

**TCP/11/16(274)**  
**Planning Application 13/01092/FLL – Modification of**  
**condition no. 5 (occupancy) on planning permission**  
**08/01449/FUL, Highland Adventure Safaris, Dull, Aberfeldy,**  
**PH15 2JQ**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 77-102***)
- (b) Decision Notice (***Pages 85-86***)
  - Report of Handling (***Pages 105-112***)
  - Reference Documents (***Pages 99-102***)
- (c) Representations (***Pages 113-126***)



**TCP/11/16(274)**  
**Planning Application 13/01092/FLL – Modification of**  
**condition no. 5 (occupancy) on planning permission**  
**08/01449/FUL, Highland Adventure Safaris, Dull, Aberfeldy,**  
**PH15 2JQ**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000070840-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

### Agent Details

Please enter Agent details

Company/Organisation:

MBM Planning & Development

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

Ref. Number:

Building Name:

Algo Business Centre

First Name: \*

Mark

Building Number:

Myles

Address 1 (Street): \*

Glenearn Road

Last Name: \*

Telephone Number: \*

01738 450506

Address 2:

Extension Number:

Town/City: \*

Perth

Mobile Number:

Country: \*

UK

Fax Number:

01738 450507

Postcode: \*

PH2 0NJ

Email Address: \*

[mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>
Other Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Company/Organisation: *	<input type="text" value="Highland Safaris"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text" value="Dull"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Dull"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberfeldy"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="PH15 2JQ"/>

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="Highland Adventure Safaris"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Dull"/>	Town/City/Settlement:	<input type="text" value="Aberfeldy"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH15 2JQ"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="748978"/>	Easting	<input type="text" value="281218"/>
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## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Modification to occupancy condition on planning permission 08/01449/FUL

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☒ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See statement attached

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

☐ Yes ☒ No

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning application forms, plans, supporting statement that accompanied planning application, decision notice and statement in support of appeal

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

13/01092/FLL

What date was the application submitted to the planning authority? \*

10/06/13

What date was the decision issued by the planning authority? \*

09/08/13

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mark Myles

Declaration Date: 27/08/2013

Submission Date: 27/08/2013



## **Notice of Review Appeal Statement on behalf of Highland Safaris**

### **Application to Modify condition on planning permission 08/01449/FUL**

- 1 This appeal statement should be read in conjunction with the Notice of Review submitted on 26<sup>th</sup> August 2013, on behalf of Highland Safaris for the modification of condition no.5 (occupancy) on planning permission 08/01449/FUL to erect 11 holiday cottages. The planning application (13/01092/FLL) was refused by PKC on 9<sup>th</sup> August 2013 (see MBM 1).
- 2 We strongly content the reason for refusal which suggests that the proposed condition cannot be enforced so does not meet the tests set out in the Scottish Government Circular 4/1998 on planning conditions.
- 3 This is despite the fact that the exact same condition has already been accepted by Perth & Kinross Council and applied to the other developments that are referred to in our supporting statement (See MBM2). Our supporting statement provided a clear explanation to the background to this particular planning application and the reasons why the change to the condition has been sought. We also provided details of the other nearby examples where the suggested revised condition has been accepted. We do not need to re-iterate all of this information within this appeal statement.
- 4 Our view is that the suggested revised wording for the occupancy condition can be controlled, monitored and is clearly enforceable and therefore does meet the tests for conditions set out in Circular 4/1998. In fact the submission of a management plan means that the proposed amended wording is arguably easier to monitor and enforce than the standard holiday occupancy condition.
- 5 In support of the appeal we would also highlight that pre-application discussions and correspondence took place with the planning officer prior to submission of the planning application. At the end of July we had a discussion with the planning officer when he confirmed that he was putting forward a positive recommendation. We then received a call 7 days later (and on the same day as the 8 week deadline for determination) saying that the principal planning officer and Head of Development Management had completely differing views and as a result an alternative decision was going to be issued.
- 6 We discussed our concerns direct with the Head of Development Management about this reversal of the recommendation but the view expressed was that the officers have always been concerned with the approach that was accepted by the Councillors with the Kenmore approvals. The officers also say that they now have evidence that the change to the condition at these other sites is not working in that they have no control over any management plan/ownership and that some

units are becoming full time residences. However we have been given no details or evidence of this and the Report of Handling for this application is not even available online to try and ascertain any further understanding of the planner's concerns.

- 7 We therefore expressed concerns that despite having had pre-application discussions and correspondence on this matter and the fact that we provided a supporting statement that clearly refers to the other examples where similar changes to conditions had been allowed by the Development Management Committee, the council planners were now doing a U turn and wanting to draw a line in the sand and use this particular application as a test case.
- 8 The senior officers were clearly intent on refusing this application and were effectively prepared to accept that the matter would be tested at the Local Review Body.
- 9 We also have strong reservations with the actual reason for refusal which in our experience is poorly worded and imprecise in that it does not even specify what particular policies (or even what development plan) the application is supposed to contravene. The reason for refusal does not therefore meet the requirements of Scottish Government Guidance as it is vague and lacks clarity as it does not refer to a particular development plan or policy i.e. how is the reader expected to know why the application is deemed to be contrary to the development plan when the name of the plan is not even quoted anywhere in the decision notice.
- 10 It is very frustrating that a decision of this nature can be taken by officials seemingly to undermine decisions by Councillors with which they disagree. If the planners had genuine concerns then the normal approach would be for them to put forward revised supplementary guidance for the council to adopt rather than attempting to generate a new policy stance by refusing individual applications when the precedent to approve has already been accepted elsewhere by the council's Development Management Committee.
- 11 For whatever reason the council decided to adopt a much stricter approach when assessing the merits of this particular application compared to the other similar applications where the occupancy condition has already been amended and clearly helped stimulate economic development and tourism investment.
- 12 In conclusion we consider that there are no legitimate planning policy reasons to refuse this application, and we would therefore respectfully request that this Notice of Review is approved subject to the alternative condition put forward in our supporting statement.

