

**LRB-2020-27 – 20/00906/FLL – Erection of a dwellinghouse, land 90 metres south of Westbank Farm Yard, Westbank Road, Longforgan**

**INDEX**

- (a) Papers submitted by the Applicant (***Pages 227-262***)
- (b) Decision Notice (***Pages 265-266***)
  - Report of Handling (***Pages 267-276***)
  - Reference Documents (***Pages 237-257***)
- (c) Representations (***Pages 277-290***)



**LRB-2020-27 – 20/00906/FLL – Erection of a dwellinghouse, land 90 metres south of Westbank Farm Yard, Westbank Road, Longforgan**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**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                                    | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

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:

Opportunities to gain a more detailed understanding of the farm business and site specific nature of the proposed development.

**Site inspection**

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

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

This is a working farmyard with multiple vehicle movements and equine activities taking place throughout the course of the day.

## Statement

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

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

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

See attached Appeal Statement

A site visit will be important to allow and understanding of the existing farm business, the site and its context. If this is not possible due to any current restrictions please advise if any additional supporting information may be useful.

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

Yes ☐ No ☒

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

**List of documents and evidence**

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

PL01 Location Plan  
PL02 Existing Block Plan  
PL03 Proposed Block Plan  
PL04 Proposed Drawings  
PL05 Proposed Garage Drawings  
Design Statement  
Appeal Statement  
Photographs

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

16 Nov 2020



## Appeal Statement

Planning Application Ref: 20/00906/FLL

### New Farmhouse

#### Westbank Farm, Longforgan, Dundee, DD2 5EZ

Westbank Farm is a diverse modern farming operation with arable, transport and equestrian operations taking place on site. The new dwelling will provide accommodation the owner and applicant, Mr DS Wilkie, allowing a permanent presence on site for security and animal welfare.

The reasons for refusal are not considered to be correct and have been based on an inadequate understanding of the existing farm business, the site and its context due to no visit being undertaken and no further enquiry being made during the planning application process.

While it is accepted that restrictions on visits make determination of an application such as this difficult, further enquiry could have been made to request additional information if required. No concerns were raised during the application process and there was no opportunity for the applicant to either supply further information or withdraw the application.

#### Pre-Application Enquiry

A pre-application enquiry was submitted in May 2020 (20/00166/PREAPP). The response highlighted key policy areas for consideration and indicated support could be given for an application of this nature within Category 3 of the Housing in the Countryside policy and supplementary guidance.

#### Reasons for Refusal

The reasons for refusal and assessment within the case officer's delegated report do not represent an adequate understanding of the nature of the site and farm business.

1. The proposal is contrary to Policy 19 (Housing in the Countryside) of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories: 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the applicant has not submitted a satisfactory business case demonstrating essential operational need and has not demonstrated that there is no scope for renovating, converting or redeveloping an existing domestic or non-domestic building as an alternative to new build.
2. The proposal is contrary to Policy 1A and 1B (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). The proposal would result in the further spread of built development into an undeveloped area contributing to the unsatisfactory ad hoc arrangement of existing buildings in a way that would not contribute positively to the built and natural environment.

#### Building Group

The delegated report acknowledges that the site is located as part of the existing group of farm buildings. It then goes on to comment that the proposed dwelling would not be part of this group.

While the buildings are a mixture of domestic (existing farmhouse )and agricultural buildings it should be acknowledged this is the prevailing built environment of a farm. This site is not a settlement of dwellings within the countryside but a working farm which is dominated by the need for agricultural buildings to sustain its operation, supplemented by residential buildings closely associated with its operation.



Overview of Farm Buildings

### Existing Dwelling on Site

The delegated report discusses the existing dwelling on site. This is occupied by another family who contribute full time to the transport side of the business. The delegated report highlights that the Agricultural Justification Report prepared at the time this dwelling was approved (some 14 years ago) may now be outdated. This is indeed the case as the farm business has developed considerably over this time. The occupants are unable to contribute to any equestrian activities.

### Conversion or Replacement of Redundant Non-Domestic Buildings

The reasons for refusal state that it has “not demonstrated that there is no scope for renovating, converting or redeveloping an existing domestic or non-domestic building as an alternative to new build”.

Further enquiry would have revealed this quite readily. The existing buildings include an existing occupied dwelling, extensive stable building (fully occupied) & steel portal frame building used for further stabling (fully occupied) and storage as well as a covered exercise area for horses.

These buildings are all in intense use and form the basis of the equine and agricultural business. Due to the nature of their construction, none would readily lend themselves for conversion into a dwelling.

### Business Case

As stated above and detailed further in the original design statement, the farm business has developed considerably since the development of the original dwelling was approved. The farm business is divided into three distinct areas:

1. Equestrian
  - a. Westbank Farm, Longforgan 0 essential accom. on site
  - b. Netherton Farm, Aberargie 1 essential accom. on site
2. Transport
  - a. Westbank, Longforgan 1 essential accom. on site
3. Arable
  - a. Westbank & Netherton shared on a seasonal basis

There are no equestrian personnel available at Westbank Farm on a permanent basis to ensure full time site security and animal welfare on site. This is the case at Netherton Farm approx. 20 miles away and provides an essential benefit to the daily operations.

The existing equestrian activities taking place at Westbank Farm do not have the required presence on site to ensure security and animal welfare. Provision of this is paramount to sustain the business at its current level and allow further growth and full time employment opportunities.

Demonstrated by the intensity of operations at Westbank Farm as well as at Netherton Equestrian, Aberargie (recent significant investment in new facilities including a 4,500m<sup>2</sup> riding arena) this is clearly an established and growing business.

The transport business operates a license for 15 vehicles and requires full time management and oversight by the occupants of the existing farmhouse. They are unable to contribute to any equestrian activities.

### **Placemaking**

The location of the proposed dwelling is clearly demonstrated as being closely associated with the farm business. It is not located in the open countryside and is closely linked with the existing building group. This location has been selected as being the most appropriate in terms of access and proximity to equestrian operations without disrupting the current farm and yard layout.

The delegated report states that “in this case there are no natural features to provide a back drop”. This is not the case and the dwelling sits in front of an embankment which will provide a backdrop to the building when viewed from the south.

The building, when viewed from the south will be seen as a well-ordered addition to the overall building group. When viewed from Station Rd, to the east of Westbank Farm, the dwelling will be screened by the existing riding arena and livery buildings. When a view is taken from the north, the building will not be visible due to it's position within the landscape and surrounding farming buildings.



View from North

### **Visual Amenity**

The delegated report refers to a “piecemeal sprawling development”. The siting of a dwelling in this location will form a distinct edge to the existing building group, forming a tidy edge, and will greatly enhance the overall visual amenity of this area.

There are also opportunities for further planting to enhance the bio-diversity of this corner of the farm should the development proceed.

### **Design, Massing & Proportions**

The overall appearance, massing and materiality is consistent the local vernacular and is similar to many other dwellings in the area. This is appropriate within the context, creating a deliberate and meaningful contemporary development.

**Summary**

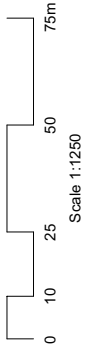
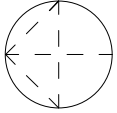
The proposals form part of a larger building group consisting of farm buildings and another dwelling. There is little visual impact of the development in terms of aesthetics, size or location.

This is a development which is clearly closely linked to the farm business operations and will allow a sustainable lifestyle providing for needs on site.

