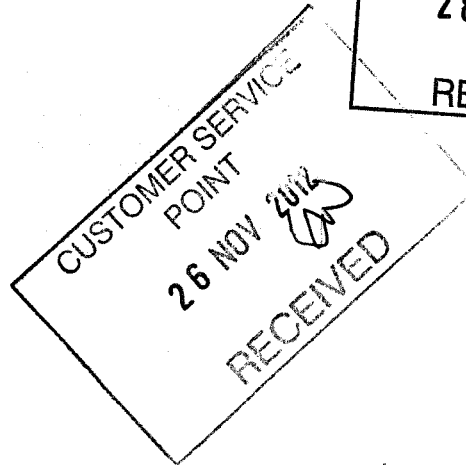
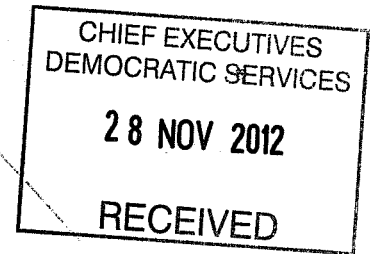


TCP/11/16(220)

Planning Application 12/00667/IPL – Erection of a dwellinghouse (in principle) on land 250 metres south west of 3 Old School, Church Road, Kinfauns

**PAPERS SUBMITTED
BY THE
APPLICANT**

RECEIVED
27 NOV 2012



Development Control Manager
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5DG

26th November, 2012

Dear Sir,

**Appeal of Planning Application 12/00667/IPL
Housing in the Countryside Policy, 3.4 Houses for Local People**

Please find enclosed with this covering letter:

- Completed, signed and dated Appeal Notice of Review Form
- The Planning Appeal Statement submitted on behalf of my wife and I in relation to the Delegated Decision by Perth & Kinross Council to refuse our Planning Application for a new family home at Kinfauns.

We are not Planners and we cannot afford professional representation, so my apologies if the Appeal presented is not in proper Planning language.

The enclosed Appeal Statement provides the background to our application before detailing how our application meets all the requirements of the relevant Policies and specifically Policy 3.4 Houses for Local People of the Housing in the Countryside Policy.

As well as demonstrating how the application meets all the requirements of the relevant Policies, we also detail how the application followed best practice with regards to pre-application consultation with both the local community and the Planning Officer over a three year period prior to submission, which resulted in strong local support for the application and no objections.

The Appeal Statement also sets out the shortfalls of the original assessment, which failed to adequately acknowledge and engage with Policy 3.4 Houses for Local People. We also highlight that the refusal of our application was based on the perceived difficulty of assessment by the Planning Department, as opposed to any material failure of the application to meet Policy requirements. The Planning Authority adopted a position that "we'll leave it for the Councillors to approve on

appeal" even going as far as to put recommendations for approval conditions into the Delegated Report of Handling.

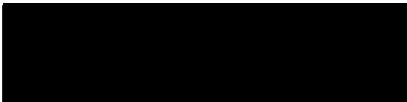
The Planning Department have placed a great deal of faith in the Planning Appeal Committee approving this application on appeal, which we hope will be well founded once the Committee has review of the original application and our Appeal Statement (enclosed).

If you require any further information please contact me at any point.

Yours sincerely,

Tim Barratt

3 The Old School
Church Road
Kinfauns
Perth
PH2 7LD



27 NOV 2012

Notice of Review

28 NOV 2012

NOTICE OF REVIEW

RECEIVED

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

TIM BARRATT

Address

3 THE OLD SCHOOL
CHURCH ROAD
KINFAUNS
PERTH
PH2 7LD

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

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: ☐

* 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

12/00667/19L

Site address

LAND 250M SOUTH OF 3 THE OLD SCHOOL, CHURCH ROAD, KINFAUNS
PERTH.Description of proposed
developmentOUTLINE PLANNING PERMISSION FOR A NEW FAMILY HOUSE
UNDER POLICY 3.4 HOUSES FOR LOCAL PEOPLE.

Date of application

12 APRIL 2012

Date of decision (if any)

28 AUGUST 2012

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:

NONE.

Statement

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

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

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

PLEASE SEE ENCLOSED COVERING LETTER AND APPEAL STATEMENT.

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

Yes

No



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

BROWNFIELD STATUS WAS RAISED AS AN ISSUE BY THE PLANNING OFFICER IN THE REPORT OF HANDLING, BUT WAS NOT INCLUDED IN THE ORIGINAL APPLICATION. IN THE ENCLOSED APPEAL STATEMENT WE RESPOND TO THE ISSUE OF BROWNFIELD STATUS RAISED BY THE PLANNING OFFICER.

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.

- COVERING LETTER
- APPEAL STATEMENT
- NOTICE OF REVIEW

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:

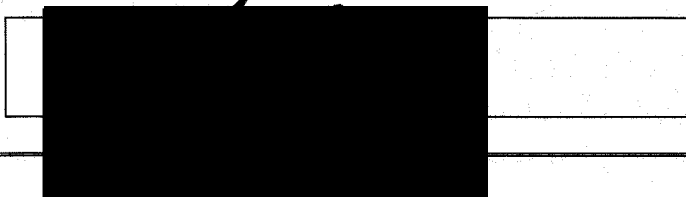
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

26/11/12

Appeal Statement

Planning Refusal

Application 12/00667/IPL

Under Housing in the Countryside Policy

3.4 Local Housing for Local People

Proposed dwelling house for Mr and Mrs Barratt, Kinfauns

November 2012

1 Introduction

- 1.1 This statement has been produced and submitted by Tim and Sarah Barratt in support of their appeal against the decision of Perth & Kinross Council to refuse their Planning Application for a new family home, submitted under item 3.4 *Houses for Local People* of the Housing in the Countryside Policy (HITCP).
- 1.2 The application was submitted on 12 April 2012, registered on 6th June and a Decision Notice was published on 28th August refusing the application under delegated authority.
- 1.3 The Report of Handling recorded that due to the location and landscaping of the site the application would not have an adverse impact on the landscape character of the AGLV. However under the key issue of assessment against the HITCP the application was assessed as not meeting the policy requirements of Houses for Local People.
- 1.4 This statement sets out the Barratt family's grounds for appeal.

2 Background Information

- 2.1 The Barratt family live at 3 The Old School, Church Road, Kinfauns, which is a two up, two down cottage converted from the B Listed, Kinfauns School. The Barratt's have been part of the small, close-knit community at Kinfauns for over ten years and have raised their two children Sophie (5) and Adam (2) within this community.
- 2.2 The Barratt's are a one income family, Sarah is not currently working and Tim works in forestry. Sophie attends Kinnoull Primary and Adam is currently at home with Sarah.
- 2.3 In 2006/7 the Kinfauns A90 flyover was built and in doing so a small area of land was left between the old (closed) road, the new road leading to the flyover and the Burnfoot access road (see Image 1 below). The bottom half of the land was used as the security compound and parking area during the construction of the flyover. Following construction this area of land was left derelict until it was sold to the Barratt's in 2009 along with the adjacent woodland.
- 2.4 In 2008 the Barratt's met with Perth Council to explore the potential to extend their existing house but were unable to do so due to the Listed nature of the house and surrounding ground, as well as the complicated tenure of the adjacent ground which is jointly owned between four different owners.
- 2.5 In 2009 a neighbour recommended we contact PKC to explore the potential to build a new house as there was a policy designed to help keep young families in rural communities.

