

TCP/11/16(377)**Planning Application – 14/02238/FLL – Erection of dwellinghouse and garage, land 600 metres north west of Broadslap Farm, Dunning**

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TCP/11/16(377)

Planning Application – 14/02238/FLL – Erection of dwellinghouse and garage, land 600 metres north west of Broadslap Farm, Dunning

**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)

Agent (if any)

Name **STUART PARTNERSHIP**

Name **FELSHAM PD**

Address **BROADSLAP FARM**

Address **1 WESTERN TERRACE**

DUNNING

EDINBURGH

PERTSHIRE

Postcode **EH12 5QF**

Postcode **P42 0QL**

Contact Telephone 1

Contact Telephone 1 **0131 337 9640**

Contact Telephone 2

Contact Telephone 2 **07446 697144**

Fax No

Fax No

E-mail*

E-mail* **philip@felshampd.co.uk**

Mark this box to confirm all contact should be
through this representative: ☒ Yes ☐ No

* Do you agree to correspondence regarding your review being sent by e-mail?

☒ Yes ☐ No

Planning authority

PERTH + KINROSS

Planning authority's application reference number

14/02238/FUL

Site address

BROADSLAP FARM, DUNNING

Description of proposed
development

**CHANGE OF USE OF AGRICULTURAL
GROUND TO RESIDENTIAL, SOLELY
FOR THE FARM MANAGER WITH A
HOME OFFICE**

Date of application

15/12/14

Date of decision (if any)

15/06/15

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

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☒
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THERE IS A SIGNIFICANT DIFFERENCE OF OPINION BETWEEN THE PLANNING AUTHORITY AND THE APPLICANT. THE REASONS NEED TO BE EXPLAINED AND TESTED BEFORE THE LOCAL REVIEW BODY ITSELF

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

N/A

Statement

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

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

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

PLEASE SEE ATTACHED SUPPORTING
STATEMENT AND DOCUMENTS

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.

N/A

List of documents and evidence

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

1. APPLICATION FORMS
2. APPLICATION DRAWINGS + DESIGN STATEMENT
3. EMAILS BETWEEN FELSHAM PD + PLANNING OFFICER
4. PLANNING POLICY RESPONSE FROM FELSHAM PD DATED 2.4.15
5. ADDITIONAL INFORMATION SUBMITTED BY THE ARCHITECT DATED 3.4.15
6. LANDSCAPE SUBMISSION
7. PHOTOGRAPHS
8. REPORT OF HANDLING
9. DECISION NOTICE

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

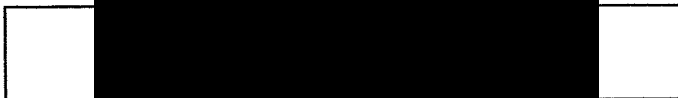
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

14/09/15

PHILIP LEAVES
FELSHAM PD

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

Application Number: 14/02238/FUL

Erection of dwelling house and garage Land 600 Metres North West of Broadslap Farm Dunning

Broadslap Farm, Duncrub Perthshire

Review Statement

1.0 Introduction

Felsham Planning and Development is planning adviser to Stuart Partnership. We are instructed to submit a Notice of Review to the Local Review Body following the refusal of the above application.

The application was refused on 18th June 2015 for the following reasons:

1. *Reason - This proposal by virtue of its siting, scale and design is inappropriate in this location and would be contrary to policy ER6: Managing Future Landscape Change of the Perth and Kinross Local Development Plan 2014 as the proposed development would not maintain or enhance the special landscape qualities of the area.*
2. *Reason - The proposal would be contrary to Policy PM1B (b) of the Perth and Kinross Local Development Plan 2014 as the design and scale of the buildings proposed will be visually intrusive and unduly prominent in this location. The proposal will have an adverse impact on the landscape character and visual amenity of this area.*
3. *Reason - The proposal by virtue of its siting, scale and design is contrary to Perth and Kinross Housing in the Countryside Guide 2012 categories 3 a) to d). The development would not blend sympathetically with the land form, has insufficient existing natural features to provide a backdrop, insufficient mature boundaries and would have a detrimental impact on the surrounding landscape.*

Justification

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

Planning permission is sought for the erection of a dwelling house and garage on land at Broadslap Farm, Dunning. Broadslap is a mixed farm growing vegetables, soft fruit and cereals on around 100 acres of land. The site is situated in a central location within the farm, which is essential to ensure effective management and oversight of the farm. The proposal is for a detached dwelling house with accommodation over two levels and a separate garage/store located to the southwest of the house. The house is designed in the form of a cross. The house will be occupied by the farm manager and will also include accommodation for temporary staff and storage.

The house is required because of the proposal by Network Rail to close the level crossing, which connects the existing farm manager's house to the farm unit. The closure of the crossing will sever that house from the farm and leave it with no means of access. Therefore, this application is not made for financial gain but to provide an essential replacement facility. In improving public safety there is a significant public benefit but this is at the expense of our client whose interests are severely compromised by no longer being able to use

the farm manager's house. This is a material consideration of considerable weight and the impact on our client of the loss of the farm manager's house needs to be fully considered when determining this appeal.

The Town and Country Planning (Scotland) Act requires full disclosure of an appeal case at the outset. The reasons for refusal cannot be added to or amended. Having regard to the above, we consider the main determining issues to be:

1. The principle of developing a house in the countryside
2. Whether the siting, scale, massing and design is appropriate to this location
3. If the Local Review Body is not satisfied on points 1 and 2, whether there are material considerations of sufficient weight to overcome the Council's policy objection. These material considerations include the need for a new farm manager's house following the loss of the existing house; the public benefit from improved safety following the closing of the crossing; and the lack of objection from stakeholders, consultees and the public

2.0 Planning Policy

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are as follows:

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy PM1A – Place making

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B

All proposals should meet all the following place making criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, and inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.*
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*

(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Supplementary guidance is contained within the Council's *Housing in the Countryside Guide* (November 2012). Section 3.3 of that guide, *Economic Activity*, states:

a) A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required

3.0 Basis for Determination of a Planning Application

The Town & Country Planning (Scotland) Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The same principles apply to a Notice of Review. We set out below the basis for determining a planning application and we then consider the reasons for refusal against the prescribed methodology.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

In assessing this proposal we believe that it is also relevant to refer to have regard to Tesco Stores v. Dundee [2012] PTSR 983 case. Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart

from it. It is intended to guide the behaviour of developers and the planning authority....the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

It is important to note that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5 step procedure set out in the 1998 City of Edinburgh Council House of Lords case to be followed. The importance of the Court's assessment is that it confirms that policy is only the starting point of any assessment of a planning application and wider factors need to be taken into account.

4.0 Assessment

Having regard to the House of Lords methodology we note:

Identify any provisions of the Development Plan that are relevant to the decision – the relevant policies are those identified in the reasons for refusal, namely ER6, PM1B (b) and *Perth and Kinross Housing in the Countryside Guide*

Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies – the aims and objectives of the development plan that are relevant to this proposal are to preserve the landscape and to ensure a high quality of place making and design. Planning policy allows for new development in the countryside and specifically supports such development if it is required to sustain economic activity.

Consider whether or not the proposal accords with the Development Plan – the planning officer's report stated:

In this case the proposed site is not part of a building group, is not an infill site, does not meet the criteria for a replacement house, is not for the conversion or replacement of a non-domestic building and is not rural brownfield. It therefore fails to meet categories a), b), d), e) or f) of the housing in the countryside policy. The application is therefore being considered under category c) which supports new houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.

In this instance the primary consideration would be 3.3 Economic Activity

The planning officer has accepted that the principle of development of a new house as a replacement for the existing house. Discussions with the planning officer did not question the principle of the development and the planning officer raised the possibility of considering an alternative location. Therefore, there is no dispute that the principle of development accords with the development plan because of the economic need created by the loss of the existing farm house.

The development plan issue the planning officer has raised relates to siting, massing, design and materials.

The application is for a house to serve the farm. The house is required because the neighbouring level crossing is being closed by Network Rail, delivering a health and safety benefit which is welcomed by local people. The effect on our client will be severely detrimental and will be to sever the existing farm house from the farm. That primary economic consideration needs to be set against the concerns the planning officer has raised about design. At present it is by no means certain that the existing house can ever be used because it requires purchase of land to create a new access. Therefore this proposal is for a replacement house.

The planning officer asked for a number of matters to be considered. These are addressed in the email correspondence between the planning officer and Felsham PD (Document 3); Felsham PD's letter to the planning officer (Document 4); the Architect's further submission to the planning officer (Document 5); and the landscape submission (Document 6).