This will be a sensitive development providing a modern home with a net improvement on the visual amenity of the area.

This document and its contents are copyright of studioEAST. No part of this publication may be reproduced or stored in a retrieval system without the prior written permission of studioEAST. All rights reserved. If you are not the intended recipient of this document, you should not disseminate or act on its contents in any form. If you are not the intended recipient, please inform the sender immediately. If you are the intended recipient, please inform the sender immediately. If you are not the intended recipient, please inform the sender immediately. If you are not the intended recipient, please inform the sender immediately. IF IN DOUBT... ASK!

DO NOT SCALE FOR CONSTRUCTION PURPOSES. ACCURACY OF THIS DRAWING IN PRINT FORM CANNOT BE GUARANTEED. IF IN DOUBT... ASK!



No. Description Date

studio | EAST

Client Mr & Mrs Wilkie

PL-01

Project New Dwelling  
Westbank Farm, Longforgan, DD2 5EZ

Sheet LOCATION PLAN

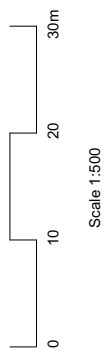
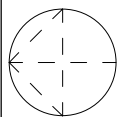
Scale (@ A3)	1 : 1250
Project number	20025
Date	May 20
Purpose of Issue	Planning
Drawn by	NG

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY  
t: 01738 472090 e: hello@studio-east.co.uk



This document and its contents are copyright of studioEAST.  
All rights reserved. Any redistribution or reproduction of part or all of  
the contents in any form is strictly prohibited except with our express  
written permission.

DO NOT SCALE FOR CONSTRUCTION PURPOSES. ACCURACY OF THIS DRAWING IN PRINT FORM CANNOT BE GUARANTEED. IF IN DOUBT... ASK!



No.	Description	Date
-----	-------------	------

**studio** | **EAST**

Client

Mr & Mrs Wilkie

PL-02

Project

## New Dwelling

Westbank Farm, Longforgan. DD2 5EZ

Sheet

## EXISTING BLOCK PLAN

Scale (@ A3)	1 : 500
--------------	---------

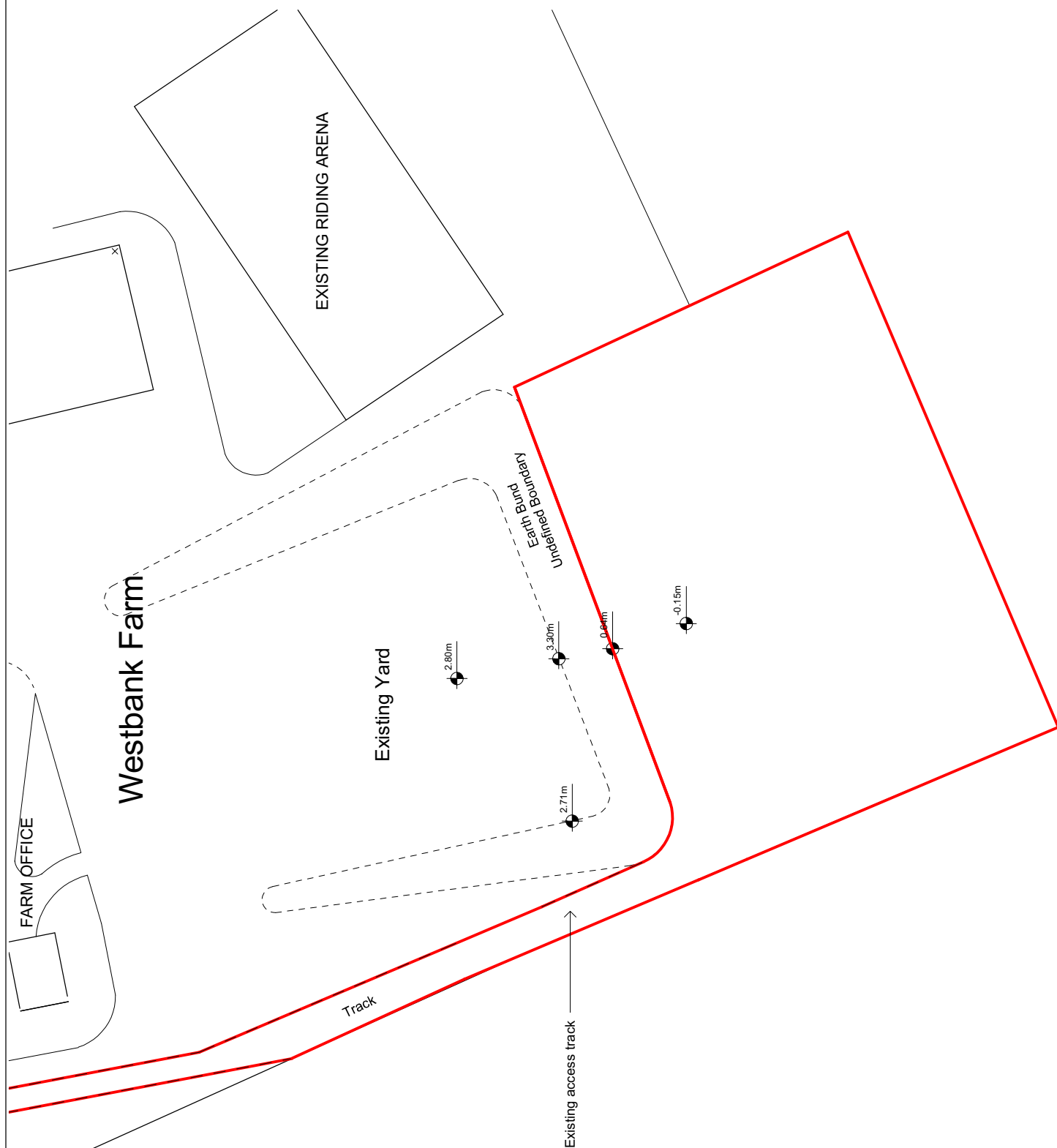
Project number	20025
----------------	-------

Date	May 20
------	--------

Purpose of Issue	Planning
------------------	----------

Drawn by	NG
----------	----

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY  
t: 01738 472090 e: hello@studio-east.co.uk

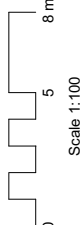


King James VI Business Centre, Friarton Rd, Perth, PH2 8DY  
t: 01738 472090 e: hello@studio-east.co.uk



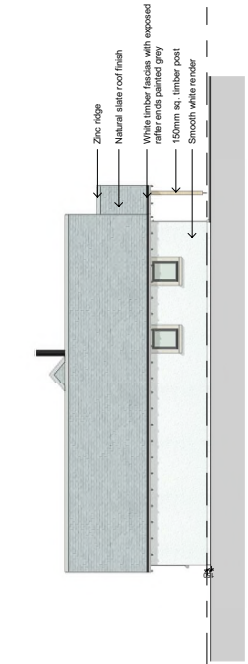


This document and its contents are copyright of studioEAST. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from studioEAST. THE ACCURACY OF THIS DRAWING IN PRINT FORM CANNOT BE GUARANTEED. IF IN DOUBT, ASK

