

<p><b>LRB-2021-44</b> <b>21/01168/FLL – Erection of garage/workshop/garden machinery store, Craigend House, Powmill, Kinross</b></p>
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**LRB-2021-44**  
**21/01168/FLL – Erection of garage/workshop/garden**  
**machinery store, Craigend House, Powmill, Kinross**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

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

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

Yes ☒ No ☐

Planning authority

**PERTH & KINROSS COUNCIL**

Planning authority's application reference number

**21/01168/FLL**

Site address

**CRAIGEND HOUSE POWMILL KINROSS FK14 7NS**

Description of proposed  
development

**ERECTION OF GARAGE/WORKSHOP/GARDEN MACHINERY  
STORE**

Date of application

**15 JULY 2021**

Date of decision (if any)

**27 AUGUST 2021**

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



**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

Please see Submitted Review Statement

**Site inspection**

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

1. Can the site be viewed entirely from public land? ☐ Yes ☒ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☐ Yes ☒ No

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

LOCKED SECURITY GATES PREVENT ENTRY.  
Pre-ARRANGED ENTRY CAN BE FACILITATED WITH NOTICE



**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 SUBMITTED REVIEW STATEMENT WITH APPENDICES

THE PLANNING OFFICER HAS NOT VISITED THE APPLICATION SITE AND HAS THEREFORE DRAWN INCORRECT CONCLUSIONS ABOUT THE PLACEMAKING CHARACTER OF THE SITE AND ITS SETTING. ALSO PLANNING OFFICER HAS FAILED TO GIVE WEIGHT TO THE VISUAL IMPACTS OF NEW WORKS OF DEVELOPMENT WHICH HAVE BEEN APPROVED WITHIN AND NEXT TO LOWER GARDEN.

SITE VISIT IS REQUIRED TO FULLY UNDERSTAND PLACEMAKING QUALITIES OF AREA.

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

Yes ☐ No ☒

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



**List of documents and evidence**

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

1. REVIEW STATEMENT WITH APPENDICES
2. APPENDIX A - APPLICATION PLANNING STATEMENT + LANDSCAPE APPRAISAL
3. APPENDIX B - BULLET POINT SUMMARY OF CASE
4. REFUSAL NOTICE - APPLICATION
5. LOCATION PLAN - APPLICATION
6. PROPOSED PLANS + ELEVATION - APPLICATION
7. PROPOSED SITE PLAN - APPLICATION

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

**Checklist**

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

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

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

**Declaration**

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

Signed



Date

17 NOVEMBER 2021



## S43A(8) REVIEW OF PLANNING DECISION

ERECTION OF GARAGE/WORKSHOP/GARDEN MACHINERY STORE  
ON LAND AT CRAIGEND HOUSE, POWMILL, KINROSS, FK14 7NS



WRITTEN SUBMISSION OF MR D RITCHIE (APPLICANT) IN RESPECT OF  
PLANNING REFUSAL 21/01168/FLL



NOVEMBER 2021

## DOCUMENT ISSUE RECORD

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<b>Date of Issue:</b>	20 November 2021	

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1	03 November 2021	Draft Internal Review
2	11 November 2021	Client Draft
3	20 November 2021	Finalised Statement



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**Appendix A** Planning & Landscape Appraisal submitted to support Application

**Appendix B** Key point summary of Case



## 1.0 BACKGROUND

1.1 *Craigend House* is a modern, large, detached dwelling set within open countryside to the south-west of Powmill. The house occupies a small rise and its elevated position means that it is visually prominent when approached from the east. Its grounds run to more than 2.0 acres and comprise upper and lower garden areas.

1.2 The application now at review is the second application to be submitted by the applicant for a garage/workshop on the site. The first (21/00125/FLL) was refused for exactly the same reason as the application now at review; namely:

*The proposal, by virtue of its introduction of built development into the lowered roadside location, has an inappropriate siting. The proposal would fragment the existing building group which has a clear definition and containment and a clustered/nucleated layout.*

*Approval would therefore be contrary to the Perth and Kinross Placemaking Guide 2020, and Policy 1A, Placemaking, of Perth and Kinross Local Development Plan 2 2019, which states that development must contribute positively to the quality of the surrounding built and natural environment by respecting the siting, character and amenity of the place.*

1.4 Following that refusal the applicants were concerned that the photographs they had submitted in support, which were all taken from within the garden and road immediately next to the site of the garage/workshop, may have provided a false impression of the application site; its relationship to the house and its setting in the wider landscape.

1.3 It is understood that when determining the first application the Planning Officer did not undertake a site visit, and it is evident that Google Street view is out of date. *Craigend House*, the extent of its gardens, and its existing curtilage buildings and structures are not shown.

1.5 Accordingly, the applicants decided to lodge a second application (now at review), to present further information which might help the Planning Officer, to understand the local context and the *placemaking* qualities of the area, more fully. This comprehensive information comprised:

- a proportionate landscape visual appraisal (LVA) including photographs of the wider landscape setting of *Craigend House* and a description of its defining characteristics;
- photographs of the approaches to the application site from roads and core paths;
- details of further developments in the garden which have been approved by the Council but have yet to be built;
- a review of the objectives of other planning guidance produced by the Council to show accordance with that technical advice

1.6 Notwithstanding this comprehensive information, which clearly demonstrates that the proposal would be appropriately sited; would not give rise to visual harm to the character and appearance of the landscape; and nor would it diminish the defining *placemaking* qualities of the area, the second application was also refused. Again, no Officer site inspection was undertaken.

## 2.0 REASON FOR REVIEW

2.1 It is a concern to the applicants that, in this case, the reluctance or inability of the Planning Officer to view the site on the ground, and in its wider setting, has prevented a full and proper understanding of the proposal and the character of the locality. In particular, the extent to which the application site is contained by established landscape features; the relationship of the proposed garage workshop to other domestic buildings and structures in the lower part of the garden; and, importantly, the absence of a clustered/nucleated layout at *Craigend House*.

2.2 Neither the Community Council nor third-parties raised objection to the proposals, and no concerns were raised by statutory consultees.

2.3 The applicants firmly contend that the proposal would meet the broad sustainable development objectives of Development Plan Policy. In particular it will meet the published objective of the Council's Placemaking Guide to:

*...achieve high quality development that responds to the unique setting of the Perth and Kinross Council area.*

2.4 New development, reasonably necessary for the applicant's enjoyment of their home, will be effectively integrated into the landscape without diminishing the *placemaking* qualities of the area.

## 3.0 PROCESS OF REVIEW

3.1 The applicants consider that a written process of Review with Site Inspection would be an appropriate mechanism for appraisal of the issues raised in this case. This would enable the LRB Members to view the proposal in its local context and understand the qualities of the site and the characteristics of this part of the Perth and Kinross countryside.

## 4.0 SUBMITTED DOCUMENTS

4.1 In support of this review the applicants submit this Statement together with:

- The Planning and Landscape Appraisal which supported the Application and which sets the proposal in the context of the broad objectives of the Development Plan. It demonstrates through the extensive use of photographs, that

the quality of the surrounding built and natural environment and its character has been respected through the design of building and choice of site (**Appendix A** to this Review Statement);

- A key point summary of case, application site and setting (**Appendix B** to this Review Statement);

## 5.0 REVIEW

### What is being applied for?

**5.1** So that Members of the Review Panel are clear the proposal will serve as a functional outbuilding (garage /workshop) to *Craigend House*.

**5.2** The grounds of the property are extensive, require regular upkeep and the applicants have plans already approved to add new hard and soft landscape features within the grounds. The applicants run a large and successful company delivering care accommodation across the UK. The time pressures of the business mean that it has been practical to employ the services of a full-time groundsman to undertake landscaping and maintenance work at *Craigend House*.

**5.3** Presently all equipment and materials associated with the ground maintenance are stored in the single secure garage building available to the property (see **Fig A** below). That building is fully utilised as an ancillary domestic store but provides insufficient private garage space. A second garage has been approved within the upper garden and is now in the process of construction. That approved building will allow the applicants to store all their vehicles securely and under-cover.



**Fig A** Existing garage building serving *Craigend House* – design, scale and materials have been used to inform design of new garage/workshop

5.4 The applicants consider the provision of an additional, dedicated ‘service’ building would be desirable as it would enable the functional activities, equipment and materials required for grounds and property maintenance (workshop space, mowers, strimmers, fencing materials, paints, garden compost, garden implements, trailers etc), to be separated from the applicants personal activities and domestic effects (motor cars; paddle boards, wet suits, bicycles, sports gear etc). The Planning Officer accepts that such a building can be justified but is concerned only with siting.

## Site Choice

5.5 Site choice for the new building has been influenced by a number of factors which have been explained at Section 7 of the Planning and Landscape Appraisal. The applicant demonstrated that best practice advice, set out in the Council’s approved *Placemaking Guide* (page 4), was followed in this case through SWOT analysis (strength, weakness, opportunities and threats). That analysis identified:

- **Lack of space in upper garden** – The presence of existing structures and outbuildings which serve the property; together with the further consented developments which have yet to be built (garage; house extensions and water feature); mean that there is little space left within the upper garden to accommodate the new garage/workshop without giving rise to a cramped and over-developed site, or impacting on the outlook from the house (see Section 2 of the Planning and Landscape Appraisal & Fig 8 of that report);
- **Landscape impacts** – The existing house is elevated in the landscape and is visually prominent. The introduction of another building within the upper garden would consolidate built-development within an open-countryside setting, where the landscape, rather than the buildings within it, is the defining characteristic of the *place*.
- The Planning Officer had previously suggested that removal of the trees and positioning of the new garage/workshop in the part of the upper garden adjacent to its northern boundary, would remove siting concerns.

