

TCP/11/16(219)

Planning Application 12/00647/FLL – Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres south east of Garth Castle, Keltneyburn

**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 2008

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MRS M YOUNG

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ABERFELDY

Postcode PH15 2BL

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name FEARN MACPHERSON

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ABERFELDY

Postcode PH15 2AQ

Contact Telephone 1 01887 820098

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Fax No 01887 829455

E-mail* rob.macpherson@fearnmacpherson.com

Mark this box to confirm all contact should be
through this representative: ☒ Yes ☐ No

* 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

12 / 00 647 / FLL

Site address

LAND 450m SOUTH EAST OF GARTH
CASTLE KELTNEYBURN.

Description of proposed
development

ERECTION OF A DWELLINGHOUSE, FORMATION OF
A VEHICULAR ACCESS & ASSOCIATED POLYTUNNEL, SHED
AND TEMPORARY CARAVAN (IN PART RETROSPECT)

Date of application

6-4-12

Date of decision (if any)

5-9-12

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:

Site inspection

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

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

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

Statement

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

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

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

PLEASE REFER TO ATTACHED DOCUMENT
851. PLANNING REVIEW

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising 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.

STATEMENT from MRS YOUNG.

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

22-11-12

**VEHICULAR ACCESS AND NEW HOUSE, GLENGOULANDIE FARM, FOSS.
REVIEW STATEMENT**

851

Agricultural Holdings (Scotland) Act 1991

Meaning of “agricultural holding” and “agricultural land”..

(1) In this Act (except sections 68 to 72) “agricultural holding” means the aggregate of the agricultural land comprised in a lease, not being a lease under which the land is let to the tenant during his continuance in any office, appointment or employment held under the landlord..

(2) In this section and in section 2 of this Act, “agricultural land” means land used for agriculture for the purposes of a trade or business, and includes any other land which, by virtue of a designation of the Secretary of State under section 86(1) of the M1 Agriculture (Scotland) Act 1948, is agricultural land within the meaning of that Act.

Background.

This Review relates to planning application number 12/00647/FLL that was refused planning permission for a vehicular access and new house at Glengoulandie with the associated polytunnel, shed and temporary caravan, for Mrs Marion Young.

Mrs Young bought the ground with a view to relocating to the site to continue and expand her endeavours business in market gardening and small scale animal husbandry. She has been making Jams and selling these and flowers in Aberfeldy for 25 years. The land has been allocated Agricultural Code Number 89/677/0069.

Reasons for review.

Our review seeks to address the fundamental argument of our client in disagreeing with the officers assessment of operational need.

DEVELOPMENT PLAN

H-002 HIGHLAND DEVELOPMENT CRITERIA and H-054 HIGHLAND HOUSING IN THE COUNTRYSIDE

Mrs Young has endeavoured to establish an horticultural business from the land. She has only been partially successful due to the lack of accommodation on site.

Our client has followed planning guidance by applying for planning consent in advance of expanding her business, which is not possible without the house. Our client has used her best

endeavours to establish a successful horticultural and animal husbandry business but been thwarted by factors outside her control. By allowing this house, the business can thrive. The house is needed for operational needs. The attempts to set up the business so far, have been beset with difficulties due to her inability to manage the land from afar.

Your officer states that there are no animals on site and the polytunnel has very few plants within it. She also states that there is no evidence of any type of business operation from the site.

While your officer is correct in the physical evidence on site at the time of her visit, the business has produced crops and been in operation on the site in the very recent past. It has had the misfortune to suffer loss of equipment through theft, which was reported to the Police. The Police advised installing a lockable shed. Chickens have been transferred to Aberfeldy, in order to be looked after by Mrs Young directly. These cannot be left unattended on site as it currently is, without any protection or animal husbandry. Crops of hay has been produced on the field.

The deer roam freely across the field and have eaten the fruit trees that were planted to provide cropping for the jam business. By keeping out the deer, the trees proposed for cropping and those proposed for screening can be established. The saplings are currently growing in the polytunnel. A separate planning application has been submitted to alleviate this which is currently under consideration – ref 12/01913/FLL

Mrs Young employs a handyman and a man to cut and bale hay twice a year. She is intending to employ additional labour to establish the business further, but this is impossible without the accommodation applied for.

The field is meadow and it is intended to keep it this way. It is the breeding ground for Brown Argos Butterfly which requires this habitat. Our client does not use any pesticides or artificial fertilisers to ensure that there is no damage or seepage to the adjacent SAC.

A 5m buffer zone will be maintained to the Keltneyburn Gorge.

As stated above, this is an agricultural holding. We believe therefore that it complies with Policy HALP 54 and the house is justified in terms of operational need.

H-005 HIGHLAND DESIGN

At no stage during the five months of consideration of the planning application was the design questioned. The house design is highly efficient low carbon, passiv house specification, off site constructed by Sylvan Stewart. The impact both during construction and during occupation is minimized on the environment.

The materials proposed are correctly noted as Thermowood to the external walls, but we think misunderstood. This is merely heat treated softwood, and being timber, against the trees in the background will not only integrate into the landscape but soften and change colour over time. There are many examples of timber buildings in the area of both traditional and contemporary design.

The roofing material is slate grey in colour, slate in texture and appearance and Grade A+ in BRE Green Guide to Building Specification. It has a lower Carbon Footprint than imported slates.

Should the principal of providing a house for operational need be accepted, then we would welcome the opportunity to discuss and agree a design for this property that is acceptable to the officers.

H-003 HIGHLAND LANDSCAPE

We do not agree that this proposal is against the principals of Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Glengoulandie is a string development of isolated farmhouses, from Thomphubil beag, via Litigan down to Coshieville, and this is merely another. The boundary to the West is strongly defined by the Keltneyburn Gorge and to the East by the road, the site is a natural clearing and the nature of the horticultural business trying to be established is compatible with this landscape.

PKC LOCAL DEVELOPMENT PLAN POLICY PMA1; PLACEMAKING

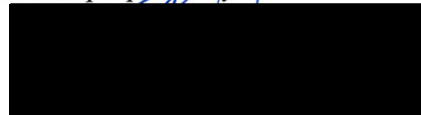
As noted above under design, this is a low/zero carbon home, a building complying to the three pillars of sustainability. The place is defined by its land use, which being horticulture is inextricably linked to the use of the land, the house and its integrated design.

The proposed timber building, integrated into the landscape, provides an exemplary example of social, environment and economic development, which is the cornerstone of placemaking

CONCLUSION

We conclude that there is a strong argument in favour of this house and related development being justified in terms of operational need. The business has suffered badly because the owner cannot be on site full time. By allowing this review, the business will have a chance to thrive. Without it, there is no business and the agricultural land, will lie fallow and the economic benefit to the community will be lost.

Notes prepared by:



RJ Macpherson

For: Fearn Macpherson – Chartered Architects

851.PLANNING REVIEW

I put up the shed after getting everything I left on site stolen. The police advised me to have a lockable unit. The polytunnel I require to grow plants also protect young trees I have grown. The deer eat any plants, they have destroyed all my fruit trees and bushes and eaten all my vegetables. I have been selling plants fruit vegetables and jams from my house but I am running out of space. I have a few hens at the house but will have more when I move them to the field. Again the hens can be stolen if I'm not on site. I can not get my business of my plant organic fruit vegetables and free range eggs up and running without the shed polytunnel and a house attached to the business. My son and family would move up here to live with me and help with the business as well as carrying on with their separate occupations part time. Eventually I would be employing people, I already employ a man to cut and bale the hay twice a year. I spent a week removing ragwort but when the hay was inspected ragwort was detected so it is not saleable. I also have a handy man to do jobs. When I put the shed and polytunnel was covered in bracken, I got it ploughed and removed the bracken. The position was chosen as it is partially screened by the mound and when the trees at the roadside grow it will not be seen from the road. Most of the field is meadow which I will keep that way. Also it is the breeding ground for the Brown Argos butterfly which requires that habitat. I do not use pesticides or artificial fertilisers, I will make sure there is no damaging creepage or non native plants straying into the Keltney burn gorge. I will leave a 5 metre zone around the gorge boundary. The shed and polytunnel is out with the 5 metre zone. The house plans are over 15 metres from the gorge. It would be helpful if a meeting could be arranged with the planners to discuss their requirements and anything that could be altered. Since buying the field 2 yrs ago I have installed fencing attempted to remove ragwort and bracken. I have also planted trees fruit trees and bushes had a small area ploughed. Unfortunately the deer have destroyed all that has been planted. I now require a deer fence. I also got tic bites last summer and had to get treatment for Lyme disease which the deer carry another reason for the deer fence.

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Planning Application 12/00647/FLL – Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres south east of Garth Castle, Keltneyburn

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mrs M Young
c/o Fearn Macpherson - Chartered Architects
FAO Bob Fearn
Unit 4
Dunkeld Road
Aberfeldy
PH15 2AQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 5th September 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00647/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 10th April 2012 for permission for **Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) Land 450 Metres South East Of Garth Castle Keltneyburn** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.

2. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it is not a infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land.
3. The proposal is contrary to Highland Area Local Plan 2000 Policy 5: Design and the Council's Guidance on the Siting and Design of Houses in Rural Areas in that the design does not reflect traditional architecture and therefore the development does not in keeping with and does not fit its surroundings.
4. The proposal is contrary to Highland Area Local Plan Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing and if necessary screening the development, to have regard to the scale, form, colour and density of existing development within the locality to ensure development should not result in a significant loss of amenity to the local community, that the site should be large enough to accommodate the development satisfactorily in planning terms and that built development should be located in settlements identified in the Local Plan. The proposal does not have an appropriate landscape framework. It does not have regard to the built development and character of the area. The site is not large enough to accommodate the development satisfactorily in site planning terms. The development would therefore have a detrimental effect on the amenity of the area.

Justification

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

Notes

1. The file is to be passed to the Enforcement Team with a view to securing the removal of the unauthorised structures from the site and the reinstatement of the land to agricultural land.

The plans 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

12/00647/1	12/00647/7
12/00647/2	12/00647/8
12/00647/4	12/00647/9
12/00647/5	12/00647/10
12/00647/6	12/00647/11

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00647/FLL
Ward No	N4- Highland

PROPOSAL: Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect)

LOCATION: Land 450 Metres South East Of Garth Castle Keltneyburn

APPLICANT: Mrs M Young

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 25 May 2012



OFFICERS REPORT:

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires 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 2012 and the adopted Strathearn Area Local Plan 2001. The proposed Local Development Plan 2012 is a material consideration.

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.

The main policies relevant to this application is HALP 54 and the associated Housing in the Countryside Policy 2009. As there is no building group at the location and there is no existing building (either domestic or non-) to renovate or replace, parts a, b and c of HALP 54 are not applicable. Part d requires the to be operational need to allow the exceptional support of a house in principle. The planning statement submitted states that the applicant bought the site with a view to continue and expand her endeavours in market gardening and small scale animal husbandry. On visiting the site it is evident that there are no animals on site, the poly tunnel had very few plants and that there was no evidence of any type of business operating from the site. There is no justification to consider the proposal in terms of operational need. The site does lie within Western Highland Perthshire and therefore part e of the policy is relevant. This category potentially supports the development of houses within scattered but recognisable building groups where the existing settlement pattern is reflected, the site has a good landscape or topographical setting, a safe access can be provided to the public road and the proposal does not conflict with any other policy. The site is very isolated with the two nearest properties being over 430m across the burn and in opposite directions. The site cannot be considered to be part of a scattered but recognisable group. The proposal therefore does not fall within any of the categories set out in HALP 54. The application is therefore contrary to that policy.

The Housing in the countryside Policy 2009 has very similar categories to the HALP policy and resultantly parts 1, 2, 4 and 5 are not applicable in this instance. Part 6, which relates to brownfield land, is not relevant as the application site has never been developed in the past. Part 3 of HitC 2009 relates to new houses in the open countryside and is sub-divided into a further 5 categories. There is no information lodged with the application which provides evidence that the proposal falls within any of these sub-categories. The proposal is therefore contrary to HitC 2009.

The policy in the PLDP reiterates the categories set out in HitC 2009 and refers to it as the supplementary guidance. The proposal therefore is contrary to the PDLDP.

The detailed design of the house shows it to be of unconventional design for this rural area. The height is some 7.1m to ridge, 14.8m long and 5.4m deep. As the eaves level is to be some 4.4m above ground level, the proportions of wall to roof is awkward. This is emphasised by the lack of windows on all but the south elevation. It is understood that the intention by having the windows mainly on the south elevation is to attain solar gain but it does affect the external appearance of the building. The proposed finishes are shown to be fibre cement roofing tiles and 'thermowood' timber cladding to the walls. The windows and doors are to be aluminium clad timber. The proposed finishes will do nothing to integrate the proposed building into the landscape, even with the proposed area of cut and fill to form the flat platform required for the construction of the house. I consider that the design of the house is contrary to HALP 5 in that it is not in keeping with its surroundings and does not fit its location.

In terms of HALP 2, the site does not have a landscape framework capable of absorbing all the different elements of the proposal. If screening were to be carried out, this would change the character of the area which currently has open fields with the wooded areas confined to alongside the watercourse, and not roadside. The

proposed built development does not have regard to the scale, form or colour of development within the locality. The development would result in a significant loss of amenity to the community in respect of the visual quality of the area. I do not consider the residential element of the proposal to be a land use compatible with the surrounding agricultural use in this case. There is not adequate space within the local primary school education service but a contribution could be paid in order to satisfy the relevant policy. The proposal is contrary to this policy on a number of matters.

