

My Wife and I are writing to object to the above planning application. Our reasons for making this objection are listed below:

The application seems to be based on a previously refused application 21/00966/FLL. It is noted that there is a live Enforcement Notice on this site.

It is noted that the application is for 3 years only.

The application form states animal accommodation, pirate ship, the lodge currently on site is omitted from this application as the 2 caravans currently on site. All of the slightly amended information contained in this application could be used ultimately for storage and stayover use purposes.

The caravans currently still on site can still be used potentially for home schooling for the applicants' family and other families who require home schooling. It would appear that there has been an amendment to the previous application to mask the intended use of the facilities. It should be noted that this can be reinstated should this application as is be approved.

The uploaded drawings show the facilities for animals on site. This application shows no adequate welfare facilities for the maintenance and the keeping of animals. The previous application stated that the applicant had no experience of tending animals.

There is a raised area on the site as per previous application for home schooling. Although this application has been amended the imbedded details have not changed just the wording from its initial intended use/purpose.

The applicants state that the site will be used in the future for the growing of botanicals for commercial gain.

The applicants state in the supporting statement that the new owner of the site is not agriculturally inclined nor from farming background. It is noted in the application that the purpose group of the site requires a change of use from agricultural use.

The applicant states that no improvements are proposed to the existing farm track, resulting in additional car parking at the adopted end of the Blairforge/Parenwell track/road. Additional issues are already apparent at the junction end of the B996 where people visiting the site park and walk to the site. The junction between Maryburgh and Blairforge has seen many accidents this year alone. The farm track will not be suitably accessible over the winter period as it does not have a hard covering nor suitable drainage, lighting or foot paths.

The site currently has people staying overnight. This can be seen from the farm track as lights are visible overnight. The site has been used as for public gatherings recently.

We refer to the previously refused application 21/00966/FLL as this application falls within the previously refused criteria with little amendments provide.

There are no proposals as to how the new facility will contribute to the loss of the current habitat/ current biodiversity.

There has been no study done on the impact of what needs to be protected on this proposal.

The application is noted as flooded at risk by SEPA.

Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement, other than the use of a portable toileting facility.

The proposal is contrary to policy 60B New Development.

The proposal is not an expansion of the current Blairforge Hamlet.

The siting of these structures are contrary to policy 1 placemaking.

No Bat survey provided in this application.

A SUDS study has not been done.

A tree survey has been omitted from this application, contrary to policy 408 of the LDP.

Artificial light will result from this dispersed development and contrary to policy 55 (Light pollution) of the LDP.

The existing track condition is poor and the bridge parapets are cracked down to the foundations.

The existing private road surface is also very poorly surfaced and almost impassable in the winter.

The proposal does not comply with PKC landscape area 2020 policies and will no doubt have an effect on the current landscape visual amenity. The development is out of character with the PKC landscape LDP2 policies.

The land is stated as being contaminated by previous mine workings.

Reference should be made to the Appeal notification by the Reporters findings based on the applicants appeal to the PKC planning department's refusal-21/00966/FLL.

For further reference on Landscape history please refer to the objections submitted by The

Yours faithfully

R J Carver and Mrs A Carver

Mrs Gillian Caulfield (Objects)

Comment submitted date: Sun 19 Jun 2022

This application is only slightly amended from the last refused 21/00966/FLL which still has an enforcement notice in place. The objections then are all still very relevant, as are the Scot Gov. Reporters' following an appeal.

Our main objections are –

Detrimental Impact on visual amenity and on the overall character of the area. Ever since the land was purchased, both caravans sited with the touring caravan (still in situ but not on application) & 'pirate ship' built, it has totally blighted the agricultural landscape. The siting of these structures are contrary to PKC Local Development Plan 2 (2019) Policy 1 Placemaking and the supplementary guidance 2020 as the design, density and siting of the development does not respect the character and amenity of the place.

The current road structure does not support this application. The lane used by Blairforge residents was never intended for such volume of traffic. To say for use of their business they will access 2 to 3 times per week is untrue. Vehicles are seen numerous times per day & several times per week. On the morning of Sunday 5th June I took a picture and counted 7 vehicles parked on the area. Also tents were pitched after an over night stay. No provision has been made for parking or for the upkeep of the 'track' or Blairforge lane (ROW). No passing spaces are available. Road safety is a major concern. Our otherwise quiet lane has been turned into a 'race track'.

Via applicant's instagram page (fitness/dance) she advertised 2 rural camping retreats, 14–15th May and 4–5th June on the land. 12 spaces @ £188 per overnight stay. Incorporating dance, yoga, massage, fire walking and camping. No mention of Bodylush skincare business. Pictures were taken inside the caravans on corner seating. Please access this page and you will witness various videos, pictures showing activities and numerous cars parked and tents erected. One caravan has been decorated inside and painted white, not for use for farming equipment and storage as detailed.

On 20th May 2022, knowing an enforcement notice was in place a further static caravan has been sited on this application plan site, again being visited daily and increasing traffic. This is total disregard for planning structure. How can this be allowed to happen?

Neighbours on the Hill Road have commented that the field is being turned into 'a community' with so much development of the land and siting of structures

totally out of character (pirate ship & caravans).

The application is noted as flooded at risk by SEPA.

A SUDS study has not been done.

Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement, other than the use of a portable toileting facility.

No Bat survey provided in this application.

A tree survey has been omitted from this application, contrary to policy 408 of the LDP.

As a family we firmly object to this application due to the reasons above.

Gillian, Andrew & Lewis Caulfield

Mrs Jane Mercer (Objects)

Comment submitted date: Sun 19 Jun 2022

* health and safety concerns for residents of Blairforge and others using access road due to no pavements or lights.