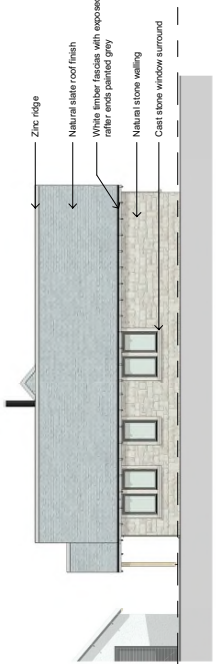


Scale 1:100

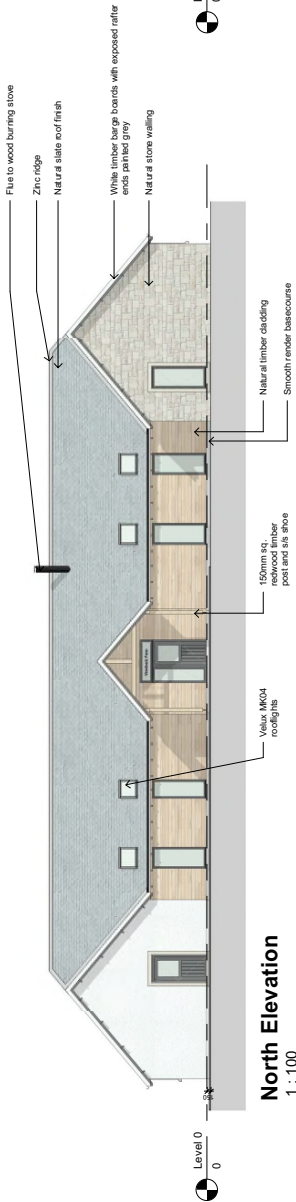
- Materials**
- Roof:**  
Natural Slates  
Zinc ridges  
Code 4 lead flashings and soakers  
Timber barge boards / barge boards  
Exposed rafter ends (painted grey)
- Walls:**  
Natural timber cladding  
Natural stone walling  
Smooth white render
- Windows / Doors:**  
Timber (anthracite grey)
- Rainwater goods:**  
Black uPVC gutters and downpipes



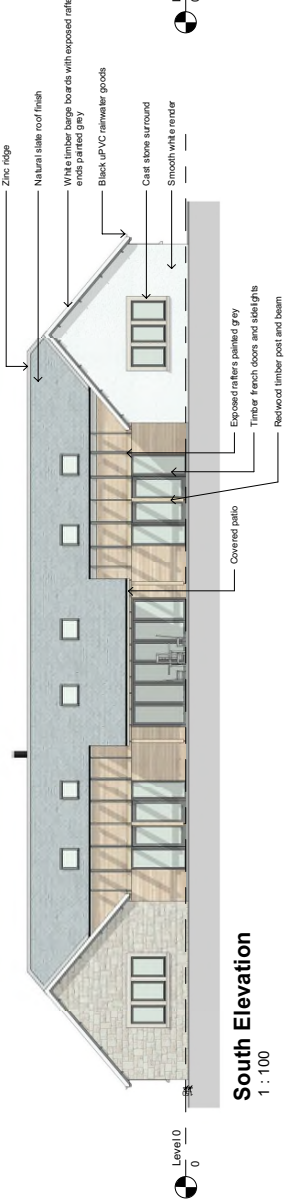
East Elevation  
1 : 100



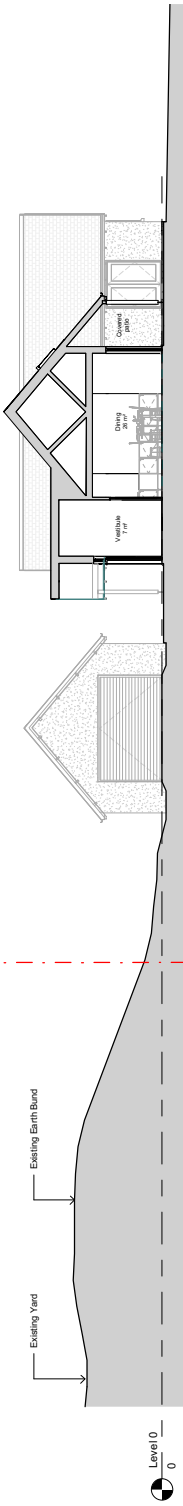
West Elevation  
1 : 100



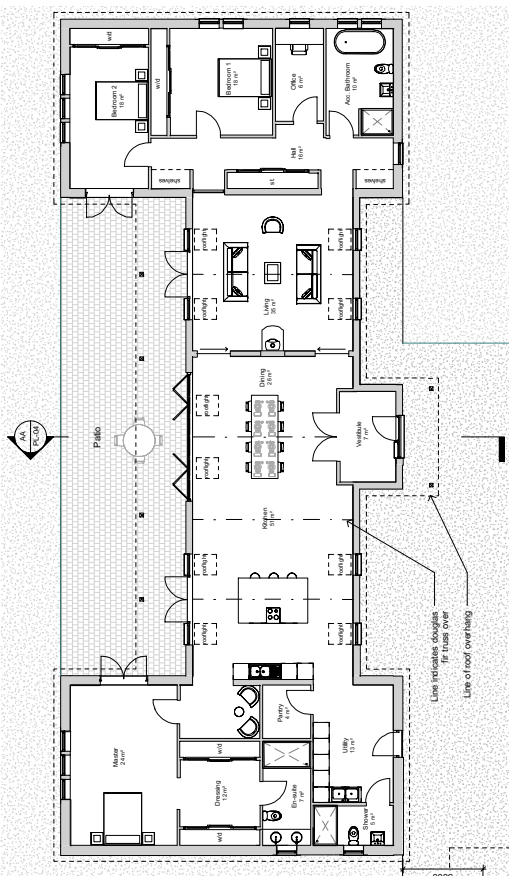
North Elevation  
1 : 100



South Elevation  
1 : 100



Site Section AA  
1 : 100



Ground Floor Plan  
1 : 100



South West Perspective



North East Perspective

No. Description Date  
**studio EAST**

Client Mr & Mrs Wilkie  
**PL-04**

Project New Dwelling  
Westlake Farm, Longkroon, D22 6ZJ

**PROPOSED DRAWINGS**

Scale	1 : 100
Project number	20026
Date	May 20
Purpose of Issue	Planning
Drawn by	NG

King James VI Barracks, Gateshead, Gateshead, Gateshead  
10/10/2019 10:10:10



This document and its contents are copyright of studioEAST. Any reproduction or use of any part of this document without the prior written permission of studioEAST is strictly prohibited except with our express written permission.

DO NOT SCALE FOR CONSTRUCTION PURPOSES. ACCURACY OF THIS DRAWING IN PRINT FORM CANNOT BE GUARANTEED. IF IN DOUBT... ASK!