What helps to integrate *Craigend House* into this open-countryside setting (but does not screen it), are the trees along the northern boundary of the site. Those trees are an important natural landscape feature on the skyline and provide a naturalised ‘framework’ to house and garden. Removal would be a harmful landscape change. (Planning and Landscape Appraisal see Figs 25-30 of that report).

- **Function** - Positioning the ‘service’ building in a part of the garden which is less intensively used, and which is below the level of the upper lawned and ornamental gardens, can provide a reasonable buffer between noisy and smelly workshop activities (machine & equipment repair, creosoting, painting, chain-sawing etc), and the quiet enjoyment of the remainder of the garden.

5.6 The new garage /workshop is proposed to be sited in an under-utilised part of the approved garden serving *Craigend House*. This part of the garden benefits from screening through landform and natural landscape features. The landscape appraisal (Section 7 paras 7.9 - 7.19) shows that it is not



prominent in the wider landscape; is not visible from Core Paths in the area; and is only visible from a short length of the public road, when passing.

5.7 Landscaping of all the lawful garden grounds of *Craigend House* (including the application site) is ongoing. Parts of the lower garden already accommodate domestic structures (outbuilding and firepit/seating area).

5.8 Works associated with a new water feature with waterfall will extend into this area and construction works have commenced (retaining works, fencing and shrub planting). Improvements to the surfacing of the application site, together with new ornamental planting around the firepit area will follow. All will reinforce the appearance of the application site as an integral part of the managed gardens of *Craigend House*, meaning that the appearance of the new garage/workshop would not appear 'unusual' in this part of the garden.



**Fig B** Part of lower garden next to application site where new, hard landscaping features, together with ornamental planting is planned.

## Design

5.9 In design terms the applicants have looked to reinforce the integrity of *Craigend House*, by matching the scale, appearance, design and finish of the new structure to those outbuildings which already exist; and to the approved garage which is presently under-construction.

5.10 The garage/workshop is of high-quality; is appropriate to its rural setting; would complement its surroundings and would realise an outbuilding which is subordinate to the property it would serve. Key objectives of Planning Policy, design and placemaking guidance are satisfied.

## Placemaking Guide

5.11 The *placemaking* guide has been introduced to aid interpretation of the objectives of **Policy 1**. It identifies that an understanding the distinctive qualities of a *place*, should be used to inform design solutions (**page 12**). Historic maps and local site analysis can be used as a starting point to determine whether there is a strong building layout ‘template’ which should be followed.

5.12 In this case, an appraisal of historic maps reveals that all original farm buildings at *Craigend* were removed when the site was redeveloped. A site visit today reveals that their modern replacements do not display a nucleated cluster of buildings. Accordingly, this is not a *placemaking* characteristic which should be reinforced to ensure the delivery of *sustainable development*.

5.13 The *placemaking* guide goes on to set out other detailed design criteria which it is advised should be observed to ensure the delivery of sympathetic development. This will mean ensuring that building materials and colour are sympathetic to those prevalent within the local area (**page 16**); the scale and form of new buildings reflect those of surrounding buildings (**page 18**); roofs reflect traditional forms (**page 18**); boundary treatments reinforce local character (**page 19**); sustainable urban drainage solutions are incorporated (**page 26**); biodiversity enhancement is delivered (**page 32**); views of a site from roads and footpaths should be appraised (long, medium & short), to ensure that landform is respected and skylines avoided (**page 34**); and outbuildings should be positioned set back from the road and should be subordinate to their host(**page 56**).

5.14 It is evident that the proposals satisfy these other important objectives and would realise a subordinate domestic building; respectful of its rural setting on a site which is well screened. The applicant has demonstrated that the best -practice measures set out in the *placemaking* guide have been followed in this case.

## Planning Officer Comments

5.15 The Planning Officer acknowledges that the proposal does not raise any wider landscape impact issues and is compliant with **Policy 39** of LDP2. However, the Planning Officer judges the development to be unacceptable because it would *fragment* an existing *building group* which is perceived to be *clustered/nucleated*.

5.16 The Planning Officer contends that such development would be *uncharacteristic of the property* and its *country lane location*. **Policy 1** of LDP 2 and the Council’s *placemaking* guide has been relied on to justify a refusal.

5.17 From site inspection it is evident that the arrangement of buildings within the grounds of *Craigend House* are not clustered and nucleated, and do not provide a distinctive pattern of development which, in design and *placemaking* terms, should be reinforced.

5.18 LRB Members are asked to note that the key purpose of **Policy 1** is to deliver high quality development which respects local character thereby ensuring that the quality of the wider landscape and built environment of Perth and Kinross is not diminished. The policy expectation is that this will be achieved by following the approach set out in its *placemaking* guide. The applicant has followed that approach.

5.19 LRB Members are asked to note that, in terms of *Craigend House* and its character and appearance, the Planning Officer would appear to have given little or no weight to:

- the dispersed arrangement of buildings within the lawful garden grounds which are neither *clustered* nor *nucleated*, but are spread across both upper and lower gardens (Please see **Figs 1 & 8** of Planning and Landscape Appraisal Report and **Appendix B** to this Review Statement);
- the inter-visibility of the application site with house and outbuildings in the upper part of the garden (see **Fig 5** of the Planning and Landscape Appraisal Report and **Appendix B** to this Review Statement);
- the existing domestic outbuilding constructed in the lawned part of the lower garden next to the road; and the constructed seating and firepit area. Both ‘domestic’ structures are visible from the road (see **Figs 6 & 20** of the Planning and Landscape Appraisal Report and **Appendix B** to this Review Statement);
- the approved retaining walls, fencing, pond and waterfall which will be visible from the road and will extend domestic features further into the lower garden area (See **Appendix B** to this Review Statement);
- the proposals for new hedging and ornamental planting in the lower garden which, as well as reinforcing the domestic appearance of this part of their garden, will also deliver landscape and biodiversity benefits (**paras 7.25 – 7.28** of the Planning and Landscape Appraisal Report). Such works of soft landscaping do not require planning permission.

5.20 LRB Members are asked to note that, in terms of the character and appearance of the wider area, the Planning Officer would appear to have given little or no weight to:

- the dominant *placemaking* characteristics of this part of rural Perthshire. These can be recognised as a dispersed settlement pattern with sporadic steadings and farm cottages; together with linear woodland and copse plantations which provide a strong naturalised framework to built-development (see **Figs 21 – 24** and **paras 7.9 – 7.20** of the Planning and Landscape Appraisal Report);
- the dispersed arrangement of outbuildings serving other properties along this rural lane, some of which can be visually read together with the houses that they serve, whilst others are separated and screened by existing tree planting (see **Figs 32 & 33** of the Planning and Landscape Appraisal Report);

5.21 The perceived *clustered & nucleated layout* at *Craigend House* is not visible from the public realm; is not evident from any local Core Path; and is not distinguishable when using Google Earth. The applicant would therefore contend that it should not be regarded as a strong and dominant *placemaking* element which defines the character of the premises, or wider locality.

## 6.0 CONCLUSION

6.1 It is clear that the applicants proposals are consistent with many aspects of the *placemaking* guide.

6.2 They have shown that the erection of the garage/workshop would not have a *significant detrimental impact* on the amenity of the wider area, nor give rise to landscape harm. It would not erode the distinctive *placemaking* qualities of the area, nor a dominant building pattern locally.

6.3 The applicant has also shown that they have used topography and landscape effectively to integrate a new building into a countryside setting; and that the site choice reflects the typical pattern of sporadic domestic buildings set within a mature landscape framework in this part of Perth & Kinross. The design and scale of the building is appropriate to its rural context; and biodiversity and landscape benefits can be achieved. The applicants have demonstrated that these positive aspirations of planning policy and guidance would all be met.

6.4 The purpose of the planning system is to contribute to the achievement of *sustainable development* and the applicants have provided sufficient information to demonstrate that *sustainable development* can be delivered in this case.

6.5 In repeatedly resisting the development, and for the same reason, the Planning Officer has shown a selective and inflexible interpretation of the Council's Placemaking Guide and **Policy 1 (a&b)** of the Development Plan.

6.6 The Development Plan is required to be interpreted *broadly* and read as a whole. Consideration is required to be given to the broad sustainable development objectives which underpin the plan. Any decision taker is required to consider more than just conflict with a single policy (or part of a policy or Guideline) before determining any conflict with the Plan as a whole (see section 5 of the applicants Planning and Landscape Appraisal).

6.7 The applicant has shown that there are no adverse impacts which *significantly and demonstrably* outweigh the benefits which can be delivered in this case. Accordingly, it is respectfully suggested that the presumption in favour of *sustainable development* set out in the Principal Act, and Scottish Planning Policy should be applied in this case, and that planning permission should be granted.



## ERECTION OF WORKSHOP/GARAGE/STORE

CRAIGEND HOUSE, POWMILL, KINROSS, FK14 7NS



PLANNING & LANDSCAPE APPRAISAL

JUNE 2021



## DOCUMENT ISSUE RECORD

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2	19 June 2021	Client Draft
3	22 June 2021	Finalised Statement



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## 1.0 INTRODUCTION AND BACKGROUND TO SUBMISSION

1.1 This is a fully detailed planning application which seeks approval for the erection of a functional outbuilding within the grounds of a large detached dwelling to the south-west of Powmill.

1.2 The applicant site is part of the domestic curtilage of *Craigend House* and new building is proposed to be used by the applicants in connection with the maintenance of their land which runs to approximately 2.0 acres.

1.3 This new application follows refusal of planning permission earlier this year (PKC Ref: 21/00125/FLL). Due to the pre-cautionary working practices introduced by the Council during the Covid crises, that application was refused without an Officer site inspection, for the following single reason:

*1 The proposal, by virtue of its introduction of built development into the lowered roadside location, has an inappropriate siting and lack of landscape containment. Approval would fragment the existing building group which benefits from clear definition and containment.*

*Approval would therefore be contrary to the Placemaking Guide 2020 and Policy 1A of Local Development Plan 2 2019, which states that development must contribute positively to the quality of the surrounding built and natural environment by respecting the siting, character and amenity of the place.*

1.4 The applicant has carefully considered the Planning Officer concerns and considers that further information, which will be set out in this submission, can provide sufficient reassurance that *sustainable development* with an acceptable landscape fit can be delivered in this case. It will be shown that such development would accord with the policies of the Development Plan and would not conflict with, nor undermine the credibility or effectiveness of the Planning Authorities supplementary planning guidance.