*increase in vehicular traffic at Blairforge

*concerns re disposal of refuse and human waste

*concerns re animal welfare. Animals should be checked daily not a few times a week.

All others reasons for objections are as detailed by Mr and Mrs Gilmour

Objection to 22/00707/FLL

My wife and I write to object to the above planning application.

This appears to be the same application with minor changes, as the previous one 21/00966/FLL, for example all references to children have been removed from the “Pirate Ship”. The comments passed by the Scottish Government Reporter in his adjudication following the appeal against the Enforcement Notice are still valid for this new planning application.

1. The Pirate ship Elevations;- Identical to the original with the removal of all references to “kids Play”.
2. The Site Plan:- Identical to the original but showing no touring caravans, still on site, and an addition to a “goat pen”. The animals will be looked after by non resident owners who have no experience of looking after animals. The Application would encourage unsuitable travel patterns as it would require a round trip of 24 miles.
3. The site plan is incorrect as it does not show the “lodge” which is located towards the western boundary that is covered by an Enforcement Notice for the removal of this structure.
4. Two static caravans are not required for the storage of materials needed for the amount of land currently under cultivation.
5. There is no provision for drainage either surface or foul water. There is also no provision for a water supply. This would be required for workers attending to animals.
6. The waste will be a commercial waste. The nearest disposal point would be in Perth.
7. This application does not comply with the Council’s planning document LDP2.
8. The applicant has not supplied legal advice on the access roadway. The access road through Blairforge is a Right of Way to Parawell and that a party cannot leave a Right of Way to gain access to an area along that Right of Way. The 17th Century bridge has cracks down both balustrades to the footplate and a Civil Engineer has recently given a verbal report highlighting the deterioration of this structure. The single track road has no passing places and no street lighting. There is a Health and Safety issue for all Blairforge residents regarding the volume of traffic currently gaining access to the 10 different plots, in the Site of the old Blairfordel Farm. The traffic flow has been commented on in the report on handling and in the two Enforcement Notices concerning areas 7 and 8. The proposal is contrary to Policy 60B New Developments Proposals of Perth and Kinross local development Plan 2 (2019) as insufficient information has been submitted to show that access can accommodate all the developments proposed without works being undertaken to provide suitable passing places. It has not been justified that the road network can accommodate the scale of the development.
9. The soil and backfill after the opencast mining works is unlikely to be a good growing surface or suitable for animals. The report on handling advises that further soil investigations has not been provided. There is environmental consideration as the quality of the mining waste way not be suitable for the applicant’s proposals.
10. The application is not the expansion of an existing business and LDP2 policy states that “sites will be acceptable where they are related to an existing site- specific resource or opportunity”. There is no site-specific resources or opportunity which makes this site different from many other rural parcels of land.

11. The application doesn't provide permanent employment, tourism or recreation facilities and involve the re-use of existing buildings.

12. The submission in the application has not been justified that it would not encourage unsuitable travel patterns or a specific need by virtue of its quality or location in relation to existing business or tourist facilities.

13. The Application does not provide any justification for the development under Policy 8 Rural Business Diversification.

14. The site due to the lack of containment and that it has formally functioned as a wider piece of agricultural land does not have the natural boundaries to provide enclosures and screening. The site is overlooked by the "Hill Road" leading to Ballingry and can also be seen from Kelty.

15. The siting of these structures would be contrary to Policy 1 Placemaking as the design, density and siting of the development would not respect the character and amenity of the place.

16. The B996 road is a hotspot for accidents at the Maryburgh/Blairforge intersection with 9 accidents reported since Christmas 2020. The road was closed for most of the day on 11th June, due to a serious accident.

17. The applicant is actively using these structures as part of her business, and her social media page advertises "2 rural camping retreats at £188 per overnight stay 14/15th May and 4/5 June 2022". My wife and I observed seven vehicles parked on site on 5th June 2022. This demonstrates a total disregard to the Enforcement Notice served by PKC. The applicant is happy to take money for overnight camping and for her customers to use the road through Blairforge, adding to the deterioration of the road surface and 17th century bridge.

The above information states the reasons for our objections to this application.

Erna and Robert Neilson, 

Date 19th June 2022.



The Coal
Authority

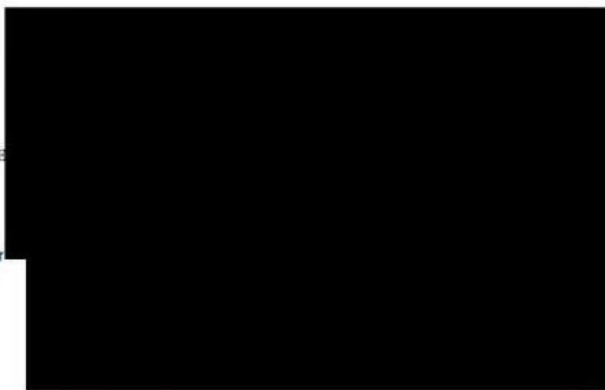


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Learning Partner



For the Attention of: Ms J Ferguson – Case Officer
Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

20 June 2022

Dear Ms Ferguson

PLANNING APPLICATION: 22/00707/FLL

Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period); land 100 metres north east of Blairfordel Farm, Kelty

Thank you for your consultation letter of 7 June 2022 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which should have been considered.

The Coal Authority Recommendation to the LPA

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the scale and nature of the development proposed, or that which has been undertaken, we do not consider that a Coal Mining Risk Assessment would be proportionate in this particular instance and **do not object** to this planning application.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Ms Sara Lovelock (Objects)

Comment submitted date: Mon 20 Jun 2022

Our household objects for the following reasons;

Constant traffic to and from the site including through the night when a retreat/party is being held. This is on a private road which is showing considerable damage due to the increase in cars due to the party business.