1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

We have had regard to the planning officers' comments about siting, design, scale and materials and they are considered at length in the documents referred to in the previous paragraph. There are a number of matters we would like the Local Review Body to consider:

- Extent of existing screening and ability to supplement that screening by additional planting
- Earth moving to reduce the height of the building
- The house will only be seen in fleeting views from the motorway. These views will be reduced by existing screening and our client has offered further mitigation through additional screening and possible earth moving. The view of the house will not be alien and unusual because there are many similar properties visible from the motorway, both in this location and along its length. Examples are shown in Document 7. The photographs we have produced show that in each case the properties visible from the motorway are more prominent and have less screening than the current proposal. therefore, the current proposal is not unusual
- Many of the houses shown in Document 7 are relatively recent. The Council did not consider these to be contrary to policy and we are surprised that a different approach has been taken with this proposal.
- The precedent set by development of these recent dwellings of similar scale and mass is an important material consideration. There are at least 4 that are visible from the application site, some of which are more prominent, together with large houses being built close to motorway.
- A managers house is larger than a normal house because it includes storage and staff facilities
- This house is similar in scale not only to modern buildings designed for this purpose but also to much older houses, for example the property at the end of our client's drive and to other older properties shown in Document 7. The proposal continues an established pattern of mass and design in this area, set since at least the mid-nineteenth century, and does not introduce a new or alien feature
- The planning officer has failed to take account of the fact that there is planning permission for 35 dwellings within 2km of this site and situated closer to the A9. Development of these dwellings will completely alter the context in which the proposed house is seen and perceived.

The planning officer accepts the principle of development of a new farm house on this farm but is concerned about the proposed location. We have submitted material which demonstrates that the house can fit into the landscape (Document 6). The landscape submissions shows a widening of the existing belt of young trees by c 6 metres, adding a windbreak fence (similar to the mesh netlon fence to the adjoining farm polytunnels) to the south side of the young trees to help establishment. Our client has also offered to reduce ground levels of the overall house and garden plot by c 1 metre to help fit into the landscape, using the excavated material to sculpt the landform around the perimeter of the plot.

We have also submitted the site analysis plan showing where local topography and woodland screens the site and how proposed landscape structure planting and ground modelling will mitigate impact from the sensitive inward views. We believe that this material mitigates any alleged landscape impact (Document 6).

The Context of the surrounding area has been referred to above. We have made reference to other similar houses both new and long established because they show a pattern of design, layout and visibility that is well established in this area. Applications need to be considered with regard to previous planning consents and to the character of the surrounding area. We refer to the photographs of similar houses located within 4km of the appeal site (Document 7). It is important to note the following:

1. There are many examples of houses of similar scale that are clearly visible from the motorway. These houses have limited screening and are far more prominent than the appeal site, which even now with existing screening is only visible in fleeting views and will be even less visible with the implementation of proposed additional planting and recontouring
2. Many of these houses use materials similar to that proposed by this application. There are four houses under construction at the bottom of our client's drive, less than 1km from the appeal site
3. The size and mass of the proposed house is not unusual and is similar to older houses used for farm management in this area. Such houses are frequently located on slopes to give views across the landscape. This is an open landscape and houses are an accepted part of the landscape not an unusual feature that needs to be screened
4. The photographs (Document 7) show that this type of house is not unusual in this landscape. There are a number of examples of recently built houses of a similar scale and mass using similar materials. Almost all are more prominent than the appeal site. The photographs of older houses demonstrate that this follows a historic tradition dating back at least to the mid nineteenth century. The appeal site will not introduce a new and unusual feature. It is already well screened and the landscape assessment shows how it can be further screened (Document 6). Therefore it is less visible than a number of dwellings given consent by your Council in recent years and less visible than older houses that are or have been associated with local farms.
5. The officer has given no consideration to the need to assess the impact of the proposal against other factors that will influence the visual perception of the area. In this case the eye is drawn to the poly tunnels on the hill side adjacent to the appeal site rather than the existing buildings. This will continue to be the case with the proposed development in place
6. The planning officer has given no consideration to the impact of the extant consent to build 35 houses on this hillside within 2km of the appeal site. This will completely change the character of the area and will be far more visually prominent than the

appeal proposal. The eye will be drawn to that significant development not the appeal site and visually the area will be perceived as containing a large number of houses. In this context the addition of a further house will have no impact on the visual perception of this area

7. Finally, we reiterate the considerable effort our client has made to further screen the site. We do not think the house will be perceived as unusual or out of place and its impact needs to be assessed within the visual context of its surroundings. Given the scale, design, mass and materials of houses that have been built or have consent in this area we can see no reason to conclude that this development is unusual or contrary to policy

There has been a suggestion that the location of the house could be moved. This is addressed in Document 5. The farm unit is not so large that its character can be judged to change from one location to another. Given these characteristics, we cannot see how, having accepted the principle of development, your officer can conclude that development in one location on this small farm is acceptable whilst development in another location is not, particularly given that the need arises from a significant community benefit of the closure of the level crossing, which will disadvantage our client and is a material consideration of significant weight.. The location has been selected because it is in the centre of the farm unit and is the best location to manage the farm and to provide oversight and security, whilst giving the farm manager privacy and relief from inevitable intrusion from the public if it were located next to the shop and restaurant. This location meets the needs met by the current farm house in a way that could not be met by an alternative location.

To summarise the planning policy assessment:

1. The house can fit into the landscape and maintain the character of the landscape (policy ER6)
2. It satisfies the criteria of policy PM1 (B). We note in particular that it respects site topography and surrounding views and skylines as well as the wider landscape character of the area. In addition, the design and density complements its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. There are many examples of similar houses built recently within a 4km distance of the site. Many of these houses are more prominent than the appeal site. If such houses are judged acceptable there is no reason why the appeal site cannot be judged in the same way to be in accord with planning policy

Therefore, we consider that the proposal complies with the development plan.

Identify and consider relevant material considerations for and against the proposal – Having concluded that the proposal satisfies policy weight needs to be given to the material considerations. It is important to note that there are no objections and the reasons for refusal relate only to policy. Therefore there are no material considerations that indicate that the application should not be granted planning permission. All the material considerations favour this application, as follows:

1. This is a replacement house, to be built at great cost and inconvenience as a result of the public benefit arising from the closure of the level crossing;
2. The application is submitted to address the operational problems created by the requirement to close the level crossing. This is a significant community benefit in terms of road safety but a major operational and financial impact for our client's business. It is not a replacement house because the need for a new access, over land not owned by the applicant, means it is by no means certain that the house can ever be used again;
3. Even if access to the existing house could be created it would require a 4km journey to reach the farm and pick up your own business. This is impractical when there is a need for immediate access to properly manage the farm;
4. Any doubts the planning officer had about planning policy should have been weighed against these material considerations. There is no evidence in the Report of Handling (Document 9) of the planning officer having undertaken such an assessment. This is a major weakness in the Council's handling of the application given our conclusion that the proposal accords with planning policy and the evidence that the Council has considered that other similar proposals must have accorded with planning policy, as demonstrated by the photographs of recent houses contained in Document 7;
5. There should be no agricultural occupancy condition because this is a replacement manager's house and the property it replaces does not have such a condition. Our client should not have to go to the expense of building a new property and then have it restricted in the way that the existing property is not;
6. There are no objections from the community council, members of the public or any stakeholders or consultees. SPP gives weight to objections in the planning process. The lack of objections is a material consideration. Clearly the community and local residents i.e. those most affected do not share the planning officer's concerns. That is reason alone to grant consent, particularly given the economic need for a house in this location.

Assess whether these considerations warrant a departure from the Development Plan – Therefore, having first concluded that the proposal is in accordance with planning policy, we further conclude that material considerations support this development in this location.

5.0 Conclusion

Having regard to the reasons for refusal we conclude:

1. Planning policy allows for development of housing in the countryside to support agriculture and forestry;
2. The scale and design is in keeping with its surroundings and the house fits into the landscape without unacceptable impact;;
3. The proposal is in accordance with planning policy and the principle of development is not an issue in this case;
4. There is a clear operational need because the closure of the level crossing means that the current farm house is severed from the agricultural unit and would require a 4km journey, which is too great a distance to allow for proper oversight;
5. The farmhouse and storage, which requires to be replaced, is land locked with no means of access when the level crossing is closed;
6. Network Rail supports the proposal, which is a material consideration in its favour given the public benefit of closing the level crossing and improving safety. This application is the necessary compensation for achieving that public benefit;
7. The location plan shows the red line of the application site between two areas of blue land, which comprise the agricultural unit. The application site is well placed in a central location to oversee the operation of the agricultural unit. In addition it provides the farm manager with a degree of privacy and relief from the inevitable demands from the public if the manger's house were sited next to or close to the restaurant and shop, which the planning officer has suggested;
8. The management of an agricultural unit is as important as actual agricultural labour and that consent is justified for a person living in a house to manage and oversee operations.