## 2.0 LOCATION AND SITE CHARACTERISTICS

2.1 *Craigend House* is located in an isolated position in open countryside, outside of any settlement, and occupies a prominent, elevated position approximately 1.2km south-west of Powmill.

2.2 The property was, constructed approximately 10 years ago. Within the garden are a number of outbuildings, and the remains of former stone barns which previously existed on the site.

2.3 The house is set back from the public road and accessed by way of a steep drive along its eastern boundary. Gardens are on two levels (Upper and Lower). Between the roadside boundary and the house there is extensive tree cover in the lower garden.





**Fig 1** showing isolated position of Craigend House

2.4 The surrounding terrain is undulating. *Craigend House* is visually prominent on approach from the east and is sky-lined.



**Fig 2** Craigend House approached from the East – elevated, sky-lined and visually isolated

2.5 From the west and north the presence of roadside trees inhibits public views (both distant and near) of the property.





**Fig 3** Craigend House approached from the West – road elevated, filtered views of house and outbuildings. Note absence of leaf cover.

2.6 Due to the nature of the local topography, *Craigend House* has upper and lower gardens. The lower garden is closest to the road, part is grassed and accommodates fruit trees and an existing storage shed (Fig 6 below).

2.7 The application site is a level area of ground immediately to the west of the lower lawned garden and occupies a position below the house and its upper garden. The site is accessed directly from the public road. The road itself drops down towards the site entrance when approaching from the west.



**Fig 4** Craigend House approached from the West – road descending, filtered views of house and outbuildings. Note absence of leaf cover. Application site highlighted





**Fig 5** Application site with house and upper gardens and outbuilding above



**Fig 6** Approaching application site entrance from east. Roadside outbuilding in lower garden,



**Fig 7** Approaching application site entrance from east.



2.8 Within the approved curtilage there are currently 5 existing, ancillary outbuildings/structures and the ruins of an original barn. That barn has been adapted to meet Fire and Building regulations, to provide a 'reservoir' reserve in the event of fire at this remote, rural property.

2.9 A further garage block has been approved and construction work has already commenced on site. In addition, planning permission for two wing extensions to the house (see planning history section) have been approved, together with land re-grading, retaining works and a new fish pond. Construction of the retaining walls has commenced and the applicant hopes to begin work on the house extensions later this year. The sites of those approved works are circled on the plan below:



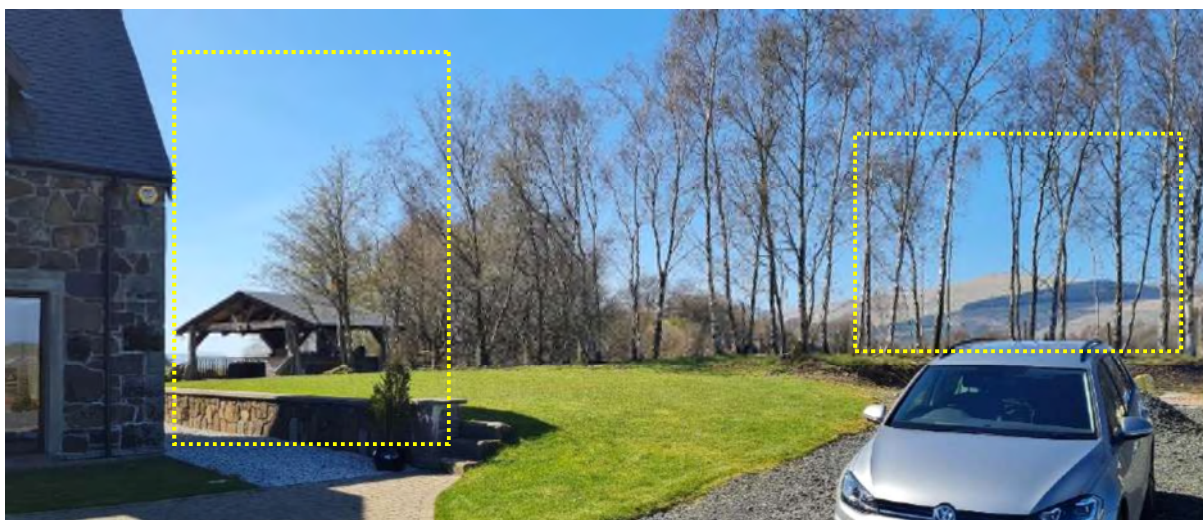
**Fig 8** Location of existing outbuildings/structures within approved curtilage ■ and further approved works ○


2.10 The dispersed nature of the building group at *Craigend House* may be noted (Fig 8), and the following photographs show existing structures and the location of further approved works.









**Figs 9 – 15** showing existing outbuildings in upper garden and sites of approved works. 

2.11 The application site is not within a conservation Area; is not within the zone of influence of any Scheduled Ancient Monument or designated environmentally sensitive area; is not within any of the defined Local Landscape Areas within Perth & Kinross and is not visible from any Core Path. *Craigend House* itself is not a listed building of special architectural and/or historic interest.

### 3.0 PROPOSAL AND NEED FOR AN ADDITIONAL OUTBUILDING

3.1 The application proposes a detached, 3-bay timber structure, matching in scale, form, appearance and finish the existing outbuilding shown in **Fig 11** above. This is the same style of building which has been approved under planning consent 20/00085/FLL, and which is presently under-construction.

3.2 The proposed new outbuilding would measure 9.3m x 5.4m and would provide workshop and equipment storage space on the ground floor with materials storage and restroom/welfare space on the first floor set within the roof. An external staircase provides access to the upper floor room which would be lit by dormers.

3.3 The following finishing materials are proposed:

- External walls – rough-sawn, overlapping timber laid in a horizontal manner;
- Roof – natural slate coloured black
- Window – timber, double glazed
- Doors – timber
- Balustrade - timber

3.4 The applicants run a large UK based Company and employ the services of a full-time groundsman/caretaker at *Craigend House*. The new building would provide a dedicated



workshop/store for equipment, machinery and materials required in connection with the maintenance of the property and its grounds. Typical items to be stored would include mowers (ride-on & manual); strimmer; chain-saw; hedge trimmer; hose, trailer, hand-tools, bee-keeping equipment, garden furniture etc.

3.5 The applicant currently has, in secure storage off-site, an extensive array of items associated with his vehicle collection and maintenance hobby. His aspiration is to have the ability to store these items at *Craigend House* where they are conveniently accessible. Providing a dedicated ground-maintenance building within his garden will free-up space close to the house in the existing outbuilding for that hobby activity. The ground-floor of the new approved garage building presently under-construction, will also be given over to that hobby use.

3.6 Access from the new store to the upper garden is proposed reinforcing the integral, functional link between the new building and the grounds and property it will serve.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 PKC planning Portal reveals the following relevant planning application history at *Craigend House*.

- 10/01340/FLL – Erection of dwellinghouse and detached garage – Approved 30 September 2010
- 19/01001/FLL – Extensions to dwellinghouse – Approved 27 August 2019
- 20/00085/FLL – Change of use of land to form extension to garden ground; erection of garage/store including ancillary accommodation; alterations and extension to existing garage/store including ancillary accommodation; erection of retaining wall, fence, formation of pond, hardstanding and associated works – Approved 28 March 2020

4.2 The 2010 permission has been implemented in accordance with that permission. Permitted Development rights were not removed by condition as part of that consent. The new building now proposed is sited within the garden approved under that permission.

4.3 The 2019 permission for the house extension remains extant. The applicant is in the process of securing quotes for the house building works and would hope to begin construction later this year.

4.4 Work has commenced on construction of the new outbuilding under the 2020 permission, and also the retaining works which will support the new pond in the upper garden. It is hoped that retaining works, land regrading, and pond construction will be completed later this year.

4.5 The graded, retained slope below the pond will be planted out with heathers and gorse to provide a food source for the applicants bees. Hives are to be located within the upper garden.

4.5 It will be shown that the planning history is a *material planning consideration* in this case and should be accorded weight in any planning decision.

## 5.0 GENERAL DECISION-MAKING CONTEXT

### Statutory Requirements:

5.1 Sections 25 & 37(2) of the Town & Country Planning (Scotland) Act 1997, require a Planning Authority, when dealing with any planning application, to have regard to the provisions of the Development Plan, so far as material to the application, and to any other *material consideration*.

### The Development Plan; Case Law and Material Considerations:

5.2 In relation to interpretation of the Development Plan, Case law has determined that such documents must be read holistically with a focus on relevant objectives and policies which give effect to the broad sustainable development objectives which underpin the Plan (*Tesco Stores Limited v Dundee City Council* [2012] UKSC 13).

5.3 In taking a decision on any application the Planning Authority is required to consider more than just conflict with any single policy before determining any conflict with the Development Plan as a whole (*Cummins v L B Camden* [2001] EWHC Admin 1116).

## 6.0 PLANNING POLICY CONTEXT

### Scottish Planning Policy 2014

6.1 The Scottish Planning Policy (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It reflects Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. As a statement of Ministers' priorities, the content of the SPP is a *material consideration* that carries significant weight. Where development plans and proposals accord with the SPP, their progress through the planning system should be smoother.

6.2 The SPP makes clear that Scottish Government's expressed overarching aim is to deliver an enabling planning process which facilitates economic growth through *sustainable development*. It is explained that Planning has a vital role to play in delivering high-quality places for Scotland (**para 1**). Although a small-scale development project is proposed through this new planning application, the following section of this Report will highlight those parts of the SPP of relevance to consideration of the application:

**Para 28** makes clear that 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 long-term. The aim is to achieve the right development in the right place.