# PERTH AND KINROSS COUNCIL

Highland Safaris  
c/o MBM Planning & Development  
FAO Mark Myles  
Algo Business Centre  
Glenearn Road  
Perth  
PH2 0NJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 9th August 2013

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/01092/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th June 2013 for permission for **Modification of condition no. 5 (occupancy) on planning permission 08/01449/FUL Highland Adventure Safaris Dull Aberfeldy PH15 2JQ** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposed modified condition does not comply with the appropriate tests defined by the courts which are incorporated into Scottish Government Circular 4/1998. The modified condition is therefore ultra vires and if applied would not retain sufficient control. Removal of the existing occupancy condition and substitution with the modified condition would result in application 08/01449/FUL being contrary to the development plans and would result in the Council having no control over the occupancy of the units.

### Justification

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

## Notes

- 1 The applicant is reminded of the conditions and notes set out in planning approval 08/01449/FLL which remain in force and form an important part of this planning consent.

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

### Plan Reference

13/01092/1

13/01092/2

13/01092/3

13/01092/4



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000065423-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☐ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☒ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: \*

Date (dd/mm/yyyy): \*

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Modification of condition no. 3 on planning permission 08/01449/FUL

Is this a temporary permission? \* ☐ Yes ☒ No

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

Have the works already been started or completed? \*

☐ No ☒ Yes - Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

01/07/09

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

Planning permission 08/01449/FUL has been implemented as confirmed by PKC in their letter of 24/08/09. This application seeks permission to modify condition no. 3 only.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

### Agent Details

Please enter Agent details

Company/Organisation: MBM Planning & Development

Ref. Number:

First Name: \* Mark

Last Name: \* Myles

Telephone Number: \* 01738 450506

Extension Number:

Mobile Number:

Fax Number: 01738 450507

Email Address: \* mm@mbmplanning.co.uk

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

Building Name: Algo Business Centre

Building Number:

Address 1 (Street): \* Glenearn Road

Address 2:

Town/City: \* Perth

Country: \* UK

Postcode: \* PH2 0NJ

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: \*

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Dull

Building Number:

Address 1 (Street): \*

Aberfeldy

Address 2:

Town/City: \*

Perthshire

Country: \*

Scotland

Postcode: \*

PH15 2JQ

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Highland Adventure Safaris

Address 5:

Address 2:

Dull

Town/City/Settlement:

Aberfeldy

Address 3:

Post Code:

PH15 2JQ

Address 4:

Please identify/describe the location of the site or sites.

Northing

748978

Easting

281218

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒

Yes

☐

No

## Pre-Application Discussion Details

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (Max 500 characters)

Pre-application correspondence has taken place with John Williamson

Title:

Mr

Other title:

First Name:

John

Last Name:

Williamson

Correspondence Reference Number:

Date (dd/mm/yyyy):

03/06/13

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1.20

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Consent has been implemented for erection of 11 holiday cottages and associated works

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

36

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

54

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No



Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

Already approved under application 08/01449/FUL

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development - Proposed New Floorspace

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

☐ Yes ☒ No

### Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008 \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

### Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

### Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

### Certificate Required

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

Certificate A

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Mark Myles

On behalf of: Highland Safaris

Date: 10/06/2013

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☒ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. \*

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement \*

☐ Yes ☒ N/A

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

Supporting statement relating to the application to modify condition no. 3 on planning permission 08/01449/FUL

## Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Mark Myles

Declaration Date: 10/06/2013

Submission Date: 10/06/2013

## Payment Details

Cheque: Highland Adventure Safaris Ltd, 015423

Created: 10/06/2013 09:23

**Statement in Support of Planning Application  
by Highland Adventure Safaris  
to  
Modify Condition Number 3 on Planning Permission  
08/01449/FUL**

**Background**

Planning consent was originally granted on 30<sup>th</sup> April 2007 for 11 holiday lodges to be erected at Highland Adventure Safaris, Dull (ref 07/00120/FUL).

The planning consent was then renewed on 6<sup>th</sup> November 2008 under ref 08/01449/FUL with some additional changes to the design and layout.

All of the pre-commencement conditions were discharged and the planning permission was implemented following the start of work on the access to the site as confirmed by Perth & Kinross Council in their correspondence to the applicant dated 24<sup>th</sup> August 2009.

**Proposed Modification to Occupancy Condition**

Condition no 3 on planning permission 08/01449/FUL states that *'the approved houses shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the council as planning authority.'*

The reason for the condition states *'to prevent permanent residential use of the site in view of its location within a rural area and approved layout.'*

As the council will appreciate, securing development finance to assist with the construction of any tourist related development has become extremely difficult in recent years and the ongoing economic climate has meant that the applicants are unable to borrow sufficient funds from the banks to continue with the development.

Furthermore it is evident that mortgage lenders are reluctant to lend to prospective purchasers of the cottages due to the non standard nature of condition no 3.

The current condition also means that VAT must be charged when any of the properties are sold. This further exaggerates the negative nature of the current planning condition.

This planning application therefore proposes to amend the condition and replace it with the following suggested wording;

*'Prior to the occupation of any property, the applicant shall submit full details of the management/title deeds which links every holiday cottage to the wider Drumdewan site. These details shall be submitted and agreed in writing with the planning authority prior to the occupation of any of the new properties. Every property on the application site shall enter into this management agreement and be subject to these title deeds. This agreement between the applicant (or successor) and each property owner shall be maintained in perpetuity.*

The location and layout of the cottages is such that the proposed change to the condition will not bring about a change in the occupancy of the properties i.e. they will still continue to appeal solely to second home owners and for use as holiday lets. The proposed change to the condition will however make a huge difference to the applicants in terms of being able to gain access to funding and make the development more economically viable.