Given the above assessment I consider the proposal to be contrary to a number of policies in the development plan. I do not consider there to be any material considerations which justify the setting aside of these policies in order to approve the development. Therefore I must recommend refusal of the application.

As some of the works have been carried out without the appropriate permission being in place, these works will need to be reversed and the land reinstated to its original condition. The case shall be passed to the Enforcement Team after the decision notice is issued for commencement of proceedings.

DEVELOPMENT PLAN

H_002 Highland Development Criteria

All developments within the Plan area will be judged against the following criteria:-

- (a) The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.
- (b) In the case of built development, regard should be had to the scale, form, colour, and density of development within the locality.
- (c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.
- (d) The local road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided.
- (e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development.
- (f) The site should be large enough to accommodate the impact of the development satisfactorily in site planning terms.
- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible be located in those settlements which are the subject of inset maps.

H_005 Highland Design

The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to: -

- (a) The use of appropriate and high quality materials.
- (b) Innovative modern design incorporating energy efficient technology and materials.
- (c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
- (d) Ensuring that the proportions of any building are in keeping with its surroundings.
- (e) Ensuring that the development fits its location.

The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

H_003 Highland Landscape

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will

assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

H_054 Highland Housing in the countryside

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories:

(a) Building Groups

(i) Development within existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group.

(ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

(b) Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

(i) Where the existing house is:

(ii) of traditional form and construction,

or is otherwise of architectural merit, encouragement will be given to its restoration rather than its replacement.

(ii) Any alterations and extension to an existing house should be in harmony with the existing building form and any extension of the property should generally be the subordinate rather than the dominant element of the completed house.

(iii) If it can be shown that the existing house is

either not worthy of retention

or is not capable of rehabilitation, substantial rebuilding or complete replacement will be permitted.

(iv) Where rebuilding or demolition is permitted of a traditional house, or one of architectural merit, the replacement house shall be of similar form, size, style and materials as the original house.

(v) The replacement of an abandoned or ruinous house will be permitted only where sufficient of the existing house remains to enable the size and form of the building to be identified.

(vi) A replacement house should be constructed on the solum of the existing house, unless there are good planning reasons to permit an alternative location, and shall be of a form, style and size which gives a good 'fit' in the landscape.

(c) Conversion or Replacement of Non-Domestic Buildings

Consent will be granted for the conversion of non-domestic buildings such as steadings, mills etc to form houses and may be granted for the replacement of such buildings provided the following criteria are met:

(i) Where the building:

is of traditional form and construction,

or is otherwise of architectural merit,

or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,

and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness, encouragement will be given to its conversion rather than its replacement.

(ii) Any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.

(iii) If the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:

¿ sufficient of the existing building remains to enable its size and form to be identified,

¿ it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds,

¿ the new house is, in essence, a replacement of the existing building, in terms of size,

character, building form and constructed of traditional materials, reusing where possible existing materials,

¿ the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which are explicitly excluded from this policy .

(iv) A satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.

(v) Applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.

(vi) Applications to create more than one house through a replacement building will only be permitted if it can be demonstrated that the original building would have been of sufficient size to have contained more than one house.

(vii) Applications for conversion of non-domestic property will not be approved within fifteen years of the date of their construction.

d) Operational Need

Exceptionally , where there is an operational need for a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy .

(e) Western Highland Perthshire

In the western half of the landward area, as shown on Proposals Map 1, Consent may be granted for houses within scattered but recognisable building groups or places where:

(a) The existing pattern of settlement is reflected and respected.

(b) The site has a good landscape or topographical setting.

(c) The amenity of existing houses is respected.

(d) The house has a safe access to the public road network.

(e) The development does not conflict with any other policy or proposal contained in the Local Plan.

This policy will apply to Gallin; Bridge of Balgie; Innerwick and Invervar in Glen Lyon, and Killichonan; Bridge of Gaur; Finnart and Camghouran on Loch Rannoch as well as to other appropriate locations in the area. Where pressure for a number of houses is concentrated in a single location the Council will defer consideration of applications until an Advisory Plan has been approved by the Council for the area. Planning applications for outline consent for new housing in these areas are unlikely to be acceptable without detailed plans including elevations showing the new building in its setting.

Within the Lunan Valley catchment area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

For all Proposals

- (i) Satisfactory access and services should be available or capable of being provided.
- (ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas with particular regard being paid to Policies 4 and 5 of the Plan.
- (iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- (iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- (v) Full applications should be submitted for all proposals, but where an outline application is made this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

PKC Local Development Plan, Jan 2012 Proposed Plan

This is the Council's most recent policy statement and is a consideration. The Plan has yet to be adopted.

Policy PMA1: Placemaking requires that all development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaption. The design and siting of development should respect the character and amenity of the place and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works where appropriate to the local context and the scale and nature of the development.

Policy RD3: Housing in the Countryside

This policy supports the development of single houses or groups of houses which fall within at least one of the six identified categories. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area. Further guidance is provided within the Supplementary Guidance.

OTHER POLICIES

Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are:

- Paragraphs 92 - 97: Rural Development

Housing in the Countryside Policy 2009: This policy updates the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage

appropriate housing development in rural areas (including the open countryside).
The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations; and
- Ensure that high standards of siting and design are achieved.

It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. A series of criteria is also applicable to all proposals.

Primary Education and New Housing Development Policy (May 2009): The Policy is applicable to all new houses. Where proposed houses sit within specific primary school catchment areas where capacity of the school is likely to be breached, a financial contribution towards improved educational infrastructure provision is required. Breadalbane Primary School is currently one such school. As the application is for residential development, a contribution is required. The current rate for contribution is £6,395 per house. This contribution can either be paid up front, prior to the grant of detailed planning permission, or secured by way of a Section 75 Agreement.

SITE HISTORY

11/01504/FLL Erection of polytunnel, shed and siting of caravan in retrospect 5
October 2011 Application Withdrawn

CONSULTATIONS/COMMENTS

Transport Planning	No objection subject to conditions relating to access, gradient, turning facilities and car parking provision.										
Education And Children's Services	<p>This development falls within the Breadalbane Academy Primary School catchment area. Based on current information this school will reach the 80% capacity threshold.</p> <table><tr><td>Approved capacity</td><td>302</td></tr><tr><td>Highest projected 7 year roll</td><td>209</td></tr><tr><td>Potential additional children from previously Approved applications</td><td>42.4</td></tr><tr><td>Possible roll</td><td>251.4</td></tr><tr><td>Potential % capacity</td><td>83.2%</td></tr></table> <p>Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.</p>	Approved capacity	302	Highest projected 7 year roll	209	Potential additional children from previously Approved applications	42.4	Possible roll	251.4	Potential % capacity	83.2%
Approved capacity	302										
Highest projected 7 year roll	209										
Potential additional children from previously Approved applications	42.4										
Possible roll	251.4										
Potential % capacity	83.2%										
Local Flood Prevention Authority	<p>The site is out with the SEPA flood map and as such is a low risk of fluvial flooding The site is agricultural and our flood register does not (at present) record flooding of such land. Therefore, we have no records of flooding at this location</p>										

The topography around the development is rather steep and there is a possibility that overland flooding could be an issue during periods of prolonged and heavy rainfall as the ground becomes saturated. Therefore, consideration should be given to this issue when contouring the land around the house (i.e. contour land away from the house)

Scottish Water

No response at time of report.

Scottish Natural Heritage

This proposal could be progressed with changes or mitigation measures. The proposal could have adverse impacts on the ecological integrity of Keltneyburn Special Area of Conservation (SAC). We consider that this application raises issues of national interest and we therefore object to this proposal unless it is made subject to the mitigation measures as set out in Annex A.

David Williamson

The proposals are adjacent to both the Tay SAC and Keltneyburn SSSI, to the west of the site, but they do not appear to directly impact on either site. However, there are no details of how drainage will be dealt with from the development and this should be considered to ensure there is no adverse impact on these designated sites. I am not sure whether this can be dealt with under conditions attached to an approval or whether it requires to be dealt with prior to determination.

Environmental Health

Properties in the locality of the development are known to be served both by private water supplies and public mains and wastewater drainage.

No objection subject to informatives advising of private water and waste requirements.

TARGET DATE: 10 June 2012

REPRESENTATIONS RECEIVED:

Number Received: 9

Summary of issues raised by objectors:

The 9 representations, including one from Dull and Weem CC raise the following issues:

- contrary to Housing in the Countryside Policy 2009
- contrary to HALP 2000

- contrary to structure plan/Tay plan
- contrary to SPP (rural development)
- development may impact on adjoining SSSI
- current presence of non-native species
- located outwith any identified settlement
- inappropriate design, excessive height
- inappropriate land use
- vehicular access is inappropriate
- site should be re-instated to agricultural land
- proposal would set unacceptable precedent for similar inappropriate developments
- unauthorised development has taken place
- although application form states no trees will be affected, the site plan shows the tree canopy extending over the site

Response to issues raised by objectors:

- contrary to Housing in the Countryside Policy 2009
agreed
- contrary to HALP 2000
agreed
- contrary to structure plan/Tay plan
agreed
- contrary to SPP (rural development)
agreed
- development may impact on adjoining SSSI
agreed, though SNH are confident that this would not be the case if the appropriate mitigation were secured.
- current presence of non-native species
agreed but not directly relevant to planning consideration
- located outwith any identified settlement
agreed
- inappropriate design, excessive height
agreed - the house design is not sympathetic to the surrounding landscape or landform
- inappropriate land use
agreed
- vehicular access is inappropriate
disagree-no concerns regarding access and public safety have been raised by Transport Planning.
- site should be re-instated to agricultural land
agreed
- proposal would set unacceptable precedent for similar inappropriate developments
agreed

- unauthorised development has taken place
agreed

- although application form states no trees will be affected, the site plan shows the tree canopy extending over the site
agreed

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact eg Flood Assessment	Not required

Legal Agreement Required: no
Summary of terms: N/A

Direction by Scottish Ministers: no

Reasons:-

- 1 The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.
- 2 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it is not a infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land.
- 3 The proposal is contrary to Highland Area Local Plan 2000 Policy 5: Design and the Council's Guidance on the Siting and Design of Houses in Rural Areas in that the design does not reflect traditional architecture and therefore the development does not in keeping with and does not fit its surroundings.
- 4 The proposal is contrary to Highland Area Local Plan Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing and if necessary screening the development, to have regard to the scale, form, colour and density of existing development within the locality to ensure development should not result in a significant loss of amenity to the local community, that the site should be large enough to accommodate the development satisfactorily in planning terms and that built development should be located in settlements identified in the Local Plan. The proposal does not have an appropriate landscape framework. It does not

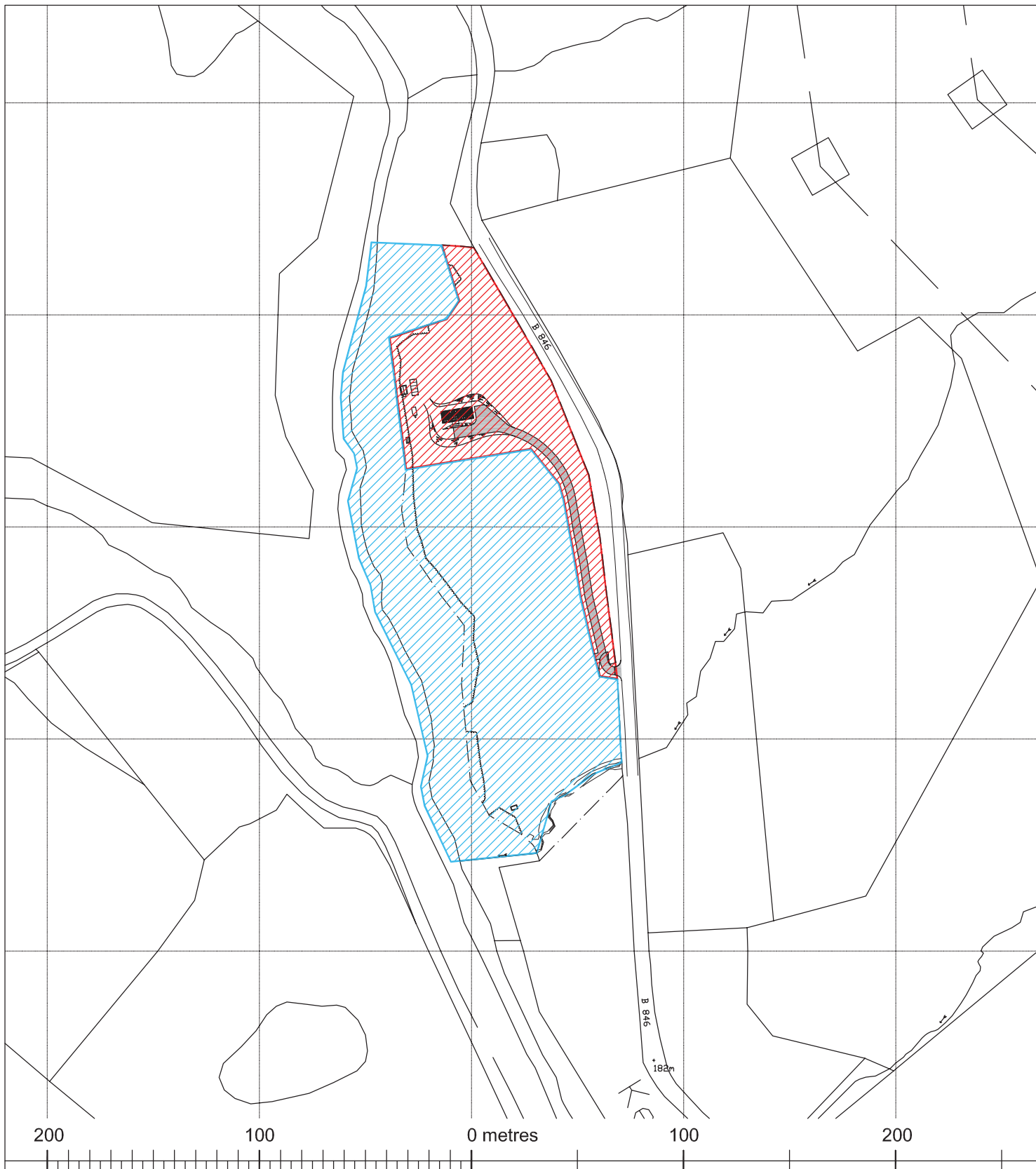
have regard to the built development and character of the area. The site is not large enough to accommodate the development satisfactorily in site planning terms. The development would therefore have a detrimental effect on the amenity of the area.

