

TCP/11/16(207)

Planning Application 12/00784/IPL – Erection of a dwellinghouse at Plot 1, Farleyer Field House, Weem, Aberfeldy, PH15 2JE

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see page 415)*

PERTH AND KINROSS COUNCIL

Mrs M P Stewart
c/o Colin A Smith Architect - CASA
Treetops
Dull
Aberfeldy
Perthshire
PH15 2JQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 14th June 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00784/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 2nd May 2012 for permission for **Erection of a dwellinghouse at Plot 1 Farleyer Field House Weem Aberfeldy PH15 2JE** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Development Plan i.e. Policy 54 Housing in the Countryside of the Highland Area Local Plan (2000) in that the proposal does not meet any of the categories (b) Renovation or Replacement (c) Conversions (d) Operational Need and is not located within (e) Western Highland Perthshire. The application site is remote from the building group to the north east and therefore is not considered to extend the group into a definable site as required by category (a).
2. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that the proposal does not involve development within or directly adjacent to a building group, does not involve the Renovation or Replacement of a House, does not involve the Conversion or Replacement of a Non-Domestic Building, is not on a Brownfield Site and does not comply with any of the criteria for New Houses in the Open Countryside as although within the grounds of an estate house approval would detrimentally affect the integrity and setting of the site.

3. The proposed development is contrary to Policy 19 of the Highland Area Local Plan 2000 which seeks to protect and enhance Historic Gardens and Designed Landscapes (HGDL). The site is located within an area of woodland which forms part of an important landscape boundary to the Castle Menzies HGDL. The application has failed to demonstrate that development would not adversely affect the woodland and result in the removal of trees. Approval would result in pressure from future occupiers to fell trees to improve residential amenity and provide views out of the site all to the detriment of the character of the HGDL.
4. The proposal is contrary to Policy 3 of the Highland Area Local Plan 2000 which seeks to conserve landscape features and a sense of local identity and strengthen and enhance landscape character. The application has failed to demonstrate that development would not adversely affect the woodland and result in the removal of trees. Approval would result in pressure from future occupiers to fell trees to improve residential amenity and provide views out of the site all to the detriment of the landscape character of the area.

Justification

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

Notes

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

Plan Reference

12/00784/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00784/IPL
Ward No	N4- Highland

PROPOSAL: Erection of a dwellinghouse at Plot 1

LOCATION: Farleyer Field House Weem Aberfeldy PH15 2JE

APPLICANT: Mrs M P Stewart

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 17 May 2012

OFFICERS REPORT:

Permission in principle is sought for the erection of a dwellinghouse on a site to the south west of Farleyer House to the west of Weem. This is one of two application submitted for this area. A second application proposes a house directly to the south of this site (12/00785/IPL). The application site sits to the west of the main drive serving Farleyer House and the properties surrounding the main house. The site is occupied by a number of mature trees and appears to serve as an extended garden ground for a Farleyer Field House as part of the area is well managed and planted with numerous shrubs, there is also a small summer house present on site. The application site is located in the south west corner of the Castle Menzies Designed Garden and Landscape.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Highland Area Local Plan (HALP) in this instance are Policies 3, 19 and 54. The Housing in the Countryside Policy 2009 and Proposed Local Development Plan 2012 are relevant material considerations in this instance.

Principle

Policy 54 of the Highland Area Local Plan relates to the development of Housing in the Countryside where a number of criteria apply. In my view this proposal fails to comply with any of the criteria listed in policy 54 as it is not the (b) renovation or replacement of an existing house, does not involve the (c) conversion of a non domestic building, no (d) operational need has been identified and the site is not located in (e) western Highland Perthshire. Category (a) relates to development within existing small groups and development adjacent to established building groups. The applicant's agent has argued that this site can be classed as extending an existing building group into a definable site. There is a clear grouping of buildings at Farleyer. The grouping is fairly linear and starts with Farleyer House at its south

east end and extends north west to include Keepers Cottage, Ghillies Cottage and then Farleyer Field House. The application site is remote from this fairly nucleated group and whilst there are trees on the south and west boundaries which provide landscape containment I believe the site is physically remote from the main grouping so much that it cannot be considered to extend the group into a new site. Whilst I note that the land associated with Farleyer House extends to the south towards the B846 public road this land contains numerous trees and managed grounds, it does not contain any buildings. Therefore the building of Farleyer House forms the southern boundary of the actual grouping of buildings in this area and the application site is clearly remote from this.