036m

Scale 1:100

Materials

Roof:  
Natural Slates  
Zinc ridge  
Code 4 lead flashings and soakers  
Timber fascias / barge boards painted white  
Exposed rafter ends (painted grey)

Walls:  
Smooth white render

Windows / Doors:  
Timber (anthracite grey)

Rainwater goods:  
Black UPVC gutters and downpipes

No. Description Date

studio | EAST

ClientMr & Mrs Wilkie

ProjectPL-05

ProjectNew Dwelling  
Westbank Farm, Longforgan, DD2 5EZ

SheetPROPOSED GARAGE DRAWINGS

Scale (@ A3)1 : 100

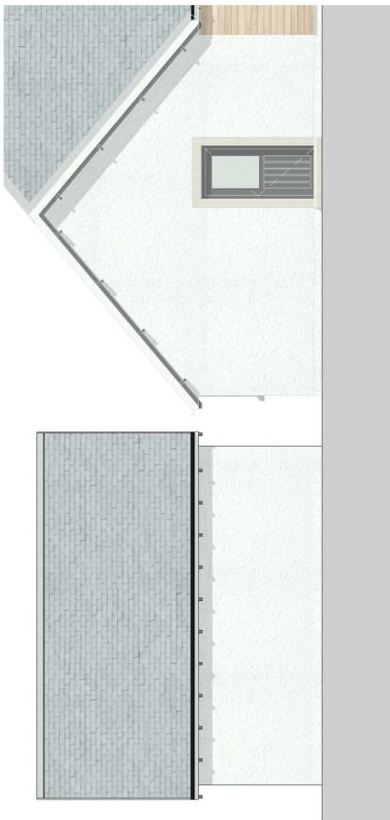
Project number20025

DateMay 20

Purpose of IssuePlanning

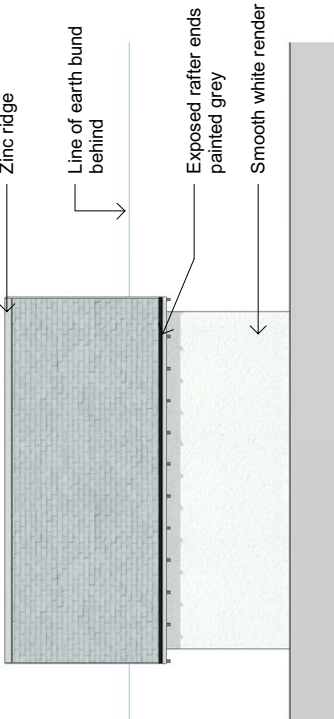
Drawn byNG

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY  
t. 01738 472090  
e. hello@studio-east.co.uk



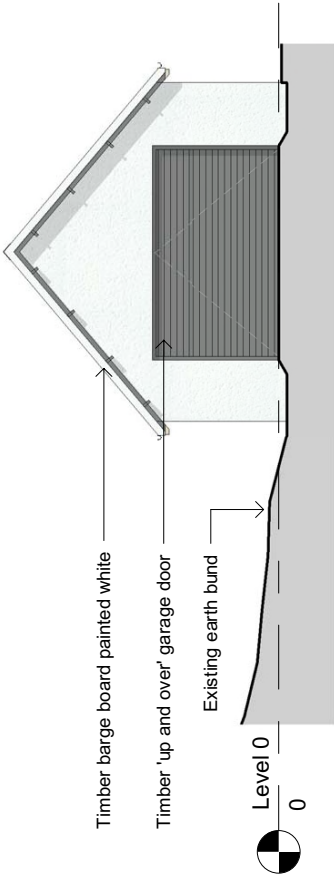
Garage North Elevation

1 : 100



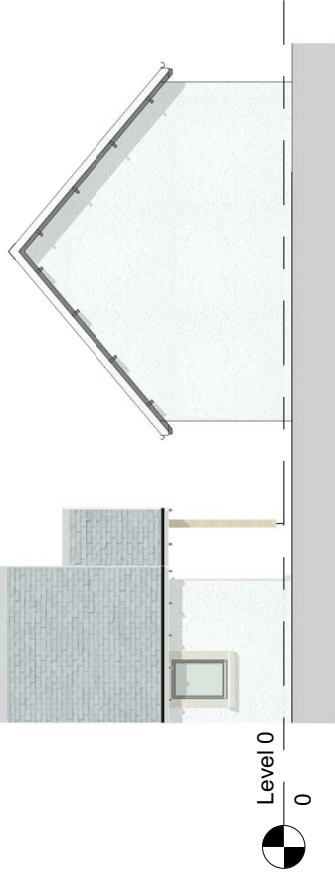
Garage South Elevation

1 : 100



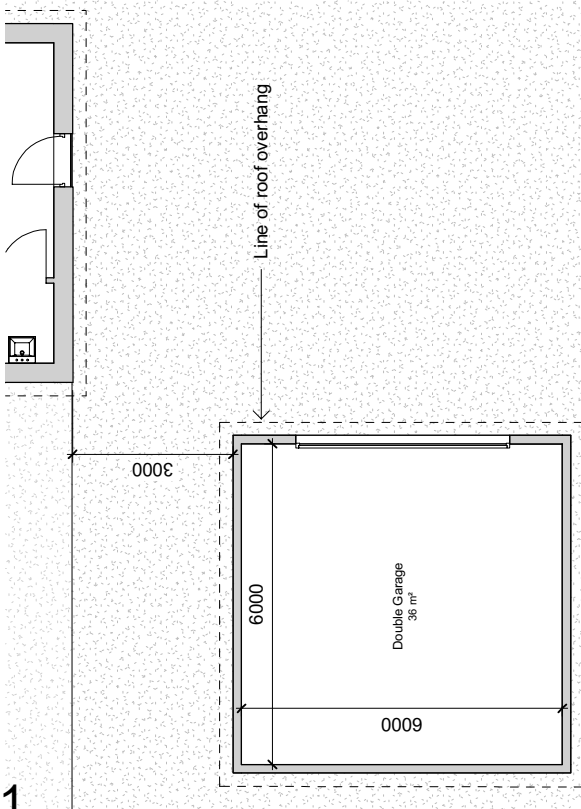
Garage West Elevation

1 : 100



Garage East Elevation

1 : 100



Garage Floor Plan

1 : 100

241

## **Design Statement**

### **New Dwelling**

**Westbank Farm, Longforan, Dundee, DD2 5EZ**

Prepared: 24<sup>th</sup> June 2020

Revisions: -

Prepared by:

studioEAST Chartered Architects

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY

01738 472090

hello@studio-east.co.uk

# **Contents**

1.0	Introduction
2.0	Planning History
3.0	Farm Business Operations
4.0	Housing Requirement
5.0	Site & Topography
6.0	Access & Parking
7.0	Design & Materials
8.0	Sustainable Development
9.0	Landscaping
10.0	Drainage & Services
11.0	Policy Assessment
12.0	Conclusion

## **1.0 Introduction**

This report has been prepared to support an application for construction of a single dwelling on land at Westbank Farm, Longforgan. Westbank Farm is a diverse modern farming operation with arable, transport and equestrian operations taking place on site. The new dwelling will provide accommodation the owner and applicant, Mr DS Wilkie, allowing a permanent presence on site for security and animal welfare.



## **2.0 Planning History**

There have been no previous application for a dwelling on the proposed site.

A pre-application enquiry was submitted in May 2020 (20/00166/PREAPP). The response highlighted key policy areas for consideration and indicated support could be given for an application of this nature within Category 3 of the Housing in the Countryside policy and supplementary guidance.

Other recent applications include:

17/01106/FLL

Erection of indoor riding arena/agricultural store– Approved

12/00884/FLL

Erection of a farmhouse - Approved

### **3.0 Farm Business Operations**

Westbank Farm is a diverse modern farming operation with arable, transport and equestrian operations taking place on site. The business extends to other holdings including Netherton Farm, Aberargie.

#### *Equestrian*

Westbank Equestrian is an established livery and competition training facility and is complemented by larger operations at Netherton Equestrian, Netherton Farm, Aberargie (operations overseen on site by Mr J Wilkie, a member of the family firm based on site at Netherton).

The livery business caters for approx. 50 horses on a full livery basis as well as offering a DIY livery option. Facilities include outdoor and indoor training facilities as well as hosting training clinics.