- 2.6 In November 2009 a pre-planning meeting was held with the Planning Officer, Andy Baxter, who made a number of recommendations relating to planting trees, erecting new fences and planting hedges, with the final recommendation being to wait a year or two before submitting a planning application.
- 2.7 At this meeting the Planning Officer was not keen to receive an application under the Houses of Local People aspect of HITCP as it would be difficult to assess suggesting instead that it simply came forward as a new house in the open countryside, as it had a very sympathetic fit in the landscape, occupying a discrete, sheltered location screened from view by the slope and woodlands behind.
- 2.8 In March 2010 the recommendations of the Planning Officer were implemented on the site.
- 2.9 Image 1 below is taken from the currently available Google Earth aerial map of the site and shows the section of land with the lower half being used as a construction compound.

Image 1. Area of land in question being used as a construction compound in 2007.



- 2.10 In May 2011 a community meeting was held to discuss planning applications in the Kinfauns area to which all of the households in Kinfauns were invited, and all but two of the eighteen households attended.
- 2.11 At this meeting the community unanimously agreed to support the Barratt's application to help keep one of only two young families within the community and because it was a well located site with no detrimental impact on either the local landscape or others within the community. It was agreed at this meeting that the

Barratt family would not submit their application until the outcome of another contentious application was decided.

- 2.12 In January 2012 the contentious application received Outline Planning Approval for two, 3 bedroom bungalows in the field opposite Over Kinfauns Farm at Kinfauns. This application was strongly opposed by the community, failing all the HITCP criteria except the "in-fill" option. Planning Approval was on the basis that the impact of two single story bungalows would be an acceptable compromise to allow the development to proceed. 12 objections were received from a community of 18 households.
- 2.13 In April 2012 the Barratt family, supported by the local community, submitted their planning application.
- 2.14 In May 2012 full planning permission was submitted for the contentious application for two, five bedroom (all en suite), two story houses in the field opposite Over Kinfauns Farm.
- 2.15 In June 2012 the Outline Planning Approval for two, 3 bedroom bungalows in the field opposite Over Kinfauns Farm (approved on the basis that the impact of two single story bungalows was an acceptable compromise to allow the development to proceed), was granted full Planning Approval under delegated authority by the Planning Officer, for two, five bedroom (all en suite) two story houses. 10 objections were received for this application from a community of 18 households.
- 2.16 By the start of August 2012 no communication of any kind had been received from the Planning Authority on the Barratt's application. The Planning Officer was contacted, who explained that as the application was under a section of Policy he was inexperienced with he would need to consult his Line Manager, Anne Condliffe before assessing the application.
- 2.17 On 14th August, in response to queries from the community at Kinfauns, local resident and Councillor Douglas Pover, contacted the Planning Officer to seek a timescale for the determination to the application as he was aware of a great deal of local support and the application was substantially past the target determination date. No response was received.
- 2.18 On Friday 24th August, Mr. Barratt tried to contact the Planning Officer to establish a timescale for the application determination but the Planning Officer was out of the office. Mr. Barratt did however speak to the Planning Officer's Line Manager, Anne Condliffe, who confirmed that she was unaware of the application as she had not discussed it with the Planning Officer.
- 2.19 On Monday 27th August an answer phone message was received by Mr. Barratt from the Planning Officer to notify the Barratt's that their application was to be recommended for refusal.

- 2.20 The Barratt family's application received no objections and 5 letters of support from the local community (plus a further email of support which was not recorded on the Planning System despite the Freedom of Information request confirming that the email was received by the Planning Officer two weeks before the determination notice was issued).

3 **Grounds for Appeal**

- 3.1 In establishing the grounds of appeal it is necessary to 1) outline the purpose and objectives of both of the wider policy context and the specific Policy 3.4 Houses for Local People with the HITCP before 2) analysing how this application should have been assessed against the objectives of these policies. It is also necessary 3) to highlight, through local examples, comparison with other local Planning Approvals to demonstrate the application approval context.

1) Purpose and Objectives of the Housing in the Countryside Policy and Policy 3.4 Houses for Local People

Housing in the Countryside Policy states:

*"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.**"*

- 3.2 At the core of the HITCP is the desire *"to encourage sustainable development in rural areas which means **guiding development to places where existing communities and services can be supported**"*.
- 3.3 The HITCP details throughout the document its strong desire to support local communities and safeguard and protect the local landscape character, before proceeding to set out six policy headings under which these objectives could potentially be delivered.
- 3.4 The six main policy headings are broken down into sub-headings that detail the conditions and circumstances where these aspects of the Policy can be applied. Of the thirty or so policy headings and sub-headings, only one, 3.4 Houses of Local People, relates directly to meeting the needs of local people and communities. For reference, the full text of Policy 3.4 of HITCP along with all the guidance notes and supporting information available for its assessment are included below:

Housing in the Countryside – 3.4 Houses for Local People

"A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required."

- 3.5 The text above is the full policy, which also represents the full guidance information available for applicants and Planning Officers to use in support and assessment of application under this policy heading.
- 3.6 The HITCP stresses the importance of balancing development with the needs of supporting viable local communities and maintaining landscape character, however there is only a single policy sub-heading with two lines of text supporting the community viability aspect of the HITCP.
- 3.7 Following a freedom of information request PKC were unable to provide a single example of a successful application under this policy heading, suggesting there is either no need for housing for local people in rural areas or that the Policy as it stands provides inadequate support to applicants and Planning Officers to support such applications.
- 3.8 The background and context to Policies such as *3.4 Houses for Local People*, initially arose in the 1980s to address the marked emigration of key demographic sections of rural communities, namely the poorer and younger. Policies began to emerge to try and retain the younger and/or poorer families. These policies often focused on the restoration of poor quality accommodation, however these policies had limited success as there was still a very limited supply of housing to be improved.
- 3.9 By the 1990s and into the early 2000s, property prices also began to rise rapidly, pricing young and low to middle income families out of the market in rural areas, even for poorer quality property that had the potential to be improved. In response to this, the local housing policies evolved to support the development of new houses in the open countryside, where there was a demonstrable need and clear local support.
- 3.10 Policy *3.4 Houses for Local People* within the HITCP was the PKC response to this issue. Delays and resourcing issues resulted in the policy never being more fully developed. Our experience of this has been a Policy which does not provide the support or confidence for either the applicants or Planning Officers, the result of which is a Planning Policy implicitly discourages applicants to consider applying under this option, combined with Planning Officers who actively discourage applications.
- 3.11 The resulting situation is that the vulnerable sectors of the rural community that this policy was set out to support, i.e. young, middle/low income earners, are disproportionately discriminated against and are the least able to contest due to their economic restraints.

2) Analysing how this application should have been assessed against the objectives of these policies

Introduction

- 3.12 From the initial informal site meetings with the Planning Officer in 2009, through to the final contact prior to refusal in August 2012, the Planning Officer reiterated that he was not experienced or confident enough to be able to assess an application coming forward under Policy 3.4 House for Local People.
- 3.13 The Planning Officer felt that the assessment of an application under this Policy would either a) require detailed consideration and consultation with the Policy advisors and senior Planning colleagues or b) would be rejected "to allow the Councillors to approve it at appeal".
- 3.14 Through a Freedom of Information request and post refusal discussions with Anne Condliffe, the Planning Department have been unable to provide any confirmation that the Planning Officer consulted with the Council's own Policy team or indeed any of his senior Planning colleagues before making the delegated decision to refuse this application.