Having reached these conclusions our assessment of the reasons for refusal is as follows:

- **Reason 1 Policy ER6-** the characteristics of this landscape mean that houses are not screened and do not need to be screened (Document 7). The proposal will only be seen in fleeting views and the eye will be drawn to other features in the landscape. The site is already well screened and there are proposals for further screening and recontouring (Document 6). Given these factors there will be no impact on the landscape and reason 1 should be dismissed
- **Reason 2 and Reason 3 policy PM1 (B) and Perthshire Housing in the Countryside Guide-** the house can be fitted into the landscape. The height, scale, massing, materials and colours reflect other houses recently built and clearly visible in this area. Regard must also be had to the change in character of the area that is likely to arise following the grant of consent for 35 houses in the vicinity. The officer asserts that there is an issue but has been unable to explain how or why it will arise. We submit that the officer has used subjective judgement and has not fully considered the characteristics of the area; the similarity of this proposal to other recent developments; the fact that the site is already well screened; and the proposals for further screening and earth moving. Therefore, we be conclude that there is no conflict with policy or supplementary planning guidance and reasons 2 and 3 should be dismissed

For these reasons we conclude that there is no basis to support the reasons for refusal and respectfully request that the appeal be granted and planning permission issued.

Attachments

Document 1	Planning Application Forms
Document 2	Application Drawings and Design Statement
Document 3	Email correspondence between Felsham PD and the Planning Officer
Document 4	Planning Policy Response to the Planning Officer's comments from Felsham PD dated 2.4.15
Document 5	Additional Information dated 3.4.15 submitted by the Architect in Response to the Planning Officer's comments
Document 6	Landscape Submission by Christopher Palmer Associates
Document 7	Photographs
Document 8	Planning Officer's Report of Handling
Document 9	Decision Notice

Document 1 Planning Application Forms



Pullar House 35 Kinnouli Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000107422-001

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

Type of Application

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

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

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

Description of Proposal

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

Change of Use of Agricultural Ground to Residential, solely for the Farm Manager with a Home Office.

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Architectural Services and Design

Ref. Number:

First Name: *

Albert

Last Name: *

Dunn

Telephone Number: *

07753144426

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

arch.services.design@gmail.com

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

Building Name:

Building Number:

40

Address 1 (Street): *

Polmont Park

Address 2:

Polmont

Town/City: *

Falkirk

Country: *

UK

Postcode: *

FK2 0XT

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Stuart Partnership

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Broadslap Farm

Building Number:

Address 1 (Street): *

B9141

Address 2:

Town/City: *

Dunning

Country: *

Perthshire

Postcode: *

PH2 0QL

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Broadslap Farm

Address 5:

Address 2:

Dunning

Town/City/Settlement:

Perth

Address 3:

Post Code:

PH2 0QL

Address 4:

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

Northing

715738

Easting

299509

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

30383.00

Please state the measurement type used:

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

Existing Use

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

Agricultural ground

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

0

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

5

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

Water Supply and Drainage Arrangements

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

☐ Yes ☒ No

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

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

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

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

☐ Yes

☐ No, using a private water supply

☒ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

The waste will be stored within the site and transported to the entrance to the farm on the B9141 for collection.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

These People are:

Name:

Address:

Date of Service of Notice: *

(3) - I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and *have/has been unable to do so –

Signed: Albert Dunn

On behalf of: Stuart Partnership

Date: 18/12/2014

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

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

Declare - For Application to Planning Authority

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

Declaration Name: Albert Dunn

Declaration Date: 28/12/2014

Submission Date: 28/12/2014

Payment Details

Online payment: 58066

Created: 28/12/2014 11:24

Document 2 Application Drawings and Design Statement

Notes

External finishes

Road

Walls

Windows and Doors

Landscaping

Office car park, turning area

Access road to residential

Residential car park

Waste storage and collection

Surface water removal

Foul water

Smooth side

Wet dash render - white

PvcU

Tarmac finish

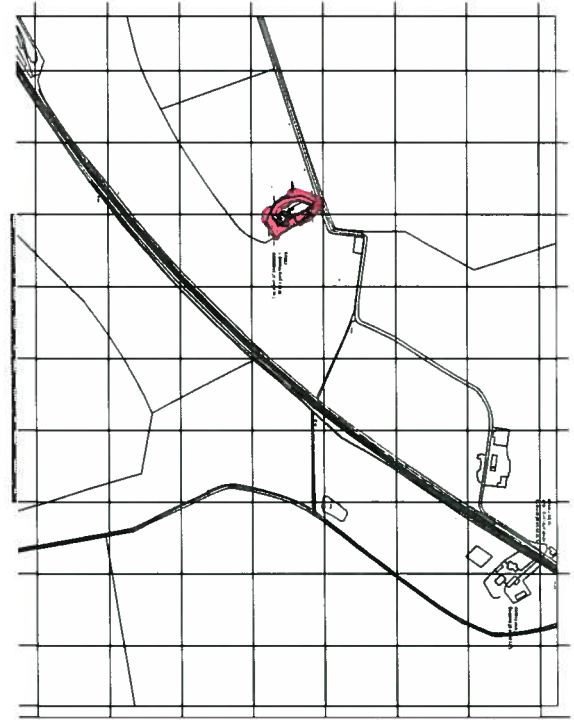
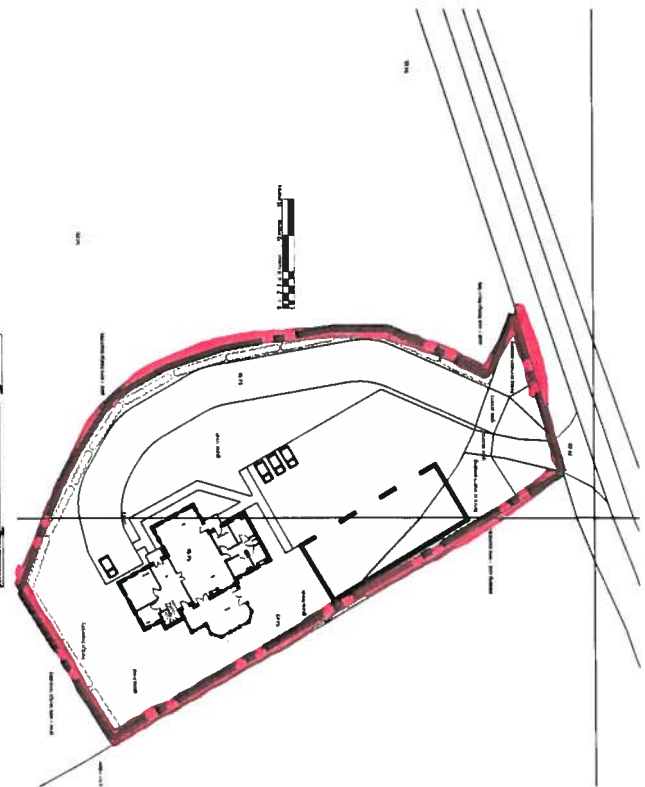
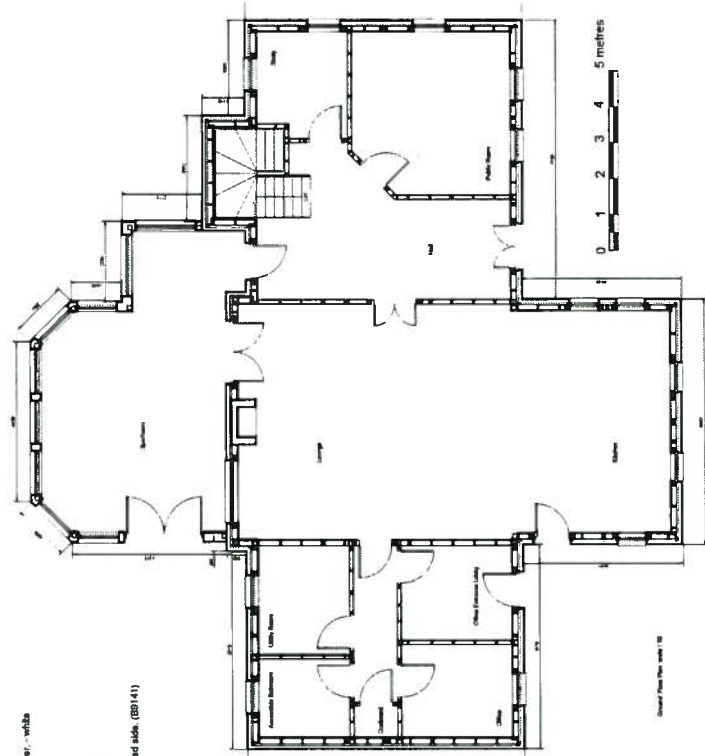
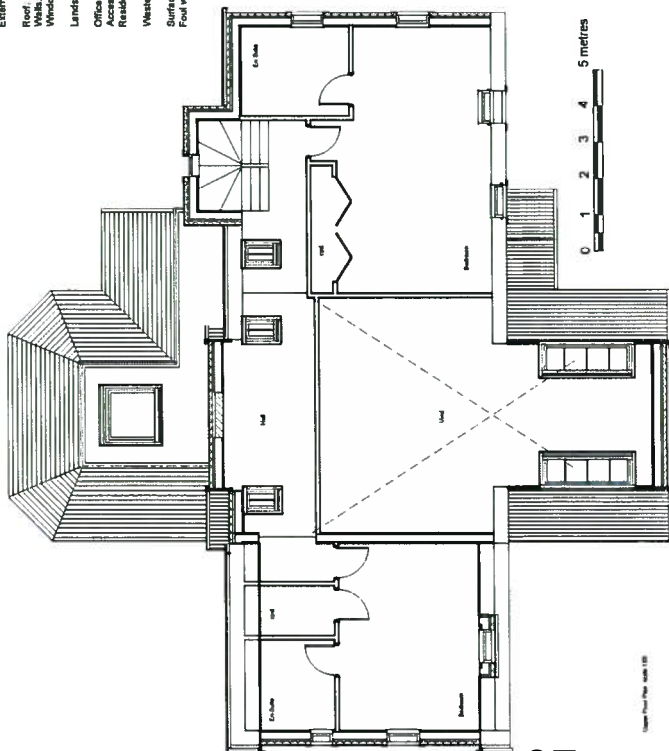
Gravel finish