**Para 29** Planning decisions should support *sustainable development*, being that which will incorporate a number of positive benefits including good design; making efficient use of land; protecting landscape, and avoiding over-development

**Para 33** Whether a proposal is sustainable development should be assessed according to the principles set out in **para 29**. Where a proposal meets that criteria, the presumption in favour of sustainable development is a *material planning consideration* when considering applications.

**Paras 36 -38** Makes clear that planning's purpose is to create better places. *Placemaking* is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs and a design-led approach to development delivery is encouraged. This means taking a holistic approach that responds to and enhances the existing *place* while balancing the costs and benefits of potential opportunities over the long term.

**Paras 41 – 57** identify 6 key characteristics which the Government advises will make up qualities of a successful place. These comprise distinctiveness; a safe & pleasant environment; a welcoming; adaptable; resource efficient; and easy to move around place. The Guidance acknowledges that an understanding of these elements should inform planning & design and although generally applied to master planning these principles can also be applied to the consideration of proposals on specific sites.

**Para 75** states that the planning system should, in rural areas, promote a pattern of development that is appropriate to its character whilst achieving a balanced approach which protects and enhances environmental quality.

**Para 202** The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design.

## In Summary

**6.3** If appropriately scaled, designed and sited a small outbuilding within the garden of a rural residential property could comprise a *sustainable development* consistent with the broad aspirations of the SPP.

## Development Plan

6.4 The Development Plan for the area of the application site is made up of the approved strategic Tay Plan 2016-2036 and the adopted Perth & Kinross Local Development Plan 2.

### Tay Plan 2016-2036

6.5 The strategic nature of the TAYplan means that few policies will directly apply in this case. However, the broad aims of the plan should be noted. Key among them is the aspiration to deliver sustainable economic growth and improve people's quality of life. The Plan sets out key policies which will shape the delivery of a successful and sustainable area. Relevant to this application are:

**Policy 1:** Location Priorities – where the role, appearance and character of the countryside should be respected through development allocation and delivery. The suburbanisation of the countryside should be avoided.

**Policy 2:** Shaping Better Quality Places – seeks to ensure that a 'place-led' approach to development delivery is adopted where natural assets such as landscape are a key design consideration.

6.6 An appropriately scaled, designed and sited mall outbuilding which avoids suburbanisation of the countryside and preserves natural assets would be consistent with the Policy objectives of the TAY-plan.

### Perth & Kinross Local Development Plan 2 2019

6.7 The adopted Local Development Plan is up-to-date and its policies are consistent with the national SPP. Broadly the thrust of the Plan is to promote a sustainable future for Perth and Kinross through a range of policies which seek to positively improve economic, social and environmental conditions for both residents and visitors as a successful, sustainable place.

6.8 The following key Plan policies are relevant to the consideration of this application:

**Policy 1:** Placemaking – requires new development to make a positive contribution to 'place' and in particular, the quality of the surrounding built and natural environment. Criteria relating to context, local character and wider setting are encouraged to be observed in the design process to ensure appropriate integration with 'townscape' and/or 'landscape'.

**Policy 39:** Landscape – recognises the importance of landscape at all levels. The policy provides support for those developments which do not conflict with the Plan aim of maintaining and enhancing the landscape qualities of Perth & Kinross. Development should be compatible with distinctive characteristics and features of the Perth and Kinross Landscape; should not erode landscape quality; and should avoid detracting from the visual integrity of the landscape.

**Policy 40:** Forestry, Woodland and Trees – provides support to proposals which protect existing trees and woodland groups which are an important visual amenity



**Policy 41:** Biodiversity – seeks to protect and enhance biodiversity interests when considering new development.

## Supplementary Planning Guidance

### Landscape (Approved 2020)

6.9 The new guidance ‘refreshes’ the Council’s original local landscape guidance published in 2015 and is designed to provide support to Local Development Plan **Policy 39** (Landscape). It introduces the designated Local Landscape Areas and sets a framework for the consideration of change within those areas. However, it also identifies that its purpose is to help developers, land managers and decision-makers to take appropriate steps to protect, manage and enhance all landscapes of Perth and Kinross to ensure that they are protected, enhanced and well managed for future generations as a place to live and work.

6.10 The Guidance identifies that *Landscape* is more than just the ‘view’; and that landscape character is constantly changing as a result of various forces that affect its physical appearance. Understanding that character; and controlling the location, siting and design of new development can have a strong influence on the nature of change and the character and appearance of the landscape (section 2).

6.11 The Guidance note identifies that Landscape Character is the *distinct, recognisable, and consistent pattern of elements that makes one landscape different from another*. Variations in geology, soils, landform, land use, vegetation, field boundaries, settlement patterns, and building styles all help give rise to different landscapes, each with its own distinctive character and sense of *place* (section 4).

### Placemaking Supplementary Guidance (Approved 2020)

6.12 The Guide has been prepared to support to Local Development Plan **Policy 1** (Placemaking). The guide explains that well-designed places will successfully harness the distinct characteristics and strengths of each place to improve the overall quality of life for people. An understanding of the local context (strength and weaknesses) should be used to inform the design process.

6.13 As a good-practice guide, and in appraising development proposals and decision-taking, the document is designed to be used flexibly rather than prescriptively, but it should be demonstrated that its key principles have been observed.

6.14 Through initial site appraisal consideration should be given to a number of baseline *placemaking* characteristics which will include the interfaces of a site; landscape character and setting; views into and out of a site; the arrangement of buildings; and built character locally.

6.15 At design stage, materials, colour and scale of new buildings should reflect those existing locally, whilst boundary treatments should be given special attention as an active part of the public realm which often define an area.

6.16 Encouragement is given to the retention of tree and woodland features as they can enhance local character; and opportunity should be taken to enhance wildlife corridors and improve connectivity with existing natural landscape features. New planting should reflect local patterns of vegetation.

6.17 To successfully integrate any development into the landscape, long, medium and short views towards a site require to be analysed and consideration given to views from roads, cycleways and footways. The guide recognises that trees can provide an effective backdrop, reducing visual impacts of new development, and sky-lining should be avoided.

6.18 Technical Guidance is offered in the later stages of the document and specifically in relation to householder developments and outbuildings. It is advised that, in general, these should be subordinate to the main house and not obscure any approach to the property; be set back from its frontage; and incorporate materials respectful of the property and its surroundings.

### Forestry and Woodland Supplementary Guidance (Approved 2020)

6.19 The Guide has been prepared to support to Local Development Plan **Policy 40** (Forestry Woodland Trees). The guide accords a high priority to the retention of Perthshire's trees and woodlands which, as well as comprising an important component of *place*, have significant environmental, biodiversity and economic benefits.

6.20 The guide indicates that in *placemaking* terms, trees and woodland can make an important contribution to successful places.

6.21 A number of Priority points are set out to guide creation, management and protection of woodland as an important environmental resource. These include effectively managing existing woodland and trees where they are a key landscape component and are important to public views.

## 7.0 APPRAISAL AND PLANNING BALANCE

### Principle

7.1 Review of relevant Planning Policy shows that the principle of an ancillary outbuilding sited within the approved curtilage of a dwellinghouse will also accord with the *sustainable development* aspirations of the Development Plan, where it is compatible with its setting and would satisfy design and landscape objectives.

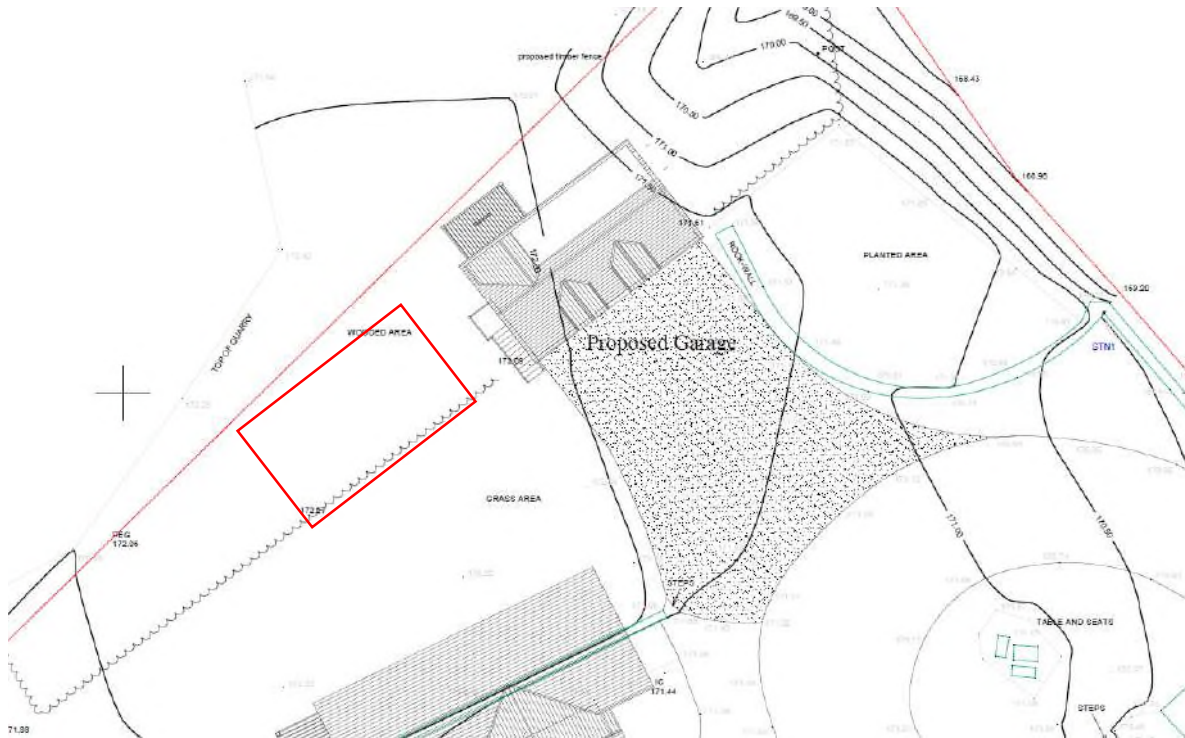
7.2 The supplementary planning guides reviewed, designed to support interpretation of the policies of the Development; highlight those relevant qualities which can successfully achieve *sustainable development*. It will be shown that the proposals rest comfortably with guidance and policy aspirations, and may be regarded as *sustainable development*.