This aspect of the farm business is operated by the owner and applicant Mr DS Wilkie & Mrs J Wilkie. It should be noted there are no equestrian personnel available on site on a permanent basis to ensure full time site security and animal welfare.

#### *Transport*

JL Wilkie & Co, a successful transport business, also operates from the site at Westbank Farm. The business operates a license for 15 vehicles

JL Wilkie & Co is operated by other members of the family firm, Mr DJ Wilke & Mrs S Wilkie. Both work in the business on a full time basis and they occupy an existing dwelling on the site along with their family. Their presence on site is crucial to ensure the security of vehicles, associated goods and the safe co-ordination of regular vehicle movements.

#### *Arable Farming Operations*

The land holding at Westbank Farm extends to approx. 140 acres as well as additional rented land. Key operations include the management and production of grass to serve the equestrian business.

This portion of the business is operated by various members of the family firm as seasonal and other business operations dictate.

#### **4.0 Housing Requirement**

The proposed new dwelling is to provide accommodation for the farm owner and applicant, Mr DS Wilkie, and facilitate a permanent presence on site for security and animal welfare.

The applicant currently lives off-site within the village of Longforgan which is of little benefit to security and welfare of animals on site. As the equestrian aspect of the farm business has grown and developed, there is now a clear requirement for a full time presence on site to allow effective management of the facility.

Security considerations are a key aspect of the proposals as many of the horses kept on site are of a high value. This extends to other equipment associated with both the equestrian and wider farm operations.

Management of the health and welfare of horses will include turning out, daytime supervision, riding/exercising horses, mucking out, preparing/monitoring feeding and organising attendance of vets or farriers. Other day-to-day operations include maintenance of riding arenas and stable facilities.

Full time care and attendance is necessary as, particularly with a large number of horses on site, the daily routine can require long hours and be unpredictable with the potential for immediate emergency attendance day or night.

The livery business continues to grow and is recognised as one of the leading facilities in Perthshire. With that comes the expectation from clients of a superior level of service. Being able to offer a comprehensive service will allow an improved financial standing and support the employment of further full time staff.

It should be noted that while the equine aspect of the farming operations is the primary factor in the requirement for permanent attendance on site, the applicant is also fundamental in supporting the arable operations taking place throughout the year.

## **5.0 Site & Topography**

The application site extends to 3,292m<sup>2</sup> and forms part of the existing farm building group comprising of an existing farm house, storage buildings, livery building and covered riding/storage area. These surround a level courtyard providing parking facilities for the transport business and visitors as well as the storage of farm machinery and vehicles.

The proposed site of the dwelling lies to the south of the earth bund forming the southern edge of the courtyard, to the west of the riding arena. This an area of brownfield land which has previously been used as hard standing for farm storage requirements including machinery and materials.

The finished floor level of the dwelling is approx. 3m lower than the top of the earth bund with the ground continuing to fall gently south.

The site location has been purposefully selected as the topography lends itself to the siting of a new house with the earth bund providing an excellent backdrop and distinct existing boundary treatments.

The building, when viewed from the south will be seen as a well-ordered addition to the overall building group. When viewed from Station Rd, to the east of Westbank Farm, the dwelling will be screened by the existing riding arena and livery buildings. When a view is taken from the north, the building will not be visible due to it's position within the landscape and surrounding farming buildings.





## 6.0 Access & Parking

The site is to be accessed by the existing farm access off Westbank Rd. There is no requirement for a new access point and this results in a self-contained site which can be easily secured.

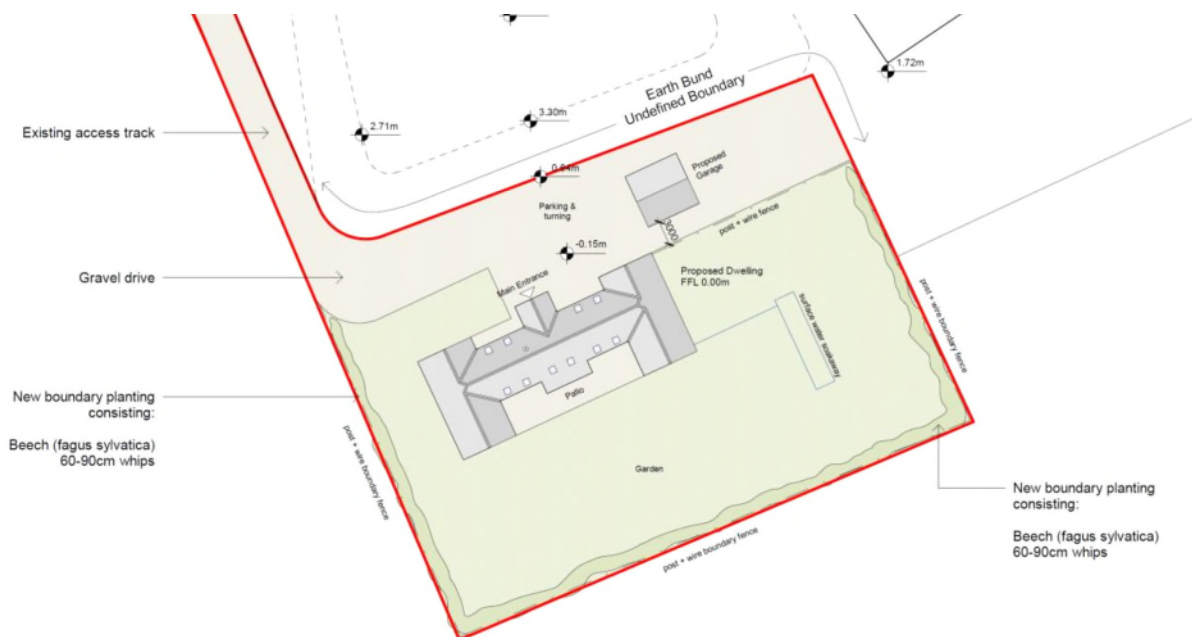
The existing road continues past the main farmyard area and will lead to a driveway/parking area between the earth bund and proposed new house.

The existing access sees a variety of vehicle movements throughout the course of the day. A new dwelling on site for the farm owner/manager will reduce these movements.

The farm entrance will remain as existing ensuring visibility splays are maintained clear of any obstructions so far as lies within the applicant's control.

The site includes for the provision of at least 4no parking spaces with a large private garage. There is a provision for all vehicles to be able to manoeuvre within the site and leave in a forward gear.

The car parking and manoeuvring areas will be generally finished in a gravel layer within the immediate area of the new dwelling.



## **7.0 Design & Materials**

### *Concept*

The original brief was to create a modern, flexible home which can adapt to the needs of the applicant. Although the dwellinghouse has been conceived for modern living, it had been designed to respect the scale and mix of traditional architectural styles in the area, through the use of pitched slate roofs, timber cladding, natural stone walling and render.

Giving consideration to the rural nature of the site and its relationship to the existing building group of which it is an extension, the presiding concept has been to create a modern accessible farm house located to provide security over the surrounding farm. This presents a contemporary development which is well seated within its rural and agricultural context. The building is traditional in form and uses a traditional material palette.

The proposed dwelling is a single storey building which accommodates the principle living areas within a central open plan space with bedroom wings and ancillary accommodation either side.

The eaves have been extended to provide covered areas to the front and rear of the central portion of the building. The total internal floor area of the development is 262m<sup>2</sup>, excluding the garage.

The overall scheme benefits from a contemporary design in a traditional form and features many well considered design elements such as exposed structure, natural materials, pitched slate roof, large overhanging eaves and extensive glazing. These enhance the experience from the interior of the building and complement the overall contemporary nature of the development.