The change to the condition that is being requested is also entirely consistent with the approach that has been promoted and accepted by the council at a number of other nearby developments.

Applications at Taymouth Marina (11/02113/FLL) and at Mains of Taymouth (12/00352/FLL) were approved by the Development Management Committee in April and May 2012 respectively. Both approvals removed the standard occupancy condition and it was replaced with a condition which linked each unit to the management and letting arrangements for the respective developments.

More recently an application was approved by the Development Management Committee in December 2012 ref 12/01736/FLL to modify the occupancy condition on the Tigh na Loan (Shoreside) development at Fearnan.

This current application therefore requests that the current condition no 3 be modified to that as outlined above and which has been accepted by the council at other similar developments in the Loch Tay area. The proposed modification to the condition will therefore still ensure that;

- The properties are let only through a single management company;
- The owners of each cottage pay an equitable share of the cost of maintaining the common land i.e. access tracks, landscaping, and boundaries.
- Proprietors should maintain their property in a good state of repair;
- No external alterations or changes to external finishes would be permitted;
- No trees, shrubs or landscaping around each cottage could be lopped, felled or altered without permission.

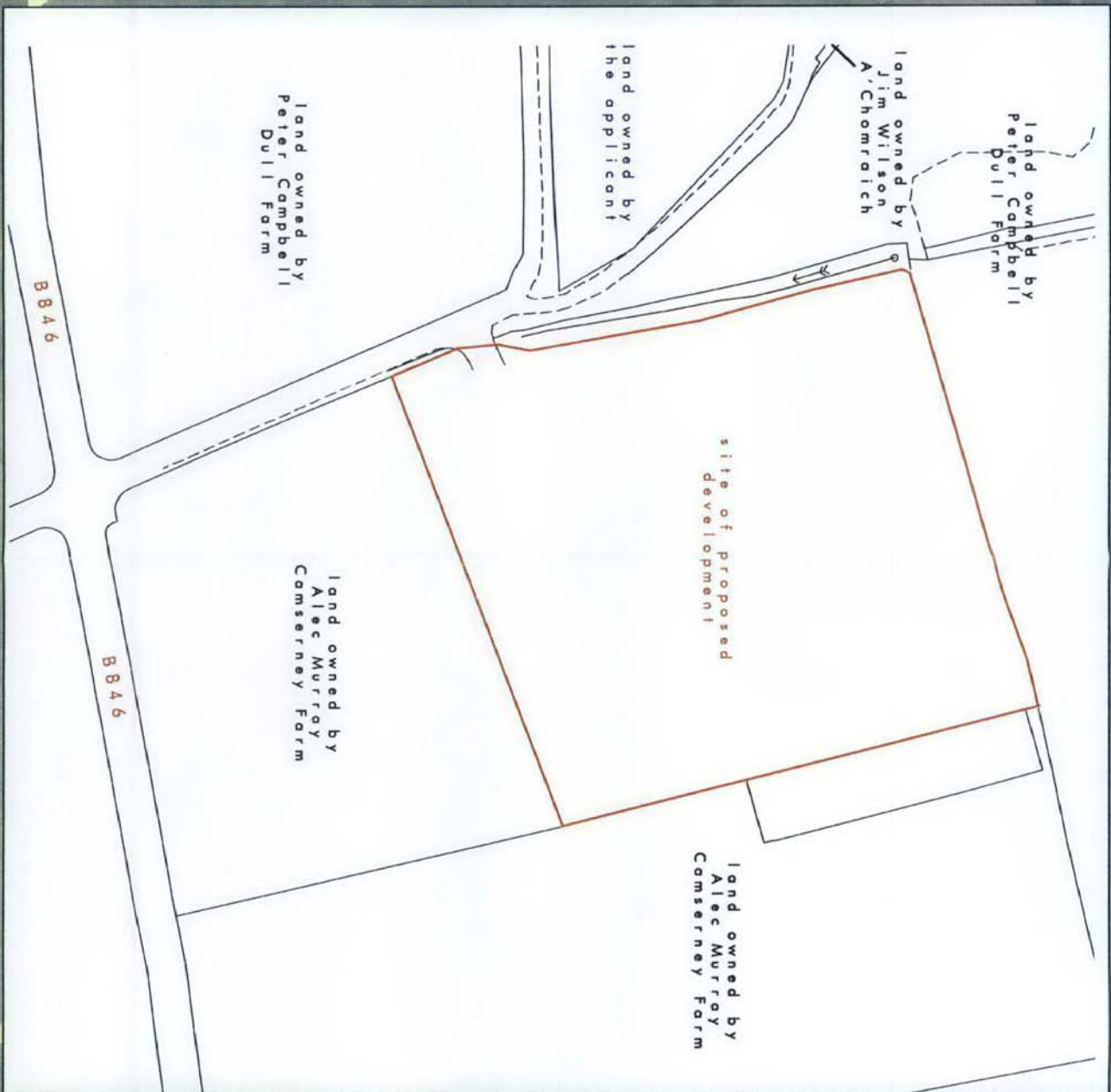
## **Summary**

The modification of condition no 3 on planning permission 08/01449/FUL is requested as it is having a serious impact on the viability of the project due to the inability of the applicants to obtain development finance and the fact that prospective purchasers are unable to obtain suitable mortgage lending for the cottages.

The planning permission for the development has been implemented and the proposed modification to the condition would unlock the current financial constraints to the development and thus allow the applicants to progress with the completion of the development and/or allow a partnership arrangement with a management company to be formed.