### Site Selection

7.3 At the outset the applicants undertook their own SWOT analysis (strength, weakness, opportunities & threats), of site and setting before finalising their proposals. This took into account location; surroundings; relationship to house and their firm intention to complete the works which already have planning approval.

7.4 The approved changes to house and garden, mean little practical space is available within the upper garden to accommodate the new store/workshop.

7.5 When dealing with the previous refused application (Ref: 21/00125/FLL), the Planning Officer indicated that a location along the northern boundary, adjacent to the approved garage now under-construction would be preferred. This would mean siting only 9m from the wall and windows of the extended house. Such a position would also entail removal of a significant number of mature birch trees along the northern boundary; put the ancillary accommodation above the new garage in shadow from the planned house extension; create a cramped appearance between house and outbuilding; and would take building works close to the lip of the quarry face where ground stability is uncertain.



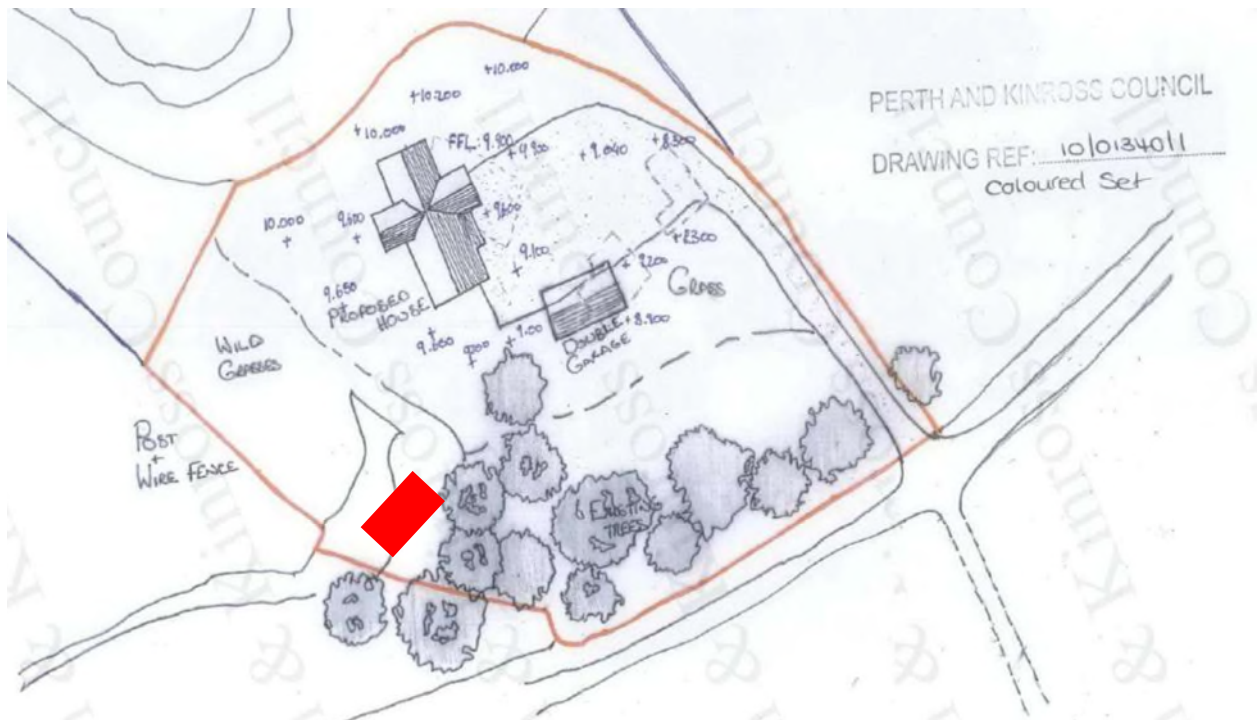
**Figs 16 & 17** Alternative site suggested by Planning Officer

## 7.6 The applicants site selection process has been informed by a number of factors:

- A desire to minimise wider landscape impacts;
- A desire to use all parts of their approved curtilage;
- A desire to retain the feeling of a large country house within a spacious plot;
- A desire to separate the 'service' function of the building from the more domestic, recreational and ornamental parts of the garden;
- A desire to realise visual improvements to a part of the garden which is in need of upgrade;
- A desire to integrate the new building with the remainder of the garden.

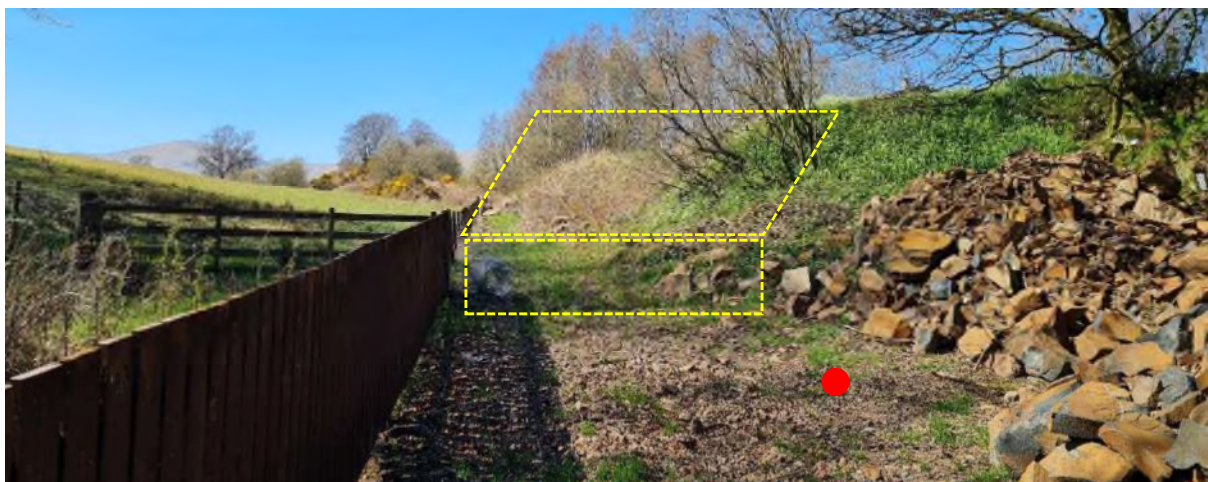


7.7 The new building would not be remote from *Craigend House*, but would be sited on land which was approved as garden ground in 2010 (PKC Ref: 10/01340/FLL). A copy of that approved plan is presented below.



**Fig 18** Extract of approved site plan PKC Planning Re: 10/01340/FLL with position of new workshop/store imposed ◆

7.8 The lower lawned garden below the house already accommodates an outbuilding (see Fig 5 above). The part of the lawful garden part closest to the site of the proposed new workshop building is not lawned but it is an integral part of the curtilage, and has already been subject to 'domestic' change by the former owners of the property, through the introduction of a fire-pit and picnic/seating space. This lower garden area will be further changed when the new pond; waterfall, retaining works and landscaping works approved under Consent 20/00085 are implemented.



**Fig 19** Location of Retaining works and ground re-profiling to realise approved pond and landscaping – site of new building shown ●



**Fig 20** Existing fire pit feature and picnic seating adjacent to proposed new workshop

## Landscape Impacts

7.9 The tests of planning policy require any new building to be compatible with its site, and the surrounding area; and to respect elements of the built and natural environment which define *place*.

7.10 *Craigend House* occupies a raised knoll in undulating, open countryside between the Cleish and Ochil Hills. The area is part of the *Loch Leven Basin* Landscape Character Type (LCT), characterised by small settlements in low-lying sheltered areas close to the main communication routes (Powmill, Rumbling Bridge, Crook of Devon). Elsewhere arable farmland is interspersed with sporadic housing and farm-steadings invariably anchored to a woodland group. Visibility across the area is inhibited by field boundary planting; linear woodland features and the undulating terrain. More extensive views across the area of the LCT are afforded from the upland areas to north and south.

7.11 The main communication routes within the LCT are the M90 motorway and A91 & A977 (east-west); and the A823 (south-north); whilst elsewhere a network of minor B&C roads cross the area.

7.12 Established linear woodland and field boundary planting characterise the area surrounding *Craigend House*.







**Fig 21** Location of *Craigend House* and presence of linear tree belts in surrounding countryside

7.13 The effect of local topography and these distinctive landscape features around *Craigend House*, is to totally screen the application site in the long view from the south, west and north.



**Fig 22** View from A977 travelling towards Powmill with rising land to south-east – *Craigend House* not visible



**Fig 23** View from A823 approaching Powmill from south. Land rising to north-west towards site, culminating in linear woodland to ridge. *Craigend House* visible but not application site

7.14 The nearest Core Path is 400m to the south and west of *Craigend House* (FSWY/117 – Path east of Pitfar Lodge to Lambhill via Pitfar). This is tree lined for much of its route and again linear woodland obscures the application site.



**Fig 24** View from Core Path looking north. *Craigend House* and application site completely hidden from view.

7.15 It is from the east when approaching along the minor lane from the A977 that *Craigend House* assumes prominence and serial views of the building are experienced. At certain points along the route the house (but not the application site) becomes visible and is notable because of its elevated position and dominance. It is a small component in the long-view but becomes more prominent on approach, and is sky-lined in the near view.