The new dwelling presents a high quality of design and detailing and will reflect the local rural design characteristics and be sensitive in scale, massing and materiality.



### *Location*

The massing of the building is consistent with the existing farm buildings. The site location has been purposefully selected as the topography lends itself to the siting of a new house with the earth bund providing an excellent backdrop. This will lessen the visual impact of the new development within the surrounding landscape.

### *Building Group*

The northerly position on the site ensures the development remains part of the existing farm building group whilst maintaining privacy, allowing the applicant to live an independent life and provide supervision over vehicles arriving and exiting the farm. Furthermore, it avoids overshadowing and maintains privacy of the neighboring properties to the South.

The sloping site offers the opportunity to lessen the impact of a new building by setting it within a recessed portion of the site. This gives the building an overall low profile when viewed from the South and West and helps in blending it in towards the adjacent buildings.

### *Open Plan*

The principle living area has been designed as a fully open plan space featuring a lounge, dining and kitchen as well as the main staircase. This maximizes the overall accessibility of the house and removes any potential barriers which may restrict enjoyment of this space and future accessibility. This space is extensively glazed which will assist in not only maximizing solar gains but allow direct supervision of farm activities and security.

### *Materials*

The new dwelling is designed to be contemporary with rural form and style, matching the vernacular, while maintaining the use of traditional and common materials typically found within the area, such as:

- Larch cladding
- Smooth white render
- Natural stone
- Natural slate

This will reflect the varying material palate of the area and present a modern appearance.

### *Outdoor Spaces*

A key element of the design has been to create private and flexible spaces. The inclusion of large overhanging eaves provides shelter when entering the building and on the more private aspect of the dwelling. Extensive glazing and various access points allow the farm to be fully supervised. A modest area of garden ground will blend into the adjacent paddock areas, providing a soft division between the two.



## **8.0 Sustainable Development**

The proposed development, as a whole, will present the opportunity for a holistic sustainable lifestyle with living and working taking place on site and a limited dependence on the requirement for travel for work.

The new dwelling will be designed as an ultra-low carbon building exceeding the current standards for thermal performance and sustainability. This will present an exemplar approach to this method of construction and its integration in to a wholly sustainable live-work ethos.

The following technologies and sustainable design principles are intended be included within the scheme:

- Southerly orientation to benefit from passive solar gains all year round
- High performance windows with ultra-low u values.
- Use of existing renewable technologies for domestic heating/hot water services.
- Mechanical ventilation and heat recovery system
- High performance timber frame construction with enhanced air-tightness
- Sustainable drainage including rainwater harvesting for domestic/garden use
- Centrally located wood burning stove to heat a large open plan space

Furthermore, spoil from groundworks will be retained on site. This reduces the amount of vehicular movements required during construction.

## **9.0 Landscaping**

The nature of the working farm results in key features of the existing landscape being existing buildings, earthworks, and hedge/boundary lines. These have been worked with to provide a suitable location of the dwelling.

Furthermore, as the proposed dwelling will be a working farmhouse, the proposed landscaping has been selected to work in line with the retention of paddock boundary lines and planting of boundary hedging where appropriate.

The formation of a modest area of garden ground is proposed to provide an immediate amenity space for the dwelling. This will be finished in grass with an area of hard standing adjacent to the dwelling.

The car parking and manoeuvring areas will be generally finished in a gravel layer within the immediate area of the new dwelling.



## **10.0 Drainage & Services**

Foul drainage will be serviced by a new mains connection. Surface water drainage will be connected to a new soakaway. Design of these systems will be carried out in full detail by the project engineer, once engaged.

The use of renewable technologies such as air/ground source heat pumps and solar panels will support domestic heating/hot water services.

The electricity supply will be provided by a new mains connection available adjacent to the site. Water will be provided by a new mains connection also available adjacent to the site.

## **11.0 Policy Assessment**

The site is within an area where the housing in the countryside policy and guidance applies. This states that the Council will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:

- (1) building groups;
- (2) infill sites;
- (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;
- (4) renovation or replacement of houses;
- (5) conversion or replacement of redundant non-domestic buildings;
- (6) development on rural brownfield land.

The policy supports development within building groups subject to criteria set out in the Housing in the Countryside Supplementary Guidance March 2020.

### **Building Group**

A Building Group is defined in the supplementary guidance as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group.

The buildings at Westbank Farm, which include a dwelling house and other farm buildings fall within this category and thus support the development of an additional dwelling house on the site.

### **Siting Criteria**

Proposals for a new house falling within Category 3 will, with the exception of 3.1 Existing Gardens, require to demonstrate that it meets all of the following criteria when viewed from surrounding vantage points:

- It blends sympathetically with land form.
- It uses existing trees, buildings, slopes or other natural features to provide a backdrop.
- It uses an identifiable site
- It will make a positive contribution to the surrounding landscape

The site at Westbank Farm meets the above criteria due to the topography and former use of the land. The siting of a new house at this location will greatly enhance the overall visual amenity of the site and contribute toward the overall farm setting when viewed within the surroundings.

While the proposals include for formation of amenity areas on existing grassland, small-scale development directly linked to rural business, including housing, is generally considered acceptable in this situation.

### **Economic Activity**



Where a new house is to be associated with an existing non-farming business, applicants must be able to satisfactorily demonstrate that the provision of a house is essential to the continued operation of the business.

The equestrian, farming and transport operations at Westbank Farm are long established and contribute greatly to the local and wider economic development of Perth & Kinross. It is imperative these businesses are supported, with particular regard to the equestrian and its demands on welfare and security.





## **12.0 Conclusion**

The overall development will be of a high quality in terms of design, massing and materiality. This will be a sensitive and efficient development enhancing the visual amenity of the area.

This presents a contemporary development which is well seated within its rural and agricultural context and will present the opportunity for a holistic sustainable lifestyle with living and working taking place on site.

Importantly, this will allow a permanent presence on site to cater of the security and welfare of a significant number of horses.















<p><b>LRB-2020-27 – 20/00906/FLL – Erection of a dwellinghouse, land 90 metres south of Westbank Farm Yard, Westbank Road, Longforgan</b></p>
---

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, pages 237-257)*







Mr David Wilkie  
c/o StudioEAST Chartered Architects  
Richard Taylor  
King James VI Business Centre  
Friarton Rd  
Perth  
PH2 8DY

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **19th August 2020**

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

Application Reference: **20/00906/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 13th July 2020 for Planning Permission for **Erection of a dwellinghouse Land 90 Metres South Of Westbank Farm Yard Westbank Road Longforan**

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

### **Reasons for Refusal**

1. The proposal is contrary to Policy 19 (Housing in the Countryside) of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories: 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the applicant has not submitted a satisfactory business case demonstrating essential operational need and has not demonstrated that there is no scope for renovating, converting or redeveloping an existing domestic or non-domestic building as an alternative to new build.
2. The proposal is contrary to Policy 1A and 1B (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). The proposal would result in the further spread of built development into an undeveloped area contributing to the unsatisfactory ad hoc arrangement of existing buildings in a way that would not contribute positively to the built and natural environment.

## **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**

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

Plan Reference

01

02

03

04

05

06

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	20/00906/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	12th September 2020	
Report Drafted Date	19th August 2020	
Report Issued by	PB	Date 19 August 2020

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 90 Metres South Of Westbank Farm Yard Westbank Road Longforgan

#### **SUMMARY:**

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

**DATE OF SITE VISIT:** No site visit has been undertaken due to restrictions caused by the Coronavirus pandemic.

#### **SITE PHOTOGRAPHS**



Photograph of part of the site.