Location Plan 1:1000

highland adventure safaris, dull  
proposed holiday cottages



**Rushyglenn Limited**

58 Castle Street, Edinburgh EH2 3LU TEL 0131 225 4235 FAX 0131 220 0499

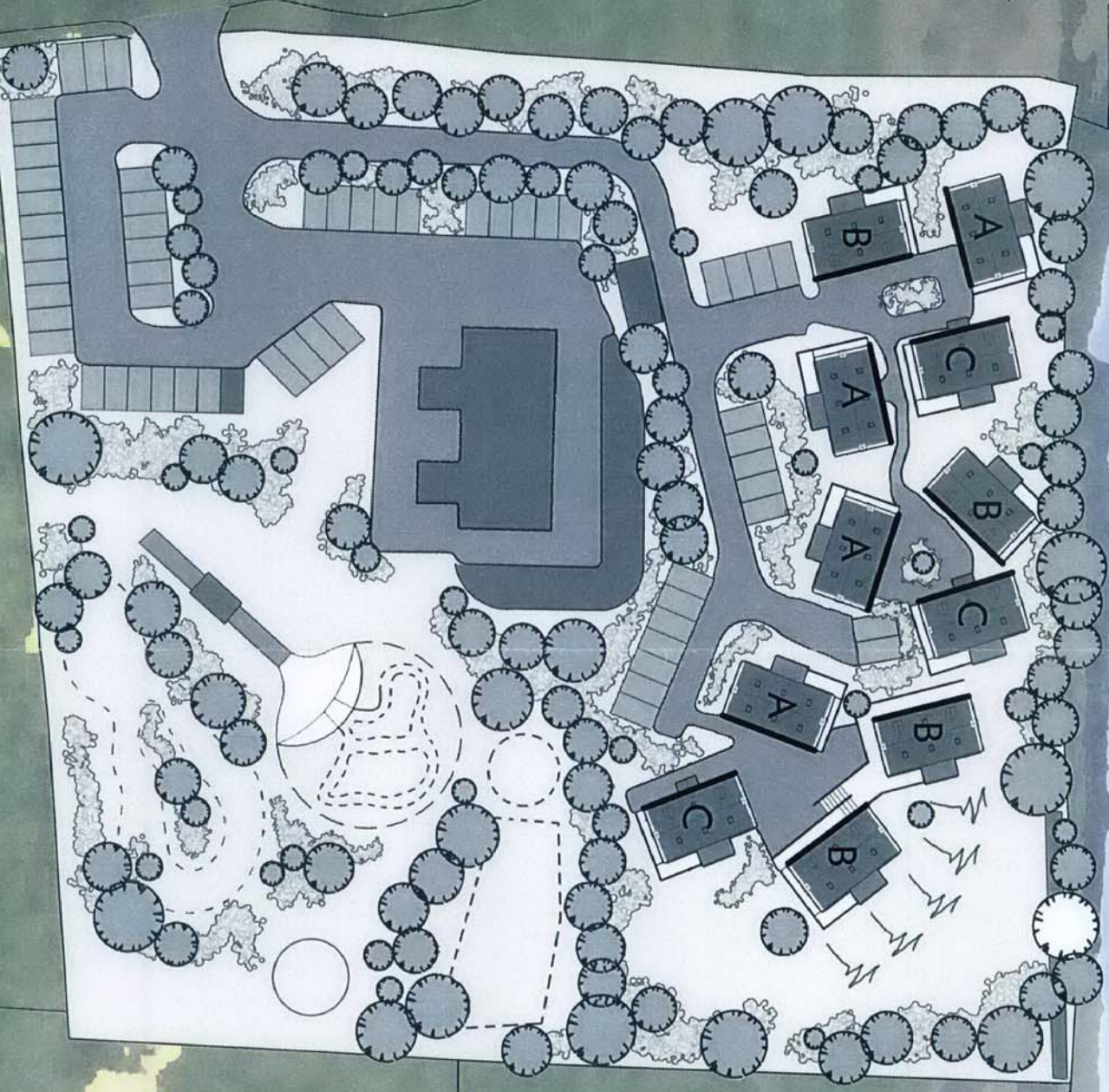
[www.rushyglenn.co.uk](http://www.rushyglenn.co.uk)





key to cottage types 1:500  
dark line indicates front of cottage

highland adventure safaris, dult  
proposed holiday cottages



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roads, parking  
and courtyards to  
be surfaced with  
Type 1 hardcore

new planting of  
indigenous  
broad-leaved trees  
and native shrubs

existing post and  
wire boundary  
fence to be retained

access to lodges - approx. 1:20 gradient

car parking (26)

minibus  
parking  
(10)

existing Highland  
Safari Adventure  
cafe and shop

bike  
shelter

landover  
parking

gold panning

septic  
tank

drainage  
soakways

tent  
relocated

pedestrian  
courtyards

vehicular access and parking (18)

existing  
tree

existing stone wall  
reinstated

Site Plan 1:500

highland adventure safaris, dull  
proposed holiday cottages



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**TCP/11/16(274)**  
**Planning Application 13/01092/FLL – Modification of**  
**condition no. 5 (occupancy) on planning permission**  
**08/01449/FUL, Highland Adventure Safaris, Dull, Aberfeldy,**  
**PH15 2JQ**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 85-86)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 99-102)*