Justification

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

Notes

- 1 The file is to be passed to the Enforcement Team with a view to securing the removal of the unauthorised structures from the site and the reinstatement of the land to agricultural land.



LOCATION PLAN

Scale: 1.2500



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Project

**PROPOSED HOUSE
NEAR GLENGOULANDIE
ABERFELDY PERTHSHIRE**

Drawing

LOCATION PLAN

Date APRIL 2011

Scale 1.2500

Drg No.

779/P/02

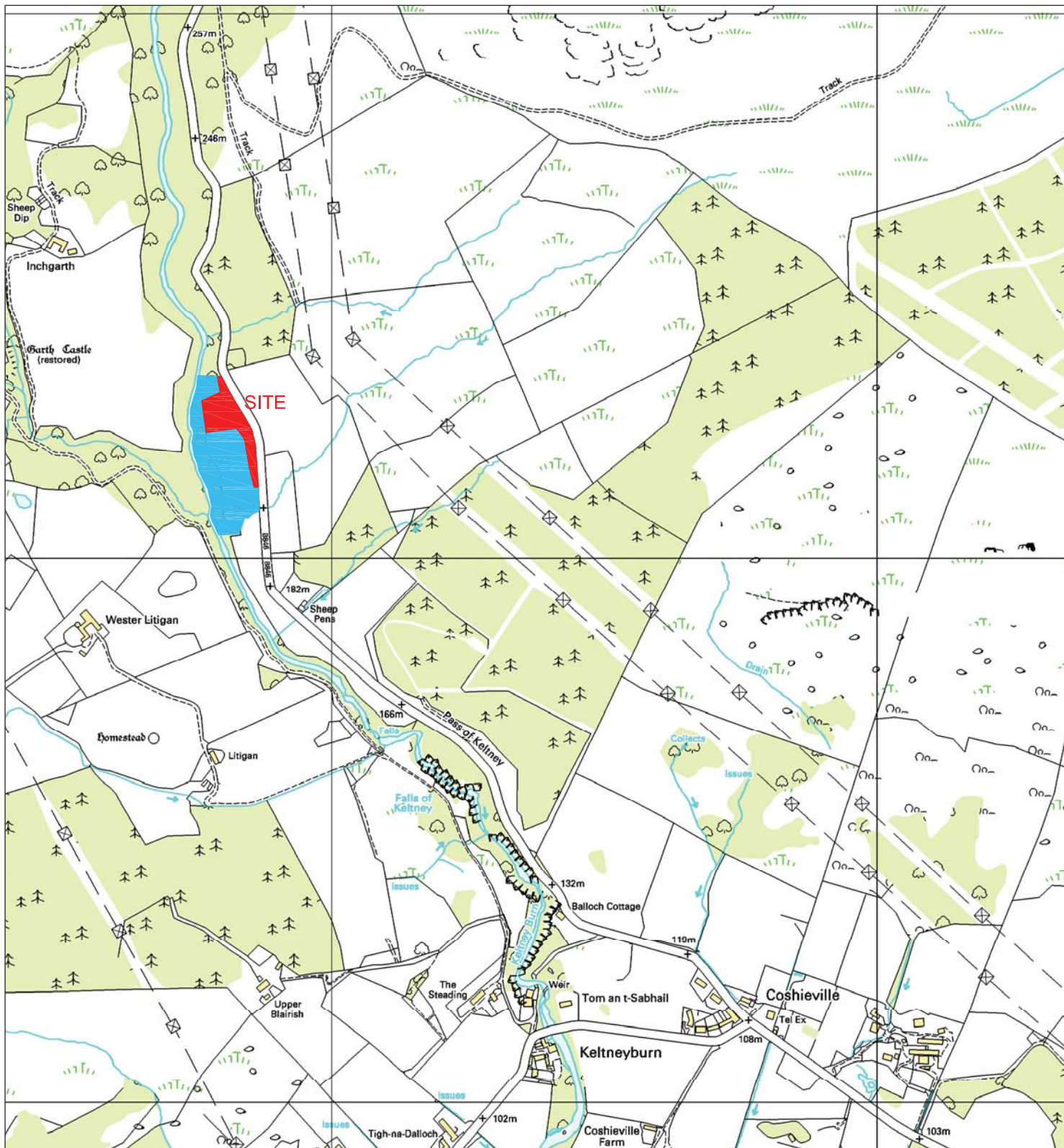
Rev.

**FEARN
MACPHERSON**

185 CHARTERED ARCHITECTS

**Unit 4 Dunkeld Road
ABERFELDY
Perthshire
PH15 2AQ**

Tel : (01887) 820098
Fax : (01887) 829455



500 metres 0 500 1000

LOCATION PLAN Scale: 1.10000



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Project
**PROPOSED HOUSE
 NEAR GLENGOULANDIE
 ABERFELDY PERTSHIRE**

Drawing
**LOCATION PLAN
 AT SCALE 1.10000**

Date APRIL 2011

Scale 1.10000

Drg No.

779/P/01

Rev.

**FEARN
 MACPHERSON**

186 CHARTERED ARCHITECTS

Unit 4 Dunkeld Road
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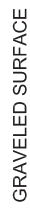


0064

SUFFICIENT PARKING FOR
TWO CARS (SEE DRAWING
NO. 779/P/03: SITE PLAN)