#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a dwellinghouse at Westbank Farm, Longforgan. The site is close to a cluster of buildings surrounded by fields 2- 300 m

from the village of Longforgan. A range of uses operate from the site including a transport business, equestrian centre and arable farming activities. A design statement submitted with the application states that the owner of the Westbank Farm business and applicant will live in the house to allow a permanent presence on the site for security and animal welfare reasons. The owner/applicant currently lives close by in Longforgan village.

There is an existing house around 100m to the north of the proposed house site occupied by a member of the applicant's family. This house was constructed around 2015 and was specifically to allow for an onsite presence for the transport business and for security of the equestrian activities on the site. This new property would be an additional house on the land holding for site supervision by the owner.

The site extends to 3,292 m<sup>2</sup>. The new house will be located to the south west of an existing riding arena and south of the existing yard adjacent to an earth bund. The design statement suggests that the area has previously been used as a hardstanding area although from aerial photographs of the site it does appear to extend into grazing land and is largely undefined by any existing boundaries.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by photographs in the accompanying design statement and aerial photography. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

The proposed house is a substantial detached, single storey property measuring around 31 m in length by 13 m at its widest point. It will be finished in stone, render and timber with a slate roof. A detached garage is also proposed.

The site is accessed via an existing track from Longforgan that would be extended to serve the site.

## **SITE HISTORY**

06/01827/OUT Erection of a house (in outline) Withdrawn 23 February 2007

07/02609/FUL Erection of a farmhouse Approved 23 January 2008

12/00884/FLL Erection of a dwellinghouse Approved 8 August 2012

17/01106/FLL Erection of indoor riding arena/agricultural store and formation of outdoor riding arena (in retrospect) Approved 15 August 2017

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 20/00166/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019**

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 50: Prime Agricultural Land

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 53E: Water Environment and Drainage: Water Supply

Policy 55: Nuisance from Artificial Light and Light Pollution

Policy 58A: Contaminated and Unstable Land: Contaminated Land

Policy 59: Digital Infrastructure

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

Housing in the Countryside Supplementary Guidance March 2020  
Developer Contributions and Affordable Housing Supplementary Guidance 2020  
Placemaking Supplementary Guidance 2020

## CONSULTATION RESPONSES

Transport Planning  
No objection.

Scottish Water  
No objection.

Dundee Airport Ltd  
No objections. The position and height of the development would not impact the safeguarding criteria for Dundee Airport.

Development Negotiations Officer  
No developer contributions required.

Perth And Kinross Heritage Trust  
No objection subject to a condition requiring a programme of archaeological works prior to commencement of development.

Environmental Health (Contaminated Land)  
No comments received.

## REPRESENTATIONS

There have not been any representations received in relation to this application.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

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

area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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

## **Policy Appraisal**

The site is outwith any settlement boundary as defined in the Perth and Kinross Local Development Plan 2(2019). The principle of development will therefore primarily be assessed in terms of Policy 19, Housing in the Countryside and its associated supplementary guidance. This policy supports proposals for the erection, or creation through conversion, of single houses and groups of houses subject to them falling into at least one of the following categories:

- a) Building Groups
- b) Infill sites
- c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings.
- f) Development on rural brownfield land.

The Housing in the Countryside Supplementary Guidance defines a building group as "3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group. The majority of buildings in the group should be either residential or be suitable for conversion to residential under Category 5 of the guidance"

Pre-application guidance given to the applicant stated that the buildings existing at the site did not meet the definition of a building group in terms of the Housing in the Countryside policy. From the information submitted there appears to be one house, a small farm office (which does not count towards the requirement for 3 buildings due to its size) and a number of modern buildings which would not be supported for conversion to residential under category 5 of the policy.

The site is also not brownfield as it is not "Derelict land which was at one time occupied by buildings or structures but these have now been removed, or land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved."

The proposal will therefore be assessed in terms of Category 3 of the guidance "New Houses in the Open Countryside". In all cases under this category proposals should:

- o Blend sympathetically with landform
- o Use existing trees, buildings, slopes or other natural features to provide a backdrop

- o Use an identifiable site with long established boundaries which separates the site naturally from the surrounding ground. In particular the sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically in order to create the site, will not be acceptable.
- o Make a positive contribution to the surrounding landscape.

In this case there are no natural features to provide a back drop and there are no long established boundaries to separate the site naturally from the surrounding ground.

In addition and of fundamental importance in this case is the lack of any satisfactory economic justification for the proposal which would meet the terms of Para. 3.3 Economic Activity.

The application is primarily related to the requirement to support the operation of the livery business on the farm. The policy requires that applicants must satisfactorily demonstrate that the provision of a house is essential to the continued operation of the business. This will normally be through the submission of a business plan, prepared by an independent expert, which demonstrates that the business is financially sound and economically viable, that it genuinely contributes to the local economy and that there is a need for an additional worker to live on-site.

This section of the policy also requires applicants to provide evidence that consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within their landholding with an explanation as to why this option has not been pursued, for example, through the submission of a development viability statement. No information as to the extent of the applicant's landholding has been submitted and it has not been demonstrated whether there are other locations within that where a house could be built or building converted.

In this case there is also already a house on site occupied by family members in connection with the farm and transport business. It is noted that the occupants of this property primarily run the transport business but may also help operate the arable farming operation as seasonal and other business operations dictate. This house was originally approved on the basis that there was an operational need for the agricultural business. It is further noted that whilst this application is primarily concerned with the operation of the equestrian business it is stated in the Agricultural Justification Statement for the existing house (06/01827/OUT and 07/02609/FUL) that the occupant of that house would live on site and provide cover for the horses.

However, it is accepted that the equestrian side of the business has expanded and that the statement made in 2006/07 that the occupant of the existing house would cover for the horses is perhaps no longer appropriate. The applicant currently lives off-site, albeit close-by, and there is now a requirement for a full time presence on site to allow effective management of the equestrian facility which has grown and developed over the years. Whilst the equine aspect of the business is the primary factor, the applicant is also fundamental in supporting the arable operations of the business throughout the year.



However, the Housing in the Countryside Supplementary Guidance clearly indicates that for non-farming businesses applicants for a new house on the grounds of economic activity must be able to satisfactorily demonstrate that the provision of a new house is essential to the continued operation of the business. This will normally be through the provision of a business plan which must demonstrate, amongst other things, that there is a need for an additional worker to live on-site.

No such business plan has been submitted and as such the proposal is contrary to the Housing in the Countryside policy and guidance and cannot be supported without further detailed information, especially considering that there is already a house on-site.

If this requirement is demonstrated then applicants must also demonstrate that there is no scope to renovate, convert or re-develop an existing domestic or non-domestic building as an alternative to new build. No information with regard to this requirement has been submitted. In terms of the policy these two aspects should be demonstrated before any site is selected. Following this the site chosen should be the best possible fit within the landscape and reflect the traditional pattern and character of the area.

In this case insufficient evidence has been submitted to justify the requirement for this development and as such the proposal is contrary to Policy 19 of the Local Development Plan and to its associated supplementary guidance.

The principle of the proposal is not acceptable in this case however other aspects of the proposal will be considered below.