The fact that the owner is advertising the site for various purposes including "fire walking" on their social media sites which does not reflect the use implied within the application.

Concerns regarding the lack of water supply and waste disposal given that this area is being used for public events and business use.

The fact that a static caravan was placed on site despite the order that had been placed on the applicants at the time showing a total disregard for the regulations and the wellbeing of their neighbours.

20.06.22



Planning Department-Perth and Kinross Council

Planning Application 22/00707/FLL- Objection

Dear Sirs,

I am writing to object to the above planning application. Our reasons for making this objection are listed below:

The application seems to be based on a previously refused application 21/00966/FLL. It is noted that there is a live Enforcement Notice on this site.

The current site contains built structures including an apparent lodge and additional caravans. There has clearly been a disregard for the Enforcement Notice in place.

The uploaded drawings show the facilities for animals on site. This application shows no adequate welfare facilities for the maintenance and the keeping of animals.

There is a raised area on the site as per previous application for home schooling. Although this application has been amended the imbedded details have not changed just the wording from its initial intended use/purpose.

The applicants state that the site will be used in the future for the growing of botanicals for commercial gain. It is noted in the application that the purpose group of the site requires a change of use from agricultural use.

The applicant states that no improvements are proposed to the existing farm track, resulting in additional car parking at the adopted end of the Blairforge/Parenwell track/road. Additional issues are already apparent at the junction end of the B996 where people visiting the site park and walk to the site. The junction between Maryburgh and Blairforge has seen many accidents this year alone. The farm track will not be suitably accessible over the winter period as it does not have a hard covering nor suitable drainage, lighting or foot paths.

We refer to the previously refused application 21/00966/FLL as this application falls within the previously refused criteria with little amendments provide.

There are no proposals as to how the new facility will contribute to the loss of the current habitat/ current biodiversity.

There has been no study done on the impact of what needs to be protected on this proposal.

The application is noted as flooded at risk by SEPA.

Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement, other than the use of a portable toileting facility.

The proposal is contrary to policy 60B New Development.

The proposal is not an expansion of the current Blairforge Hamlet.

The siting of these structures are contrary to policy 1 place making.

No Bat survey provided in this application.

A SUDS study has not been done.

A tree survey has been omitted from this application, contrary to policy 408 of the LDP.

Artificial light will result from this dispersed development and contrary to policy 55 (Light pollution) of the LDP.

The existing track condition is poor and the bridge parapets are cracked down to the foundations.

The existing private road surface is also very poorly surfaced and almost impassable in the winter.

The proposal does not comply with PKC landscape area 2020 policies and will no doubt have an effect on the current landscape visual amenity. The development is out of character with the PKC landscape LDP2 policies.

The land is stated as being contaminated by previous mine workings.

Reference should be made to the Appeal notification by the Reporters findings based on the applicants appeal to the PKC planning department's refusal-21/00966/FLL.

Kind Regards

Graeme Stephen

[REDACTED]

From: david forsyth [REDACTED]
Sent: 21 June 2022 13:51
To: Development Management
Subject: Objection to Planning Application 22/00707/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sirs,

We are writing to object to the above application.

The application is basically the same as the refused application 21/00966/FLL with some minor modifications and removals. It is noted that there is a live Enforcement Notice on this site.

It is noted that the application is for 3 years only but this makes no difference to the basic premise that the development, as decided following the first application, does not satisfy the planning criteria for this area.

The uploaded drawings show the facilities for animals on site. This application shows no adequate welfare facilities for the maintenance and keeping of animals. In the previous application the non resident owners admitted they had no experience or knowledge of animal husbandry.

The site plan is identical to the original but showing no touring caravan which is still on site. The site plan is also defective in that it shows the full site but does not show the static caravan which is located towards the Western end and has been recently positioned knowing that the site is covered by an Enforcement Notice for the removal of existing structures. This shows a total disregard for planning structure and processes and suggests that they will do as they please with the site.

The applicant held an overnight gathering on the site over the weekend of the 4th to 5th June. There were a number of vehicles on site with an unknown number of passengers. This was a contravention of the unvaried part of the Enforcement Notice but also shows that the static caravans were capable of and used for sleeping. If the static caravans have been stripped for storage where were the toilet facilities for such a gathering.

Policy 53B Foul Drainage. No information on the drainage requirements on this site are provided other than portable toileting facility which was not on the site.

There is no provision for water supply.

The answer to the vehicle parking question is 0. This is definitely not the case as vehicles constantly pass our front window at different times during the day and night with some travelling at speed going to the site.

Access to the site should not be through Blairforge as it lies on Blairfordel farmland. Continuing deterioration evident to road through Blairforge.

The proposal is contrary to policy 60B new development.

The proposal is not an expansion of the current Blairforge hamlet.


The siting of these structures are contrary to policy 1 place making.

A SUDS study has not been done.

The proposal does not comply with PKC landscape area 2020 policies and will have an effect on the current landscape visual amenity. The development is out of character with the PKC landscape LDP2 policies.

We therefore object to this planning application and all structures should be removed from the site as required by the live Enforcement Notice currently in force on this site.

Mr and Mrs David Forsyth





Friday 24th June 2022

Planning Department-Perth and Kinross Council

Planning Application 22/00707/FLL- Objection

Dear Sirs,

My husband and I are writing to lodge an objection in relation to the above planning application.

The application seems to be based on a previously refused application 21/00966/FLL. It is noted that there is a live Enforcement Notice on this site.

It is noted that the application is for 3 years only.

The application form states animal accommodation, pirate ship, the lodge currently on site is omitted from this application as the 2 caravans currently on site. All of the slightly amended information contained in this application could be used ultimately for storage and stayover use purposes.