200.00m

VEHICLE
HARDSTANDING



200.00m
X

NOMINAL 1:20 GRADIENT OVER 6.0M

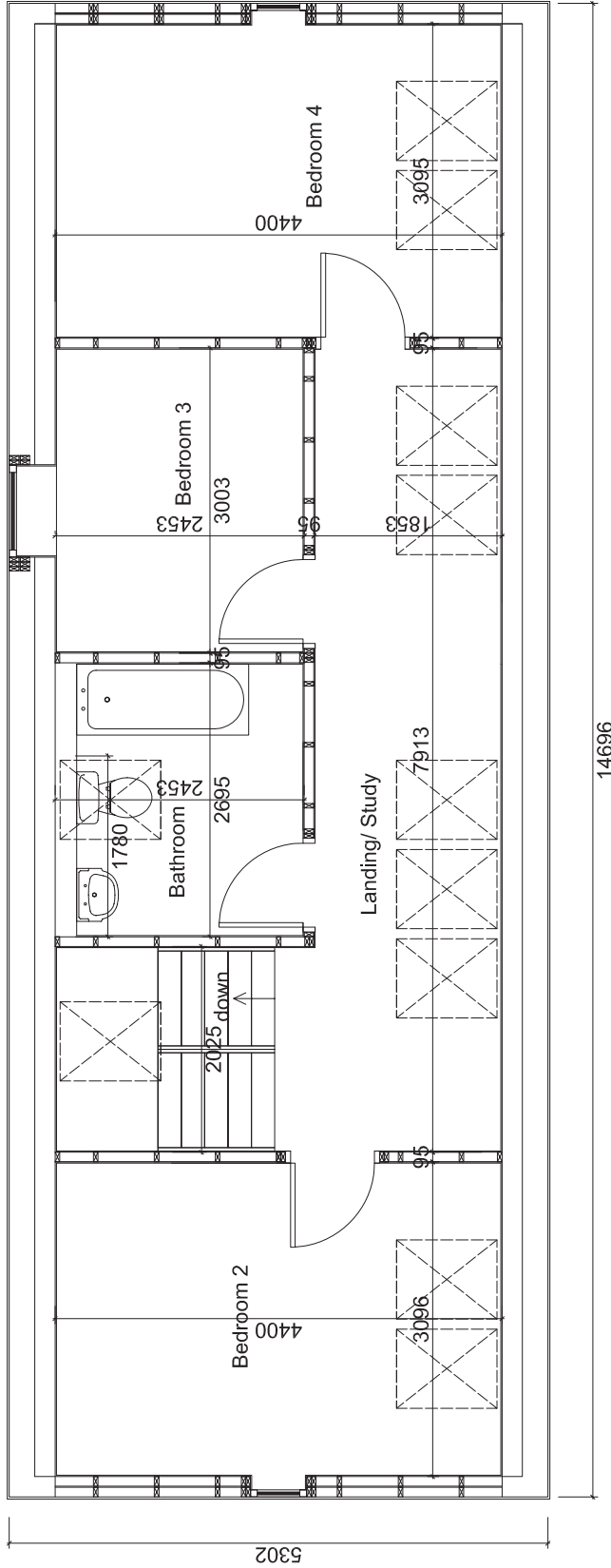
VEHICLE HARDSTANDING

200.30m
X

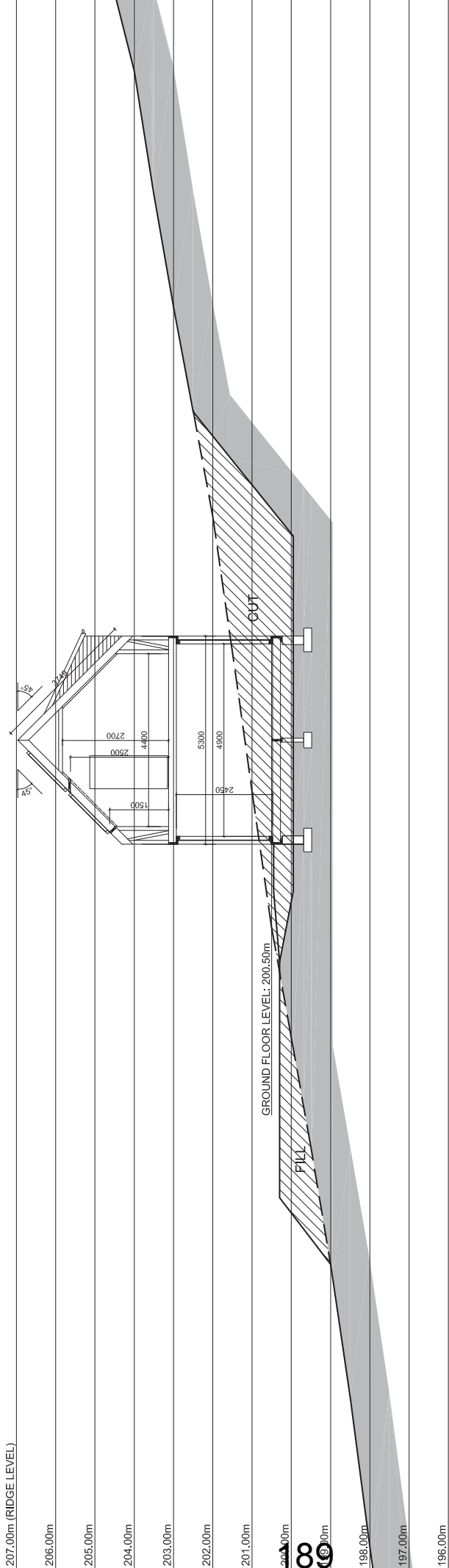
Edge of vehicle
hardstanding

SCALE BAR, NORTH POINT AND INFORMATION REGARDING EXTERNAL WORKS ADDED BY FEARNMACPHERSON - CHARTERED ARCHITECTS

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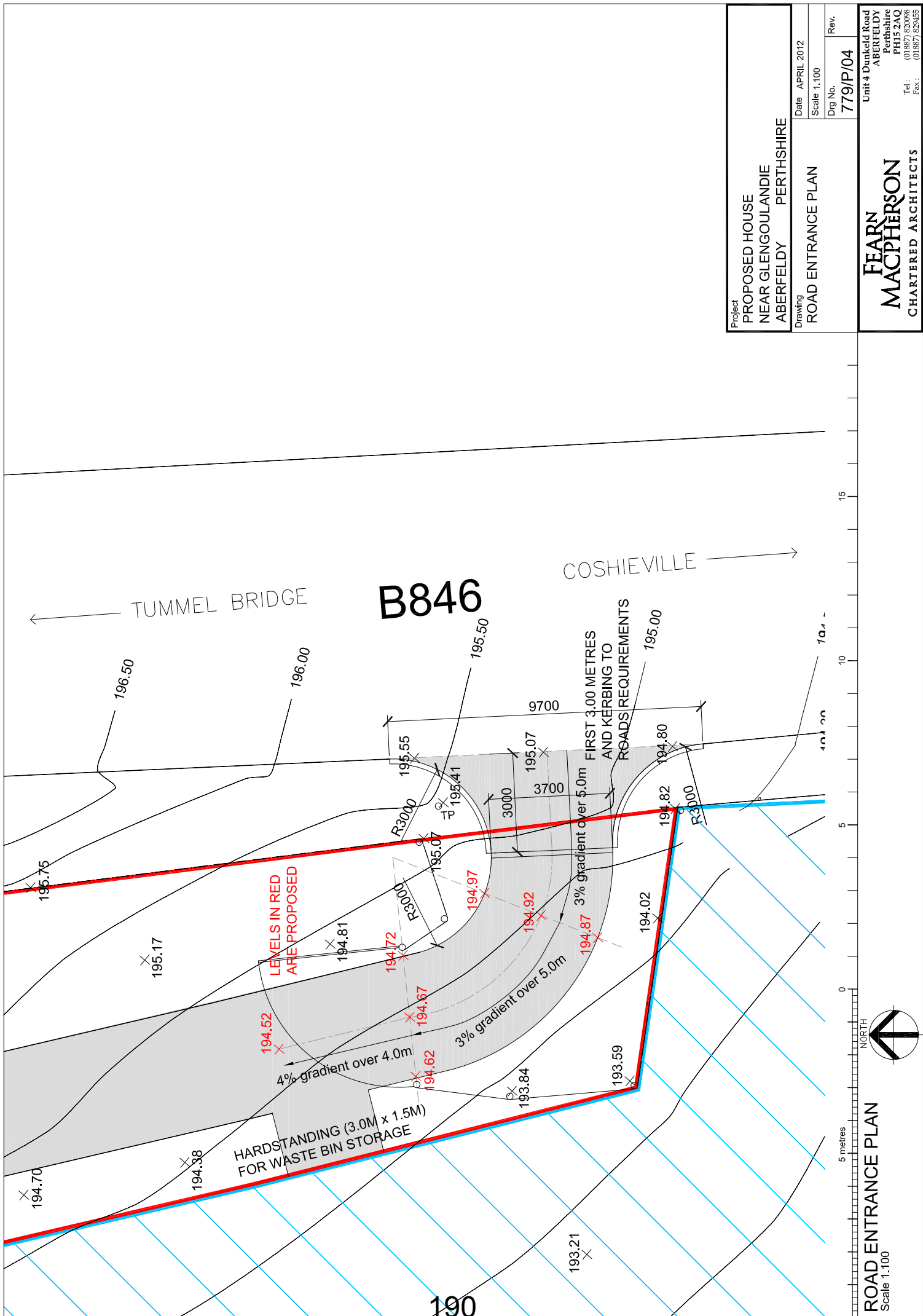


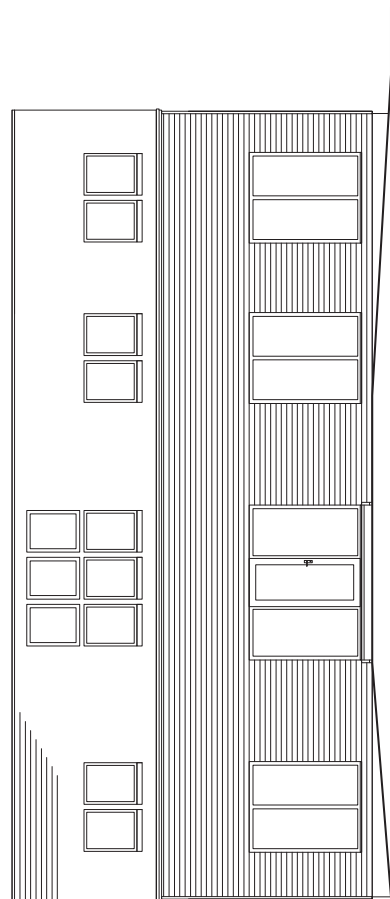
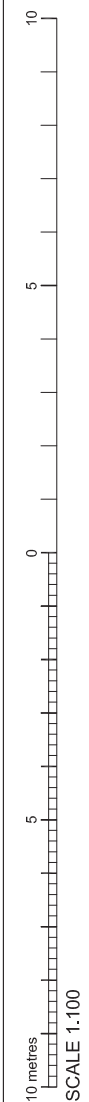
Sylvan Stuart Limited
Old Rayne
INSCB
Aberdeenshire
AB52 6RX
tel 01464 851208
fax 01464 851202
email sales@sylvanstuart.com



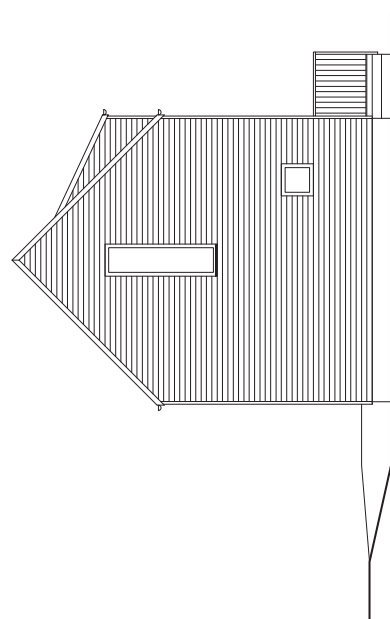
SITE SECTION AA
Scale 1:100

Project PROPOSED HOUSE NEAR GLENGOULANDIE ABERFELDY PERTHSHIRE		Date APRIL 2012
Drawing SITE SECTION AA		Scale 1:100 @ A3
Rev. 779/P/05		Drg No.
Unit 4 Dunkeld Road ABERFELDY PERTHSHIRE PH15 2AQ		Tel : (01857) 820098
FEARN MACPHERSON CHARTERED ARCHITECTS		Fax : (01857) 829455

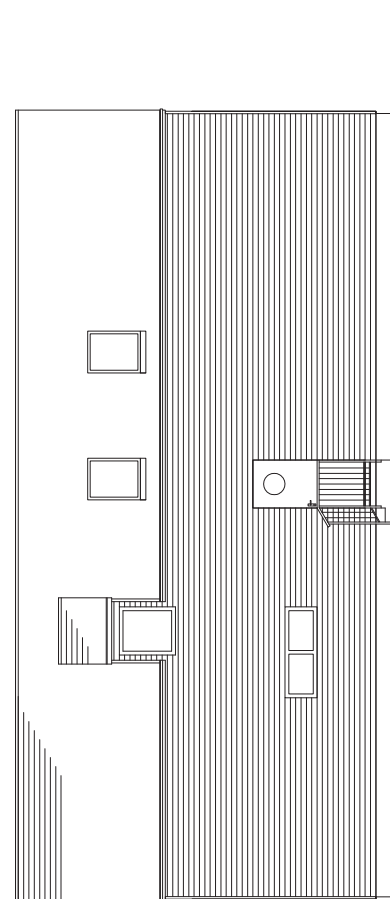




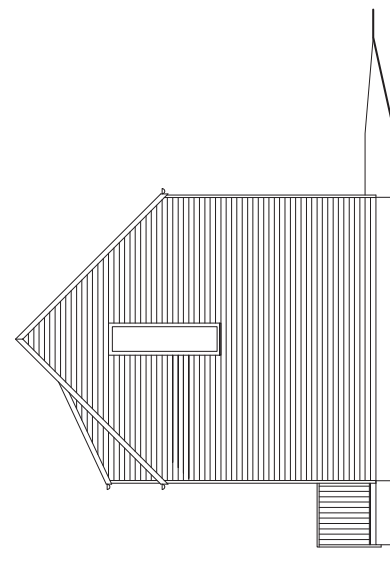
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION




WEST ELEVATION

EXTERNAL FINISHES (In accordance with Sylvan Stuart LTD Specification):

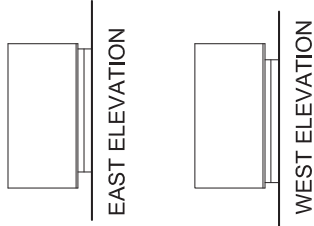
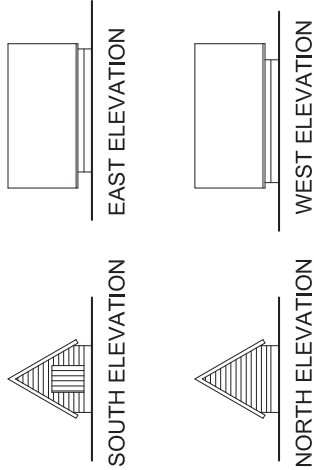
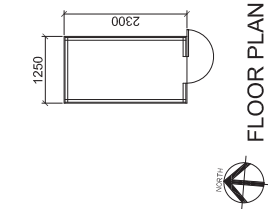
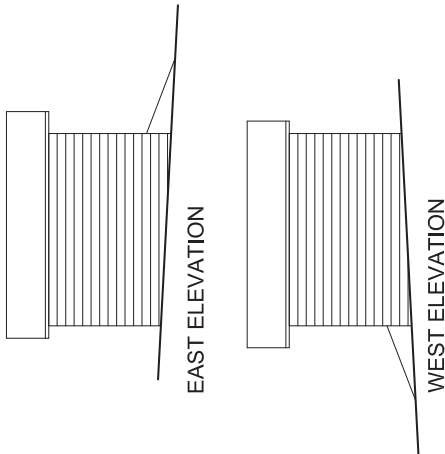
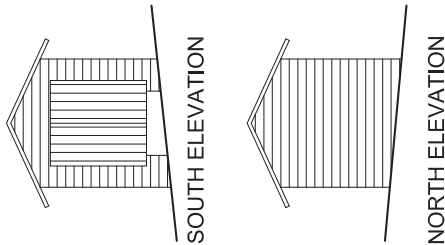
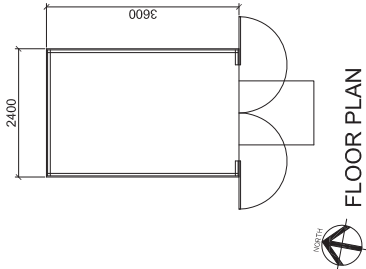
- Roof: Marley Eternit 'Thrutone' Roofing slates with proprietary ridge and verge fittings (blue/ black colour)
11no. Velux GGL M08 Triple Glazed Roof Lights
3no. Velux CLI M08 Solar Collectors
Alumasc Aluminium Gutters and Downpipes
Walls: 'Thermowood' Horizontal Cladding (natural wood colour)
Door & Windows: N Tech Passiv Aluminium clad triple glazed windows
Passiv Aluminium clad softwood doors with triple glazing

SCALE BAR, NORTH POINT, FINISHED LEVELS AND EXTERNAL FINISHES ADDED BY FEARNMACPHERSON - CHARTERED ARCHITECTS

AMENDMENTS		PROJECT		Proposed House		Elevations		Sylvan Stuart Limited	
DATE	REVISION					TITLE		Old Rayne	
A			SITE	Aberfeldy		DWG NO.	YOU004.12	IN SCH	
B								Aberdeenshire	
C			CLIENT	Ms M Young		DATE	2 April 2012	AB52 6RX	
D						SCALE	1:100 @ A3	tel 01464 851208	
E								fax 01464 851202	
								email sales@sylvanstuart.com	

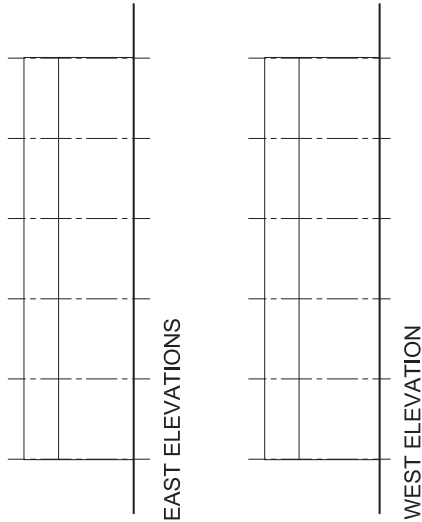
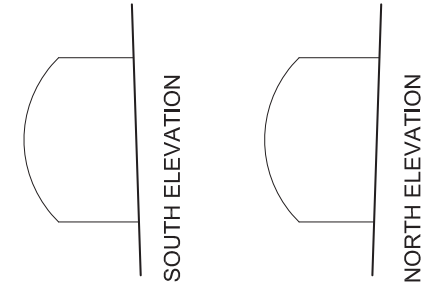
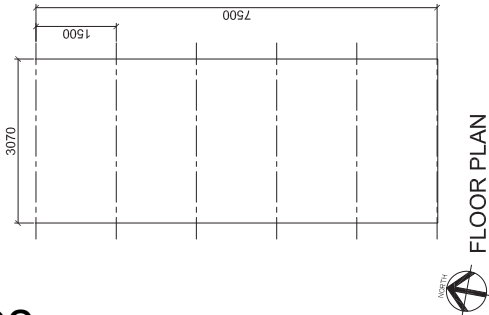


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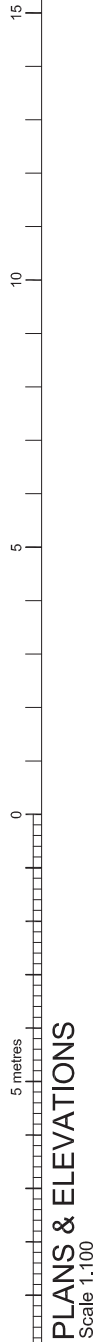


SHED: PLANS & ELEVATIONS
Scale 1:100

CHICKEN SHED: PLANS & ELEVATIONS
Scale 1:100



POLY-TUNNEL: PLANS & ELEVATIONS
Scale 1:100



PLANS & ELEVATIONS
Scale 1:100

Project		Date	
PROPOSED HOUSE		APRIL 2012	
NEAR GLENGOULANDIE		Scale 1:100 @ A3	
ABERFELDY PERTHSHIRE		Drg No.	
Drawing		779/P/06	
POLY-TUNNEL/ SHED/		Rev.	
CHICKEN SHED:		779/P/06	
PLANS & ELEVATIONS		Unit 4 Dunkeld Road	
		ABERFELDY	
		Perthshire	
		PH15 2AQ	
		Tel : (01857) 820098	
		Fax : (01857) 829455	

**FEARN
MACPHERSON**
CHARTERED ARCHITECTS

**VEHICULAR ACCESS AND NEW HOUSE, GLENGOULANDIE FARM, FOSS.
PLANNING STATEMENT****779****Background.**

This application, for a vehicular access and new house at Glengoulandie with the associated polytunnel, shed and temporary caravan, follows correspondence between the Council and the applicant, Mrs Marion Young.