Tarmac finish

Collection at road side (B9141)

Black-sky

Septic tank



REVISIONS

A 19th Jan 15 Block plan amended, scale bar added, spot levels added, outbuilding note changed to garage

Architectural Services and Design

40 Polmont Park, Polmont

Falkirk FK2 0AT

email: archservicesdesign@gmail.com

PROJECT

Proposed Manager's House at

Proposed Manager's House at

Dumfries, Perthshire PH2 0DL

DRAWING TITLE

Proposed Ground And Upper Floor Plans

CLIENT

Broadship Farm

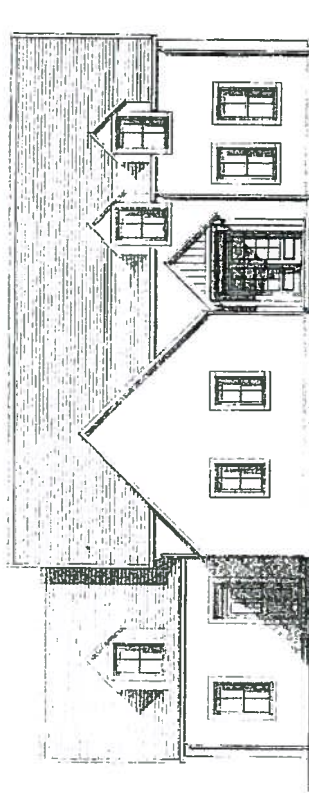
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1:50 DATE December 2014

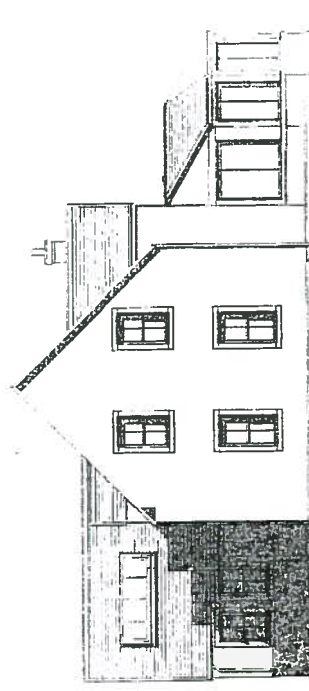
DWG NO ASD 1017 / 1 01 A



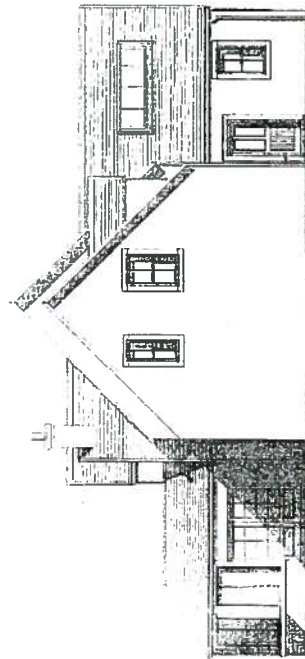
East Elevation - scale 1:100



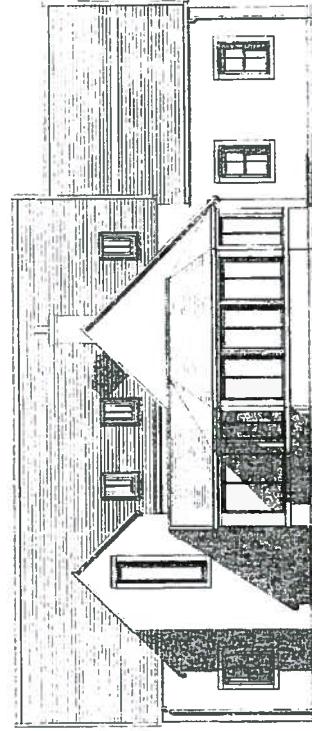
North Elevation - scale 1:100



South Elevation - scale 1:100



West Elevation - scale 1:100



- External finishes
- Roof
 - Walls
 - Windows and Doors
 - Landscaping
 - Office car park, turning area
 - Access road to residential
 - Residential car park
 - Waste storage and Collection
 - Surface water removal
 - Foul water
- Seasonal store
- Vent stack, render - white
 - PVC-U
- Tarmac finish
- Gravel finish
 - Tarmac finish
- Collection at road side (B9141)
- Scrub-away
 - Septic tank