The caravans currently still on site can still be used potentially for home schooling for the applicants' family and other families who require home schooling. It would appear that there has been an amendment to the previous application to mask the intended use of the facilities. It should be noted that this can be reinstated should this application as is be approved.

The uploaded drawings show the facilities for animals on site. This application shows no adequate welfare facilities for the maintenance and the keeping of animals. The previous application stated that the applicant had no experience of tending animals.

There is a raised area on the site as per previous application for home schooling. Although this application has been amended the imbedded details have not changed just the wording from its initial intended use/purpose.

The applicants state that the site will be used in the future for the growing of botanicals for commercial gain.

The applicants state in the supporting statement that the new owner of the site is not agriculturally inclined nor from farming background. It is noted in the application that the purpose group of the site requires a change of use from agricultural use.

Access:

The applicant states that no improvements are proposed to the existing farm track, resulting in additional car parking at the adopted end of the Blairforge/Parenwell track/road.

Access is our main concern as applicant is proposing access via a private narrow lane which is maintained by Blairforge residents who live beyond the small stone bridge. The lane surfacing

although suitable for occasional private access to Blairforge properties is in no way appropriate or suitable for the volume and intensity of traffic that such a development would trigger.

Additional issues are already apparent at the junction end of the B996 where people visiting the site park and walk to the site. The junction between Maryburgh and Blairforge has seen many accidents this year alone. The farm track will not be suitably accessible over the winter period as it does not have a hard covering nor suitable drainage, lighting or foot paths.

Impact:

The site currently has people staying overnight. This can be seen from the farm track as lights are visible overnight. The site has been used as for public gatherings recently.

We refer to the previously refused application 21/00966/FLL as this application falls within the previously refused criteria with little amendments provided.

There are no proposals as to how the new facility will contribute to the loss of the current habitat/ current biodiversity.

The application is noted as flooded at risk by SEPA.

Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement, other than the use of a portable toileting facility.

The proposal is contrary to policy 60B New Development.

The proposal is not an expansion of the current Blairforge Hamlet.

The siting of these structures are contrary to policy 1 place making.

A SUDS study has not been done.

A tree survey has been omitted from this application, contrary to policy 408 of the LDP.

Artificial light will result from this dispersed development and contrary to policy 55 (Light pollution) of the LDP.

The existing track condition is poor and the bridge parapets are cracked down to the foundations.

The existing private road surface is also very poorly surfaced and almost impassable in the winter.

The proposal does not comply with PKC landscape area 2020 policies and will no doubt have an effect on the current landscape visual amenity. The development is out of character with the PKC landscape LDP2 policies.

The land is stated as being contaminated by previous mine workings.

Reference should be made to the Appeal notification by the Reporters findings based on the applicants appeal to the PKC planning department's refusal-21/00966/FLL.

For further reference on Landscape history please refer to the objections submitted by The Swallows, Blairforge, KY4 0JD.

Kind Regards

Neil and Sylvie McCleary

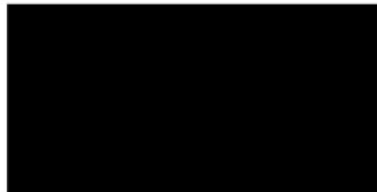
Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00707/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period)		
Address of site	Land 100 Metres North East Of Blairfordel Farm, Kelty		
Comments on the proposal	<p>The applicant is proposing to install a number of static caravans and animal shelters.</p> <p>The access to the site is along a private track that connects with the public road network within Blairforge. No details have been provided as to where the applicant proposes to park their vehicles when travelling from their dwellinghouse to the development site. The applicant has advised that there will be no parking on site.</p> <p>More information is required by Transport Planning to determine the impacts of this development and are currently unable to support this development.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	24 June 2022		

Development Management

From: [REDACTED]
Sent: 25 June 2022 21:13
To: Development Management
Subject: Re Planning Application 22/007/07/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.



Dears Sirs,

I wish to register an objection on behalf of my husband and me to the above planning application.

It seems to me that this application is simply a rewording (in places) of previous application 21/00966/FLL and is in fact substantively the same, with very few minor changes. The previous application was unsuccessful and ,in fact, it is my understanding that there is an Enforcement Notice in place on this site at the present time.

The new application seems to me to be clearly ‘ a rose by any other name’ and the true intention in lodging a new application is to get permission which can be adapted at a later date to produce the original desired result. Surely, if permission were granted this time round, the caravan accommodation could still be used for commercial purpose.,totally unsuited to a small hamlet, entirely residential in nature and ,for which, permission has already been refused.

This is what we find astonishing - permission has been refused for an application basically the same, and an enforcement notice is in place, but the the actions taken by the Planning Department are being ignored!!

However, we trust that the Enforcement Officer has means at his disposal to insist that the Enforcement Notice is indeed complied with.

That is my main point but others, as in previous applications, still are relevant.

There are no arrangements in place for care of animals and no sewage facilities..

No improvements to the existing farm track up to Parenwell seem to be envisaged so what would b the arrangements for further traffic? Both strengthening of the approach bridge, upgrading of the track and additional parking would surely be required.

I would be grateful if the points I have stated are taken into consideration when decision is being made concerning granting or refusing the permission sought by the applicant.