Mrs Young bought the ground with a view to relocating to the site to continue and expand her endeavours in market gardening and small scale animal husbandry. The land has been allocated Agricultural Code Number 89/677/0069.

Site Access.

The site is served by an existing field gate on to the B846 and while the existing sight lines comply with the requirements of Roads, the gradient coming out from the site on to the B846 is such that it is too steep except for 4 wheel drive vehicles and needs to be amended to provide an easier gradient. This is shown on the submitted drawings and complies with access Type B, (Fig 5.6) and construction details Type A as required by Roads for a single house site.

Site Layout.

The existing temporary caravan, shed and polytunnel are all located to the north west of the existing field. The access track within the site comes off the B846 and swings round to run almost parallel to the existing public road as it runs to the north along the east boundary of the land owned by Mrs Young. By doing so this will minimise the impact of the track as it will sit below the public road level as can be seen from the levels on the enclosed drawings. The new house is located at the bottom and to the west of the existing bank to the north of the field and an excavated plateau will be formed so that the house sits down with a ground floor level of 200.50. This compares with a public road level of 205.00 on a line projected along the centre of the house to the public road.

The foregoing maximises the area for market gardening and grazing to the south of the house site position.

House Type.

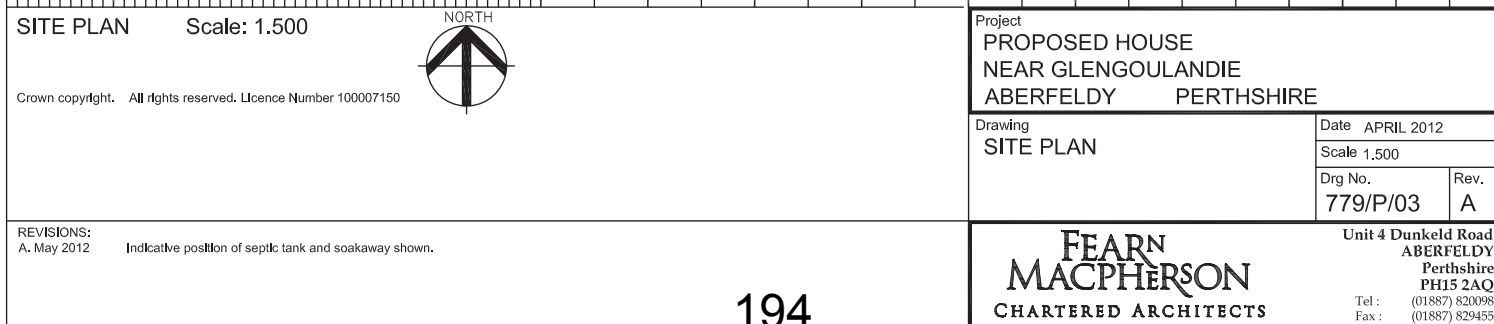
The chosen house type by Sylvan Stuart is a low carbon high efficiency model to minimise its impact on the environment and provide Mrs Young with a low maintenance, easily kept and comfortable home for her and her family.

Notes prepared by:

R C Fearn

For: Fearn Macpherson – Chartered Architects

779.Planning.Statement



TCP/11/16(219)

Planning Application 12/00647/FLL – Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres south east of Garth Castle, Keltneyburn

REPRESENTATIONS

- Representation from Education and Children's Services, dated 24 April 2012
- Representation from Environmental Health Officer, dated 2 May 2012
- Objection from Mr T Fison, dated 3 May 2012
- Objection from Miss I LeCorre, dated 6 May 2012
- Objection from Mr W Hoare, dated 7 May 2012
- Objection from Mr P Waite, dated 8 May 2012
- Objection from Mr R Bowden, dated 9 May 2012
- Objection from Mr and Mrs Wisdom, dated 11 May 2012
- Objection from Mr A Russell, dated 12 May 2012
- Objection from Mr N Beedie, dated 13 May 2012
- Representation from Transport Planning, dated 15 May 2012
- Objection from Mr T Pringle, dated 17 May 2012
- Representation from Biodiversity Officer, dated 31 May 2012
- Representation from Scottish Natural Heritage, dated 11 June 2012
- Representation from Structures and Flooding Section, dated 24 July 2012
- Representation from Mr T Pringle, dated 30 November 212
- Representation from Mr W Hoare, 3 December 2012

- Representation from Lt Col RPD Gordon, dated 4 December 2012
- Representation from Mr T Fison, dated 5 December 2012
- Representation from Mr R Bowden, dated 11 December 2012
- Representation from Mr T Wisdom, dated 11 December 2012
- Applicant's response to representations, dated 20 December 2012

Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	12/00647/FLL	Our ref	GR/FD
Date	24 April 2012	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 12/00647/FLL

This development falls within the Breadalbane Academy Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	302
Highest projected 7 year roll	209
Potential additional children from previously Approved applications	42.4
Possible roll	251.4
Potential % capacity	83.2%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk

Memorandum

To	Development Quality Manager	From	Environmental Health Manager
Your ref	12/00647/FLL	Our ref	MA
Date	2 May 2012	Tel No	01738 476466

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) Land 450 Metres South East Of Garth Castle Keltneyburn for Mrs M Young

An application for planning permission has been submitted in respect of the above. The grid reference of the development site is 276879 750277.

I refer to your letter dated 24 April 2012 in connection with the above application and have the following comments to make.

Water

Recommendation

Properties in the locality of the development are known to be served both by private water supplies and public mains and wastewater drainage.

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

Informatives

1. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
2. The applicant shall ensure the private water supply for the house /development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.



CB



Keeper's Cottage
North Chesthill
Glen Lyon
Aberfeldy PH15 2NH

Development Management Committee

Planning Dept.

Perth and Kinross Council

Pullar House, 35 Kinnoull St.

Perth PH1 5GD

May 3rd 2012

RECEIVED
04 MAY 2012

Ref: Planning application no. 12/00647/FLL, site southeast of Garth Castle on the B846 between Coshieville and Tummel bridge.

Dear Sirs,

I wish to submit an objection to the development proposed in the above application: this includes a house of 1.5 floors, new entrance to the road and a made up track from the entrance to the house, carparking area and a small-holder project in the surrounding field.

To my mind this contravenes the Countryside Planning Policy 2009 in a number of respects:

- 1 It does not safeguard the character of the surrounding countryside
- 2 It is not supporting the viability of any adjoining community
- 3 There are no existing buildings
- 4 No existing garden or flood risk
- 5 There is no established business requiring a dwelling
- 6 The applicant has a house in Aberfeldy
- 7 It will not blend in with the land and will definitely have a detrimental effect on the landscape
- 8 On the south border there is only a wire fence and on the east side there is a wire fence along the road ie it will not be suitably enclosed.

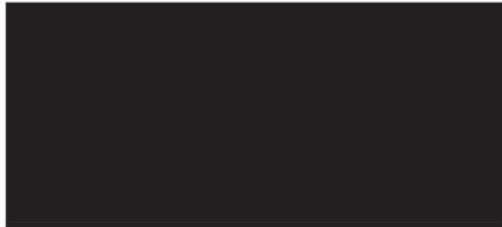
Further material considerations are that this development adjoins an SSSI along the Glengoulandie burn gorge and is near to land managed by the Scottish Wildlife Trust: it thus may impact on nature conservation and biodiversity (for example, I understand from the developer that on the title deed there is a reference to a particular butterfly). Already non-native species, including leylandii and rhododendron, have been planted. Inevitably, in such an area, light pollution will be a factor. Furthermore, the proposal may not be in accordance with the Local Development Plan.

In my opinion, this property should revert to the agricultural use to which it is best fitted viz as grazing land for sheep or cattle. Without planning permission, the owner has placed on site a caravan, polytunnel, chicken house, a small shed and pit latrine and an old car, which together constitute an unsightly development. I urge the authorities to have these removed. This road is an important one for visitors (eg the Etape bicycling event passes along it) and what is happening here is not a good show piece for Perthshire.

I therefore urge the council to reject this application outright.

Yours sincerely

Tim Fison



Miss I LeCorre

2 Lower Acharn

Aberfeldy

PH15 2HS

RECEIVED
15 MAY 2012

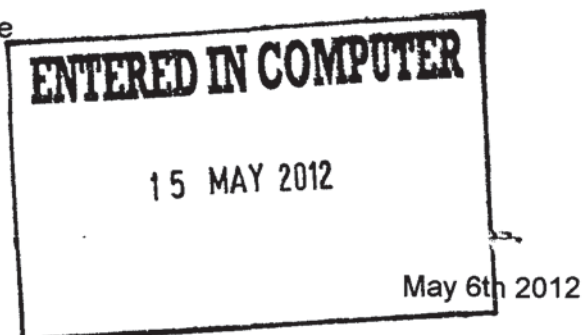
Development Management Committee

Planning Dept.

Perth and Kinross Council

Pullar House, 35 Kinnoull St.

Perth PH1 5GD



Ref: Planning application no. 12/00647/FLL, site southeast of Garth Castle on the B846 between Coshieville and Tummel Bridge.

Dear Sirs,

I wish to submit an objection to the development proposed in the above application: this includes a house of 1.5 floors, new entrance to the road and a made up track from the entrance to the house, car parking area and a small-holder project in the surrounding field.

To my mind this contravenes the Countryside Planning Policy 2009 in a number of respects:

- 1 It does not safeguard the character of the surrounding countryside
- 2 It is not supporting the viability of any adjoining community
- 3 There are no existing buildings
- 4 No existing garden or flood risk
- 5 There is no established business requiring a dwelling
- 6 The applicant has a house in Aberfeldy
- 7 It will not blend in with the land and will definitely have a detrimental effect on the landscape
- 8 On the south border there is only a wire fence and on the east side there is a wire fence along the road: i.e. it will not be suitably enclosed.

Further material considerations are that this development adjoins an SSSI along the Glengoulandie burn gorge and is near to land managed by the Scottish Wildlife Trust: it thus may impact on nature conservation and biodiversity (for example, I understand from the developer that on the title deed there is a reference to a particular butterfly). Already non-native species, including leylandii and rhododendron, have been

planted. Inevitably, in such an area, light pollution will be a factor. Furthermore, the proposal may not be in accordance with the Local Development Plan.

In my opinion, this property should revert to the agricultural use to which it is best fitted viz as grazing land for sheep or cattle. Without planning permission, the owner has placed on site a caravan, polytunnel, chicken house, a small shed and pit latrine and an old car, which together constitute an unsightly development. I urge the authorities to have these removed. This road is an important one for visitors it is the main route from Aberfeldy to Tummel Bridge and Rannoch taking in Schiehallion and the outstanding beauty of the area, the Etape cycling event will also pass this way, and what is happening here is not a good show piece for Perthshire.

I therefore urge the council to reject this application outright.

Yours sincerely

A black rectangular box redacting the signature of I LeCorre.

I LeCorre (Miss)

From: william
Sent: 07 May 2012 10:59
To: Development Management - Generic Email Account
Subject: Ploanning Application 12/00647/FLL - Objection

**Application 12/00647/FLL Erection of a dwellinghouse, etc etc
450 Metres South East Of Garth Castle Keltneyburn.**

I live locally and frequently pass this site. I wish to object to this application. I am concerned that this proposal:

will adversely affect the character of its immediate environs,

will adversely affect an SSSI and a Special Area of Conservation Value,

will set a precedent for different uses of agricultural land,

is not be in accordance with the Local Plan(existing or proposed),

is not be in accordance with P & K's Housing in the Countryside Policy(2009).

Until recently, this site was unimproved or semi improved grassland used for grazing of cattle or sheep. The field itself adjoins the Keltneyburn SSSI, and indeed, part of the land shown as owned by the developer is actually part of that SSSI, the woods forming the eastern bank of the Keltneyburn.

There has been incremental development on the site, not all with consent, over the last couple of years, thereby altering the site's appearance. It is in an area with no visibility to or from any other habitation, especially so when trees are in leaf. But it is highly visible from the road, part of the designated "Scenic route to Tummel Bridge and Pitlochry". Not only will the house itself be very visible from the south, so also will be the 150m of proposed access track although the latter becomes less visible below the road further north. The visibility of this four-bedroomed house is likely to be increased when the almost inevitable addition for a garage is made.

The land and soil on which it sits is almost certainly of insufficient quality and quantity to independently support a family occupying the proposed house and thus classifying the house as necessary for agricultural purposes would be invalid.