The proposal therefore fails to comply with the relevant provisions of the Development Plan. I am therefore required to consider any relevant material consideration. In this case the Housing in the Countryside Policy (HICP) 2009 applies. HICP 2009 also includes a number of criteria. I do not consider this site to comply with category (2) Infill Sites, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings and (6) Rural Brownfield Land. Category (1) relates to building groups and this states that consent may be granted for houses which extend an existing group into a definable site which is formed by existing topography or well established landscape features which will provide a suitable setting. The same comments as outlined above apply to this section of the 2009 policy. Category (3) allows for New Houses in the Open Countryside. 3.1 relates to established gardens once associated with a country/estate house which provide an appropriate landscape setting which would not fundamentally affect the qualities or integrity of the site. The application site is clearly located within the grounds of an estate house (Farleyer). Farleyer House currently acts as the focal point from the east and west drives where the house is accessed from the B846. The other houses around Farleyer are located to the north, behind the main house so as not to affect its setting or position as the prominent building within the landscaped grounds. I am concerned that approval of a house in the location proposed, to the south and in front of Farleyer House and on its approach along the west access would fundamentally alter the character of the grounds of Farleyer House to the detriment of its character and setting. Whilst I note that the site is well contained by existing mature trees which will provide any development with an element of screening from the west drive I am concerned that there would be pressure from future occupiers of any dwellinghouse in this location to fell these trees to provide views out of the site and to allow light in to the site to improve residential amenity. The removal of trees from the site would only serve to exacerbate the concerns highlighted above. I therefore consider the proposal contrary to category 3 of the HICP 2009.

Trees/Designed Landscape

Scottish Planning Policy highlights that trees and woodlands are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and quality. Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. The woodland is designated as part of the Historic Garden and Designed Landscape of Castle Menzies. The trees on this site and the neighbouring application site provide a strong boundary to the HGDL and therefore are an important feature. Historic Scotland have stated in their consultation response that the HGDL has been affected by the fragmentation of the estate and associated private housing development in the late 20th century. It is therefore important to ensure that any further development proposals do not erode the integrity of the landscape further.

Historic Scotland have stated that provided the trees on site can be retained they have no objection to development on this site. As indicated above I have concerns that allowing residential development on this site would result in pressure being applied to fell trees on the site to improve the residential amenity of any future occupiers to allow light into a currently very overshadowed site and also to provide views out of the site which currently do not exist. Furthermore as this application is in principle no evidence has been submitted to demonstrate that development would not have impact on the woodland and result in the requirement to remove trees. In my view the most appropriate way of ensuring the retention of the trees over the long term is not to allow development on this site. This will ensure this important landscape boundary of the HGDL is retained. The existing building group at Farleyer also sits outwith the wooded area and the woodland to the south and north form a robust landscape setting for the grouping. In my view this setting will be eroded with approval of housing within the woodland area.

The applicant's agent has stated that the Council has set a precedent for housing in an HGDL with approval within Taymouth Castle HGDL. I do not consider the approval granted at Taymouth Castle to set any precedent for development within another HGDL. The approval at Taymouth Castle was based upon a robust justification which facilitated the renovation and restoration of an at risk category A listed building. That is not the case here and therefore I do not consider the two applications to be comparable.

Natural Heritage

The area of woodland is likely to serve as habitat to a number of species. If any consent is granted at Local Review Body this should be subject to a condition ensuring that a habitat survey and suitable mitigation measures are submitted as part of any detailed application.

Drainage

The application form indicates that the intention would be to form a new aereation treatment plant to serve the development.

Access

There is an existing access into the site from the west drive which leads to Farleyer House from the B846 public road.

Education

With much of the existing primary school estate currently working at or near capacity, these projected increases will result in the need to replace or expand over 65 primary schools within Perth and Kinross in addition to the construction of a number of additional primary schools. With the population increase of Perth & Kinross driven by in-migration, largely from other parts of the UK, a partnership approach is required between the Council and developers to ensure infrastructure capacity is not to become a major constraint on new development.

The Council's recently adopted Planning Guidance Note: Primary Education and New Housing Development takes account of these growth projections and allows planning consents to be issued despite constraints in capacities at local primary

schools. This is done by seeking a contribution from developers towards the upgrade and expansion of the local primary school. As this application is in principle there is no requirement to seek a contribution at this stage. If the application is taken to Local Review Body, the LRB should be aware of the requirement to apply a condition to ensure the Guidance Note is taken account of should any detailed application be submitted.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Highland Area Local Plan policy 54. I have taken account of material considerations, including the Housing in the Countryside Policy 2009 and Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

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.

DEVELOPMENT PLAN

Tayplan: Strategic Development Plan 2012-2032

Policy 3 Managing Tayplan's Assets

Requirement to safeguard habitats, sensitive green spaces, forestry, landscapes

Highland Area Local Plan 2000

Policy 3 Highland Landscape

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Policy 19 Highland Designated Landscapes

The Council will protect and seek to enhance the Historic Gardens and Designed Landscapes identified on Proposals Map 1 and Inset Maps 8 and 15 and any others which may be identified by Historic Scotland and Scottish Natural Heritage during the Plan period.

Note: See also Policy 54.

Policy 54 Highland Area Housing in the Countryside

The District Council's District wide policy on Housing in the Countryside will apply within most of the Landward Area.