Yours sincerely,
Jean and Thomas Matheson

Sent from my iPad



Monday 27th June 2022


Ref 22/00707/FLL

Planning Application Objection

Dear Sirs,

My wife and I are writing to object to the above planning application. Our reasons for making this objection are listed below:

- The application seems to be based on a previously refused application 21/00966/FLL. It is noted that there is a live Enforcement Notice on this site.
- It is noted that the application is for 3 years only.
- The application form states animal accommodation, pirate ship, the lodge currently on site is omitted from this application as the 2 caravans currently on site.
- All of the slightly amended information contained in this application could be used ultimately for storage and stayover use purposes.
- The caravans currently still on site can still be used potentially for home schooling for the applicants' family and other families who require home schooling.
- It would appear that there has been an amendment to the previous application to mask the intended use of the facilities. It should be noted that this can be reinstated should this application as is be approved.
- The uploaded drawings show the facilities for animals on site. This application shows no adequate welfare facilities for the maintenance and the keeping of animals. The previous application stated that the applicant had no experience of tending animals.
- The applicants state that the site will be used in the future for the growing of botanicals for commercial gain.
- It is noted in the application that the purpose group of the site requires a change of use from agricultural use.
- The applicant states that no improvements are proposed to the existing farm track, resulting in additional car parking at the adopted end of the Blairforge/Parenwell track/road.
- Additional issues are already apparent at the junction end of the B996 where people visiting the site park and walk to the site with no privacy for nearby homeowners. The junction between Maryburgh and Blairforge has seen many accidents this year alone.
- The farm track will not be suitably accessible over the winter period as it does not have a hard covering nor suitable drainage, lighting or foot paths.
- The existing track condition is poor and the bridge parapets are cracked down to the foundations.
- The existing private road surface is also very poorly surfaced and almost impassable in the winter.
- The site currently has people staying overnight. This can be seen from the farm track as lights are visible overnight. The site has been used as for public gatherings recently.

- We refer to the previously refused application 21/00966/FLL as this application falls within the previously refused criteria with little amendments provided.
- The application is noted as flooded at risk by SEPA.
- Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement, other than the use of a portable toileting facility.
- The proposal is contrary to policy 60B New Development.
- The proposal is not an expansion of the current Blairforge Hamlet.
- The siting of these structures are contrary to policy 1 place making.
- A SUDS study has not been done.
- The proposal does not comply with PKC landscape area 2020 policies and will no doubt have an effect on the current landscape visual amenity. The development is out of character with the PKC landscape LDP2 policies.
- The land is stated as being contaminated by previous mine workings.
- Reference should be made to the Appeal notification by the Reporters findings based on the applicants appeal to the PKC planning department's refusal- 21/00966/FLL.
- For further reference on Landscape history please refer to the objections submitted by The Swallows 

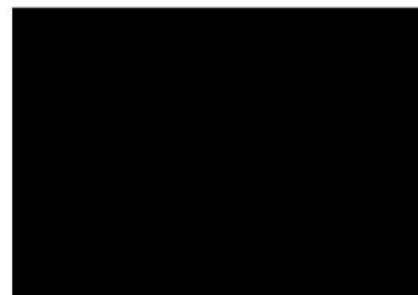
Yours faithfully



Mr D Henderson

Cleish and Blairadam Community Council

Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD



29 June 2022

Dear Sirs,

22/00707/FLL Siting of two static caravans for agricultural storage use/ erection of animal shelter, and associated works (in retrospect), for a temporary period , land 100m NE of Blairfordel Farm, Kelty

The CC wishes to object to the above application as it is contrary to the local development plan.

This appears to be a confused and ambiguous application with contradictions between application form, drawings and supporting statement. There is no detail or information as to how the applicants various ecological and 'back to nature' aspirations are to be delivered, including animal welfare, garden and food production areas etc. There is no access proposed within the site and the structures are to be located far from an access point. There appear to be business activities proposed but no health and safety provisions incl. a potable water supply, electricity, drainage facilities, surface water drainage, or food preparation facilities,. There are no details of health and welfare provision for people managing or visiting the site and the proposal would not be sustainable as a result.

The access is unsuitable for the intended use, with frequent traffic movements causing deterioration of the farm track and considerable loss of amenity to residents in Blairforge including the adverse effect on the character of B Listed Blairforge Smiddy. Part of the access is a popular core path.

The application would adversely affect the designated Local Landscape Area (policy 39 and its Supplementary Landscape Guidance). The landscape is characterised by close knit building groups such as Blairforge, Blairfordel, Kinnaird and Benarty Road, interspersed amongst tracts of open agricultural land and woodland. The application proposes an isolated development remote from the building groups which will erode and impact on the distinctiveness and special character of the landscape area.

There are Historic Environment Assets the setting of which Policy31 seeks to protect and preserve which relate to the Blairadam Estate lands, (formerly Blair Crambeth). Parawell Bridge which has connections with Mary Queen of Scots, Binn Cottage, Blairforge Smiddy, Blairfordel Lodge gates and piers are all B listed buildings.

The provision of caravans, adapted for storage facilities in open countryside would not contribute positively to the quality of the surrounding natural and built environment and would not respect the character and amenity of the place, and is therefore also contrary to Placemaking Policies.

The proposal would be contrary to the Housing in the Countryside policy as the proposal for permanent caravans would not comply with the requirements of that policy's supplementary guidance.

This application is retrospective and the Community Council continues to receive concerns from residents of Blairforge and Blairfordel regarding cumulative, unplanned and alleged unauthorised developments on some of the land to the north east of the B996 as is referenced in the Enforcement Officer's Case File ref 21/00013/UNAWSE and interim reports.

We request these points be taken into consideration in assessment of the application.

Yours faithfully

Secretary,
Cleish & Blairadam Community Council


c/c local members

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

President – Professor David Munro MBE. Chairman – Mr Alistair Smith.

Secretary – Mrs Eileen Thomas. Treasurer – Mr Ken Miles.