Fit with the wider policy requirements:

- 3.15 Before considering Policy 3.4 Houses for Local People, the fit with the wider policy requirements will be briefly addressed.
- 3.16 The Delegated Report of Handling points to the four key tests of acceptability being a) a good existing landscape framework, b) the site being compatible with surrounding land uses (policy 1 of the PALP), c) whether it will adversely affect the landscape character of the AGLV, and d) that it is compatible with surrounding land uses (HITCP).
- 3.17 The Delegated Report of Handling addresses these key tests out of sequence, which is reflected in the order they are addressed below:
- 3.18 The Delegated Report of Handling concludes that the site is compatible with the surrounding land uses (Point b above), being surrounded on all sides by roads, but the Planning Officer does note that the site could be noisy due to the proximity to the A90, and takes the unusual step of making recommendation for approval conditions relating to noise *"in the event that the inevitable appeal to the LRB were to be successful"*.
- 3.19 While we agree with the assessment that the site is compatible with surrounding land uses and acknowledge that the site could be noisy, given it's proximity to the A90

(shortest distance 150m), this assessment does not take into consideration that the site is already well screened both visually and from noise by two large existing embankments adjacent to the A90 and the flyover road or the associated landscape tree planting carried out as part of the flyover design.

- 3.20 Given other notable local planning approvals namely the luxury 5 star, 200 bedroom hotel at Seggieden (almost opposite this site) and the holiday cottage redevelopment at the entrance to Kinfauns Castle, both of which are within 30m of the A90 without the need for bunding or re-contouring of land for noise screening, we are confident this will not be a significant issue.
- 3.21 The Delegated Report of Handling then continues on to address point a) in terms of the existing landscape framework. The Report acknowledges that there is a degree of existing landscape framework for the proposal and that significant improvements have been made to the site over the past few years.
- 3.22 In November 2009 a site meeting was held with the Planning Officer, to discuss the potential for successfully gaining planning permission on the site. The Barratt's specific concern was that they didn't prejudice any potential planning application by carrying out pre-emptive landscaping work on the site. The Barratt's also explained to the Planning Officer very clearly that they didn't have the money to carryout landscaping works if there was not a very good possibility of being successful at the Planning Application stage.
- 3.23 The advice from the Planning Officer was that there was already a good landscape framework for the general site but to specifically improve the landscape framework for the actual plot, the site would benefit from planting an area of woodland at the top of the site, fencing off the proposed house site and plant a hedge around it, before waiting a year or two and submitting the application. It was suggested that as long as the application didn't get any strong objections this should be sufficient.
- 3.24 The recommendations of the Planning Officer made at this site visit were implemented in March 2010, before waiting two years to submit the Planning Application in April 2012.
- 3.25 It is extremely disappointing given that the applicant's have been exemplars of best practice when it comes to pre-application consultation with both the Council and the local community and have followed every aspect of the recommendations made by the Planning Officer in relation to the landscape framework, that the Delegated Report of Handling acknowledging that these requirements have been met, but concludes that "*at the present time*" the landscape characteristics are not acceptable.
- 3.26 It is clear that all the pre-application recommendations made be the Planning Officer have been implemented in good faith with regards to the landscape framework for the plot and there is an implicit acknowledgement that these will deliver the necessary

landscape framework over the next few years from the Planning Officer's reference to "at the present time".

- 3.27 The Decision Notice cites as the primary reason for refusal failure to comply with Policy 1 of the PALP "*which seeks to ensure that all sites are large enough to accommodate the development proposed*". However there is no assessment of this aspect of Policy 1 in the Delegated Report of Handling and as such it is difficult to understand or justify citing Policy 1 as the primary reason for refusal.
- 3.28 In relation to point c) above, the Delegated Report of Handling concludes "*I am not convinced that in landscape terms the proposal will have an adverse impact on the Landscape character of the AGLV*".
- 3.29 The Barratt's agree with this conclusion but are confused at the seemingly contradictory positions relating to landscape assessment taken within the Planning Officer's Delegated Report of Handling. From the Barratt's limited understanding of the various hierarchies of importance, the AGLV landscape assessment is the most critical and sets the context for the other landscape criteria. It was also described as the only "deal-breaker" in terms of a barrier to planning approval, as the other landscape criteria can be mitigated for through implementing appropriate landscaping conditions (see previous comments on landscape framework mitigation works already carried out).
- 3.30 The final key issue (point d above) relating to the acceptability of the proposal in terms of land use rests on the Planning Officer's assessment of the application against the HITCP.
- 3.31 The Delegated Report of Handling does not contest the fact that the site meets all the necessary siting criteria for New Houses in the Open Countryside under the HITCP, re-enforcing the position that there is an acceptable landscape framework for the application.
- 3.32 In addressing the fit with the HITCP the Delegated Report of Handling focuses on the assessment of the site in terms of Policy 3.4 Houses for Local People and in terms of Policy 6 - Rural Brownfield Land. The response to the assessment of 3.4 House for Local People is built on more fully under a separate heading below and a brief response to the Brownfield issue is included here.
- 3.33 The issue of the Brownfield site was not raised by the applicant, however the Barratt's do feel it is material to this application, being directly relevant to the acceptability of the site in land use terms under the HITCP; as the Planning Officer has raised this issue it is fair to respond.
- 3.34 In 2006/7 the site was cleared and levelled with hardcore for use as a staff car park and site management compound during the construction of the A90 flyover. The underlying subsoil was removed from site for use in the formation of the flyover

embankments and the topsoil was supposed to be retained for the reinstatement of the compound site post construction back to grade 2(3) agricultural quality ground.

- 3.35 The topsoil was not retained however and the site was not fully restored to the specified condition within the EIA consent. Instead the site had a thin layer of soil scraped from the edges of the compound area to cover the hardcore area and was reseeded with fox tail grass, which is commonly used on post industrial sites as it is renowned for its ability to grow on thin, poor, compacted ground, producing a tough, coarse grass unsuitable grazing. Around a third of the re-instated ground (where the plot is proposed) was too poor even for fox tail and eventually colonised with docks and thistles. The whole site remained derelict until the Barratt's purchased the ground and the surrounding woodland in 2009.
- 3.36 Under the EIA Regulations a site cannot be considered restored until the Competent Authority (PKC) can determine that the proposed restoration works have been carried out to a satisfactory standard. The regulations also require that the conditions of the EIA approval are monitored for a period of 10 years.
- 3.37 Given that the restoration requirements of the site have not been completed to the specified standard under the EIA consent issued by PKC, the site cannot be considered restored to Greenfield status based on the EIA regulations.
- 3.38 The purpose of the Greenfield vs Brownfield designations was to prevent the loss of virgin, agriculturally productive or ecologically important ground to development and to focus rural development on previously disturbed ground; by this definition this site is clearly Brownfield.
- 3.39 The Planning Officer in the Delegated Report of Handling concedes that by definition the site could be considered Brownfield, however as the site essentially "looks green" it cannot be considered Brownfield. The field only "looks green" due to the work carried out by the Barratt's to improve the ground, without this management the site would revert to docks and thistles within a year or two.
- 3.40 With regards to the bio-diversity aspect of the site, before the construction of the flyover the land was alternated between grazing and arable use. Since completion of the flyover and the removal of the site compound in 2007 the site was stock and rabbit fenced and re-seeded. Given the history of land use on this site and the lack of any suitable habitat for priority species it is considered highly unlikely that a habitat/species survey would be required.

Fit with Policy 3.4 Houses for Local People under the HITCP

- 3.41 In the Delegated Report of Handling, the Planning Officer dismisses the main tenant of the application under Policy 3.4 Houses for Local People, without adequate assessment and a failure to engage with the purpose and objectives of the Policy.