REVISIONS

Architectural Services and Design

40 Palmer Park, Penmont
Fulham FK2 0AT

email: archservices.design@gmail.com

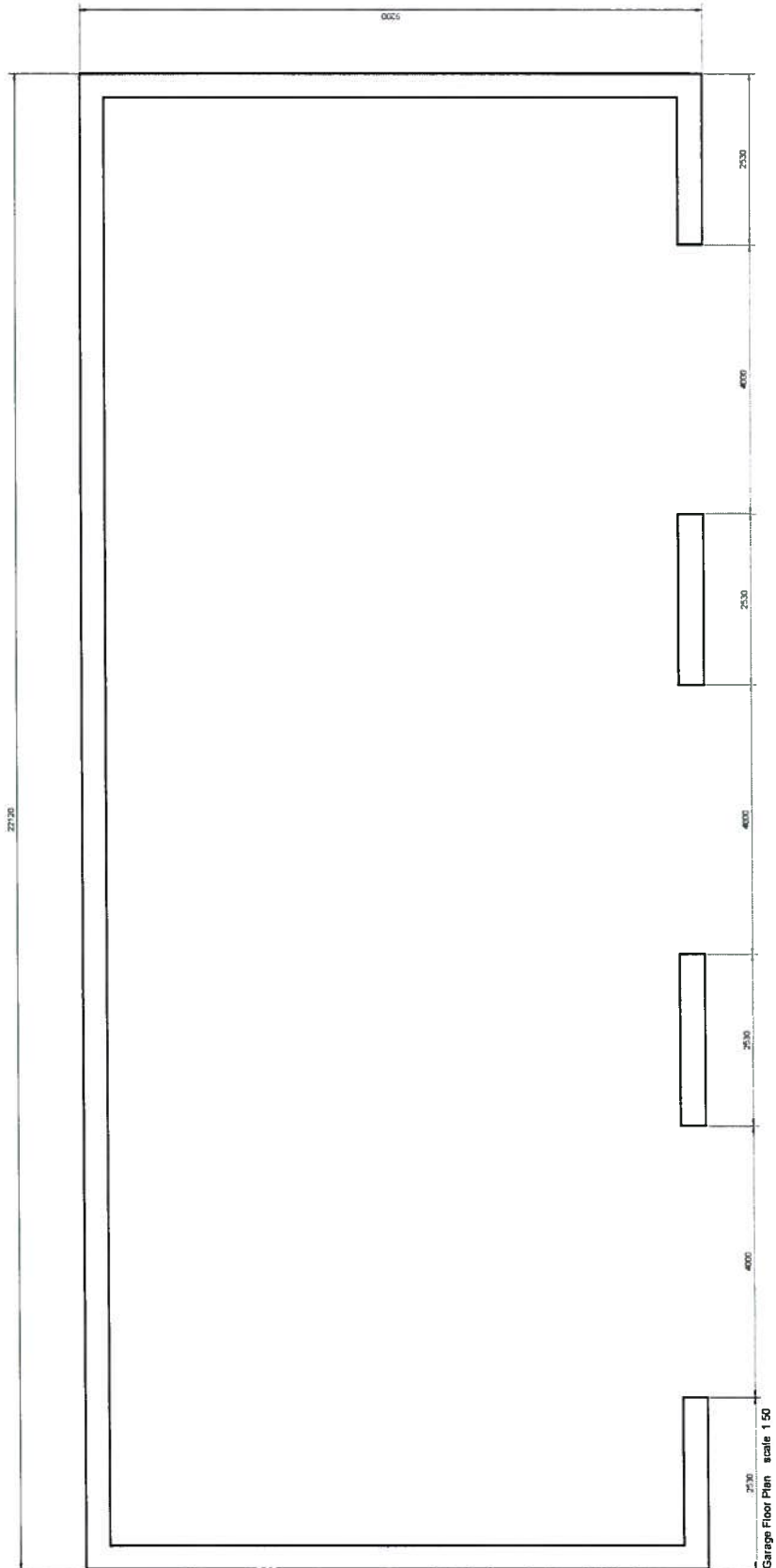
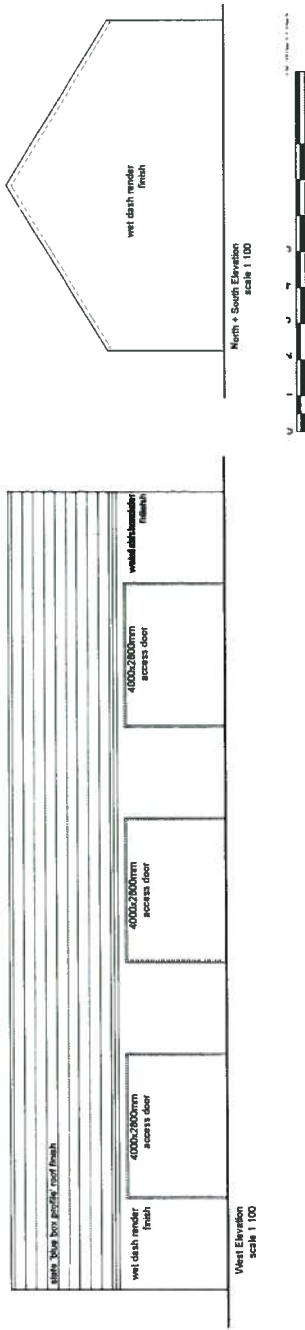
PROJECT
Proposed Manager's House at
Broadslap Farm
Dunning, Perthshire PH2 0QL
Drawing Title

Proposed Elevations

CLIENT

Broadslap Farm

SCALE 1:100 DATE December 2014
DRAWING ASD 1017/ 1 02



REVISIONS
A 19th Jan 15 Building type amended

Architectural Services and Design
40 Palmet Park, Palmet
Fallow, VIC 3207
email: archservicesdesign@gmail.com

PROJECT
Proposed Manager's House at
Broadslap Farm
Dunning, Perthshire PH2 0QL
DRAWING TITLE
Garage Plan+Elevations

CLIENT
Slusrl Partnership

SCALE 1:100 DATE December 2014
doc no ASD 1017 / 1.03 A

Proposed Manager's House and Office, Broadslap Farm, Dunning, Perthshire.

Design Statement

Broadslap Farm has been a long established Fruit Farm and is well known for its good quality of fruit and has a very popular 'Pick your Own' facility.

The Broadslap Farm land is located on either side of the railway track, with the existing farm house located on the North of the track. The farm house and out buildings is used to accommodate the seasonal farm workers, and access the main fields via the level crossing.

The applicant has been advised by Network Rail of their intention to close the level crossing. A copy of the letter from Network Rail is submitted with this application.

The proposal is to erect a new farmhouse on the South side of the track with an office for the Manager and family, which will give direct access to the land, supervision of the workforce and visitors into the farm as workers or 'Self Pickers'. The proposed location of the house is positioned to monitor the access egress of the public visiting the farm and the movement of the seasonal workers.

There will be a loss of farm buildings due to the closure, therefore the proposal is to erect a new farm building adjacent to the house and office.

The house is a 4 apartment, two storey property with rendered wall finishes and a dual pitched slate roof.

Document 3 Email correspondence between Felsham PD and the Planning Officer

From: Philip Neaves <philip@felshampd.co.uk>
Date: 18 March 2015 17:40:56 GMT
To: Persephone Beer <PRBeer@pkc.gov.uk>
Subject: RE: Proposed Managers House, Broadslap Farm,
Dunning Reference: 14/02238/FLL

Persephone,

Thank you for coming back to me. I will speak to the architect to see how much time he needs and then there will need to be an allowance for your time. My experience is 4 – 6 weeks should give sufficient time. That gives a time allowance to allow the matter to be considered but we usually hope to resolve matters well within that time frame. I will speak to the architect and the client and respond to you tomorrow.

Regards

Philip

Philip Neaves
Director
Felsham Planning and Development
1 Western Terrace
Edinburgh
EH12 5QF
+44 131 337 9640
+44 7446 897144
Philip@felshampd.co.uk
www.felshampd.co.uk

VAT Registration No 152 7435 14
Company Registration Number SC267721

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From: Persephone Beer [<mailto:PRBeer@pkc.gov.uk>]
Sent: 18 March 2015 17:28
To: Philip Neaves
Subject: RE: Proposed Managers House, Broadslap Farm, Dunning Reference: 14/02238/FLL

Dear Mr Neaves

Proposed Managers House, Broadslap Farm, Dunning Reference: 14/02238/FLL

Thank you for your email in relation to the above planning application.

I would be pleased to receive additional information with regard to the current operation and future requirements at Broadslap to support the planning application. Could you let me know how much

time you would require to put this information together. I would suggest that the clock be stopped on the application for this time.

I look forward to hearing from you.

Yours sincerely

Persephone Beer
Planning Officer

From: Philip Neaves [<mailto:philip@felshampd.co.uk>]

Sent: 17 March 2015 10:09

To: Persephone Beer

Subject: RE: Proposed Managers House, Broadslap Farm, Dunning Reference: 14/02238/FLL

Dear Ms Beer,

Felsham has been asked to provide advice concerning the processing of the above application and the strategy for taking the application forward to gain consent.

Our client is concerned that, despite requests, no detailed update on the application progress was received until a telephone conversation between the agent and yourself on 13th March 2015 where the agent was advised that further information was required and in the view of the planning authority this could not be prepared and analysed within the statutory timeframe for determination. Therefore, the application would need to be withdrawn otherwise it would be refused. The agent has advised that he sent an e-mail to you on 13th February 2015 and received a telephone call back to advise him that you had not looked at the application, but you would probably require further information. He then advised that he sent another e-mail to you on 3rd March, as he had heard nothing, and was advised by you on 13th March that you needed further information. Our client is concerned that there has been a delay in consideration and the result is that the application is about to be out of time for determination and that your Council as a result require the applicant to agree to actions that are damaging to their interests in order to meet an administrative deadline.

The Planning Act allows the statutory timeframe for determination to be extended once by agreement between the planning authority and the applicant. By this process the applicant agrees to waive their statutory right to appeal for non-determination during this period. The existence of this provision means that the planning authority is not penalised in terms of its Scottish Government performance statistics. Given that the application was submitted on 28th December 2014 and registered on 20th January 2015 but the applicant is only now receiving feedback we feel that this extension of the statutory timeframe should be the first procedure, to allow time to fully consider the application, particularly as there are no objections.

As part of our instruction we have undertaken a critical review of the planning application and have been advised of the issues raised by the planning authority in discussion with the agent. We are surprised that refusal is being considered because we think there is a good case to support this application as follows:

1. Planning policy allows for development of housing in the countryside to support agriculture and forestry;
2. The scale and design is in keeping with its surroundings

3. There is a clear operational need because the closure of the level crossing means that the current farm house is severed from the agricultural unit and would require a 2 mile journey, which is too great a distance to allow for proper oversight.
4. The farmhouse and storage, which requires to be replaced, is land locked with no means of access when the level crossing is closed, the 2 mile journey would be over land that is not owned by the applicant.;
5. Network Rail supports the proposal, which is a material consideration in its favour given the public benefit of closing the level crossing and improving safety. This application is the necessary compensation for achieving that public benefit;
6. The location plan shows the red line of the application site between two areas of blue land, which comprise the agricultural unit. The application site is well placed in a central location to oversee the operation of the agricultural unit;
7. We have previously made arguments elsewhere that management of an agricultural unit is as important as actual agricultural labour and that consent is justified for a person living in a house to manage and oversee operations.