## REPORT OF HANDLING

### DELEGATED REPORT

<b>Ref No</b>	<b>13/01092/FLL</b>
<b>Ward No</b>	<b>N4- Highland</b>

**PROPOSAL:** Modification of condition no. 5 (occupancy) on planning permission 08/01449/FUL

**LOCATION:** Highland Adventure Safaris Dull Aberfeldy PH15 2JQ

**APPLICANT:** Highland Safaris

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 25 July 2013

**OFFICERS REPORT:**

Full planning consent is sought for the modification of condition 5 of consent 08/01449/FUL. The 2008 consent relates to the erection of 11 holiday cottages and condition restricts the occupancy to holiday accommodation and is worded as follows:

"The approved houses shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority". Similar to other holiday development in the local area the applicant seeks to replace this condition with the following:

"Prior to the occupation of any property, the applicant shall submit full details of the management/title deeds which links every estate property to the wider Drumdewan/Highland Safaris site. These details shall be submitted and agreed in writing with the Planning Authority prior to the occupation of any of the new properties. Every property on the application site shall enter into this management agreement and be subject to these title deeds. This agreement between the Applicant (or successor) and each property owner shall be maintained in perpetuity."

The applicant has outlined in the submission that the condition 5 severely restricts the ability of the development to move forward. It states that mortgage lenders are reluctant to lend to prospective purchasers with this condition attached and that securing development finance to assist with the construction of the new development has become extremely difficult in the current economic climate and banks are reluctant to lend when this type of occupancy condition is in place. The justification is similar to that provided for recent applications at Croft Na Caber/Taymouth Marina (11/02113/FLL), Mains of Taymouth (12/00352/FLL) and Shoreside, Fearnan (12/01736/FLL). The first two were recommended for refusal at officer level but approved at Development Management Committee. The Shoreside application was recommended for approval given the previous decisions made by the Committee. A similar justification was made at Taymouth Castle (11/00533/FLM) which was recommended for approval by officers and approved by Committee. It should be noted, however, that the evidence suggests that this revised condition is not actually

successful in controlling the occupancy of the units. It removes the ability of the Council to maintain control over occupancy of the units and passes this to the site operator. Having investigated sites where this condition has been applied it is evident that it fails to control the occupancy of the units, furthermore the Council has no ability to enforce given the wording of the condition.

### **Principle**

The determining issues in this case are whether: - the development without compliance with the existing condition and modification to that specified by the agent would be consistent with the relevant provisions of the adopted Local Plans; or if an exception to these provisions is justified by other material considerations.

Concerns have previously been expressed at officer level regarding the use of the alternative condition and these are outlined in detail within the report for applications 12/00352/FLL (Mains of Taymouth) and 11/02113/FLL (Taymouth Marina). These applications were both approved at the Development Management Committee which allowed for the removal of the standard occupancy condition and it being replaced with a condition which linked each unit to the management and letting arrangements for the respective development. Despite this approval by the Committee I retain concerns over the ability of the condition to actually control the occupancy of the units.

In this case the need to retain the units for the use of holiday occupation remains:

- a) to ensure it will comply with the tourism policy in the local plan, effectively ensuring there is a wide range of properties available to encourage visitors to the area.
- b) the development was assessed on the basis that the properties are not permanent households which would not put pressure upon local services.
- c) the layout has been assessed as acceptable for holiday occupation thus allowing for a reduction in private amenity space and parking standards

If there is no firm control over the occupancy which ensures the retention of the units to holiday occupation the application would be contrary to the Tay Plan and Local Plan.

Although the wording contained within Section 41(1) (a) of the Act appears to give absolute discretion to the Local Planning Authority to impose any condition as they think fit a substantial amount of case law has evolved where the power has not been interpreted as unlimited by the Courts. Limits have been set and there are now several possible grounds on which a condition may be challenged as being invalid in law.

Planning Circular 4/1998 specifies the six tests which a condition should adhere to if it is going to be imposed on a consent. It should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

### **Proposed conditions relationship to the six tests:**



The proposed planning condition is being used to seek agreement via another means (namely title deeds which is the private regulation of land). Paragraph 11 of circular 4/1998 advises that that it is ultra vires to impose a planning condition requiring an applicant to enter an agreement. The most appropriate method to restrict the land without the holiday occupation condition would be to bind the land through Section 75 of the Planning Act.

The enforceability or control over the occupation of the properties would appear to be transferred and regulated solely by title deeds, thus the Planning Authority's control and regulation will be limited once the title deeds have been submitted to and agreed by the Planning Authority. Once control is enshrined in the title deeds it would be the benefited proprietor (the developer) who would have enforcement rights and in this case, controlling the occupation to holiday occupation would not be in their interest, regardless of whether they have indicated to the Council that they intend to operate the site as holiday accommodation. Furthermore, the burden imposed on the title deed could be discharged or the burden varied by applying to the Lands Tribunal for Scotland and the Planning Authority would appear to have little or no control over this matter. This issue is evident having investigated the success of the condition on developments where it has been applied where it is clearly evident that properties are being sold without evidence of an indication that the occupancy is restricted to holiday accommodation only.

The wording of the condition does not provide sufficient control and it is not precise. It does not ensure that the properties will only be used for holiday occupation; therefore, it would appear that the properties could be used as a sole or main residence on a continual basis.

Note should be made to the circumstances relating to the use of an occupancy condition on the developments in the same locality at Mains of Taymouth and Taymouth Castle. In the case of the former, the occupancy condition was eventually removed after protracted discussions with the applicants when the application was considered by this Committee, with an officer recommendation of refusal. The decision of Committee was to substitute the condition with one similar to that currently proposed by the applicant.

In the case of Taymouth Castle, there was an earlier consent which included units in the grounds of the Castle that were not tied by an occupancy condition or indeed to the Estate through management or title deeds. Notwithstanding this position, it was considered that a compelling case had been made as part of the overall, ongoing development project and in particular, the full restoration and bringing back in to viable use this important Category A listed building and its designed landscape in addition to all of the economic development benefits.