- 3.42 In addressing the key Policy 3.4 House for Local People, the Delegated Report of Handling shows little engagement with the Policy objectives, namely that the fabric of communities is threatened if young, low to middle income families cannot afford to stay and raise a family within the community. The result of this is that rural communities become the preserve of older, wealthy sections of society.
- 3.43 The Delegated Report of Handling also fails to acknowledge the concept of community within both the Policy and the application which is, as previously quoted, one of the principal tenants of the HITCP policy. The Barratt family have been part of this very close-knit community for over ten years, sharing the highs and lows of life, from celebrating the joy of a birth, to mourning the loss of a friend, to the everyday things such as helping a neighbour put up a curtain rail or looking after someone's dog or cat when they go away; events big or small that build and bind the fabric of communities.
- 3.44 The Delegated Report of Handling instead concludes that while it *"is both unfortunate and problematic it is nevertheless the same position a number of households find themselves in across not only the county but the country, with the only exception being that the applicants in this case have an area of land within ownership which they wish to relocate too as a solution to their housing problem"*. What this assessment fails to address with the statement *"with the only exception being...."* is that Policy 3.4 is specifically designed to address this inequity in rural areas, where the lack of affordable housing and financial barriers for young, low to middle income exist.
- 3.45 After owning a starter home in a community for 10 years, it is not unreasonable that a young family should expect to be able to move one step up the property ladder without having to leave their community. In a more urban environment this is still possible, however the rapid rise in rural property prices over the past ten years means this is simply not feasible for young, low to middle income earners in rural area.
- 3.46 The Barratt's are a single income household, with Tim working in forestry. The Barratt's bought their current house for £85,000 in 2001. Today the property is valued at £150,000 - £170,000, meaning that the Barratt's would not even be able to afford to re-buy the house they live in, let alone move up the property ladder. Ignoring the lack of supply, the last three bedroom property to be sold in Kinfauns sold for over £300,000, so even with the benefit of the equity in their own property, the next step on the property ladder is still substantially out of the economic reach of the Barratt family.
- 3.47 The Delegated Report of Handling also fails to make any meaningful assessment of *"adequately housed"*, which is one of only two conditions cited in the Policy (the other being a condition that they have lived and worked in the area for at least three years).

- 3.48 The Barratt's currently live in a two up, two down house, which has two bedrooms, a double front bedroom and the single back bedroom, which the children share. The single back bedroom is small and dark as it doesn't have a window, only a roof light. While Adam was in a cot, sharing this back bedroom was not too much of an issue, however once he was in a proper bed it was necessary to put the kids into bunk beds which are not recommended for children under seven.
- 3.49 In January 2011 Sophie was diagnosed with Rolandic Epilepsy, a condition where epileptic attacks are most common either at night or first thing in the morning. Since this diagnosis we have had to take down the bunk beds and place them side by side, which essentially takes up the entire room, with only enough space to open the bedroom door and step into the room.
- 3.50 Under the Freedom of Information request, PKC confirmed that under their own legal requirements for Council and Community Association Housing, the minimum standard for a family with two young children was a property with a minimum of two double bedrooms, which changes to three double bedrooms for a family with two children of different sexes.
- 3.51 By the Council's own housing standards the Barratt's are defined as inadequately housed, an issue the Delegated Report of Handling made no attempt to establish.
- 3.52 The Delegated Report of Handling makes no assessment of the other stated requirement of Policy 3.4, namely that the applicant must have lived and worked in the area for at least three years. It is assumed that the Planning Officer was satisfied that this condition has been met given the evidence provided and that the pre-application discussion and consultation with the Planning Officer stretches back over more than three years.

3) Highlight, through local examples, comparison with other local Planning Approvals.

- 3.53 This final section will briefly look at a number of other local Planning Approval, to provide a Planning context for comparison that the Barratt family and other members of the community at Kinfauns feel are material to this appeal.

In-fill opposite Over Kinfauns Farm, Kinfauns:

- 3.54 As detailed in the "Background" section of this appeal, a very recent application within Kinfauns has caused considerable upset within the community, with the Planning Approval of two, five bedroom (all en suite), two story houses this summer. This application had only just received Outline Planning Approval for two, three bedroom bungalows, which had been strongly contested locally.
- 3.55 This application was on a large, elevated site, with a prominent landscape position and only one mature existing boundary along its shortest length. The site is a long

established grassland site which has never been disturbed or developed. The site had considerable access and utilities issues associated with it.

- 3.56 Accepting that the initial Outline Application for in-fill may have been acceptable in Planning terms, the subsequent seemingly fast-tracked approval for two, five bedroom (all en suite) two story houses, was considered by the community to be the very definition of a cynical Planning Application (by the developer) and Approval (by the Planning Officer). The developer did not apply any examples of good planning or consultation procedures, or exercise professional integrity in first seeking Approval for outline planning for two bungalows before coming back directly to apply for two, five bedroom double story houses. From the Council's perspective, this final application, despite significant departure from the recent Outline Planning Approval and 10 objections from the local community was turned around and Approved within the shortest possible statutory timescale.

Seggieden 200 bedroom, 5 star Luxury Hotel Complex:

- 3.57 This application was cited by the local Councillor as making a mockery of the Planning system on learning about the refusal of the Barratt family's Planning Application. The proposed hotel is diagonally opposite the Barratt's site, on the other side of the A90, in a large open field.
- 3.58 The application had significant issues associated with it as it was to be located on an entirely Greenfield site, with not other large modern developments within miles of the site, therefore providing no landscape context for the extremely large modern development proposal. The site is very flat and prone to flooding and as such the hotel had to be built directly next to the A90 as this was the only section of land potentially above the SEPA flood risk zone.
- 3.59 The Noise Impact Assessment concluded that all noise issues were capable of mitigation without the need for bunding or re-contouring the land.

Kinfauns Castle – Various Applications:

- 3.60 Over the past few years a number of planning applications have been approved at Kinfauns Castle. The Barratt's certainly do not have any objections to these applications being approved, however it is material to this appeal to highlight that many of these applications did receive objections and irrespective of objections, some of the applications that were approved did not meet the basic requirements of the HITCP but were still approved, a point conceded by PKC in their response the Barratt's Freedom of Information request.
- 3.61 The Barratt's are at pains to understand how applications that do not meet the basic requirements of the Council's principal policy governing housing in the countryside can be approved without query at Kinfauns Castle while a substantially more robust

application, strongly aligned to the Policy objective of the HITCP can be refused only a mile up the road.

- 3.62 Image 2 below shows these sites on Google earth in the context the proposed development that is being appealed:

Image 2. Recent Planning Approvals in the Kinfauns area.



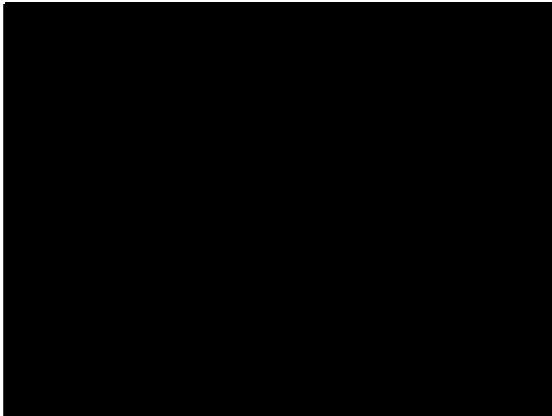
4 Concluding Comments:

- 4.1 In this document, the Barratt's hope to have set out a clear basis for considering and approving this application on appeal by providing the back ground to the application, before setting out the grounds for appeal by 1) establishing the purpose and objectives of their application are directly aligned to those of the HITCP and specifically Policy 3.4 Houses for Local People, 2) that there was a substantial failure on behalf of the Planning Officer to engage with the planning application subject, which was reflected in a rushed and flawed assessment, 3) to highlight through examples the inconsistent and inequity of Planning Approvals in the Kinfauns area.