Planning and Development Management
Perth and Kinross Council

by email to: developmentmanagement@pkc.gov.uk

1 July 2022

Dear Sir/Madam

22/00707/FLL Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period) at land 100m NE of Blairfordel Farm, Kelty

Kinross-shire Civic Trust objects to the above application.

Water Supply and Drainage Arrangements

The applicant states on the application form that no connection is required to the public water supply but is not using a private water supply. How will water be provided to the animals in the animal shelter?

There is no provision for foul drainage.

Regarding surface water, the applicant has checked 'Yes' on the application form, i.e. saying that the proposals make provision for sustainable drainage of surface water, but no details of the drainage arrangements have been provided.

The proposal does not comply with Policy 53 (Water Environment and Drainage) of the Local Development Plan.

Placemaking

The proposal is contrary to Policy 1A (Placemaking) of the LDP as it would not "contribute positively to the quality of the surrounding built and natural environment" and the siting of the caravans etc would not "respect the character and amenity of the place".

Landscape

The sit is in open countryside within the Loch Leven and Lomond Hills Local Landscape Area (LLA). The development would have an adverse effect on the special character of the LLA.

Access

The road through the hamlet of Blairforge is not a suitable vehicular access for the site.

Residential Amenity

The proposal will have an adverse effect on the residential amenity of the residents of Blairforge and is contrary to Policy 17 of the LDP.

Yours faithfully

Kinross-shire Civic Trust

The Local Review Body

29/11/22

Planning Department

Perth and Kinross Council

LRB-2022-59

Appeal of planning refusal 22/00707/FLL

Dear Panel Members,

In order to assist the panel, and in line with our previous dealings with the Review Body, application 21/00976/FLL, the 12 objectors residing in Blairforge, will give one comment as below.

We all stand by our original objections and endorse those of the Community Council and Kinross Civic Trust. We presume the panel will review these.

There have been no material changes in the grounds for both of the Council's original refusals, 21/00966/FLL and 22/00707/FLL.

The site is subject to an unusual, if not unique, set of circumstances. It forms part of a larger area, the former Blairfordel farm, presently subdivided into 13 separate plots. Since the beginning of 2021 the Council has issued, an unspecified number of Planning Contravention Notices, at least 7, 6 Enforcement Notices, 2 Fixed Penalty Notices, 1 Amenity Notice and 1 Stop Notice over the constituent parts of the former farm, an area of just over 27 hectares. Two reports were prepared by an Enforcement Officer in April and August 2021 advising amongst other points, that the siting of caravans was a breach of planning legislation.

One of the Enforcement Notices was issued over this specific site, that was appealed to the Scottish Government Reporter who ruled in his decision, dated 16th May 2022 that the appeal failed on ground (b) and grounds (c). These being, as stated in the Enforcement Notice, that the land was used for the siting of three caravans, the use of the land as a campsite, the use of the land for social gatherings and the erection of a timber structure in the form of a ship, being used as an animal shelter and/or a hut or climbing frame. The enforcement notice was served after the first planning refusal and on the grounds, as stated, of non-compliance with planning regulations and requirements of the site. Two sections of the Enforcement Notice are as follows :- *iii. The alleged breaches of planning control are not permitted development. iv. On 06 October 2021, a planning application (ref: 21/00966/FLL) for the "Siting of 2 static caravans for welfare/storage facility use/occasional overnight accommodation and 1 touring caravan for storage use, erection of animal shelter, occasional informal camping and associated works (in retrospect)" on the land was refused as the proposal was contrary to Policy 1 (Placemaking); Policy 8 (Rural Business and Diversification); Policy 52 (New Development and Flooding); Policy 53C (Surface Water Drainage); Policy 53E (Water Supply); and Policy 60B (New Development Proposals) of the Perth and Kinross Local Development Plan 2 (2019) (LDP2).*

The Reporter only varied the timetabling to give the owner time to prepare a further application for planning consent, we presume in compliance with the Council's Policy, being that under review. He stated that if consent was refused the Enforcement Notice was still to be complied with.

The Reporter agreed with the Council in the respect of planning breaches and therefore a Scottish Government appointed person, an independent expert, confirmed the non-compliance with the existing planning legislation. The owner made a subsequent application, that under review, which varied very little from the original. This point was made in a number of the objections.

Turning to the appeal documents lodged with the Review Body we would make the following comments.

The appeal appears, in the main, to be a diatribe of unsubstantiated comments regarding the conduct of the Council and its officers, particularly regarding the report on handling. These are from a party that shows no professional planning qualifications and appears not to have a suitably qualified professional adviser.

The appellant states that "there is no evidence to support the refusal of the application on the grounds of a breach of LDP 2". The evidence is stated on the first page of her appeal at section 1. If there was no evidence why did the Reporter uphold the Council's standpoint on the planning breaches noted in the Enforcement Notice which was served? There was no further appeal regarding this.

Access is stated under 2 Review site as being "from the B966 (B996) through the Blairforge where the public road terminates a track leads from Blairforge to the application site." This comment is incorrect and the roadway from the end of the adopted road at Blairforge to where the track starts is a private road accepted as such by the Council. Further comment will be passed on this later.

The site is contained by post and wire fencing. On past judgements in planning applications in this general area recently introduced fencing, as this is, is unacceptable to the Council to define boundaries.

At section 3 planning history the appellant gives a list of points raised in the first application 21/00966/FLL. This application was not appealed despite the reasons for refusal being similar to those of the application under review. The appellant did nothing to address these basic planning principles when making the subsequent application even after the same points had been upheld by the reporter. Comment has been passed in previous objections to the unsubstantiated comment regarding advice, at the time of purchase, about compliance. We would have expected that the source and professional qualifications of the advisor to be stated.

The size of the site and the amount of ground presently cultivated does not require two static caravans as storage and the real reason for these is apparent in an objection to application, including activities on the site and interior images of one of the caravans.

