

TCP/11/16(106)

Planning Application 10/02068/FLL – Erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN

COVERING REPORT

NOTICE OF REVIEW FORM

EXTRACT FROM MINUTE OF 31 MAY 2011

REPORT FOR LOCAL REVIEW BODY – 10 JULY 2012

TCP/11/16(106) Planning Application Ref: 10/02068/FLL
Erection of Dwellinghouse at Cockerstone Farm, Bankfoot,
PH1 4DN
A & K Duncan

BACKGROUND:

- 1.1 In April 2011, the Local Review Body received and registered a notice to review the decision by the Appointed Officer to refuse planning permission for the above proposal.
- 1.2 At its meeting on Tuesday 31 May 2011, the PKLRB reviewed the decision in the context of the Development Plan and other developments in the locality and resolved to overturn the decision by the Appointed Officer, by a majority, and approve the application subject to:
 - (a) the imposition of appropriate conditions, including a condition requiring;
 - (i) the provision of a natural slate roof, in place of the proposed concrete tile material, to reflect the existing farmhouse and cottages; and
 - (ii) appropriate landscaping to be provided at the site of the proposed dwellinghouse;
 - (b) the applicant entering in to a Section 75 agreement to ensure that:
 - (i) the proposed house, together with Cockerstone Farmhouse, Cockerstone Farm Cottage (East), and the land comprising Cockerstone Farm holding be retained in single ownership; and
 - (ii) an occupancy condition linking the property to which the review application related to an agricultural worker.
- 1.3 The terms of the Section 75 were proposed by the applicant at the Hearing in order to satisfy the Local Review Body that the dwellinghouse was for agricultural and related purposes. The applicant's agent has subsequently indicated that the applicant no longer wishes the title to be restricted in this way.
- 1.4 The application is accordingly remitted back to the Local Review Body for further consideration.

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)

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement

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

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

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

SEE ENCLOSED REVIEW DOCUMENT.

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.

THE APPLICANT HAD A HEART ATTACK.
MORE INFORMATION PROVIDED IN THE ENCLOSED REVIEW DOCUMENT.

List of documents and evidence

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

① REVIEW BODY APPEAL DOCUMENT
 ② SAC LABOUR REQUIREMENT REPORT.
 ③ DETAILED DRAWING ANNEXING THE LOCATION, LAYOUT AND DESIGN OF THE PROPOSED DWELLING HOUSE
 ④ REFUSAL NOTICE

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

[Redacted Signature Box]

Date

19.04.2011

PERTH AND KINROSS LOCAL REVIEW BODY

Extract from Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 31 May 2011 at 10.00am.

Present: Councillors M Lyle, W Lumsden and W Wilson.

In Attendance: M Stewart and D Harrison (Planning Advisers); G Fogg (Legal Adviser) and Y Oliver (both Chief Executive's Service).

Also Attending: Members of the public, including agents and applicants; N Brian, G Peebles (up to and including Art. 272(vi)) and C Brien (all the Environment Service).

Councillor M Lyle, Convener, Presiding.

272. APPLICATIONS FOR REVIEW

(x) **TCP/11/16(106)**
Planning Application 10/02068/FLL – Erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN – A & K Duncan

Members considered a Notice of Review submitted by the applicant's agent, Mr Keir Doe, DMH Baird Lumsden, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN.

Mr D Harrison, Planning Adviser, displayed photographs of the site, stated the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN be approved, subject to the imposition of appropriate conditions, including a condition requiring (i) the provision of a natural slate roof, in place of the proposed concrete tile material, to reflect the existing farmhouse and cottages; and (ii) appropriate landscaping to be provided at the site of the proposed dwellinghouse; but subject to the applicant entering in to a s75 agreement to ensure that:

- (a) the proposed house, together with Cockerstone Farmhouse, Cockerstone Farm Cottage (East), and the land comprising Cockerstone Farm holding be retained in single ownership; and

- (b) an occupancy condition linking the property to which the review application related to an agricultural worker.

Justification

The proposal complies with Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) and is not contrary to the Council's Policy on Housing in the Countryside 2009.

Note: Councillor M Lyle considered that the proposal was contrary to the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) in that there was no justifiable requirement for it.