Summary:

- 4.2 This appeal demonstrates that the proposed application will safeguard the local landscape character, while helping to support the viability of the Kinfauns community in a well sited, appropriate location, with the full support of the local community. Further more, if approved on appeal, it will represent the first application where the needs of a rural community have been specifically supported by PKC through Planning Approval.

- 4.3 This appeal also sets out how the Planning Officer's assessment of the application and the Delegated Report of Handling failed on a number of levels to properly assess this application, favouring to commit to a weak assessment including considerations for conditions when the application is approved by Councillors at the "inevitable appeal".
- 4.4 This appeal also highlights a number of other notable local Planning Approvals that show little equity with the refusal of the Barratt's application when considered in the full context of the Policy objectives stated in the Housing in the Countryside Policy "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." At the core of the HITCP is the desire "to encourage sustainable development in rural areas which means **guiding development to places where existing communities and services can be supported**".



TCP/11/16(220)

Planning Application 12/00667/IPL – Erection of a dwellinghouse (in principle) on land 250 metres south west of 3 Old School, Church Road, Kinfauns

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mrs Sarah Barratt
The Old School
3 Church Road
Kinfauns
Perth
PH2 7LD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 28th August 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00667/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 30th May 2012 for permission for **Erection of a dwelling house (in principle) Land 250 Metres South West Of 3 Old School Church Road Kinfauns** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites are large enough to accommodate the development proposed.
2. As the proposal relates to an isolated site, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.

- 3 As the proposal relates to an isolated site and there is insufficient justification to support the proposal as an exceptional stand alone dwelling, the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the application.

Notes

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

12/00667/1

12/00667/2

PERTH AND KINROSS COUNCIL

ERECTION OF A DWELLING HOUSE (IN PRINCIPLE) LAND 250 METRES SOUTH WEST OF 3 OLD SCHOOL, CHURCH ROAD, KINFAUNS

DELEGATED REPORT OF HANDLING

| | | | | | |
|---|--------------|--------------|-------------|------------------------|----|
| Ref No | 12/00667/IPL | Case Officer | Team Leader | Decision to be Issued? | |
| Ward | N1 – Carse | | | Yes | No |
| Target | 30 July 2012 | | | | |
| RECOMMENDATION | | | | | |
| Refuse the planning application on the grounds that the proposal is contrary to both the Development Plan and the 2009 HITCP. | | | | | |

BACKGROUND & DESCRIPTION

The application site relates to a regular shaped site at Kinfauns which was formerly part of the construction site associated with the A90 Kinfauns flyover project. The 0.015 ha site is approx 32m in its width (east to west) and approx 66m in its length (north to south) and sits in a dip in the landscape north of the flyover and south of Church Road, a run of residential properties. Immediately to the west of the site is a mature tree belt, with the other boundaries defined by a combination of post and wire fencing and planted hedgerows. Vehicular access to the site is via an existing tarmac entrance which leads into the adjoining field.

The site lies within an Area of Great Landscape Value as defined in the adopted Local Plan, and within the Green Belt as defined in the proposed Local Development Plan 2012.

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling. A new vehicular access from the existing tarmac entrance will be formed.

APPRAISAL

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the recently approved Tay Plan 2012, and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

In terms of the Development Plan, although there are general policies of relevance contained in the Tay Plan, the principal policies of specific relevance to this proposal are contained in the Local Plan. Within the Local Plan, the site lies within the landward area of the Plan where Policies 1 and 32 are directly applicable. Policy 32 refers to new Housing in the Countryside, whilst Policy 1 relates to all new developments within the landward area and seeks (amongst other things) to ensure that all new sites are compatible with existing land uses and that all new sites have a

suitable landscape framework which is capable of absorbing the development which is proposed. In addition to this, Policy 12 of the Local Plan, states that there will be a presumption against new development within the AGLV, unless there is a proven operational need.

In terms of other material considerations, National Planning Guidance, the Councils other approved policies on Primary Education and HITCP (2009) and contents of the proposed LDP are all material considerations.

Based on the above, I ultimately consider the key test(s) of the acceptability of this planning application to be:-

- a) whether or not the site has a good existing landscape framework
- b) whether or not the site is compatible with its surrounding land uses *(collectively an assessment against Policy 1 of the PALP)* and
- c) whether or not the proposal will adversely affect the landscape character of the AGLV and;
- d) whether or not the proposal is acceptable in land use terms *(i.e. compliance with the HITCP's)*.

I shall address these issues in turn.

In terms of compatibility with existing land uses, the principal neighbouring land uses of note is the busy A90 which is approx 100m from the site in a due south direction. There is no question in my mind that traffic noise from the A90 will result in an amenity issue for future occupiers, particularly during the night and I note that my colleagues in Environmental Health have raised concerns based on the information which has been submitted. However, I am reluctant to ask the applicant for a full NIA at this stage (based on the ultimate recommendation), so to this end, in the event that the inevitable appeal to the LRB were to be successful, I strongly recommend that an appropriately worded condition is attached to any consent which requires the submission of a full NIA as part of any detailed planning application. The NIA must include mitigation measures for noise from the A90, which may require bunding or re-contouring of the land between the site and the road.

In terms of the existing landscape framework, I accept that the site does have a definitive boundary along its western side via mature existing trees, however the remaining boundaries are all relatively new and comprise fencing and hedgerows - which I do not necessary consider to constitute a good landscape framework. I appreciate that the applicants have undertaken excessive tree planting over the last few years to try and reform the landscape after the construction works were completed at the flyover, however at the present time I do not consider the landscape characteristics of this site to be sufficient to merit it being classed as an acceptable housing site.

In terms of the impact on the landscape character of the area, and the impact on the AGLV, as stated previously the Local Plan (through Policy 12) states that there is a presumption against new development within the AGLV, unless the development proposed is directly linked to operational need. However, the Council has taken a more liberal approach to this specific policy in this area in the past, with each proposal considered on its own individual merits, largely based on whether or not the proposal would have an adverse landscape impact. In this case, the site is clearly divorced from any existing building group and although the site sits in a hollow dip, a

dwelling in this location will be visible from passing roads. However, its visibility will be somewhat limited, largely due to the fact that the site would not be in the natural sightlines of the passing roads. To this end, I am not convinced that in landscape terms the proposal will have an adverse impact on the landscape character of the AGLV.

Turning to the key issue of the acceptability of the land use (for residential), as the site falls within the landward area of the PALP, the proposal falls to be assessed against the Housing in the Countryside Policies (HITCP) as contained firstly within the Local Plan (Policy 32), and secondly, the revised HITCP of 2009. The applicants have made the application based on their view that the proposal accords with the 2009 HITCP, namely category 3.4 which relates to houses for local people. This category offers some scope for new housing when the new house is house required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently *inadequately* housed.

The applicants presently owns a dwelling along Church Road, however this property is now not large enough for their family and without being able to readily extend their property, a new build on land which they own is considered by them to be the only scope for larger accommodation as their personal circumstances does not allow them to buy a larger property. Although I have some sympathy with the applicant's position, I do not consider the underlining aims of this section of the policy to allow for existing home owners to build a new house on sites which would ordinary not comply with the HITCP. The aim of this section of the HITCP is, in my opinion more aligned towards offering some scope for first time permanent accommodation to be provided (in a suitable location) to someone who is perhaps long term renting or living permanently in temporary accommodation i.e. a static caravan, whilst still working and living in the local area – and looking to remain in the area for the long term. The position that the applicants find themselves in is both unfortunate and problematic, but it is nevertheless the same position a number of households find themselves in across not only the county but the country, with the only exception being that the applicants in this case have an area of land within their ownership which they wish to relocate too as a solution to their housing problem. I therefore do not consider this proposal to accord with this section of the HITCP.