The amount of ground under cultivation does not amount to the requirements of, as claimed, a commercial operation. It is noted that the touring caravan remains on site.

We arrive at page 9 of the appellants statement, page 13 of the whole document as downloaded. This is the start of the aforementioned remarks about the Council and its officers. Several points are raised by the appellant. Comment is passed about similar buildings in the surrounding area. The majority of the buildings and structures are subject to Enforcement Notices for removal of the structures and all are breaches of planning consent as no applications for planning permission have been made. Page 10 There is no reason to compare the caravans with the supposed agricultural buildings, a collection of shipping containers, and what are known as park homes. The term “fabricated test invented by the planning authority” is surely sailing very close to the wind, as being a slanderous remark.

The comment about the proximity of the appellants home to the site is in our opinion valid as they profess eco credentials which is hardly in line with running an older diesel vehicle on a round trip of 20 miles three to four times a week. Between 60 and 80 miles a week.

Comment is passed about the appellants company Bodylush one of her companies shown on the internet. That company was according to the appellants own internet writings closed in June 2022. Her other company continued to use the site and if the panel care to check the objection from Mr Dallas they will see evidence of that fact in contravention of the Enforcement Notice.

Comment is passed providing a reason for the non-appearance of the goats. The appellant advised in the original application that they had no knowledge of animal husbandry, supporting letter first comment.

If the panel visit the site they should have a good look at the Pirate Ship. There is, from the plans available, no door. The roof design is totally unsuitable to shed water and no covering is specified. This is because it is still the intention, in our opinion, to use the structure as was first intended, a children’s play hut/climbing frame. The introduction of livestock, not mentioned in the original application, is, in our opinion purely a device to aid the presentation of the application.

There have been two other refusals of planning consent relating to the only other planning applications on the larger site to run their course to a decision by the Council. The Reports on Handling for the three refusals all state that access is via a private road they also state, should they have right of access. Surely before considering this appeal the panel should confirm whether there is a servitude or other right of access via Blairforge.

The residents of Blairforge have carried out copious enquiries into the question of access to Blairfordel farm via Blairforge. The titles issued by the last owner of Blairfordel farm all appear to be identical regarding the access arrangements. They show a servitude right of access to the sites by a track which terminates at the point where the lands of Blairfordel meet the Right of Way from Blairforge to Parenwell Cottage.

A Right of Way is governed by specific case law most heard and adjudicated on by the Court of Session. The fact that the road is a Right of Way gives no access to Blairfordel farm and in

law precludes it. There is no indication of a servitude right of access through Blairfordel, this requires by law to be stated in the titles. We have extensive paperwork from the Registers of Scotland which show no servitude right of access to Blairfordel farm through Blairforge, the servitude right of access being from Benarty Road. None of the parties involved including the last owner of Blairfordel farm are in a position to satisfy the requirements of a prescriptive right of access, regular use over a period of 20 years. There is therefore no right of access via Blairforge. The way the new titles are written, each site is effectively land locked.

One of the above-mentioned refusals, 21/00976/FLL, went to appeal and the Review Board have already set a precedent on this general larger site by upholding the Council's decision to refuse planning consent. That review stated reasons which have been indicated by the Council as the reasons for the refusal of this application.

Since the application was submitted a further "park home" has appeared on the site and a further timber structure is being constructed. There have also been further "social gatherings" of a commercial nature, one on 12/9/22 resulted in 16 vehicles being on site. All of these breaches have been reported to the planning department, with evidence. In the case of the gathering on 12/9/22 a video was sent to the council. We have attached this to the covering email to assist the panel. The breaches also indicate that the owner, in our opinion, has no intention of abiding by the constraints of any planning decision should consent be granted.

The site can be clearly sighted from the Ballingry road and from the existing properties in the Northmost section of Blairforge, particularly at this time of year when the trees are denuded.

In conclusion we consider that there is no valid reason for the panel overruling the original decision nor that of the Scottish Government Reporter in respect of the Enforcement Notice.

On behalf of

Mr & Mrs Carver,		Mr & Mrs Cauldfield,	
Mr & Mrs Dallas,		Mr & Mrs Forsyth, T	
Mr & Mrs Gilmour,		Mr & Mrs Matheson,	
Mr & Mrs McCleary,		Mr & Mrs Mercer,	
Mr & Mrs Neilson,		Mr & Mrs Saunders,	
Mr & Mrs Stephen,		Mr & Mrs Henderson,	



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Bodylushious

16 June at 23:12 · 🌐

Evening peeps! Hope all's well out there.

I have news! You've possibly heard it before and this is the last time you're going to hear it from me....promise.

I'm closing the doors on Bodylushious. My heart is invested heavily in too many passions and interests and I feel I'm not giving this baby (Bodylushious) the attention it deserves. And through my own personal Transformational Coaching journey I've realised that I need to focus energy and attention on the things that light up my life.

I'm leaning more heavily into the dance/movement, Transformational coaching and book writing and they feel GREAT! I've also got that gorgeous wee son of mine and my own wellbeing in the mix, so no more pretending that I can juggle all these balls. And I feel strangely yet excitedly at peace with this decision.

WHO WAS I KIDDING TO THINK I COULD DO IT ALL

OR

I GAVE IT MY BEST & ITS TIME FOR CHANGE!!!!