In the case of a development at Shoreside, Fearnan an officer recommendation of approval was made to modify the occupancy condition. However, in the light of further consideration of how best this issue can be addressed and also with an indication how the revised condition is working in practice it is felt that this application cannot be approved.

Approval of this application will only serve to exacerbate a situation where the units which had initially been approved as holiday accommodation would have the ability to be occupied as permanent residence and then potentially have a subsequent impact on local services. Whilst it is noted that it is the intention of the developer to

operate the site as holiday accommodation, the fact remains that the Council would retain no control over this if the occupancy condition was modified.

The proposal is to amend the occupancy condition relating to this development and it has been clearly demonstrated above that I consider the condition proposed by the applicant to be unenforceable. Furthermore it is evident from other sites where the occupancy condition has been modified that it is failing to restrict the occupancy of the units to holiday accommodation only. Consequently, in practise, modifying the condition would be similar to having no occupancy condition at all on the consent. This course of action I consider would set a very dangerous precedent for all other holiday premises within the boundaries of Perth & Kinross Council and brings us into the realms of requiring developer contributions and different standards for the units and I therefore consider it important to refuse this application to stop the spread of this modified condition any further within the Perth and Kinross Council area.

Two letters of representation have been received which reiterate objections to the original 2008 consent. The 2008 consent remains valid and this application relates solely to a modification of condition. The comments raised within the letters of representation have therefore already been addressed within the Delegated Report for the 2008 consent and do not require to be re-considered.

## **NATIONAL GUIDANCE**

### **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.

The paragraphs relevant this proposal are as follows:

- Paragraphs 45 - 51 Economic Development
- Paragraphs 92 - 97 Rural Development

### **Development Plan**

The Development Plan for the area consist of the Approved Tayplan: Strategic Development Plan 2012-2032 and the Adopted Highland Area Local Plan 2000

### **Tayplan: Strategic Development Plan 2012-2032**

Under the Tayplan the principal relevant policy is:-

## **Policy 2: Shaping Better Quality Places**

The supporting text relative to this policy states 'Quality of place within TAYplan is central to the vision and objectives of this Plan. This directly contributes to a better quality of life for the TAYplan region's people and to improving its economic competitiveness as a place'.

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary'.

## **Highland Area Local Plan 2000**

### **Policy 1 Highland Sustainable Development Sustainable Development**

The Council seeks to ensure that development is carried out in a manner in keeping with the goal of sustainable development.

### **Policy 30 Highland Tourism and Recreation**

New tourist related development will be supported where it can be demonstrated that it:-

- (a) Meets a new market or extends the season.
- (b) Will not adversely affect landscape or nature conservation interests.
- (c) Will only generate traffic appropriate to its location.
- (d) Offers the potential to generate additional employment opportunities.
- (e) Makes good use of the public transport network, particularly rail.

Encouragement will be given to development which improves the quality of existing tourist facilities providing it is consistent with other Local Plan policies.

### **Policy 32 Highland Chalets and Timeshare Development**

The Council will give favourable consideration to new chalet and timeshare developments which either:-

- (a) Involve the development of an existing hotel, guest house, chalet park, caravan park or timeshare development where the development does not constitute either over-development of the site or its setting, or
- (b) Replace static caravans with chalets, or
- (c) Fulfill a demand for this type of tourist accommodation by virtue of its quality and the new recreational facilities associated with the development or its location in relation to existing tourist facilities and where all the following criteria are met:-
  - (i) The development is not detrimental to the visual amenity and quality of the landscape and/or built environment and is compatible with adjoining or neighbouring land uses.
  - (ii) The development is contained within a suitable landscape framework.
  - (iii) The development contains a high standard of planting and landscaping.
  - (iv) The development can be serviced and safely accessed.
  - (v) The development does not conflict with any other policy or proposal contained in the Local Plan.

Note: The Council may require a Section 75 Agreement to ensure that: the landscaping is provided and maintained; the chalets are not used as permanent residences; and the developer enters the Scottish Tourist Board's quality assurance scheme. High standards of siting, design and finish will be required for all chalet and timeshare development (see also Policies 3,4,5 & 48).

## **Perth and Kinross Proposed Local Development Plan 2012**

On the 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

## **Policy ED4: Caravans, Chalets and Timeshare Developments**

The Council will give favourable consideration to new chalet and timeshare/fractional ownership developments where it is clear these cannot be used as permanent residences. Development of these sites are also subject to certain criteria. In the event of land ceasing to be used as holiday accommodation there will no presumption in favour of permanent residential development.

## **OTHER POLICIES**

None

## **SITE HISTORY**

02/01399/FUL Alterations and extension to farm shop on 18 September 2002  
Application Permitted

99/00216/FUL Erection of a new farm shop at 15 April 1999 Application Permitted

04/01830/FUL Change of use from farmshop to reception/cafe/retail/panning centre 9 February 2005 Application Permitted

07/00120/FUL Erection of 11 lodges 30 April 2007 Application Permitted

07/01083/ADV Erection of signboards (in retrospect) 26 June 2007 Application  
Refused

08/01449/FUL Erection of 11 holiday cottages 6 November 2008 Application  
Permitted

09/00100/ADV Erection of freestanding signboards 5 March 2009 Application  
Permitted

10/00330/FLL Change of use of agricultural land to cycling skills area and track 9  
August 2010 Application Permitted

12/02152/FLL Formation of a wildlife trail and erection of associated structure 18  
February 2013 Application Permitted

## **CONSULTATIONS/COMMENTS**

Scottish Water                      No objection

**TARGET DATE:** 11 August 2013

**REPRESENTATIONS RECEIVED:**                      **Yes**

Number Received:                      Two

### **Summary of issues raised by objectors:**

Issues raised regarding the principle of the development of 11 holiday lodges on this site which were addressed as part of the consideration of the 2008 application.