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

Perth and Kinross Proposed Local Development Plan 2012

On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

OTHER POLICIES

Planning Guidance Note: Primary Education and New Housing Development 2009

This developer contributions policy was approved by the Council on 6 May 2009. The policy applies over the whole local authority area of Perth and Kinross. This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development.

Housing in the Countryside Policy 2009

A revised Housing in the Countryside Policy was approved by the Council in 2009. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

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

SITE HISTORY

96/00296/FUL Formation of new access road at 20 June 1996 Application Refused

96/01643/FUL Erection of house (in outline) at 6 January 1997 Application Refused

12/00784/IPL Erection of a dwellinghouse at Plot 1

CONSULTATIONS/COMMENTS

Scottish Water	No objection
Transport Planning	No objection subject to conditions
Education And Children's Services	Planning Guidance Note applies
Historic Scotland	No objection provided existing trees are retained
Environmental Health	No objection

TARGET DATE: 2 July 2012

REPRESENTATIONS RECEIVED: Yes

Number Received: One

Summary of issues raised by objectors:

Impact on trees, Designed landscape, landscape character, natural heritage

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

Legal Agreement Required:	Not required
Summary of terms	Not required
Direction by Scottish Ministers	Not required

Reasons for Refusal:-

- 1 The proposal is contrary to the Development Plan i.e. Policy 54 Housing in the Countryside of the Highland Area Local Plan (2000) in that the proposal does not meet any of the categories (b) Renovation or Replacement (c) Conversions (d) Operational Need and is not located within (e) Western Highland Perthshire. The application site is remote from the building group to the north east and therefore is not considered to extend the group into a definable site as required by category (a).
- 2 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that the proposal does not involve development within or directly adjacent to a building group, does not involve the Renovation or Replacement of a House, does not involve the Conversion or Replacement of a Non-Domestic Building, is not on a Brownfield Site and does not comply with any of the criteria for New Houses in the Open Countryside as although within the grounds of an estate house approval would detrimentally affect the integrity and setting of the site.
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Justification

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

Notes

None

TCP/11/16(207)

Planning Application 12/00784/IPL – Erection of a dwellinghouse at Plot 1, Farleyer Field House, Weem, Aberfeldy, PH15 2JE

REPRESENTATIONS

- Objection from Mr and Mrs McDiarmid, dated 16 May 2012
- Representation from Transport Planning, dated 23 May 2012

From: eric strickland
Sent: 16 May 2012 18:37
To: John Williamson
Subject: Farleyer

Dear Sirs ,

**12/00785/IPL | Erection of a dwelling house at Plot 2 | Farleyer Field House Weem
Aberfeldy PH15 2JE**

**12/00784/IPL | Erection of a dwelling house at Plot 1 | Farleyer Field House Weem
Aberfeldy PH15 2JE**

We write on behalf of our clients, namely Mr & Mrs McDiarmid who wish to **object** to the above applications which are immediately adjacent to their home at Farleyer House.

The proposed sites are part of the Historic Garden Landscape of Castle Menzies with the woodlands surrounding Farleyer House containing many mature and unusual specimens of trees.

The proposed sites are prominent and visible on the edges of the Designed Historic Landscape of Castle Menzies which, combined with the level of tree removal that would be required to accommodate the proposed house units and associated driveways and soak-aways, would have a significant impact on that part of the Historic Landscape.

Concern is raised within the Designed Landscape description over piecemeal interventions into the Landscape that is detracting from its overall value. There is no direct benefit to the landscape as a whole from the proposed development given the disparate landownerships so the proposed development cannot be seen to be a means to facilitate enhancement of the landscape.

Aerial photography on Google earth shows that the land in and around the proposed plots was densely wooded than what is shown on the site plan, which demonstrates extensive tree felling has been undertaken already in preparation for the application. This area of ground is shown on the application as "garden ground" however no change of use for garden ground has been applied for.

No arbocultural survey or topographical survey has been provided by the applicant further more, no ecological survey for red squirrels of which there are many within the wooded area or bat survey has been provided.

Lack of information is clearly an issue, specifically trees and the current nature of proposed plots compared to what the aerial images show is something that should be drawn to the attention of the council along with the piecemeal nibbling of key elements of the designed landscape for purely sale of plots rather than any wider improvements to the landscape. This demonstrates a lack of any material consideration that may overcome concerns regarding adverse impacts of these application



MEMORANDUM

To	John Williamson Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/00784/IPL	Date	23 May 2012

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 12/00784/IPL for planning consent for:- **Erection of a dwellinghouse at Plot 1 Farleyer Field House Weem Aberfeldy PH15 2JE for Mrs M P Stewart**

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

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.
- Prior to the occupation or use of the approved development a 'Pick up and drop off' area for school children / bus passengers shall be provided on the south side of the B846 public road opposite the access to the development. The area shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

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

I trust these comments are of assistance.