Lastly, the 2009 also HITCP offers some scope for the re-development of Brownfield Land, where the proposal would remove dereliction and result in a significant environmental improvement. Although the site by definition, could perhaps be argued to be Brownfield due to its involvement in the flyover construction, it is nevertheless now a Greenfield with no obvious visual remains of the former engineering works on the site and no visual evidence of any dereliction. I therefore find it difficult to offer any support for the proposal under this section of the 2009 Policy either.

In terms of other material contributions, this includes consideration of the PGN on Education, consideration of the LDP and consideration of bio-diversity issues. In terms of the PGN on Education, as the proposal is for planning consent in principle, in the event that an appeal to the LRB were to be successful, an appropriately worded condition should be attached to the consent seeking compliance with the PGN.

Within the proposed LDP, the site lies within the landward area and within the area which has been designated as a Green Belt. Policy NE3 of the LDP states that the Housing in the Countryside Policies do not apply within the Green Belt and that any development must be limited to agriculture, horticulture or forestry operations. I consider the identification of the area as a Green Belt to increase the restrictions on

development (from that of the AGLV designation in the Local Plan) in this area, and although I am not convinced that the proposal would have an impact on the landscape character of the area, the proposal is nevertheless contrary to the LDP and there is little justification to support a departure from this i.e. no compliance with other relevant policies.

Lastly, in terms of bio-diversity although I have no knowledge of any protected species being present within the site, it is likely that some local wildlife maybe present within the site. However, I consider this matter to be fully addressable at a detailed application stage with the submission of a habitat / species survey.

I appreciate that the development has gained support from the local community; however I do not consider this to be sufficient to justify a departure from approved Council policy. To this end, I recommend the planning application for a refusal.

NATIONAL PLANNING GUIDANCE / POLICIES

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

The 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 is paragraphs 92-97 which relates to rural development

Planning Advice Note 73 – Housing in the Countryside

Designing Places, published in November 2001, sets out the then Scottish Executive's expectations of the planning system to deliver high standards of design in development for rural and urban areas. The design based Planning Advice Note (PAN) series is an additional means by which we can maintain the profile of design and identify best practice in planning for high quality development. This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen

as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). Within the Tay Plan there are no specific policies of specific relevance relevant to this proposal.

Within the Local Plan, the site lies within the landward area, where the following policies are directly relevant.

Policies 1(General Development) states that all developments within the Plan area will be judged against the following criteria (amongst others)

- 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.
- The development should be compatible with it's surroundings in land use terms and should not result in a significant loss of amenity to the local community.

Policy 12 (AGLV) states that there will be a presumption against built development within the AGLV, except for operational need.

Policy 32 (Housing in the Countryside Policy) is the local plan version of the Council in the Housing in the Countryside Policy which offers support for new housing providing that certain criteria can be met.

OTHER COUNCIL POLICIES

Proposed LDP 2012

The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

Within the proposal LDP, the site lies within the landward area within an area identified as a Green Belt, where Policy NE5 is directly applicable. This policy explicitly states that the HITCP does not apply in this area.

Housing in the Countryside Policy 2009

This policy is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that

most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories.

Planning Guidance Note – Developer Contributions May 2009

Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note–Primary Education & New Housing Development May 2009

This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

None relevant to this proposal.

PKC CONSULTATIONS

Transport Planning have commented on the planning application and have raised no concerns.

ECS has commented on the planning application and confirmed that the local primary school is operating presently operating at over its 80% capacity.

Environmental Health Manager has commented on the proposal and indicated that a NIA is required to ensure that noise from the nearby A90 can be suitability mitigated.

EXTERNAL CONSULTATIONS

Scottish Water have been consulted on the planning application and raised no comment.

REPRESENTATIONS RECEIVED

Six letters of representations have been received from individuals, all supporting the proposal.

ADDITIONAL STATEMENTS

| | |
|--|---------------|
| Environment Statement | Not required |
| Screening Opinion | Not required. |
| Environmental Impact Assessment | Not required |
| Appropriate Assessment | Not required |
| Design Statement / Design and Access Statement | Not required |
| Report on Impact or Potential Impact | None |

PUBLICITY UNDERTAKEN

The application was advertised in the local press on the 8 June 2012.

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASONS FOR REFUSAL

- 1 As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites are large enough to accommodate the development proposed.
- 2 As the proposal relates to an isolated site, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
- 3 As the proposal relates to an isolated site and there is insufficient justification to support the proposal as an exceptional stand alone dwelling, the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

JUSTIFICATION

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the application.

INFORMATIVES

None

PROCEDURAL NOTES

None

REFUSED PLANS

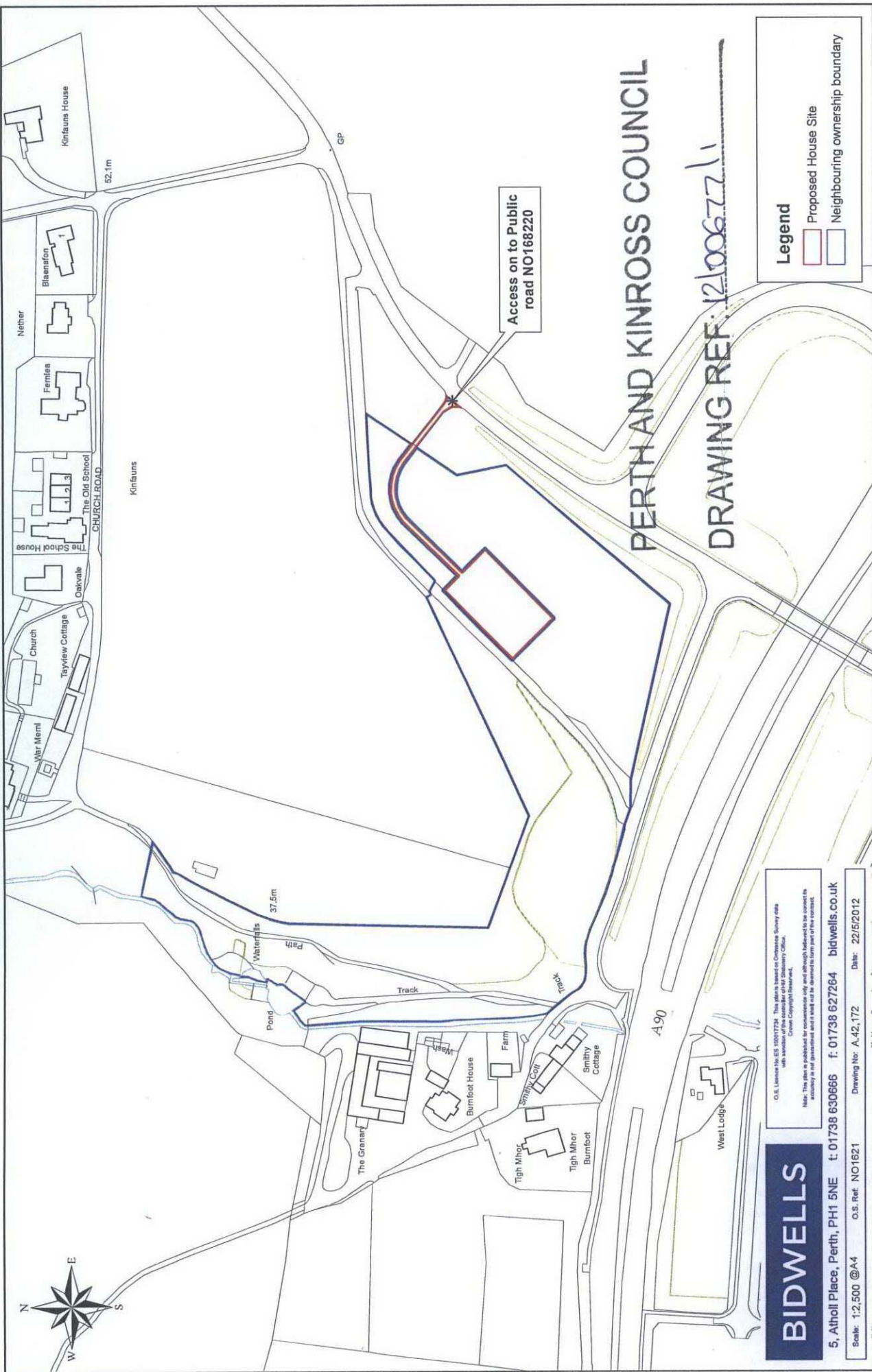
12/00667/1 – 12/00667/2

Note

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report, although six letters of representation have been received.