### **Design and Layout**

Proposals should contribute positively to the built and natural environment as required by Placemaking policies in the Local Development Plan and the Council's Placemaking Supplementary Guide 2020. In particular the scale, layout and design of the proposal must be appropriate to, and have a good fit with, the landscape character of the area in which it is located. Whilst the house design incorporates traditional materials and is single storey to reduce its impact the proposed location to the south west of the existing buildings would result in a continuation of existing piecemeal sprawling development and would not enhance the built and natural environment as required by the policy.

### **Landscape and Biodiversity**

There are no existing landscape features of note on the site. Proposals for a new house falling within Category 3 of the Housing in the Countryside guide should meet the siting criteria that requires the proposal to be a good fit with the surrounding landscape. The site appears open with a limited landscape framework or established landscaped boundaries and as such is contrary to the siting criteria of the Housing in the Countryside Policy. Some planting is indicated on the plans such as a beech hedge around the site boundaries. Placemaking policies require new planting to be in keeping with local landscape character with locally native trees and

shrubs used to integrate with the surrounding landscape and to provide biodiversity benefits.

Whilst some landscaping is indicated on the site plans more should be done to enhance the biodiversity of the site by mixed native species trees and hedging.

### **Residential Amenity**

The house is at some distance from any other residential properties and as such there will not be any adverse impact on residential amenity of neighbours. The site is part of an operational transport and livery business associated with the applicant. As such the occupiers would be aware of any noise and disturbance likely from either business. Ample private amenity space is proposed for the new property.

### **Visual Amenity**

The development would contribute to the existing ad hoc arrangement of buildings in the area. Further development at this site without an established landscape framework would have an adverse impact on visual amenity contributing to the existing built sprawl in an area of open countryside.

### **Roads and Access**

The site is accessed by an existing track that is used for the livery and transport business. There are no objections from Transport Planning and this access provision is considered acceptable.

### **Drainage and Flooding**

The site will be served by a new mains water and foul drainage connection. A surface water soakaway is indicated on the plans. Scottish Water has been consulted and indicates that capacity for water and waste water is available.

### **Cultural Heritage Considerations**

The site is not close to any listed buildings or within a conservation area. However, there is archaeological interest in the area and if the application is approved an archaeological evaluation will be required prior to development commencing.

### **Embedding Low & Zero Carbon Generating Technologies in New Development**

Policy 32 of the Local Development Plan requires proposals for all new buildings, such as new house, to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Some information has been submitted suggesting that the building will exceed current standards for thermal performance and sustainability. The application is being recommended for refusal however further details of such measures will be required should this application be approved.

## **Contaminated Land**

Part of the site is close to land where a contaminated land assessment was previously required. The Contaminated Land Officer has been consulted but had not commented by the time this report was prepared. The application is being recommended for refusal so advice from the Contaminated Land Officer is not specifically required at this stage and can be sought if required at a later date.

## **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Longforgan Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required in this instance should be application be approved.

## **Economic Impact**

The proposal relates to an existing business. The applicant has not sufficiently demonstrated how this proposal would contribute to the continuing economic viability of the business or to its contribution to the local economy.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy 19 (Housing in the Countryside) of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories: 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the applicant has not submitted a satisfactory business case demonstrating essential operational need and has not demonstrated that there is no scope for renovating, converting or redeveloping an existing domestic or non-domestic building as an alternative to new build.
- 2 The proposal is contrary to Policy 1A and 1B (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). The proposal would result in the further spread of built development into an undeveloped area contributing to the unsatisfactory ad hoc arrangement of existing buildings in a way that would not contribute positively to the built and natural environment.

#### **Justification**

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

#### **Informatives**

None.

#### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02

03

04

05

06

**LRB-2020-27 – 20/00906/FLL – Erection of a dwellinghouse, land 90 metres south of Westbank Farm Yard, Westbank Road, Longforgan**

## **REPRESENTATIONS**



Monday, 27 July 2020



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land 90M South Of Westbank Farm Yard, Westbank Road, Longforgan, DD2 5FB**  
**PLANNING REF: 20/00906/FLL**  
**OUR REF: DSCAS-0018825-75C**  
**PROPOSAL: Erection of a dwellinghouse**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently **sufficient** capacity in the CLATTO WTW 1972 NO371344 Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## **Waste Water Capacity Assessment**

- ▶ There is currently **sufficient** capacity for a foul only connection in the HATTON PFI WWTW NO603373 Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.



SW Internal  
Personal  
To find out more about connecting your property to the water and waste water supply visit:



279



### **So, how are we doing?**

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.





- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).



- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Erin Drummond**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

#### Scottish Water Disclaimer:

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	20/00906/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 90 Metres South Of Westbank Farm Yard Westbank Road Longforgan		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Longforgan Primary School. Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	29 July 2020		



## Tracy McManamon

---

**From:** Safeguarding <Safeguarding@hial.co.uk>  
**Sent:** 04 August 2020 09:43  
**To:** Development Management - Generic Email Account  
**Subject:** RE: Planning Application Consultation for Application No 20/00906/FLL

Your Ref: 20/00906/FLL  
Our Ref: 2020-0136-DND

Dear Sir/Madam,

PROPOSAL: Erection of a dwellinghouse  
LOCATION: Land 90 Metres South Of Westbank Farm Yard Westbank Road Longforgan

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not impact the safeguarding criteria for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

Safeguarding Team  
on behalf of Dundee Airport Limited  
c/o Highlands and Islands Airports Limited Head Office, Inverness Airport, Inverness IV2 7JB  
Tel: 01667 464209 (DIRECT DIAL)  
email: safeguarding@hial.co.uk Web www.hial.co.uk

-----Original Message-----

From: DevelopmentManagement@pkc.gov.uk <DevelopmentManagement@pkc.gov.uk>  
Sent: 24 July 2020 15:00  
To: Safeguarding <Safeguarding@hial.co.uk>  
Subject: Planning Application Consultation for Application No 20/00906/FLL

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please see attached.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council does not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.



To:	Persephone Beer, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	5th August 2020

**20/00906/FLL | Erection of a dwellinghouse | Land 90 Metres South Of Westbank Farm Yard Westbank Road Longforgan**

Thank you for consulting PKHT on the above application. I can confirm that the proposed development lies within an area that is considered to be archaeologically sensitive due to the presence of known archaeological sites located in proximity to the site. One of these archaeological sites, Eastbank Souterrain and Unenclosed Settlement (SM 6534), is a scheduled monument and therefore of national importance. This monument is located 270m NEE of the proposed development, is visible on aerial photographs and includes several hut circles within an enclosure.

In addition, the HER records the location of the post glacial shoreline directly south of the site. This study undertaken by Dundee University in advance of the Tay Landscape Partnership project has helped successfully identify a Mesolithic site via fieldwalking adjacent to the Earn shoreline using the same dataset (Ballin/ Nicol 2019). Early prehistoric people are thought to have utilised these shoreline areas for food, navigation and resources and as such there is potential for prehistoric remains at this location. Any future mitigation should consider possible ephemeral early prehistoric archaeology and evaluate using an appropriate methodology. It may be that the majority of later prehistoric sites are on higher ground from the post glacial shoreline and that early prehistoric activity is more likely to be at the level of this development.

Therefore, PKHT recommended that an archaeological evaluation, which may be a combination of trial trenching and fieldwalking, should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

**Recommendation:**

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

- HE25** Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Notes:

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	20/00906/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 90 Metres South Of Westbank Farm Yard, Westbank Road, Longforgan		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	06 August 2020		