The proposal does not seem to fit with any of the categories of development that might be in accordance with the Current Housing in the Countryside Policy. To permit a house on this site would suggest that a

landowner virtually anywhere could sell a small piece of agricultural land, and, dressing up a proposed hobby smallholding as agricultural use, get consent for a house. I feel sure this is not what most people in or visiting Highland Perthshire want.

On p5 of the application, it has been certified there are no trees in or adjacent to the site. This is patently wrong but may simply be a slip of the pen. The Site Plan itself shows the tree canopy extending over the site on its western side thus demonstrating that trees are indeed very adjacent to the site if not on the footprint itself of the proposed house.

Whatever the outcome of this application, the status of the caravan on this greenfield site needs to be addressed.

W A Hoare
Cluain
Tomnacroich
By Fortingall
7 May 2012

From: Trish Waite
Sent: 08 May 2012 23:46
To: Development Management - Generic Email Account
Subject: planning appl.12/00647/FLL

Dear Sir,
Regarding this planning application,I would like to add my objection
to that of Mr Tim Fison,and agree with the points he has made.
Yours faithfully,
Patricia C Waite

The Bothy,Camserney Farm,
Aberfeldy,PH15 2JG

Mr Richard Bowden (Objects)

Comment submitted date: Wed 09 May 2012

The proposed housing and related development is contrary to planning policy principles at the national, strategic and local levels.

Firstly, it would not accord with national policy set out in Scottish Planning Policy (SPP) on rural development (which seeks to protect and enhance environmental quality) and the associated guidance and advice in Planning Advice Note 72 (which states that the proposed location and siting of new housing considers the impact on the landscape, in arms of both immediate and wider surroundings).

At the strategic level, the proposed new TAYPLAN (2012) in Policy 1 sets location priorities for all new development with a focus mostly on principal settlements - the nearest in this case being Aberfeldy - and requires all new development to be "fit for place" Under Policy 2 of the plan there is stated need to safeguard the countryside as an important resource - and to protect it from encroachment. Policy 3 stresses the importance of respecting the regional distinctiveness and scenic value of the plan area through, amongst other things, safeguarding habitats and sensitive green spaces. The proposed development in this case would fail against each of these 3 policies as it proposes housing and associated development in an area of open countryside a mile from the nearest small hamlet of Coshieville, which would be wholly out of keeping with the surrounding unspoilt rural area which should be safeguarded from inappropriate developments such as this.

In the new proposed Perth & Kinross Local Development Plan (2012) the settlement boundary of Coshieville is defined (on P175) and para 6.10.2 under the heading Spatial Strategy states that Coshieville is not identified for growth and "a tight settlement boundary has been drawn to limit any significant growth. The proposed site is a mile away from the settlement boundary so cannot be regarded as part of Coshieville but is a rural location in the open countryside. Under Vision, the local development plan in para 2.2.4 states that rural spaces support tourism and a wide range of rural assets - stressing that a well cared for rural environment is a social and economic asset vital to the well-being of all of us and to future prosperity. Para 2.2.5 seeks to reduce impact on the local environment and Para 2.2.6 states this area is highly valued for beauty of its natural environment. Accordingly, the proposed development would be contrary to all of these planning policy principles.

Policy RD3 of the local development plan deals in more detail with Housing in the Countryside, making reference to more detailed criteria set out in Supplementary Guidance (SG) which seeks to protect the outstanding landscape of the plan area in line with national policy guidance in SPP and PAN 72 that seeks to safeguard the character of the countryside and to ensure that high standards of siting and design are achieved. The SG differentiates between different categories of new housing development in the countryside. The proposal does not fit into the categories of a building group, infill, renovation, conversion or rebuild - instead it would be an isolated new-build development in open, unspoilt countryside at a highly prominent location close to the B846 road.

The only possible criteria that might conceivably be put forward for allowing such a development would be its link to a local economic activity in that area. In reality the suggestion that the land concerned is being used as a sustainable form of agricultural landholding is not persuasive - as the informal developments there do not justify such an assertion. The applicant has simply erected a poly tunnel and some rudimentary shed and awning structures in an open field and placed a caravan and an abandoned car on the site in question. Each of these token and unauthorized developments add to the increasingly incongruous and unkempt appearance of what was until recently an undeveloped pasture field in the open countryside. An isolated 2 storey house in this location would be wholly inappropriate and unjustified when considered in the context of the policy aims and objectives outlined above. Instead of granting planning permission for a house alongside these unauthorised and unsightly structures the council should be taking enforcement action to ensure that the existing structures are removed without delay - to restore the field in question to become part of the countryside. Again. Such enforcement action would be in accordance with the policy principles outlined above.

If the proposed development was granted planning permission it would set an important and unfortunate precedent - encouraging others to litter the countryside with notional efforts at demonstrating some form of rural enterprise under the guise of sustainable farming with a view to securing planning permission at other isolated sites in the open countryside. As in the case of the present planning application this would be wholly contrary to the letter and spirit of the national, regional and local planning policies and associated guidance, as outlined earlier.

In summary the application should be refused as being contrary to all relevant policies related to housing in

the countryside, which seek to safeguard the valuable resource of the precious and vulnerable rural landscape of Highland Perthshire outside the defined settlements where housing and other developments should be directed. Furthermore the council should take immediate enforcement action to ensure that all the temporary structures that have recently been put in place on the site concerned, without planning permission, are removed without delay. Then the applicant should be required to restore the land concerned to being part of the open countryside which makes a significant contribution to the well-being and attraction of the surrounding rural area.

From: Terry Wisdom
Sent: 11 May 2012 12:57
To: Development Management - Generic Email Account
Subject: Planning Application 12/00647 FLL

Dear Sirs

Firstly, may I say, that I fully support and reiterate the points made by Mr Richard Bowden in his, eloquent, points of objection that have been lodged.

My wife and I are residents of Coshieville, having moved to this beautiful area in November 2006. We regularly drive past the field, the subject of the Planning Application and for some considerable while have noticed, and been greatly concerned by, the “clutter” that had appeared. I had made a few enquiries of local residents regarding the identity of the land owner but without success.

The fact that the “clutter” has been on the site for, at least, eighteen months and without the benefit of planning permission, appears to indicate a course of action by the land owner to “pave the way” for planning consent. I suggest that granting planning permission, thus supporting this type of clandestine activity, would create a dangerous precedent.

Before moving to this area I made enquiries of the Planning Department regarding development policy and was advised that new builds would only be allowed on the “footprint” of an existing or past building and I assume that is still the case. Local enquiries indicate that no such previous building has existed within living memory.

In summary, my wife and I object to the grant of the planning permission sought and request that consideration be given to enforcement action to remove the “clutter” from the site.

I invite the Planning Committee to give consideration to my comments, despite my having missed the deadline.

Yours faithfully

Terence Wisdom
Yvonne Wisdom

Mr Alastair Russell (Objects)

Comment submitted date: Sat 12 May 2012

I wish to register my objection to the proposed development and offer the following reasons which support rejection:

The proposal does not fit with the Scottish Planning Policy on rural development, and is contrary to the associated Advice Note 72.

The proposal is contrary to the policies set out in the new TAYPLAN 12, specifically :

The development is not "fit for place" as layed out within Policy 1,

The development is a clear encroachment into countryside, contrary to Policy 2,

The proposal is contrary to Policy 3 intended to protect areas of scenic value and protect sensitive habitats.

As a development in an area of open countryside, a mile from Coshieville, this would I believe be entirely inappropriate. Indeed the Perth & Kinross Local Development Plan (2012) clearly states that Coshieville is not identified for growth. The proposed development should be seen as a proposal to develop open rural countryside and as such is contrary to the local development plan.

The development should not be approved on the basis that it is needed as part of a sustainable agricultural landholding, or as part of useful economic activity. The land area and type do not justify such an argument. Additionally the abortive attempts to cultivate some of the land over recent years would support the fact that it should be returned to open rural pasture land.

Further, accesss to this proposed development onto the road is inappropriate - the road is narrow with poor visibility and already has a history of vehicle accidents.

Should planning permission be granted, I believe that in addition to going against all stated planning principles, it would set an unfortunate precedent. It would be a clear indication that all one needed to do develop an open rural area was scatter some old caravans and cars on it, add a couple of shanty sheds and a pollytunnel and then submit a planning application. This cannot be the right way to manage our countryside.

Finally, I ask that appropriate enforcement action is taken to restore this field to its former position as open rural grazing, rather than the eysore of unplanned sheds etc which have been tolerated over recent years.

Mr Norman Beedie (Objects)

Comment submitted date: Sun 13 May 2012

I object to this development because: it contravenes the Local Plan; it is outside the strict boundary of Coshieville one mile distant; the land at present has very little, if any agricultural development - consequently there is no need for a residence to be sited there; the entrance to the land is from a narrow and dangerous road constantly used by heavy traffic; the leaving of an old car and the erection of a flimsy polytunnel does not show sustained agricultural use.

Housing development must be allowed only within the existing policy and strategy guidelines. Backdating any "right" to develop leaves the way open for any and all unplanned development to be allowed, to the detriment of the countryside, one of the areas major amenities, and makes a mockery of those who abide by the planning rules i.e. ask for permission first.



MEMORANDUM

To	Christine Brien Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/00647/FLL	Date	15 May 2012

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 12/00647/FLL for planning consent for:- **Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect) Land 450 Metres South East Of Garth Castle Keltneyburn for Mrs M Young**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

I trust these comments are of assistance.

Mr Thomas Pringle (Objects)

Comment submitted date: Thu 17 May 2012

Dull and Weem Community Council
Appin of Dull,
Aberfeldy.
PH15 2JQ
15th May 2012-05-15

Ref 12/00647/FLL

Dear Ms Brien,

Dull and Weem Community Council wish to raise our concerns about the application 12/00647/FLL, erection of a dwelling house, formation of a vehicular access and associated poly tunnel, shed and temporary caravan (in part retrospect) Land 450 Metres South East Of Garth Castle, Keltneyburn.

In the past Councillor Campbell has approached the Enforcement Officer on our behalf about the fact that this green field site was being developed without Planning Permission.

The site is outside the boundaries of both the old and new area plans.

The Community Council believe that if this application is granted it will encourage uncontrolled development in the future and therefore have to oppose it.

We are also uncomfortable about the description of the site which gives the impression it is on the west side of the burn and therefore outside our area.

I am,
Yours Sincerely

Tom Pringle
Secretary
Dull and Weem Community Council

Memorandum

To Christine Brien

From David Williamson
Biodiversity Officer

Your ref **12/00647/FLL**

Our ref

Date 31 May 2012

Tel No 01738 475278

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Christine,

Planning Application 12/00647/FLL

Erection of a dwellinghouse, land 450 metres east of Garth Castle, Keltneyburn

With regard to the above planning application, I have looked at the proposals and I have the following comments.

The proposals are adjacent to both the Tay SAC and Keltneyburn SSSI, to the west of the site, but they do not appear to directly impact on either site. However, there are no details of how drainage will be dealt with from the development and this should be considered to ensure there is no adverse impact on these designated sites. I am not sure whether this can be dealt with under conditions attached to an approval or whether it requires to be dealt with prior to determination.

If you have any queries regarding the above please do not hesitate to contact me.

Yours faithfully,

David Williamson



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Mr Nick Brian
Development Quality Manager
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

11 June 2012
Our ref: SIT/SAC/8280/ASS (CDM113528)
Your ref: 12/00647/FLL

Dear Mr Brian

**Town and Country Planning (Scotland) Act 1997
Erection of a dwellinghouse, formation of a vehicular access and associated
polytunnel, shed and temporary caravan (in part retrospect) on land 450 metres South
East Of Garth Castle, Keltneyburn**

Thank you for your consultation of 18 April 2012 regarding the above application and agreeing an extension for our response.

Summary

This proposal could be progressed with changes or mitigation measures. The proposal could have adverse impacts on the ecological integrity of Keltneyburn Special Area of Conservation (SAC). We consider that this application raises issues of national interest and we therefore object to this proposal unless it is made subject to the mitigation measures as set out in Annex A,

If the planning authority intends to grant planning permission against this advice, without the suggested mitigation, you must notify Scottish Ministers.

Our appraisal of the impacts of the proposal

The development lies directly adjacent to Keltneyburn SAC and Site of Special Scientific Interest (SSSI). *Further details of the legislative requirements are available from <http://www.snh.gov.uk/docs/A423286.pdf>.*

In our view, without adequate and mitigation measures secured by conditions or legal agreements, there will be an adverse impact on SAC integrity arising from this proposal. *(Please refer to Annex A for our full appraisal of the potential impacts.)* This potential impact of the development is also likely to adversely affect the protected natural features of the SSSI.

Keltneyburn is internationally important for its gorge woodland also known as “mixed woodland on base-rich soils associated with rocky slopes”. The ground flora is rich in woodland species and has a high number with a restricted distribution including the nationally rare whorled Solomon’s seal.

Our assessment of the proposal has highlighted the following concerns:

**Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW
Tel 01738 444177 Fax 01738 45 8611 www.snh.org.uk**

1. The risk of damage to the roots of trees within the protected area if construction takes place within 15 metres of the boundary. The principal mitigation is a root protection zone of 15m.
2. The risk of spread of non-native plant or other material whether by dumping or escape, or of herbicide drift unless: a fenced buffer strip (minimum 5m width) is used to protect the designated site and the existing ancillary structures (polytunnel & sheds) is re-located outwith this buffer strip.