The issues raised include:

Access  
Impact on landscape/environment  
Residential Amenity  
Density  
Visual amenity

This application solely relates to a modification of condition and there is no requirement to re-assess the principle of development on the site which has been considered acceptable by the extant 2008 consent.

**Response to issues raised by objectors:**                      See officer's report

**Additional Statements Received:**                      **Not required**

Environment Statement                      Not required

Screening Opinion                      Not required

Environmental Impact Assessment                      Not required

Appropriate Assessment                      Not required

Design Statement or Design and Access Statement                      Not required

Report on Impact or Potential Impact eg Flood Risk Assessment                      Not required

<b>Legal Agreement Required:</b>	Not required
Summary of terms	Not required
<b>Direction by Scottish Ministers</b>	Not required

**Reason for Refusal:-**

- 1 The proposed modified condition does not comply with the appropriate tests defined by the courts which are incorporated into Scottish Government Circular 4/1998. The modified condition is therefore ultra vires and if applied would not retain sufficient control. Removal of the existing occupancy condition and substitution with the modified condition would result in application 08/01449/FUL being contrary to the development plans and would result in the Council having no control over the occupancy of the units.

**Reasons:-**

- 1 To ensure the suitable occupancy of the properties

**Justification**

- 1 The proposal is contrary to the Development Plan and there are no material considerations to justify a departure there from.

**Notes**

- 1 None

**TCP/11/16(274)**

**Planning Application 13/01092/FLL – Modification of condition no. 5 (occupancy) on planning permission 08/01449/FUL, Highland Adventure Safaris, Dull, Aberfeldy, PH15 2JQ**

## **REPRESENTATIONS**

- Objection from Mr J Wilson, dated 27 June 2013
- Objection from Mr N Hope, dated 1 July 2013
- Representation from Mr N Hope, dated 10 September 2013
- Agent's response to representation, dated 30 September 2013





**Linda Al-Ibrahimi**

**From:** Jim Wilson [REDACTED]  
**Sent:** 27 June 2013 22:26  
**To:** Development Management - Generic Email Account  
**Subject:** Planning App Ref No. 13/01092/FLL

I refer to your notification dated 18/06/13 re the above application and would refer you to my letter of 08/01/07 in which I put forward my objections/comments to the original application. These objections/comments still stand in respect of the latest application, in particular with regard to access to the development which will be by way of a single track road which is busy enough now but will not cope with the increased traffic that the development will bring.

James M. Wilson

SCANNED





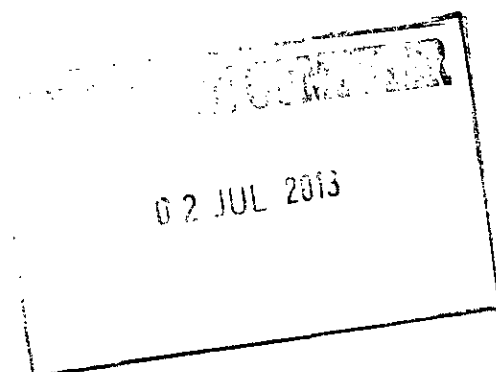
OW

Glenconner, Drumdewan, Dull by Aberfeldy, Perthshire PH15 2 JQ

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

Your Ref: 13/01092/FLL

1 July 2013



RECEIVED  
02 JUL 2013

Dear Sir/Madam,

I enclose a copy of our letter, 25 January 2007, objecting to the erection of 11 lodges by Highland Adventure Safaris, Dull, Aberfeldy, and Ian Sleith's (Head of Development Standards) acknowledgement, 5 February 2007, of our letter regarding the above planning application.

Needless to say, our objection to this planning application (planning consent was granted, however, by PKC on 30 April 2007) listing our reasons in our enclosed 2007 letter still stands. We are, therefore, opposed also to this Highland Adventure Safaris proposal in your recent notice, 18 June 2013, reference number above, to modify Condition Number 3 on Planning Permission **08/01449 FUL**.

Yours faithfully,

Nicholas M Hope

*Enclosed 4 A4 Pages*



The Environment  
Service

**Development Standards  
Head of Service Ian Sleith**

Pullar House 35 Kinnoull Street, PERTH  
PH1 5GD  
Tel 01738 475300 Fax 01738 475310

Dr Nicholas Martin Hope And Mrs Susanne Rock Hope  
Glenconner  
Drumdewan  
Dull By Aberfeldy  
Perthshire  
PH15 2JQ

Contact John Williamson  
Direct Dial 01738 475360  
Email JohnWilliamson@pkc.gov.uk

Ref No 07/00120/FUL

Date 5 February 2007

Dear Sir/Madam,

**The Town and Country Planning (Scotland) Act 1997**

**RE: Erection of 11 lodges Highland Adventure Safaris Dull  
Aberfeldy for Highland Adventure Safaris**

I acknowledge receipt of your letter regarding the above planning application.

Your letter will be taken into consideration while the application is being determined, whether by Planning Officers acting under delegated powers or by the Council's Development Control Committee.

You are advised that any representations which you make will be made available for viewing or copy on request by the public. Representations will also appear in full (including all address details and signature) on the Council Public Access internet site at [www.Perthshire.com](http://www.Perthshire.com).

I shall write to inform you of the Council's decision on the application in due course.