For these reasons we see no reason why planning consent should not be granted now on the basis of the information already provided. Given that it is the case that more information is required the fact that there has been no correspondence from your department until last Friday for an application registered on 20th January means that it is only equitable to extend the time limit for determination to allow further consideration.

I look forward to hearing from you at your earliest convenience. In the meantime, please do not hesitate to contact me on the telephone numbers below if you wish to discuss the content of this email.

Your sincerely

Philip Neaves
Director
Felsham Planning and Development
1 Western Terrace
Edinburgh
EH12 5QF
+44 131 337 9640
+44 7446 897144
Philip@felshampd.co.uk
www.felshampd.co.uk

VAT Registration No 152 7435 14
Company Registration Number SC267721

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Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

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

Document 4 Planning Policy Response to the Planning Officer's comments from Felsham PD dated 2.4.15

Persephone Beer

Planning Officer

Perth and Kinross Council

Pullar House

35 Kinnoull Street

Perth PH1 5GD

2nd April 2015

Dear Persephone

Application 14/02238/FLL Erection of dwelling house and garage Land 600 Metres North West Of Broadslap Farm, Dunning

Response to Request for Further Information – Policy Submission

I refer to our recent telephone conversations and email. The planning authority has sought an understanding of the proposal in terms of the Council's Housing in the Countryside Guide (November 2012).

This request is required to address the terms of section 3.3 of that guide, Economic Activity, which states:

a) A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.

A separate submission has been made addressing the question of need, which provides details on the following:

1. Details of the farming enterprise to include:
 - numbers employed,
 - how operation is currently managed,
 - location of present manager and office, how workforce is currently overseen etc.,
2. Details and location of other buildings on the holding including houses;
3. What will happen to the part of the farm that will be cut off by the closure of the level crossing – e.g. will the buildings be demolished, land abandoned etc.
4. Alternative access (not via the level crossing) to the main farm holding from land to west of the railway.
5. Have other sites for the new house been considered? If so why were these discounted?

However, there are further matters to consider, which are important in setting the context and explaining the need. These are as follows:

1. This is a replacement house, to be built at great cost and inconvenience;
2. The application is submitted to address the operational problems created by the requirement to close the level crossing. This is a significant community benefit in terms of road safety but a major operational problem for our client;
3. The proposed dwelling should not be subject to restrictions that do not apply to the house it is intended to replace. That house is part of the operation of the agricultural unit and is not covered by an agricultural occupancy condition. Therefore, no such restriction should be applied to any consent issued in respect of the current application;
4. There needs to be some compensation for the loss of the existing house, which may or may not be capable of future use;
5. Our client should not have to go to the expense of building a new property and then have it restricted in the way that the existing property is not;
6. The client needs to be compensated for contributing to the public benefit of increased safety by closing the crossing, not penalised by the imposition of more restrictive conditions than those that currently exist;
7. The council has flexibility to interpret and apply its policies. It is not the case that every new house in the countryside must have an agricultural occupancy condition. Instead, individual circumstances need to be considered.

1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

Having considered the reason why the application is required it is necessary to assess the proposal in the manner required by the Planning Act. Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

'Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise'.

Section 37 should be read alongside Section 25. Section 37 (2) states:

'In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations'.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the development plan should be used.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

- (a) They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
- (b) They must be material to the circumstances of the case and they must relate to the proposed development.

The Courts have subsequently refined the analysis provided by the House of Lords. In assessing this proposal we believe that it is also relevant to refer to Tesco Stores v. Dundee [2012] PTSR 983.

Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority....the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

It is clear from this analysis that the development plan is the starting point, not the finish, of the analysis and other factors can be taken into account.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore the Director of Planning was free to interpret his policies as he saw fit. Provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit.

1 Western Terrace Edinburgh EH12 5QF
T+44 (0) 131 337 9640

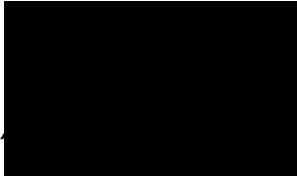
The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5 step procedure set out in the 1998 City of Edinburgh Council House of Lords case to be followed.

The importance of the Court's assessment is that it confirms that policy is only the starting point of any assessment of a planning application and wider factors need to be taken into account. Information has been provided that shows how the development can be justified against paragraph 3.3 of the Council's 2012 supplementary guidance. We have set out in this paper the further factors that need to be taken into account. These are material considerations and taken with the operational characteristics, which have been described in a separate submission, justify the proposed development in this location.

For these reasons we believe that planning policy supports the proposal and respectfully request that planning permission should be granted.

Please do not hesitate to contact me if you wish to discuss any matters raised in this letter.

Yours sincerely



Philip Neaves

Director

**Document 5 Additional Information dated 3.4.15 submitted by the Architect in Response to the
Planning Officer's comments**

Proposed Manager's House and Office, land at 600 metres from Broadslap Farm, Dunning, Perthshire

Planning Reference 14/02238/FLL

1.0 Existing operation of the farm and history

Broadslap Farm has been operating for over 20 years growing fruit, vegetables and cereals which has been let out on a contract basis.

There is presently 3 full time employees, including the manager, 20 – 30 part-time workers then there is about 40 – 50 'self-pickers' on a daily basis

The 3 full time staff are required to take turns in supervising the part-timer workers and the 'self-pickers' and during the busy times all three are required on site at the same time. When the manager requires to over-see the staff and supervisors he has to leave the house. When the staff are taking a break or changing shifts they return to the farm house.

The farm is approximately 100acres with approximately 90acres on the south side of the railway, with a farm building and a farm shop, 390.0sqm along with temporary accommodation for casual workers. On the north side has the farm house and office and around 390.0sqm of storage along with the temporary accommodation for casual workers, mostly Romanian, and 10acres of land.

The farm house is approximately 800m west of the main farm, which is 800m in the wrong direction to monitor people or traffic without the aid of cctv.

The previous farmer took early retirement partially due to the additional strain that the unmanned crossing was causing due to the continual problems with the foreign labour not understanding fully the dangers of the level crossing with the increased speeds on this section of track.

The increased number of public visitors to the farm has increased over the years with increased danger to both the visitors and staff. It is very important that additional safety measures are put in place to deal with the running of the farm. Safety is paramount to the running of the business and to ensure the farm continues, which requires continual supervision.

The siting of the house, as submitted, we believe is the correct location for the daily supervision. It is close enough to ensure correct management, but it also allows the manager

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Polmont
Falkirk
FK2 0XT
2nd April 2015

to have down time away from direct activities during the day. This is necessary due to the working day of this individual being anytime from daylight to dusk.

The weather plays a major part as all the work associated with the polytunnels has to be carried out in wind free conditions, which means the work could start at daylight and finish at darkness, depending on the weather. This also applies to crop spraying.

Due to the volatility of the weather and the value in the soft fruit it is imperative this supervision is in hand.

The 'Pick your Own' visitors to the farm arrive by car and could spend all day, which only happens during the day, but requires even more supervision as they are not familiar with the layout and working of the farm.

The closing of the level crossing is a blessing, however it does create some issues as the farm house, temporary accommodation and our main water source for irrigation. As a competent and diligent farmer we welcome the decision by Network Rail to close the crossing as it will create a safer workplace for the future.

2. A copy of the location plan is included in this additional information pack, which shows the location and type of accommodation on the farm.
3. The closure of the level crossing does give the farm a problem as there is no means of access to the Dunning Road as the land is 'land locked'. This will result in the ground and the buildings being put on the market and hopefully sold to a neighbouring farm.

Although we welcome the closure of the level crossing, we require to invest heavily to replace the following:

A new manager's house and office.
A new borehole
Additional irrigation
Electrics
Temporary accommodation

Retaining the existing farm house, if an alternative access was possible would require the staff to travel approximately 4miles from the work area to the farm house. The manager would require to do the same, but the only route would be over land that is not under their ownership.

4. This application is for a replacement house, which is being built at great cost and inconvenience.

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40 Polmont Park
Polmont
Falkirk
FK2 0XT
2nd April 2015

There needs to be some compensation for the loss of the existing house, which may or may not be capable of future use.