7.16 This serial viewing experience is depicted in the photos below (Figs 25-30). The application site cannot be seen.









**Figs 25-30** Approaching *Craigend House* from the east. Application site not visible.

7.17 The Housing in the Countryside Supplementary Guidance would generally discourage locating new housing in positions where they do not relate well to topography and would be skylined. A key element of the landscape setting of *Craigend House* is the belt of mature birch trees along the northern boundary which provide a screen to the house when viewed from the north, and form part of the broader landscape framework of the site.

7.18 Were the applicant to follow the Planning Officer suggestion for the siting of the new workshop, a significant number of those trees would have to be removed. This would dilute the landscape framework for *Craigend House* and erode an important landscape feature. Increased visual exposure would consolidate man-made intrusion in a very prominent position within the countryside and would be a harmful visual change to the appearance and character of the area.



**Fig 31** Assertiveness of *Craigend House* significantly increased if located within upper garden

7.19 In contrast, the submitted photographs (Figs 3 – 7 & 22-24 above) show that the application site offers opportunity to site the new building in a position where the loss of important woodland features can be avoided and a strong landscape containment exists.

7.20 The photographs presented show that the dominant *placemaking* elements which strongly define the rural character of this part of the Perthshire countryside (*Loch Leven Basin* Landscape Character Type), are the linear woodland and copse plantations. Those *placemaking* elements provide containment, shelter, and an effective visual screen to man-made intrusions, such as housing and farm steadings.



7.21 This can be seen at homes further along the lane (*Pitfar Lodge & Whistlemount*), where ancillary service buildings and uses have spread beyond garden boundaries to locations which remain conveniently accessible to the properties they serve, but are ‘contained’ within a strong landscape framework (eg garage + manege at *Pitfar Lodge* and stable at *Whistlemount*). Those developments have not eroded the quality of the landscape nor diluted its positive *placemaking* qualities.



**Fig 32** Garage/store and manege – *Pitfar Lodge*



**Fig 33** Stable Building – *Whistlemount*

7.22 The additional information presented here demonstrates that the proposals, in terms of siting, would respect the *placemaking* qualities of the built and natural environment of the area around *Craigend House*. Topography is used to good effect with sky-lining avoided and sensitive views

respected. Important woodland features are safeguarded and integration with existing, and proposed domestic buildings and features within the property curtilage, would be realised. In this way the objectives of **Policies 1 & 2** of the TayPlan, and **Policies 1(a & b), 39 & 40** of LDP2 are met.

## Design and scale

**7.23** In design terms the applicants have proposed a building identical in scale, appearance and finish, to that previously approved by the Council as a curtilage structure for *Craigend House*.

**7.24** A harmonious addition to the lawful garden would be realised, reinforcing the sense of identity of this modern home and garden, through a coherent approach to outbuilding provision. Form and materials are appropriate for a rural setting; respect local character and compliment surroundings. In this way the objectives of **Policies 1 & 2** of the TayPlan, and **Policy 1(a & b)** of LDP2 are met.

## Landscaping

**7.25** New beech hedging is proposed within the site, along the inner face of the roadside fence and its return. This would complement the rural surroundings; reinforce the existing identity, character and appearance of the roadside frontage; integrate the new building within its setting; and provide an element of screening to a part of the lower garden. In this way the objectives of the objectives of **Policies 1 & 2** of the TayPlan, and **Policies 1(a & b) & 39** of LDP2 are met.

## Biodiversity

**7.26** The presence (or potential presence) of a legally protected species is an important sustainability consideration in decisions with any planning application. The Scottish Planning Policy encourages the delivery of biodiversity net gains through new development wherever possible (para 194).

**7.27** The existing lower garden is roughly surfaced and the biodiversity value of the ground can be recognised as *low*.

**7.28** The new beech hedge offers an opportunity to *enhance* the biodiversity value of the site. Such action would meet the objectives of **Policy 41** of LDP2.

## Drainage

**7.29** Roof water will be collected and discharged to ground soakaway. The forecourt area will be finished with a granular hardcore (Type 1 aggregate) providing a permeable surface and preventing run-off from the site. In this way the proposals can satisfy the SUDs requirements of **Policy 53c** of LDP2.

## Access and Vehicle Parking

7.30 A new vehicular access has been formed onto the unclassified road at a point where effective visibility in both directions can be secured.

7.31 The grounds/maintenance man will park his own vehicle at the building and effective turning space is available within the site to ensure vehicles can conveniently exit in a forward gear.

7.32 Safe and convenient vehicular access is provided and the proposed layout would fully accord with the objectives of **Policy 60** of the LDP2.

## Permitted Development

7.33 That part of the original garden more than 20m from the road benefits from some Permitted Development rights (Class 3 & 3a Schedule1, Part 1 of the GPDO). This includes the site of the proposed building.

7.34 The new workshop/store requires an express grant of planning permission because of its size. However, it is the case that were this new application to be refused a deemed consent would exist for the erection of smaller storage buildings in the same position. Those 'rights' were not removed when first granting permission for the dwelling and any such 'fall-back' position must be recognised as a *material consideration* in this case.

## 8.0 CONCLUSION

8.1 The applicant has shown that the many principles for the delivery of *sustainable development*, as set out in approved planning guidance (Landscape; Forestry and Woodland, and Placemaking), have been followed in this case.

8.2 The new building would be sited with the lawful garden of an established dwelling in a position where it would not obscure any approach to the house. It is appropriately designed and would respect the scale, form and finish of other ancillary outbuildings in the garden.

8.3 The building is set well back from the road (20m +); would only be visible when passing immediately to the front of the site using a minor public road, and relates well to other domestic structures within the curtilage (existing and approved).

8.4 Through the provision of new planting the proposal delivers environmental and biodiversity improvement.

8.5 The buildings siting in the lower part of the house garden uses local topography positively to avoid the loss of established and prominent trees, and the erosion of linear woodland which is an important



component of local landscape character. It also respects the pattern of development in the immediate locality, where woodland has been used successfully to integrate ancillary residential development.

8.6 The Development Plan and its supporting guidance is required to be reviewed holistically with a focus on relevant objectives and policies which give effect to the broad *sustainable development* objectives which underpin the Plan (*Tesco Stores Limited v Dundee City Council* [2012] UKSC 13).

8.7 Planning decisions are required to support *sustainable development*, and a presumption in favour of sustainable development is a *material planning consideration* when considering applications.

8.8 This applicant has shown that the proposals would deliver *sustainable development*, in a way which can meet the aspirations of Scottish Planning Policy and the Local Development Plan. Accordingly, it is requested that planning permission now be granted.

# Review of Planning Refusal 21/01168/FLL –

## Key point summary of case:

It is respectfully requested that Members of the review panel read the comprehensive Planning and Landscape Appraisal which was submitted in support of the application. That appraisal was prepared to directly respond to the Planning Officer's reason for refusal, and includes a number of photographs which will help to understand more fully, the application site; the existing outbuildings at *Craigend House*; the property's rural setting and the other works of development which have planning approval but are yet to be built.

To further assist Members the following key summary points should be helpful:

- The application site is part of the lawful garden of *Craigend House*;
- *Craigend House* is elevated and prominent, is not within a protected landscape, and is not within the zone of influence of any Listed Building or Scheduled Ancient Monument;
- *Craigend House* is around 10 years old, and is a new build dwelling.
- Its lawful garden serving the house is on two levels (upper & lower).
- Grounds run to 2 acres and the applicants employ a gardener/maintenance man.
- The new garage/workshop would be erected within the lower part of the house garden which is presently under-used and is not visually prominent.
- Further building in the upper garden would result in the loss of important trees and introduce a new building on the skyline.
- The new garage/workshop would be a service building for *Craigend House*, providing workshop and maintenance equipment storage. This would allow other buildings to be used solely for storage of the applicants private vehicles and personal effects.
- The garage/workshop would be adjacent to existing domestic features in the lower garden.
- An outbuilding already exists in part of the lower garden, next to the road,
- The applicants have planning permission to introduce other hard and soft landscaping features within this part of the garden;
- The garage/workshop would not be visible in the wider landscape.
- The Planning Officer acknowledges that the landscape fit is acceptable; considers the design to be appropriate; but, without undertaking a site inspection, concludes the change to local character to be harmful.
- Google Streetview is out-of-date and does not show *Craigend House* or its existing outbuildings;

