RECEIVED
30 MAY 2012

Proposed House Site at Kinfauns - Location Map



PERTH AND KINROSS COUNCIL

DRAWING REF: 12006771

BIDWELLS

5, Atholl Place, Perth, PH1 5NE t: 01738 630666 f: 01738 627264 bidwells.co.uk

Scale: 1:2,500 @A4 O.S. Ref: NO1621 Drawing No: A.42.172 Date: 22/5/2012

O.S. Licence No. ES 100017724 This plan is based on Ordnance Survey data with sections of the copyright of HM Stationery Office. Note: This plan is published for convenience only and although believed to be correct the accuracy is not guaranteed and it is recommended to carry out a survey of the site.

Legend

Proposed House Site

Neighbouring ownership boundary

Proposed House Site at Kinfauns - LANDSCAPE PLAN



TCP/11/16(220)

Planning Application 12/00667/IPL – Erection of a dwellinghouse (in principle) on land 250 metres south west of 3 Old School, Church Road, Kinfauns

REPRESENTATIONS

- Representation from Environmental Health Manager, dated 11 June 2012
- Representation from Transport Planning, dated 21 June 2012
- Letter of Support from Ms H Barton, dated 22 June 2012
- Letter of Support from 1 The Old School, Church Road, Kinfauns, dated 25 June 2012
- Letter of Support from Mr and Mrs Mackinlay, dated 28 June 2012
- Letter of Support from Mrs J McGlinn
- Letter of Support from Ms H Worthington
- Representation from Mrs J McGlinn, dated 10 December 2012
- Representation from Mrs J Sampson, dated 17 December 2012
- Email from Applicant, dated 4 January 2013

Memorandum

| | | | |
|----------|-----------------------------|---------|------------------------------|
| To | Head of Development Control | From | Environmental Health Manager |
| Your ref | PK/12/00667/IPL | Our ref | SP |
| Date | 11 June 2012 | Tel No | (47)6460 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK12/00667/IPL RE: Erection of a dwelling house (in principle) Land 250 Metres South West Of 3 Old School Church Road Kinfauns for Mrs Sarah Barratt

I refer to your letter dated 1 June in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the proposed development. I am currently unable to complete my appraisal of this application, and request that the application be deferred until a noise impact assessment has been submitted to, and evaluated by, this Service.

Comments

The application relates to the erection of a single dwelling house in an area between a major road flyover and Kinfauns village at a site to the south of 3 Old School at Kinfauns. The site is currently an undeveloped field on the edge of Perth, and there are other residential and holiday properties nearby, however the site in question is approximately 110 metres from the busy A90.

In view of the above I have concerns that future residents of the proposed dwelling may be subject to traffic noise from the A90, especially during night time hours. I therefore advise that development shall not begin until a noise impact assessment is carried out by a suitably qualified consultant in accordance with PAN1/TAN1 guidance and has been submitted to and approved in writing by the planning authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development.

Water

It is our understanding that no existing private water supplies will be affected by the proposed activities therefore we have no comment at this time.

Contaminated Land

A search of historic records and a visit to the site did not raise any concerns regarding ground contamination therefore I have no adverse comments to make on the application.

A handwritten signature in purple ink, consisting of stylized, overlapping loops and lines.



MEMORANDUM

| | | | |
|-----------|---------------------------------|---------|--|
| To | Andy Baxter Planning Officer | From | Niall Moran Transport Planning Technician Transport Planning |
| Our ref: | NM | Tel No. | Ext 76512 |
| Your ref: | 12/00667/IPL | Date | 21 June 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 12/00667/IPL for planning consent for:- **Erection of a dwelling house (in principle) Land 250 Metres South West Of 3 Old School Church Road Kinfauns for Mrs Sarah Barratt**

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 and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

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.

AMB

RECEIVED

28 JUN 2012

2 The Old School
Church Road
Kinfauns
PH2 7LD
22/6/2012

CUSTOMER SERVICE
POINT

27 JUN 2012

RECEIVED

Development Manager
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Sirs,

Ref 12/00667/IPL.

I wish to support this application by Mr and Mrs Barratt, for the erection of a dwelling house in the field 250m south west of the old school in Church Road.

This young family are presently housed in part of the old school (purchased in 2002), a home which is too small for their family and unable to be extended. They actively contribute a great deal to the Kinfauns community and this build would give them, a young family on modest income, the chance to remain within the village.

The proposed location of the house would in no way impinge on the present homes in Church Road and so I support their application fully.

Yours Faithfully



Helen Barton

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28 JUN 2012

AMB.

RECEIVED

27 JUN 2012

1 The Old School
Church Road
Kinfauns
PH2 7LD
25th June 2012

Development Manager
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Sirs,

Ref. 12/00667/IPL. Erection of a Dwelling House (in principle)

I am writing to express my support for the above application submitted by Mr and Mrs Tim Barratt.

I moved to Kinfauns 25 years ago, and during this time the village has grown from a few houses and farm to a thriving community of some 19 households. The Barratt Family are an integral and vital part of this community, and one of only three families with young children, giving balance to an otherwise older group.

In all country areas it is essential that local families can be suitably housed without having to move far from good neighbours and the area in which the children are growing up. (Section 3.4 Housing for Local People). The Barratts require a larger home to suit their growing family (their present house is too small and cannot be extended) and the site they are applying to build in would not impinge on the outlook of any of us in Church Road and indeed would sit well in and enhance a small piece of land cut adrift by the building of our much needed overpass.

Mr Barratt has already made great improvements in the Field and in his adjacent woodland by judicious tree planting and replacement of fencing, including that which has made safe the path above the burn.

I have been aware of the many changes in my 25 years here, supporting some and objecting to others which seemed unsuitable, but this application has my full support.

Yours faithfully

[Redacted signature]

ENTERED IN COMPUTER

27 JUN 2012

From: Jamie Mackinlay
Sent: 28 June 2012 17:08
To: Development Management - Generic Email Account
Subject: Barrett Family Planning Application - 12/00667/IPLn

Dear Sirs

We are writing to say that we strongly support Sarah and Tim Barrett's planning application, especially under 3.4 "Housing for local people". We have lived in Kinfauns since 2002 and for a long time we were the only residents with children.

Luckily Tim and Sarah have a family and they have become a key part of the community. As a forester, Tim helped us prune trees and we have loved watching him farm his plot and cut back overgrown pathways. They are great support to our large elderly population providing tea, company and odd jobs to a número of ladies. Tim also helped lead the village in a right to buy application to use the glebe as a village place, planting Carse orchards, having bees and providing a venue for Halloween.

We value having rural people and would like them to be able to stay to keep Kinfauns as a real rural hamlet . We have objected to other planning applications because where they were/were to be built is on a single track with poor water and drainage.