The applicant needs to be compensated for contributing to the public benefit of increased safety by closing the crossing, not penalised by the imposition of more restrictive conditions than those that currently exist.

The existing house is not restricted by the occupancy condition to remain as essential worker housing in perpetuity, or to convert to agreed tenure of affordable housing when the employment use is no longer required. The applicant should not have to go to the expense of building a new, replacement, property and then have it restricted in the way that the existing property is not.

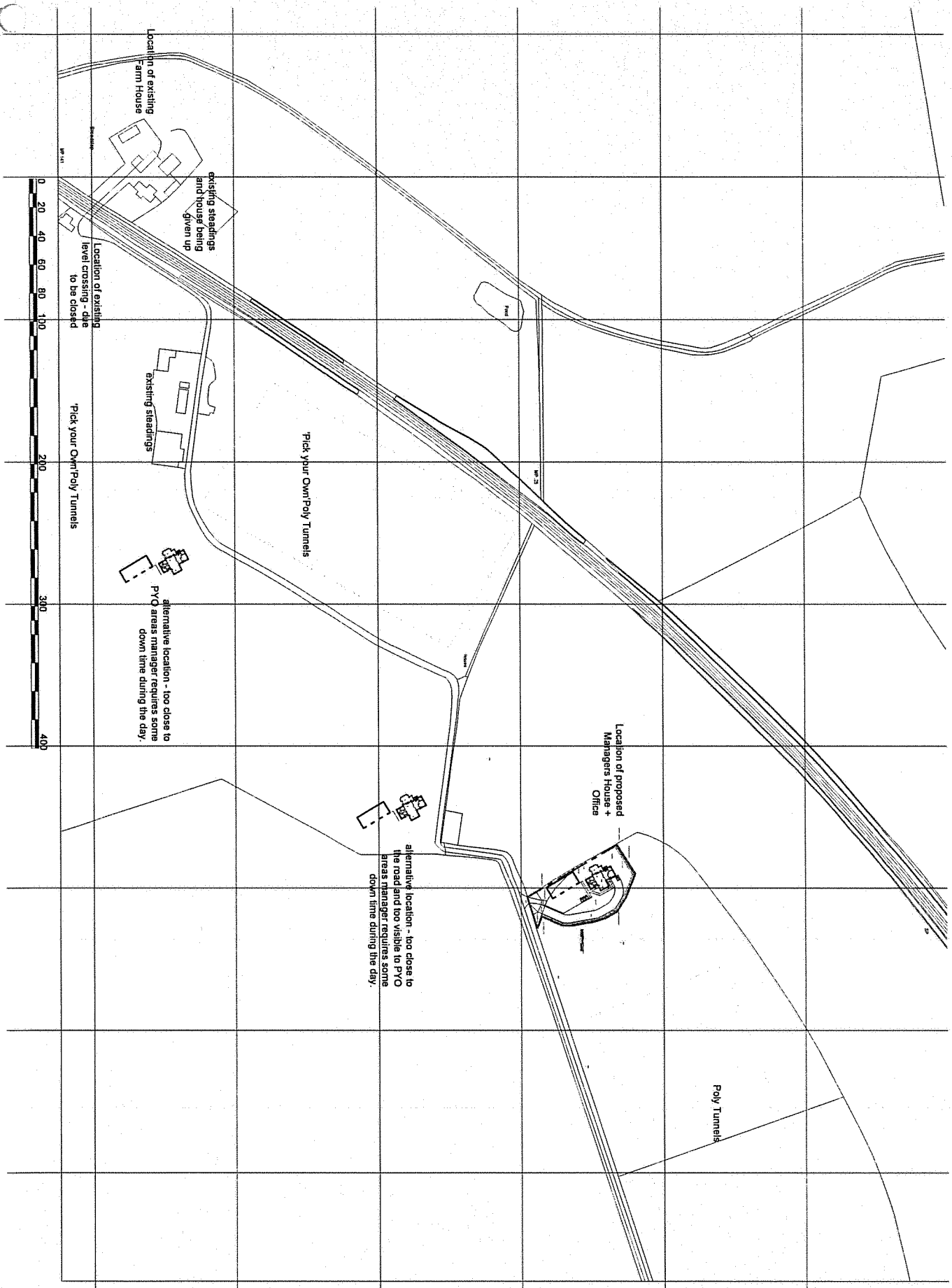
I would remind you that the council has flexibility to interpret and apply its policies. It is not the case that every new house in the countryside must have an agricultural occupancy certificate. Instead, individual circumstances need to be considered.

5. The applicant has looked at two other locations for the replacement farm house:

Location 1: West of the existing farm steading and farm shop, this was deemed to be too close to the 'Pick your own' areas, as the manager requires some 'down time' during the day.

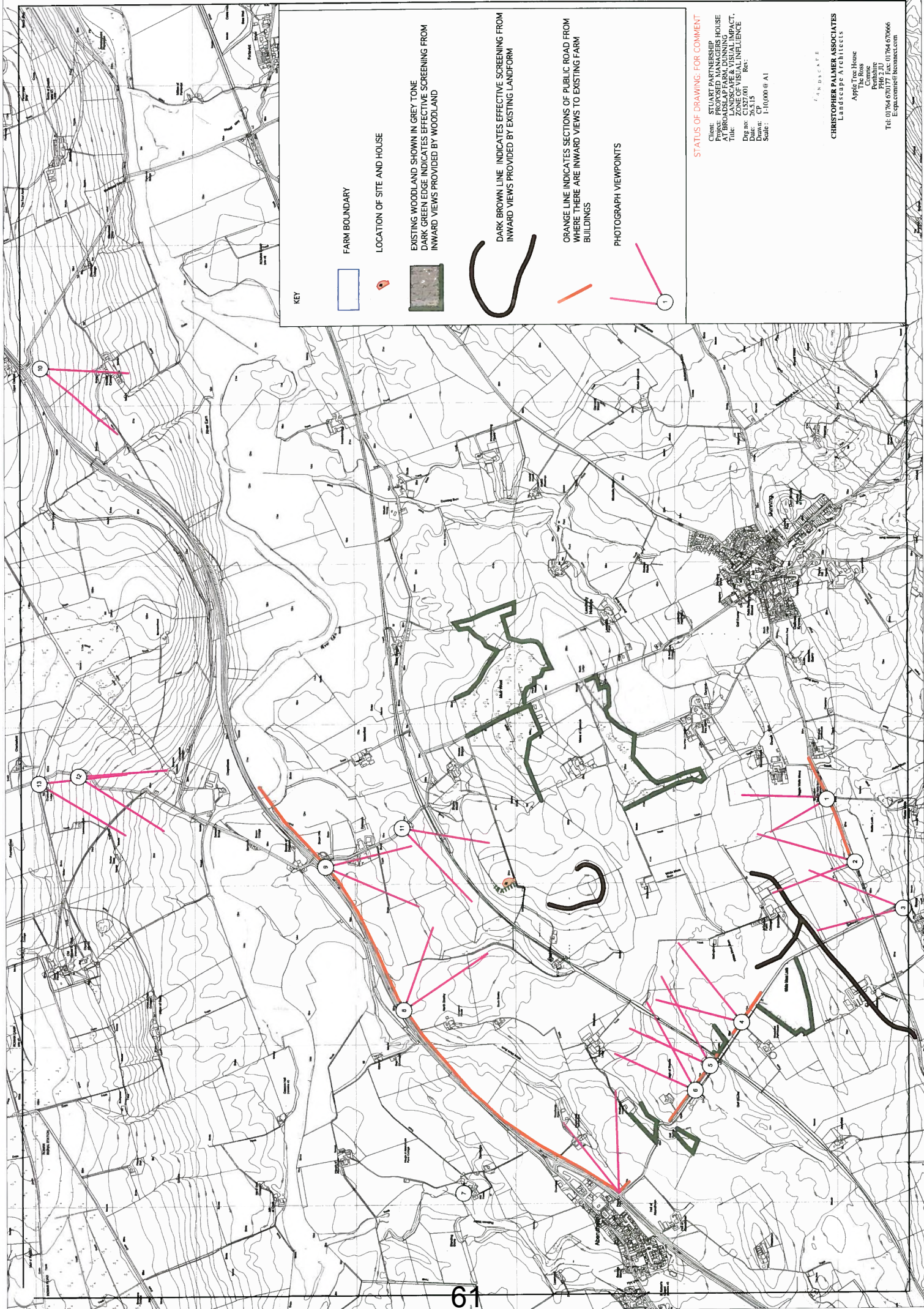
Location 2: North West of the existing farm steading and farm shop, this was deemed too close to the road and too visible to the 'pick your Own' areas for the same reason that the managers requires some 'down time' during the day.