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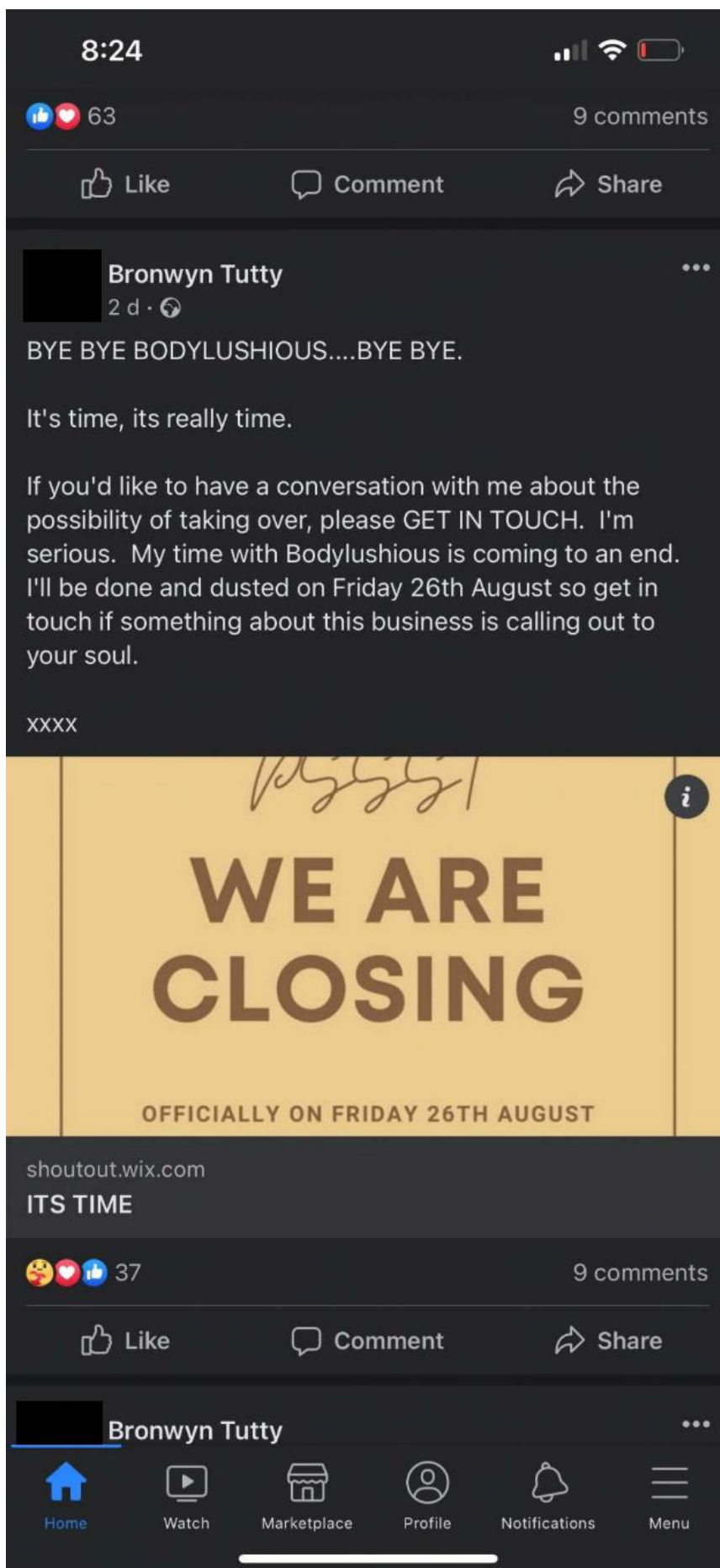
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x Bron

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CDS Planning Local Review Body

From: Bronwyn Tutty [REDACTED]
Sent: 18 December 2022 21:37
To: CDS Planning Local Review Body
Subject: Response : LRB-2022-59

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Lisa,

Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review Procedure)
(Scotland) Regulations 2013

Application Ref: 22/00707/FLL - Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land 100 metres north east of Blairfordel Farm, Kelty

I refer to your letter dated 5 December 2022 enclosing the representation to the Review submitter from the Blairforge community.

In response to the matters raised and to clarify some of the misunderstandings of the neighbouring community I comment as follows:

- The ambition has always been to operate the site in ambience with the neighbouring community. To date I have had no cross words with any members of the Blairforge Community and they remain welcome to visit the site and understand how it is being used. However, I do feel that irrespective of what I write it will be met with negativity and hostility by the community.
- The Review Statement outlines the areas of concern that I have pertaining to the way the application has been evaluated by the Council and outlines the reasons why I believe the application to be compliant with the Local Development Plan.
- The Statement is not a diatribe against the Council. As a Review Statement it sets out the planning reasons that I understand require to be taken into account in the determination of planning applications and applications for review. In the absence of reasoned justification as to why the repurposing of caravans for agricultural storage is not appropriate even for a temporary period when the siting of a caravan for residential purposes close by has been granted planning permission (application ref: 21/02058/FLL refers) it is only natural to feel an element of prejudice.
- The level of agricultural activity taking place on the site is very restricted until the matter of planning permission for the retention of the former caravans as agricultural storage facilities is resolved. This is the same reason that Bodylushious stopped trading. Sustainably and ethically sourcing botanicals takes significant time, resource and increased cost especially

given the impact of EU Exit. The opportunity to grow, store and process botanicals on the Review Site would resolve these issues. However, the time taken to resolve the planning status of the agricultural storage units/former caravans has meant that it is no longer possible to continue trading with this level of uncertainty as if unsuccessful there will be no facilities to store materials or process produce. This is the same reason the cultivation of the site for growing fruit and vegetables has not intensified.

- Independent of the siting of caravans on the Review Site which is the subject of this application for Review, the Council has confirmed that the use of the site on not more than 28 days in any given 12 month period for yoga retreats with overnight camping falls within the meaning of permitted development as defined by Class 15 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992.

I trust this information clarifies my position.

Regards

Bronwyn Tutty