In both cases the developers did them for financial gain and have not put anything back into the community. Tim and Sarah are a rural family who care about Kinfauns. For example, when a resident Sam died they planted a tree in their field to remember him by. I found Otters and then some were run over on the a90, Tim contacted the wildlife trust.

I have been to their home and it really is too small for toddlers and a dog. without wanting to sound rude it is too cramped with no chance of privacy,

The situation of the house will blend in just as the geese, sheep and chicken house have. It is great to see a dormant plot thrive with a young family, too much of Kinfauns fell dormant..the kirk, the school and a community with no children. Please let them stay and grant them planning permission!

Yours Sincerely

Fiona and Jamie Mackinlay, Kinfauns House, Kinfauns, PH2 7LD

I wish to support Planning Application 12/00667/IPL made by Mr Tim & Mrs Sarah Barratt for outline planning permission for a new 4 bedroom house at Kinfauns.

In 2004 I made the best move I have ever made into this very small close-knit community. The residents are exactly what anyone would desire as neighbours, caring, considerate and supportive. I would particularly include the Barratt family in this category, and they have brought new life to the village. They have made a practical and long-term contribution, by uniting the whole village in a Community Right to Buy scheme of a nearby field for community and environmental use, when it becomes available, by actively taking part in environmental projects, such as restoration of orchards in the Carse of Gowrie, and also by taking over the care of a small field which otherwise would have been neglected and which was created by the building of our greatly appreciated overpass.

This is where they now wish to build a new 4 bedroomed house for their family.

They have consulted with neighbours about the style and location of the house, selecting a solution which has complied with any restrictions that have been put forward.

The reason for the application is that their end-terrace house, owned since 2002 before they were married, is no longer large enough for their family of two small children. It is part of the Old School of Kinfauns which is a listed building and therefore offers them no opportunity to expand to a family home, within either planning or financial limits. As another young family is just about to leave a very large house in the village to move down south, and the only other household with children is in rented accommodation, they will be the only family with young children living here permanently, but in very cramped conditions.

I do not feel that it would be good for the village to lose such a valued asset to the community should they have to move further afield.

In the time that I have lived here, and at no other point in my life, I have been forced to put forward objections to several inappropriate planning applications in the immediate area. This is not such an application, lying as it does under 3.4 "Housing for Local People". It is exactly what this provision is for and I strongly support the granting of planning permission.

Yours sincerely

Mrs Joan McGlinn
Kirkstyle Cottage
Church Road
Kinfauns PH2 7LD

2009 Housing in the Countryside Policy – 3.4 Housing for Local People

I want to support the Barratt family in their application for a 4 bedroom house in the small field they own in Kinfauns. I have known Sarah since she came to stay in Kinfauns in 2002.

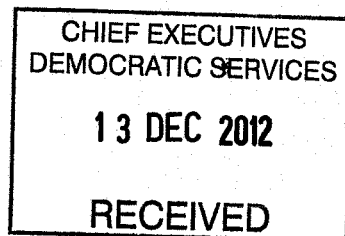
They are very much a part of Kinfauns and involved in the life and activities of Kinfauns. They have made many improvements to their field by planting trees and mending the fencing surrounding their property. They manage the wood and look after the path which is part of the Coronation Walk.

There are limited opportunities to buy alternative property in Kinfauns and even then, the price of housing would prevent a family with a modest income from being able to consider buying. The house they are currently living in is a small 2 bedroom house with no opportunity to extend.

I have seen the application and think that their choice of house and location in the field is sympathetic to the area and will have minimal impact on the surrounding locality.

There are very few families with young children in Kinfauns and that is also why I fully support this application.

Helen Worthington, Blaenafon, 1 Church Road, Kinfauns PH2 7LD



Kirkstyle Cottage
Church Road
Kinfauns PH2 7LD
10 December 2012

Dear members of the Local Review Body

In reply to your letter of 6 December 2012 I wish to comment on Perth & Kinross Council's Decision Notice in relation to Application Ref. **12/00667/IPL** in the names of Mr Tim & Mrs Sarah Barratt.

Point 1 – The proposal does not have an established landscape framework.

I find this a strange decision in the light of several site visits.

- Site is not large enough to accommodate the development proposed.

Firstly, this cannot be the case. There is ample land to accommodate a modest house.

Secondly, this did not prevent planning permission being granted to conversion of Kinfauns Church (also in the same location) into a five-bedroomed house within a seriously compromised site, not only in size, but also in its actual location inside a working graveyard interfering with access to graves for visitors, gardeners and grave-diggers. How can this be right?

Point 2 - Does not accord with an acceptable category of development.

Surely there is an 'operational need' to house a local overcrowded young family?

- There is no mention of the 'Provision of Houses for Local People', which was the legislation under which the application was made.

Point 3 - Does not accord with an acceptable category of development.

Whereas it is an exceptional stand alone dwelling, it is also unexceptional in the respect that it is a modest New house in the open countryside (3).

The land was a very small part of a field divided by the building of the bypass over the A90 Perth-Dundee dual carriageway. In no way can it now be regarded as Greenfield and so the application must surely be considered as Rural Brownfield Land (6).

I find the conclusions reached by the local council to be obscure and extremely disappointing.

The applicants have been assiduous in following a correct, courteous and considerate manner of approach to this daunting process of trying to get permission to have a decent standard of living within an area that they love and to which at all times have shown a very high regard. They clearly have a great wish to remain here and should be encouraged to do so. Mr Barratt's occupation within the protection of the land and forestry of Scotland, together with his membership of several associations concerned with care of the countryside surely underline the fact that he has no desire to contravene any plans and is anxious to provide a suitable home for his family.

Other recent planning applications in the immediate area which have been passed amid large volumes of objections have been shown to have ulterior motives, such as turning a quick profit.

This application has no objectors, several supporters and no such hidden agendas.

I urge you to take these thoughts into consideration and allow this young family to continue to live in this lovely part of the countryside.

Yours faithfully

A solid black rectangular box used to redact the signature of Mrs Joan McGlinn.

Mrs Joan McGlinn

CHX Planning Local Review Body - Generic Email Account

From: JOYCE SAMPSON [REDACTED]
Sent: 17 December 2012 10:37
To: CHX Planning Local Review Body - Generic Email Account
Subject: Fw: Your Ref TCP/11/16 (220) Application Ref: 12/0067/IPL Erection of Dwelling House for Mr Tim Barratt.

17/12/2012

Dear Sirs,

I wish to reiterate everything stated in my initial support for this application and, after reading the reasons for refusal, to add a further couple of points.

Firstly I cannot believe that it was stated that The Barratts are adequately housed. Their second bedroom has only a window in the ceiling and with a gap of about two feet between the youngsters beds there is no floor space for play indoors.

The kitchen is small and the necessary dining area in the lounge limits space there also.

In my opinion the Council's decision did not fully take into account the opportunity to help this young family with Policy 3.4. Houses for local people. There are only two young families in Kinfauns and we do not wish to lose one of them when this realistic solution is available.

Finally it is obvious to me by the letters of support and no objections that this is a much loved family who are working in and with our small community and that they deserve this chance to stay among us.

sincerely

Joyce Sampson
1, The Old School
Church road
Kinfauns
PH1 7LD

CHX Planning Local Review Body - Generic Email Account

From: Tim Barratt [REDACTED]
Sent: 04 January 2013 10:49
To: CHX Planning Local Review Body - Generic Email Account
Cc: [REDACTED]
Subject: TCP/11/16(220) - 250 metres south west of 3 Old School, Church Road, Kinfauns

Dear Gillian,

Thank you for your letter received by email on 24th December with the two further responses received in relation to our appeal. Please accept this email as our formal response in relation to these representations and note that we have no further comments to add.