The further information and revised site plan supplied in Bob Fearn's email dated 31 May 2012 addresses our concern over the issue of the soakaway and septic tank arrangements.

Advice

Although not part of our grounds for objection, we recommend that consideration is given to the house site being marginally re-sited away from the woodland boundary to further protect the SAC from disturbance during construction .

If you need any further information or advice from us in relation to this proposal please contact Peter McPhail (peter.mcphail@snh.gov.uk) at our Battleby office in the first instance. I would be grateful if you could let us know of your Council's decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

Gavin Clark MRICS
Operations Manager
Tayside & Grampian
gavin.clark@snh.gov.uk

SNH APPRAISAL OF THE PROPOSALS

Appraisal of the likely impacts of the proposal on Natural Heritage Interests:

The proposed development site lies immediately adjacent to and may overlap slightly with:

- Keltneyburn Special Area of Conservation (SAC);
- Keltneyburn Site of Special Scientific Interest (SSSI).

The qualifying interest of Keltneyburn SAC for which the site is designated is “Mixed woodland on base-rich soils associated with rocky slopes”.

Click (<http://gateway.snh.gov.uk/sitelink/index.jsp>) for further information on the SSSI, SPA and Ramsar qualifying features and Conservation Objectives.

Keltneyburn SAC

Keltneyburn’s status as an SAC means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the “Habitats Regulations”) apply.

The “mixed woodland on base-rich soils associated with rocky slopes” is also a priority habitat within the meaning of the Habitats Directive and the Habitats Regulations.

The Proposal

The planning application consists of the erection of a single dwelling house, vehicular access and retrospective consent for erection of a polytunnel, shed, chicken shed and caravan in an agricultural field adjacent to the B846 and the Keltney burn. The proposed housing site incorporates a parking area adjacent to the house. It is proposed to dispose of sewage to a septic tank and soakaway with provision for a sustainable drainage of surface water (SUDs arrangement). The revised plan shows these arrangements to be due south of the proposed house site and between 15 and 20metres from the boundary of the SAC.

In our view, this proposal is likely to have a significant effect on the qualifying interests of the site. As a consequence Perth & Kinross Council is required to undertake an appropriate assessment in view of the site’s conservation objectives for its qualifying interests.

Our Assessment

We have concluded that the most significant issues in relation to the SAC woodland habitat are:

- The risk of damage to the roots of trees from construction activities. There is a risk that the tree roots of native broadleaves will be damaged if construction takes place within 15 metres of the boundary.
- The risk of the spread or dumping of plant or other materials and the risk of escape of non-native plants from the garden of the house into the designated site. Waste generated by the smallholding, pollution from fertilisers or herbicides used in the garden may impact on the site. On other sites experience shows that there is a risk of the release of invasive non-native species in similar situations. The release of such plants is now controlled by the The Wildlife and Natural Environment Act 2011¹ part 2 Section 14 and 17 which amend the Wildlife and Countryside Act 1981.

- Our assessment has identified a number of other lesser potential impacts on the SAC which fall within the general category of "increased disturbance" as a result of having an occupied house adjacent to the designated woodland where there was no previous house.

We have concluded that mitigation measures are required to protect the integrity of the SAC and these should and be secured by appropriate conditions or legal agreements.

Priority Habitat

The "Mixed woodland on base-rich soils associated with rocky slopes" is a Natura priority habitat and the flow chart in Scottish Government Circular 6/95 Annex 1 on page 23.

National Interests:

Keltneyburn SSSI is notified for natural features including:

- Upland mixed ash woodland;
- Vascular plant assemblage.

The site was designated for these features on account of their condition and extent/number and to ensure that representative examples were safeguarded across their GB range. The Upland mixed ash woodland is the same feature as the "mixed woodland on base-rich soils associated with rocky slopes" SAC feature. Our assessment above applies equally to the SSSI and SAC features.

Proposed Mitigation

1. A Root Protection area and buffer zone of 15m must be set up according to BS5837:2012 'Trees in relation to design, demolition and construction' along the SAC boundary.
<http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030213642>

This requires that a root protection zone should be left undisturbed during construction which is capped at a circle with a radius of 15m. This Root Protection Area must be fenced off prior to works commencing on site. This fence should be clearly marked using coloured tape or some other form of obvious marking to ensure that no vehicles or other machinery enters the Root Protection Area. No ground works must be undertaken within this Root Protection Area.

Reason: To prevent any direct damage to the qualifying interest of the SAC through the disturbance of tree root plates.

2. Before starting any development, a buffer zone should be put in place to protect the SAC. We suggest a double fence and the buffer should be wide enough to provide protection from the risk of dumping or accidental spread of materials and we would suggest a minimum of 5 metres. This would be functionally most effective if it were left as mown grass habitat. The ancillary buildings (polytunnel & sheds) should be relocated out with this buffer zone. The two sheds are currently immediately adjacent to the designated site boundary.

Reason: To protect the integrity of the SAC from dumping or spread of plant or other material whether by dumping or escape, or of herbicide drift. Without such a buffer zone the survival and distribution of typical species in the woodland habitat has the potential to be adversely affected.

The above conditions should be secured by appropriate conditions or legal agreements with Perth and Kinross Council. We suggest that a conservation management agreement is attached as an annex to any legal agreement.

ⁱ The Wildlife and Natural Environment Act 2011 - <http://www.legislation.gov.uk/asp/2011/6/contents/enacted>

This Act introduces a presumption against releasing “invasive non-native species” (INNS) into the wild outside of their native range. A Code of Practice, issued under new section 14C of the Wildlife and Countryside 1981 Act, will help people who manage land containing non-native plants and animals or are involved in the keeping of non-native plants and animals to understand their legal responsibilities. The full provisions come into effect on 2 July 2012.

Section 5 of the code deals with the release of non-native plants from an exempted (non-wild) area, such as a garden. The onus is on the owner or occupier to manage an area responsibly to prevent the spread of non-native plants into the wild and thus avoid committing an offence. (para 5.12 and para 5.15). See the following Scottish Government web page for further information and links to the code:

<http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/InvasiveSpecies/legislation>

Audrey Brown - Democratic Services

From: Russell Stewart
Sent: 24 July 2012 14:59
To: Christine Brien
Subject: 12/00647/FLL - 450m South EAsT of Garth Castle Keltneyburn

Hi Christine,

I have been looking through files on my desk and have come across a letter from you regarding this application. I cannot find any record of me responding to this letter. I imagine it is too late to respond but thought I should provide advise in any case.

- The site is out with the SEPA flood map and as such is a low risk of fluvial flooding
- The site is agricultural and our flood register does not (at present) record flooding of such land. Therefore, we have no records of flooding at this location
- The topography around the development is rather steep and there is a possibility that overland flooding could be an issue during periods of prolonged and heavy rainfall as the ground becomes saturated. Therefore, consideration should be given to this issue when contouring the land around the house (i.e. contour land away from the house)

Any queries just let me know.

Regard
Russell

Russell Stewart
Engineer (Flooding)
Structures and Flooding Section
The Environment Service
Perth & Kinross Council
The Atrium
137 Glover Street
Perth
PH2 0HY

Tel: 01738 477277
Fax: 01738 477210
Mob: 07500918044
Email: rstewart@pkc.gov.uk

CHX Planning Local Review Body - Generic Email Account

From: THOMAS PRINGLE [REDACTED]
Sent: 30 November 2012 22:23
To: CHX Planning Local Review Body - Generic Email Account
Cc: Iomhair Fletcher; Marjorie Keddie; Roddy Kennedy; Ted Piner
Subject: Re: TCP/11/16(219)

Dull and Weem Community Council have no other comments to add to this application. However we strongly support the planning departments decision to turn down this application.

Thanks

Tom Pringle
Secretary
Dull and Weem Community Council

Representation in respect of Application 12/00647/FLL for consideration by the Local Review Body

I have now seen the Notice of Review documentation stressing the Operational need for a house on this site. I must commend the Applicant for her persistence and her entrepreneurial determination, but consider that the transfer of a business, hitherto a roadside kitchen table with honesty box, insufficient justification for what will be an isolated house in the countryside. There would seem little likelihood of such a small agricultural holding, at the altitude it is, ever generating sufficient income to support the Applicant and her sons family, so that at best, the Operational need case is only partial as indeed the applicant admits in her submission. The use of extensive poly-tunnels could increase the productivity of the site but these themselves would add more unsightly intrusion on the "...Scenic Route from Crieff to Pitlochry.." The use of screening trees may help in this regard, but some of the trees already planted appear to be Leylandii, and these will hardly give a natural appearance to the site.

In the three months since Application 12/00647/FLL was refused, there appears to have been no attempt to comply with the enforcement requirements that were associated with refusal – perhaps understandable as the Applicant clearly intended to request a Review. But the appearance of the site is now made worse by what appears to be an abandoned car that has not moved for at least four months. Were the site not deep in snow, I would have provided a photograph of same for the Local Review Body.

The Applicant's submission makes mention of employment generation but this will be minimal. The hay cutting/making will be at most two or three days per year, and less as more of the meadow is planted with fruit trees/bushes and vegetables. The horticultural activity would generate more seasonal work in due course, but let this be seen to work before approving a house in such an intrusive location. It will be intrusive despite commendable efforts of Applicant and Architect.

At best, the case made for a house in the proposed location is naive, I hope it is not disingenuous.

Mr W A Hoare
Cluain
Tomnacroich
Aberfeldy PH15 2LJ

CARN RAINEACH
COSHIEVILLE
BY ABREFELDY
PERTSHIRES
PH15 2NE



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

RECEIVED
06 DEC 2012

4 December 2012

APPLICATION 12/00647/FLL
P&K Council Letter dtd 5 Sep 2012
P&K Local Review Body letter TCP/11/16(219) dtd 27 Nov '12

Dear Sir,

Your reasons for refusing the above mentioned Planning Application were clearly outlined in your letter dtd 5 Sep '12. In particular, the Application most certainly doesn't meet the requirement of "new houses in the open countryside". I, and other inhabitants of this small, rural community, are fully supportive of your decision which must be upheld by the Local Review Body.

Yours faithfully,


Lt Col RPD Gordon

Copy to:-
Mr T. Fison, Keepers Cottage, Glen Lyon

Keeper's Cottage

North Chesthill

Glen Lyon

Aberfeldy PH15 2NH

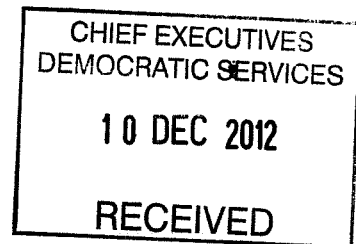
To: Perth and Kinross Local Review Body

2 High Street

Perth PH1 5PH

December 5th 2012

Ref. Application no. 12/00647/FLL



Local Review Body notice: TCP/11/16 (219), 27/11/12

Dear Sirs,

You have informed me that the applicant for this planning proposal has sought a review following the Council's decision to refuse the application. Having written to the council arguing the case for refusal, I am now urging the Review Body to uphold the Council's decision, which was based on several tenets of the HALP and Countryside Policy. If this decision is reversed, it will call into question the whole planning procedures of the Council. Indeed, one will wonder if there is any point in having such policies if they are not adhered to.

In the Review statement, much is made of the applicant's 'endeavours business in market gardening and small scale animal husbandry'. Having reason to pass by the site in question several times per week over the past few years, I have watched the haphazard nature of the applicant's activities with considerable concern. The very limited and random efforts at horticulture simply cannot be said to constitute a business. The applicant does indeed place some products for sale on a small table outside her house in Aberfeldy during the summer with an honesty box. If that is the extent of her business operation after 25 years, it doesn't seem realistic to think she can achieve her aims in Glengoulandie. The plea of 'operational need' to justify building a house and associated structures based on this flimsy evidence is not valid.

The applicant erected various structures at the site, including not only the stated caravan, polytunnel, shed and chicken house, but also a small pig pen (from which the pig escaped and had to be re-captured with the help of a neighbour), and a latrine, without planning consent. A car, apparently abandoned, has been left standing in the field for months. To suggest that she has been even partially successful in producing crops is overstating the

case. A few bales of hay were cut once this year but, as the applicant states, it was unfit for sale. A handy man is stated to be employed but on most occasions, only the applicant is to be seen there.

Of course, the deer have entered the site because only a stock fence was erected, which again demonstrates the applicant's lack of knowledge and capability.

The Review statement mentions the Northern Brown Argus butterfly requiring meadow habitat for breeding but this seems at variance with the applicant's stated aim of developing a market garden on the site.

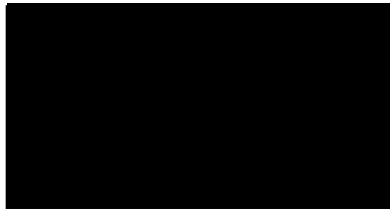
The Review describes 'string development of isolated farmhouses' in Glengoulandie. This is a contradiction of terms. The dwellings of Tomphubil, Whitebridge, the original buildings at Glengoulandie Deer Park, Garth, and Litigan were all established prior to current planning policies. Allowing a house at this site in the application will set a precedent and will indeed go some way to create such a 'string development'!

In my view, this development, however good the house design is stated to be, is not compatible with the landscape and will impact adversely. This is a lovely part of Perthshire and putting this development here (imagine a line of non-native leylandii screening this field) is simply not 'socially, economically or environmentally' good for anyone other than the applicant and her family and hardly an example of good placemaking.