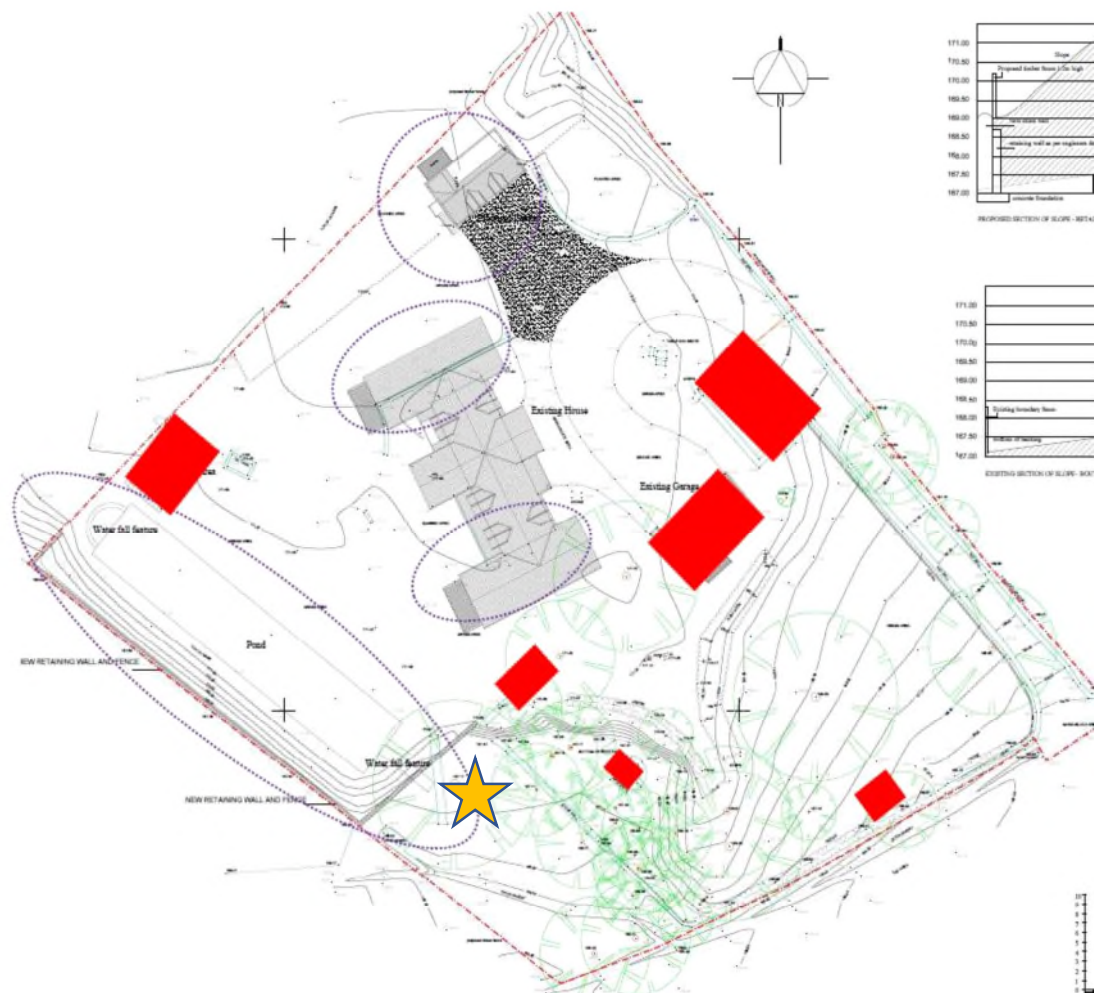


Fig 8 Location of existing outbuildings/structures within approved curtilage ■ and further approved works ○

★ Denotes site of proposed garage workshop within approved house garden ---



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Pullar House  
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Date of Notice: **27th August 2021**

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

Application Reference: **21/01168/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 15th July 2021 for Planning Permission for **Erection of garage/workshop/garden machinery store Craigend House Powmill Kinross FK14 7NS**

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

### **Reasons for Refusal**

1. The proposal, by virtue of its introduction of built development into the lowered roadside location, has an inappropriate siting. The proposal would fragment the existing building group which benefits from clear definition and containment and a clustered/nucleated layout.

Approval would therefore be contrary to the Perth and Kinross Placemaking Guide 2020 and Policy 1A, Placemaking, of Perth and Kinross Local Development Plan 2 2019, which states that development must contribute positively to the quality of the surrounding built and natural environment by respecting the siting, character and amenity of the place.

### **Justification**

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

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

**Plan Reference**

**01**

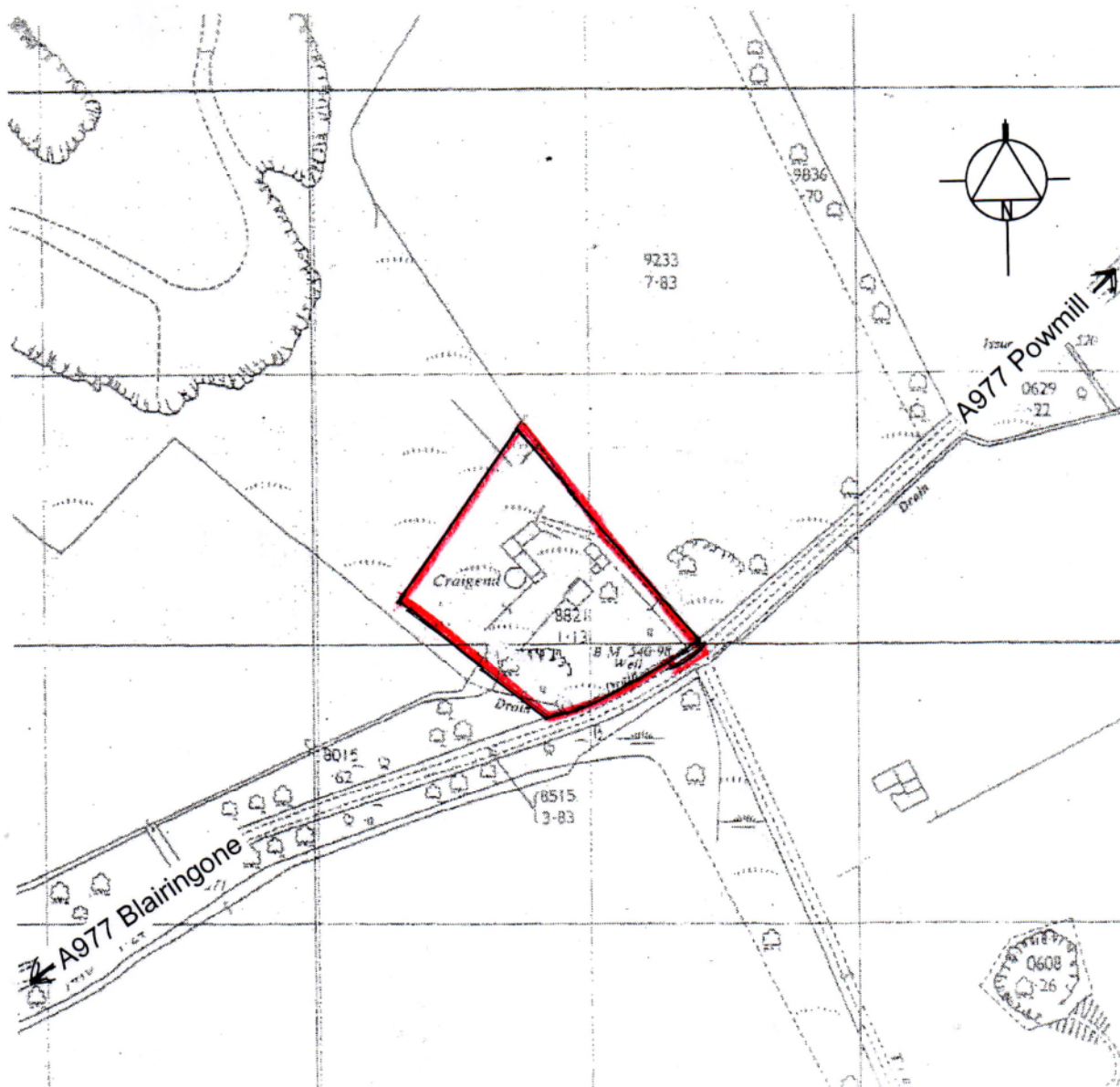
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**03**

**04**

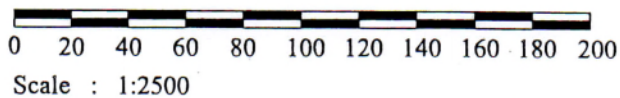
**05**





Location Plan 1:2500

Copyright Findmaps/studioKarchitects



Client

Mr & Mrs Ritchie

Project

Proposed Extension to  
Craigend,  
Powmill.

Drawing

Location Plan

**StudioKarchitects**

14 Hunter Street, Auchterarder PH3 1 PA  
Tel 01764 663795 Mob 07902 164566  
e-mail - [studiok@btinternet.com](mailto:studiok@btinternet.com)

Scale

1:2500

Drawn

LP02

Date

June 19

Rev Date

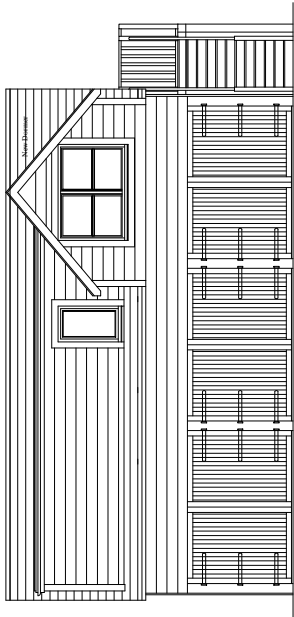
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Job No

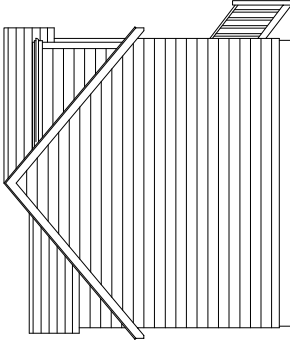
1815

Dwg No

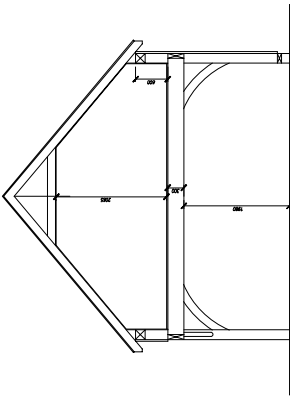
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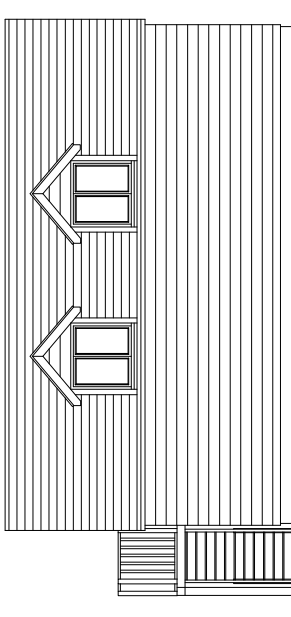
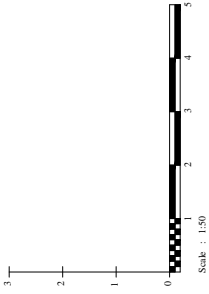
NORTH WEST ELEVATION