Yours faithfully

Ian Sleith

Head of Development Standards

**Glenconner, Drumdewan, Dull by Aberfeldy, Perthshire PH15 2JQ**  
[REDACTED]

*The Environment Service,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
Perth PH1 5GD*

25 January 2007,

Dear Sir/Madam,

I am enclosing our objections to the proposed development plan sent in to you on 17 January 2007 by Mr and Mrs Donald Riddell, the owners of Highland Adventure Safaris, for some 11 new 'environmentally sustainable cottages' clustered around the existing Highland Adventure Safari Lodge from which they run their business. We have also lodged our objections with the Chairman (Dr David Wright) and the Secretary (Mr Thomas Pringle) of Dull & Weem Community Council which met to discuss this proposal on 4 January 2007 (an enclosed copy handed in to us by Mr Riddell beforehand). There is to be a further meeting on 15 February 2007.

We live like our neighbours, Mr & Mrs J. Wilson of A'Chomraich, in Glenconner, one of two houses belonging to Dull residential village situated on its easternmost perimeter next to the proposed HAS development dated 17 January 2007 (we are not mentioned as neighbours in this formal application to you).

Our objections are based on the following three issues:

- 1) Environment. That this housing cluster will require a modern suburban infrastructure which is unsuited to a natural open landscape of adjacent farmland and rocky hillside terrain,
- 2) Heritage. That this development will damage irreversibly the Appin of Dull, which is unspoilt countryside of historic interest and natural beauty and designated as Green Belt,
- 3) Residential Village Community. That this housing infrastructure built for corporate business and holiday-lets as a commercial development boosting tourism, however well-intentioned, will add significant pressure with its mobile population on Dull as an old and intact residential village community and Dull's single-track access road.

Enclosed: Copy of HAS Supporting Statement, December 2006 handed to Dr and Mrs Hope, and map of our house site.

Yours sincerely, [REDACTED]

Dr. Nicholas Martin Hope and Mrs Susanne Kock Hope

Nicholas and Susanne Hope. We live in the residential bungalow situated on the eastern perimeter of Dull residential village next to the lodge and restaurant, parking, and service area of HAS.

We object to this proposal as such for the following reasons:

♥ Proposal a significant extension to the housing stock of Dull residential village (c.24 houses). These cottages, some two-storey, with three- or two bedrooms, as holiday lets promoting 'green tourism', represent an increase by about 50%. In addition, each cottage will contain 4-6 persons with bike shelters and parking for two or more cars. These cottages will house a mobile population in contrast to Dull as a residential village. And who will they accommodate in terms of 'green tourism'? Please look at page 3 under 'Growth in the Community'. The second paragraph says: 'The new development will match these credentials (HAS's Green Tourism Business Scheme Gold Award), and will be a "culture fit" for progressive companies, providing accommodation for local and national companies such as Clydesdale Bank, Xpro North Sea Ltd and Morgan Stanley, who currently use HAS for teambuilding and management development programmes' Is this the clientele?

♥ Housing clusters. However green, this housing will require a modern suburban infrastructure of power supply, mains water, proper sewerage, waste disposal, and an asphalt road cul-de-sac network including car-parking with adequate lighting. This will change the old rural landscape which is the Appin of Dull, and once in place, cannot be reversed.

♥ Access. The proposed housing cluster will add significantly to the current High Land Safari Lodge restaurant and business, car-parking and service area. This will also mean considerable pressure as traffic on the single-track access road, maintained by the council, to Dull village, and will inevitably increase private, bus, and commercial traffic around Dull residential village and this still unspoilt rural area.

♥ Screening. We see screening visual impact as far more difficult in contrast to a similar housing cluster at Kenmore. There, a new housing cluster is encircled by old buildings, a courtyard, and caravan-site screened by old mature deciduous trees. We have here, in contrast, an open landscape of adjacent farmland and rocky hillside terrain. Since Lurgan Farm Shop was taken over by HAS some three years ago, the

screening of the car-parking and service area, and waste-disposal has remained minimal. It is, therefore, difficult to see how screening can be done effectively now, or in the future.

♥ Expansion is expansion, and HAS business wishes to expand. This proposed suburban housing infrastructure may be only the first phase of a business expansion, or the conversion of these holiday cottages into private ownership. This has the capacity to deface irreversibly this Green Belt area of Upper Tayside.

We are, therefore, opposed to this proposal as containing the radical implications we have mentioned for the old residential village of Dull, and the beautiful, natural and historic landscape of the Appin of Dull, which many visitors come to see and enjoy.

Glenconner, Drumdewan, Dull by Aberfeldy PH15 2JQ 4.i.2007





## CHX Planning Local Review Body - Generic Email Account

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**From:** Nicholas Hope [REDACTED]  
**Sent:** 10 September 2013 17:41  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(274) - Highland Adventure Safaris, Dull

Dear Gillian Taylor,

Thankyou for this copy by email. I write to inform you that my objection to the erection of 11 lodges by Highland Adventure Safaris, Dull, Aberfeldy, and Modification of condition no.5 on planning permission 08/01499/FUL outlined again in my letter of *1 July 2013* (Your Ref: 13/01092/FLL) including a copy of our original letter (*25 January 2007*) still stands. Acknowledgement letter *2 July 2013* from Nick Brian, Development Quality Manager.

With best wishes,  
Yours sincerely,  
Nicholas M Hope



## CHX Planning Local Review Body - Generic Email Account

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**From:** Mark Myles [mm@mbmplanning.co.uk]  
**Sent:** 30 September 2013 08:56  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Donald Riddell  
**Subject:** Re: TCP/11/16(274) - Highland Adventure Safaris, Dull

Dear Audrey

Thank you for your letter enclosing a copy of the further representation received from Mr Hope.

As the representation from Mr Hope raises nothing new and also raises no valid points in relation to the Notice of Review we have no further comment to make.

I trust this is helpful and look forward to receiving confirmation of the date of the LRB meeting from you in due course.

Kind regards

Mark Myles  
MBM Planning & Development