I absolutely dispute the argument of operational need. To say the land will lie fallow puts a negative connotation on its value and sensible economic and environmentally-friendly use as grazing land, to which in my view it should be allowed to revert. The community will not lose any economic benefit.

Yours sincerely

Tim Fison



CHX Planning Local Review Body - Generic Email Account

From: Richard Bowden [REDACTED]
Sent: 11 December 2012 18:12
To: CHX Planning Local Review Body - Generic Email Account
Subject: Planning Review Body Appeal 12/00647/FLL Land 450 Metres South East Of Garth Castle Keltneyburn, By Aberfeldy, Highland Perthshire

For the attention of the Local Review Body determining the appeal related to application 12/00647/FLL

I note that the above planning application was refused planning permission by the council earlier this year but that this decision was subsequently appealed by the applicant. At the time of the council determination of the planning application there were a number of objections lodged - including from local residents and from SNH, amongst others.

At the time the application was under consideration I lodged representations to the council setting out a number of objections to that application - my objection of 10 May 2012 is copied below for your convenience.

All of the matters I raised (and the concerns raised by SNH) at that time are still highly relevant and - locally and equally importantly with regard to national planning policy and the development plan for the area in question - there has been no material change of circumstances that would justify the appeal that has now been lodged being upheld, even on an exceptional basis. Not only was the council correct and logical in refusing this application based on all of those material considerations but indeed the situation locally has reinforced the basis for that decision. This is because the site in question has deteriorated in the intervening period as a result of the deliberate actions of the appellant in further developing the field in question in an indiscriminate, damaging and highly damaging manner without any permission.

Indeed the applicant, who has become the appellant, through her progressive and deliberate installation of structures on the site, has demonstrated a long term and flagrant disregard for the statutory planning policy principles that are of relevance to this case at the national, regional and local levels. This is evident from the way in which the site in question and the local environmental context of this unspoilt rural landscaped has already been damaged seriously by these unauthorised erection of structures of various types without the necessary planning permission having been obtained first. Even when viewed from the public road the poor, unstructured nature of those developments and installations, combined with the abandoned car that has been placed there is all too visible. Urgent enforcement action is now merited to clear away those installations rather than allowing them to form the basis for a new planning permission that would be a stepping stone towards gaining permission for house on the site which would not be justified and would be detrimental to the area concerned.

In summary this application and now the appeal is the culmination of a blatant attempt by the appellant to destroy a pristine and prominent rural area of Highland Perthshire to such an extent that it is hoped by the appellant that the council may allow a wholly inappropriate conversion of the field concerned into a housing plot in the open countryside. This thinly disguised tactic, dressed up with references to ecological aspirations, should be seen for what it is - and rejected outright by the local review body hearing the appeal. Otherwise it will set a very unfortunate precedent leading to further pressures for similar desecration of the countryside in wholly inappropriate locations for isolated developments of housing or other proposals that are put forward in the name of community or ecological enterprise. This is a clear and wholly unacceptable "backdoor" attempt to get past or override the principles of the development plan policies and national planning principles which rightly seek to safeguard special places like this part of Highland Perthshire from random encroachments of built development such as isolated houses into the open unspoilt countryside.

Accordingly, I would wish the above note together with my representation of 10 May 2012 to be taken into consideration when the appeal is being determined by the local review body - and thank you in anticipation for doing so, when I trust that the appeal will be rejected and planning permission refused.

Yours sincerely

Richard Bowden
Moulin House

Keltneyburn, Nr Aberfeldy, Perthshire PH15 2LF

publicaccess@pkc.gov.uk

9 May

to richardebowden

Mr Richard Bowden,

You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 1:27 AM on 10 May 2012 from Mr Richard Bowden.

Application Summary

Address: Land 450 Metres South East Of Garth Castle
Keltneyburn

Proposal: Erection of a dwellinghouse, formation of a vehicular access and associated polytunnel, shed and temporary caravan (in part retrospect)

Case Officer: Christine Brien

[Click for further information](#)

Customer Details

Name: Mr Richard Bowden

Email: [REDACTED]

Address: Moulin House, Keltneyburn, Aberfeldy PH15 2LF

Comments Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Reasons for comment:

- Contrary to Housing In Countryside
- Contrary to Local Plan
- Contrary to Policy
- Contrary to Structure Plan
- excessive height
- inappropriate land use
- Loss Of Open Space

- Loss Of Visual Amenity
- out of character with the area
- unacceptable design

Comments: The proposed housing and related development is contrary to planning policy principles at the national, strategic and local levels. Firstly, it would not accord with national policy set out in Scottish Planning Policy (SPP) on rural development (which seeks to protect and enhance environmental quality) and the associated guidance and advice in Planning Advice Note 72 (which states that the proposed location and siting of new housing considers the impact on the landscape, in arms of both immediate and wider surroundings). At the strategic level, the proposed new TAYPLAN (2012) in Policy 1 sets location priorities for all new development with a focus mostly on principal settlements - the nearest in this case being Aberfeldy - and requires all new development to be "fit for place" Under Policy 2 of the plan there is stated need to safeguard the countryside as an important resource - and to protect it from encroachment. Policy 3 stresses the importance of respecting the regional distinctiveness and scenic value of the plan area through, amongst other things, safeguarding habitats and sensitive green spaces. The proposed development in this case would fail against each of these 3 policies as it proposes housing and associated development in an area of open countryside a mile from the nearest small hamlet of Coshieville, which would be wholly out of keeping with the surrounding unspoilt rural area which should be safeguarded from inappropriate developments such as this. In the new proposed Perth & Kinross Local Development Plan (2012) the settlement boundary of Coshieville is defined (on P175) and para 6.10.2 under the heading Spatial Strategy states that Coshieville is not identified for growth and "a tight settlement boundary has been drawn to limit any significant growth. The proposed site is a mile away from the settlement boundary so cannot be regarded as part of Coshieville but is a rural location in the open countryside. Under Vision, the local development plan in para 2.2.4 states that rural spaces support tourism and a wide range of rural assets - stressing that a well cared for rural environment is a social and economic asset vital to the well-being of all of us and to future prosperity. Para 2.2.5 seeks to reduce impact on the local environment and Para 2.2.6 states this area is highly valued for beauty of its natural environment. Accordingly, the proposed development would be contrary to all of these planning policy principles. Policy RD3 of the local development plan deals in more detail with Housing in the Countryside, making reference to more detailed criteria set out in Supplementary Guidance (SG) which seeks to protect the outstanding landscape of the plan area in line with national policy guidance in SPP and PAN 72 that seeks to safeguard the character of the countryside and to ensure that high standards of siting and design are achieved. The SG differentiates between different categories of new housing development in the countryside. The proposal does not fit into the categories of a building group, infill, renovation, conversion or rebuild - instead it would be an isolated new-build development in open, unspoilt countryside at a highly prominent location close to the B846 road. The only possible criteria that might conceivably be put forward for allowing such a development would be its link to a local economic activity in that area. In reality the suggestion that the land concerned is being used as a sustainable form of

agricultural landholding is not persuasive - as the informal developments there do not justify such an assertion. The applicant has simply erected a poly tunnel and some rudimentary shed and awning structures in an open field and placed a caravan and an abandoned car on the site in question. Each of these token and unauthorized developments add to the increasingly incongruous and unkempt appearance of what was until recently an undeveloped pasture field in the open countryside. An isolated 2 storey house in this location would be wholly inappropriate and unjustified when considered in the context of the policy aims and objectives outlined above. Instead of granting planning permission for a house alongside these unauthorised and unsightly structures the council should be taking enforcement action to ensure that the existing structures are removed without delay - to restore the field in question to become part of the countryside. Again. Such enforcement action would be in accordance with the policy principles outlined above. If the proposed development was granted planning permission it would set an important and unfortunate precedent - encouraging others to litter the countryside with notional efforts at demonstrating some form of rural enterprise under the guise of sustainable farming with a view to securing planning permission at other isolated sites in the open countryside. As in the case of the present planning application this would be wholly contrary to the letter and spirit of the national, regional and local planning policies and associated guidance, as outlined earlier. In summary the application should be refused as being contrary to all relevant policies related to housing in the countryside, which seek to safeguard the valuable resource of the precious and vulnerable rural landscape of Highland Perthshire outside the defined settlements where housing and other developments should be directed. Furthermore the council should take immediate enforcement action to ensure that all the temporary structures that have recently been put in place on the site concerned, without planning permission, are removed without delay. Then the applicant should be required to restore the land concerned to being part of the open countryside which makes a significant contribution to the well-being and attraction of the surrounding rural area.

From: Terry Wisdom [REDACTED]
Sent: 11 December 2012 13:42
To: CHX Planning Local Review Body - Generic Email Account
Subject: Planning Application 12/00647/FLL: Application for Review

Dear Sirs

I refer to the above Applications and have considered the Applicant's review statements.

It does appear that attempts to establish agricultural business use are continuing, "by the back door". My wife and I drove past the site, the subject of the Planning Application, at around midday on Sunday, 9th December 2012 and we were concerned to see that there is a mound of rubbish deposited at the rear of the vehicle that has remained parked (abandoned?) in the field, presumably for subsequent removal. A small "hen coup" or similar has been installed near to the road.

However the poly tunnel gives the appearance of having been abandoned and the clutter on this site is increasing without any apparent concern for the environment, contrary to the content of the review statements.

I have not seen anything in the review statements that indicate any different circumstances that I believe should be taken into account by the Planning Committee and I am of the opinion that the Decision of the Planning Committee should be upheld on review.

Your faithfully

T R Wisdom

Quaich House
4 Dewars Steading
Coshieville
Highland Perthshire
PH15 2NE



Thursday, 20 December 2012

21 Kenmore Street
Aberfeldy
PH15 2BL

Dear Sirs

VEHICULAR ACCESS AND NEW HOUSE, GLENGOULANDIE FARM, FOSS. PH16 5NL

I am writing in response to the further objection received following my request for the planning refusal to be overturned at local review

Who am I? I am a lone female being judged and scoffed at. I came to Aberfeldy in 1984 to be nearer my son who was at Rannoch School. His father wanted him put into care rather than have him live with me. My daughter was at that time at Aberdeen University where she got a law degree. My elder daughter was working in Perth. I bought this house, it had to be completely gutted it was riddled with wood worm.

When I had a few rooms done I rented them out at £15 per week to those working in the town. I did this until 11 years ago when I had the house split into two and sold the front. The room rents stayed at £15 per week. I now have the satisfaction of seeing some of those I helped with their own businesses and houses.

I have brought up three children without financial assistance from their father or the state. It costs lots of money to have one a boarder at school of 8 years and one at university for 4 years.

For most of this time I worked 6 hours a day for the NHS and 8 hours privately, as well as being on call for Marie Curie.

I started selling jam as my son required a new computer. He sat out in the street selling until he had enough money. I was told by my colleagues at work (NHS) that it was a disgrace a Staff Nurse taking in lodgers and now selling jam in the street. With working long hours I hadn't the time to increase my business or the space.

I have been happy meeting people from all over the world on holiday. They would buy jam and sometimes we would have a walk around the garden. I had an open day in the garden and the donations went to Age Concern.

Now I have retired from nursing (and miss it terribly) and have always loved gardening I want to expand. I also want a better and easier life for my son and family and he wants to care for me in my old age. My son at present works for a Bank in Dundee part time and works from home doing computer graphics. My daughter in law also works part time as a chef and they share the child care of their two daughters.

My house here originally had a pig, hens and a cow. The boy collected all the cows in the street and took them to the cow park (now the golf course) and brought them back at night. Everything goes round, improvements are not always for the best.

Objection from Terry Wisdom

The car in the field is a 4x4 purchased to move things on site. It has been there long before the shed and the polytunnel, it was used to transport material for shed from road to site. As for rubbish there is a large wooded structure in bits I assume was used for feeding animals. I removed it from the ground where it was embedded. The rest is old fence posts and wire from when I had the new fencing put up. There are also wooden palettes' which the paving slabs for the base of the shed was on. The wood I will get sawn up for fire wood. The polytunnel is full of plants there are bags of dung outside.

Richard Bowden

There is no deterioration of site, improvement grass had been cut and caravan moved. No development or dumping of rubbish in field this year. The shed is very well built and designed by an experienced joiner. The shed and polytunnel are partially secluded and on ground that was covered in bracken. The house is not two storeys it is one and a half and tucked into the base of the mound.

Lt Col. RPD Gordon

Before I put up the new fencing I consulted an expert on the countryside. I was concerned about the deer but didn't want to exclude them. The expert said to leave it for a year and if they destroyed plants and trees I could have the fence extended to deer fence. This I have applied to do.

Tim Fison

The planting I will be doing, will be of benefit to the Brown Agros butterfly. Again I got expert advice from a butterfly expert in Oban. The Ground to be cultivated will be to the north which is covered in bracken. The large area to the south will remain meadow except for a small area at the entrance. Mr Fison has approached me on site in an aggressive manner accusing me of planting non-native trees, and this is not the case.

Mr W A Hoare

I hopefully won't require any more polytunnels (I don't like them). The polytunnel I have was the only way I could protect my young plants. I have lots of oak, hazel, rowan and other small trees in the polytunnel. I do not like to be referred to as naïve and disingenuous.

I hope that I have answered your further questions and that you will allow my enterprise to succeed rather than fail.

Mrs Marion Young

851.YOUNG.201212.lt