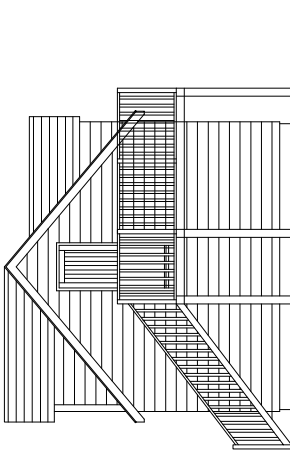
NORTH EAST ELEVATION



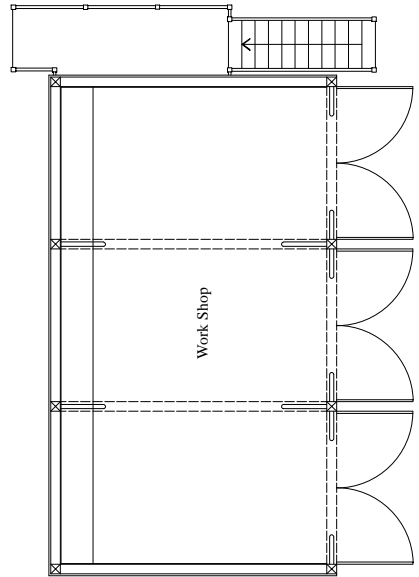
SECTION



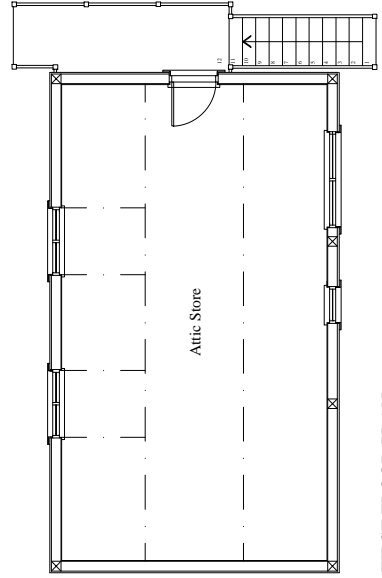
SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



FIRST FLOOR PLAN



<b>StudioK Architects</b> <small>1411 Highway 100, Suite 100, North York, ON M2H 3K1  Tel: (416) 663-0795 Fax: (416) 663-0796  e-mail: studiok@studiok.com</small>	
Client	Mr & Mrs Ritchie
Project	Proposed New Workshop and Garage at Craighend, Powmill.
Drawing	Proposed Plans & Elevations Garage 3
Scale	1:50
Drawn	KK
Date	June 21
Drawn No.	1815
Rev.	P01





<p><b>LRB-2021-44</b> <b>21/01168/FLL – Erection of garage/workshop/garden machinery store, Craigend House, Powmill, Kinross</b></p>
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**PLANNING DECISION NOTICE** *(included in  
applicant's submission, pages 130-131)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(part included in  
applicant's submission, pages 93-123 and 132-134)*



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	21/01168/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	14th September 2021	
Draft Report Date	25th August 2021	
Report Issued by	KS	Date 25 <sup>th</sup> August 2021

**PROPOSAL:** Erection of garage/workshop/garden machinery store

**LOCATION:** Craigend House Powmill Kinross FK14 7NS

#### SUMMARY:

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

#### SITE VISIT:

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

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

Craigend House is a large detached dwellinghouse which is located in a rural setting, approximately 500 metres southwest of Powmill village. The spacious garden ground contains a triple carport/garage structure with accommodation within the roof space.



An extant planning permission allows for the erection of a further detached triple carport/garage structure with accommodation within the roof space Ref: 20/00085/FLL. This application seeks detailed planning permission for the erection of a third detached triple garage/workshop and attic store within the roof space. The application follows a similar proposal which was recently refused on the grounds of inappropriate siting, Ref: 21/00125/FLL.

## **SITE HISTORY**

07/00553/FUL	Erection of a dwellinghouse and garage Application Approved – 30 April 2007
08/01257/FUL	Erection of 2 dwellinghouses with double garages Application Withdrawn – 18 August 2008
10/01340/FLL	Erection of dwellinghouse and detached garage Application Approved – 30 September 2010
19/01001/FLL	Extensions to dwellinghouse Application Approved – 27 August 2019
20/00085/FLL	Change of use of land to form extension to garden ground, erection of a garage/store including ancillary accommodation, alterations and extension to garage/store including ancillary accommodation, erection of retaining wall, stone wall, fence, formation of a pond, hardstanding and associated works Application Approved – 1 April 2020
21/00125/FLL	Erection of workshop/garage Application Refused – 31 March 2021

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Not Applicable.

## **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 39: Landscape

## **OTHER POLICIES AND GUIDANCE**

Perth & Kinross Council's Placemaking Guide 2020 states that;

Outbuildings & garages

Generally, these buildings should:

- Be subordinate to the original building and should not obscure the approach to the house.
- Be set back from the frontage.
- Be built with materials which respect the house and its surroundings.

## **CONSULTATION RESPONSES**

None required.

## **REPRESENTATIONS**

No letters of representation have been received in relation to this proposal.

## **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

### **Policy Appraisal**

Developments which are ancillary to an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would contribute positively to the quality of the surrounding built and natural environment.

### **Design and Layout**

Craigend House is a large detached dwellinghouse which is located in a rural setting, approximately 500 metres southwest of Powmill village. The spacious garden ground contains a triple carport/garage structure with accommodation within the roof space. An extant planning permission allows for the erection of a further detached triple carport/garage structure with accommodation within the roof space Ref: 20/00085/FLL.

This application seeks detailed planning permission for the erection of a third detached triple garage/workshop and attic store within the roof space. This would be located in a lowered tier of the garden, down by the roadside, whilst other structures on the site are contained on the larger upper tier. The application follows a similar proposal which was recently refused on the grounds of inappropriate siting, Ref: 21/00125/FLL.

The timber-clad structure would be located on the same footprint as previously proposed, adjacent to the public road, in an area of land which is lowered from the house and garden ground by approximately 4.5 metres. This lowered land is physically separated from the rest of the garden ground due to the intervening tree belt, stone wall and 3 metres tall rock face.

The proposed structure measures 9.4 metres in width, 5.4 metres in depth, with an overall footprint of 51sqm. Upper-level accommodation would be served by an external staircase and a combination of wall-head dormer windows and a flat roofed box dormer.

A supporting statement submitted with this application advises that the applicant wishes to use the existing and extant garage/accommodation structures for the storage of cars. The lower garage proposed in this application is stated to be for garden equipment whilst the upper level of the structure is to be used as a



restroom/welfare space (although this is not consistently shown on the upper floor plan – it is annotated as attic store).

## **Landscape**

As noted in the supporting statement, Craigend House is “skylined” on the approach from the east, with views from all other directions obscured by the surrounding landform and tree belts which characterise the landscape. The location of the proposed structure would not be seen in the wider context, given its lowered level. It is therefore accepted that the position of the proposal does not raise any landscape impact issues and that its impact would be limited to the country lane, the unclassified road, U223. Therefore, the proposal is in compliance with the Development Plan, and specifically Policy 39 of Perth & Kinross Local Development Plan, 2019.

## **Visual Amenity**

The proposed siting of the structure gives rise to concerns that the development is disconnected from the property which it is to serve. A bridging structure has been introduced to this application to increase its accessibility and relationship to the house. The site plan shows that it would span from the proposed upper-level accommodation to the upper tier of garden ground. However, the bridging structure has only been partially shown on the elevations, therefore, its full extent, design, height and relationship to the rock face is unknown.

Notwithstanding this, Craigend House and its existing ancillary structures benefit from clustered/nucleated grouping and clearly defined containment, consisting of the rock face and tree belts. The proposed location would introduce development into the lowered roadside position, which is not characteristic of this property or its country lane location. The erection of a structure in the location proposed would fragment the existing building group and result in an adverse impact on the character and amenity of the place.

Approval of the proposal would therefore be contrary to the Placemaking Guide 2020 and Policy 1A of Local Development Plan 2 2019, which states that development must contribute positively to the quality of the surrounding built and natural environment by respecting the siting, character and amenity of the place.

## **Fall-back position**

The supporting statement requests that consideration is given to the “*fall-back position*”, i.e. what development the applicant could realistically carry out within the scope of Permitted Development Rights.

Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, is applicable in this regard. If it was possible to implement Class 3A in this location at all, it would not allow for a structure which is comparable to the one proposed. Therefore, the fall-back position is not one which would justify over-riding the development plan to approve the proposal in this case.

## **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.

## **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, by virtue of its introduction of built development into the lowered roadside location, has an inappropriate siting. The proposal would fragment the existing building group which benefits from clear definition and containment and a clustered/nucleated layout.

Approval would therefore be contrary to the Perth and Kinross Placemaking Guide 2020 and Policy 1A, Placemaking, of Perth and Kinross Local Development Plan 2 2019, which states that development must contribute positively to the quality of the surrounding built and natural environment by respecting the siting, character and amenity of the place.

### **Justification**

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

### **Informative Notes**

Not Applicable.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02

03

04

05







Rev A - Boundary line changed.  
Rev B - Garage 2 removed from existing site plan.

<b>StudioK Architects</b> 145 Craigend, Powmill, Glasgow G12 8JG Tel: 01773 827595, Mob: 07802 154560 email: studiok@studiok.com	
Client	Mr & Mrs Ritchie
Project	Proposed New Workshop and Garage at Craigend, Powmill.
Drawing	Existing Site Plan
Scale	1:200
Date	Jan 21
Drawn By	1815
Check	KK
Rev.	B