Location 3: The proposed location, which is far enough from the 'Pick your own' areas but close enough to observe the traffic to and from the farm.



<p>ECOSKINS</p>	
<p>Architectural Services and Design 40 Pounders Road Barnet, London N4 3JF info@ecoskinsdesign.com</p>	
<p>Project Barnet Leisure Centre + George Barnet Leisure Centre Barnet, London N4 3JF</p>	
<p>Scale 1:1250</p>	
<p>Drawn 10/17/15</p>	
<p>Client Barnet Leisure Centre</p>	
<p>Form Layout and Alternative Locations</p>	
<p>Scale 1:1250</p>	
<p>Date 10/17/15</p>	
<p>Drawn 10/17/15</p>	

Document 6 Landscape Submission by Chris Palmer Associates



KEY

FARM BOUNDARY



LOCATION OF SITE AND HOUSE



EXISTING WOODLAND SHOWN IN GREY TONE
DARK GREEN EDGE INDICATES EFFECTIVE SCREENING FROM
INWARD VIEWS PROVIDED BY WOODLAND



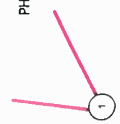
DARK BROWN LINE INDICATES EFFECTIVE SCREENING FROM
INWARD VIEWS PROVIDED BY EXISTING LANDFORM



ORANGE LINE INDICATES SECTIONS OF PUBLIC ROAD FROM
WHERE THERE ARE INWARD VIEWS TO EXISTING FARM
BUILDINGS



PHOTOGRAPH VIEWPOINTS



STATUS OF DRAWING: FOR COMMENT

Client: STUART PARTNERSHIP
Project: PROPOSED MANAGERS HOUSE
AT BROADSLAP FARM, DUNNING
Title: LANDSCAPE & VISUAL IMPACT,
LANDSCAPE & VISUAL INFLUENCE
Dwg no: C1527.001
Date: 26.5.15
Scale: 1:10,000 @ A1

CHRISTOPHER PALMER ASSOCIATES
Landscape Architects
Apple Tree House
The Ross
Comrie
PH6 2JU
Tel: 01764 670177 Fax: 01764 670666
E: cpa@cpa.co.uk



STATUS OF DRAWING:
FOR COMMENT

Client: STUART PARTNERSHIP
 Project: PROPOSED MANAGERS HOUSE
 AT BROADSLAP FARM, DUNMURRY
 Drawing: LSC/2014/001/001/001
 Date: 27.5.15
 Scale: 1:500 @ A1

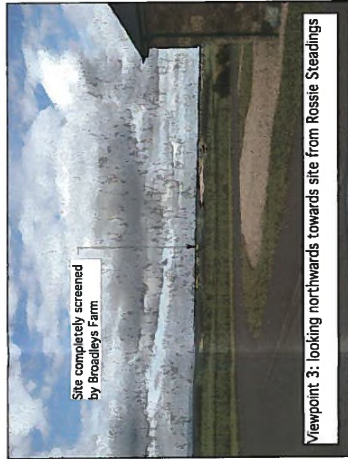
CHRISTOPHER PALMER ASSOCIATES
 Landscape Architects
 Apple Tree House
 The Roos
 Penkese
 RH6 2JU
 Tel: 01754 670171
 Email: info@cpa.co.uk



Viewpoint 1: looking northwards towards site from B8062 near track entrance to Wester Keltie Cottage



Viewpoint 2: looking northwards towards site from B8062 near Keltie Loch



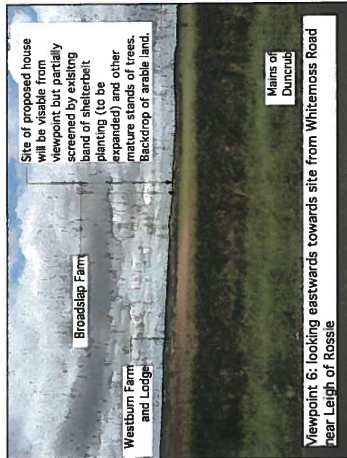
Viewpoint 3: looking northwards towards site from Rossie Steadings



Viewpoint 4: looking eastwards towards site from Whitemoss Road near track entrance to Mosshead Farmhouse



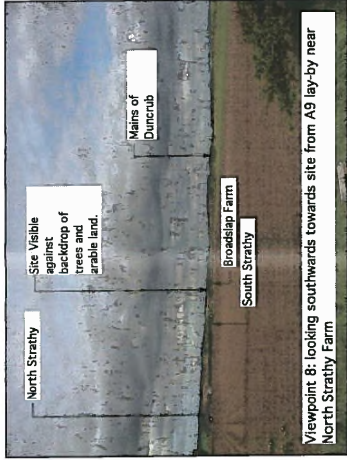
Viewpoint 4: looking eastwards towards site from Whitemoss Road near level crossing



Viewpoint 6: looking eastwards towards site from Whitemoss Road near Leigh of Rossie



Viewpoint 7: looking eastwards towards site at Junction of Whitemoss Road and the A9



Viewpoint 8: looking southwards towards site from A9 lay-by near North Strathly Farm



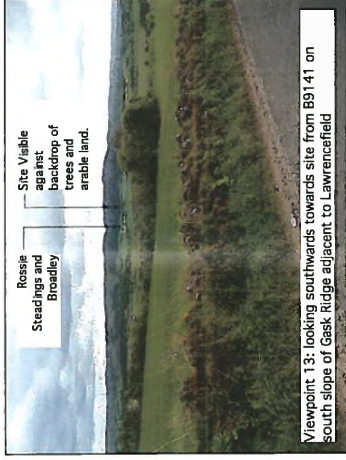
Viewpoint 9: looking southwards towards site from A9 bus stop at B9141 Junction



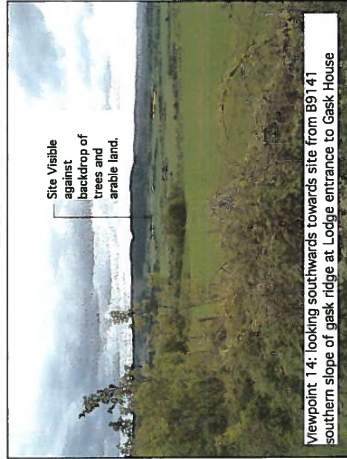
Viewpoint 10: looking westwards towards site from B934 Junction with A9



Viewpoint 12: looking southwest towards site from B9141 immediately north of the railway bridge



Viewpoint 13: looking southwards towards site from B9141 on south slope of Gask Ridge adjacent to Lawrencefield



Viewpoint 14: looking southwards towards site from B9141 southern slope of Gask ridge at Lodge entrance to Gask House

STATUS OF DRAWING: FOR COMMENT

Client: STUART PARTNERSHIP
Project: PROPOSED MANAGERS HOUSE
AT BROADSLAP FARM, WHITEMOSS
TERRACE, DUNDEE
Zone of Visual Influence
Dwg no: C157.001
Rev: 1
Drawn: JLS
Check: CP
Scale: 1:10,000 @ A1

LANDSCAPE

CHRISTOPHER PALMER ASSOCIATES
Landscape Architects
Apple Tree House
The Ross
Peninsula
PH6 2JU
Tel: 01754 670700
Email: info@cpa-architects.com

Document 7 Photographs



A Nineteenth Century Farm House, close to A9 and highly visible from the motorway. There is little screening, the house is close to the road and the views are long distance rather than fleeting



A more modern house with little screening and long views that will be clearly visible from the distant trees

C

A large modern house with little screening and clearly visible from the hillside beyond. The scale and mass of this house is far greater than the appeal proposal but it is an example of the size of dwelling and prominence of dwelling and of the materials that have been deemed acceptable by the Council in the recent past. It is important to note the lack of screening.





A nineteenth century house on a hillside with views into the surrounding countryside.



A similarly prominent modern house. Again, it is important to note the design and materials.



Traditional farm house and farm buildings situated on rising ground, with little screening and visible in views from above and below



A group of modern houses displaying similar characteristics. Note that no attempt has been made to screen the front of the houses. This is to protect the view but the result is that the houses are very prominent viewed from a distance.



A house clearly visible in views from the A9



An unscreened modern house, located on a ridge and clearly visible from A9



A further example of an unscreened modern house clearly visible from the A9



A typical fleeting view from A9 showing scale of farm buildings seen in such views along A9

Document 8 Planning Officer's Report of Handling

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/02238/FLL	
Ward No	N7- Strathallan	
Due Determination Date	19.03.2015	
Case Officer		
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of dwellinghouse and garage

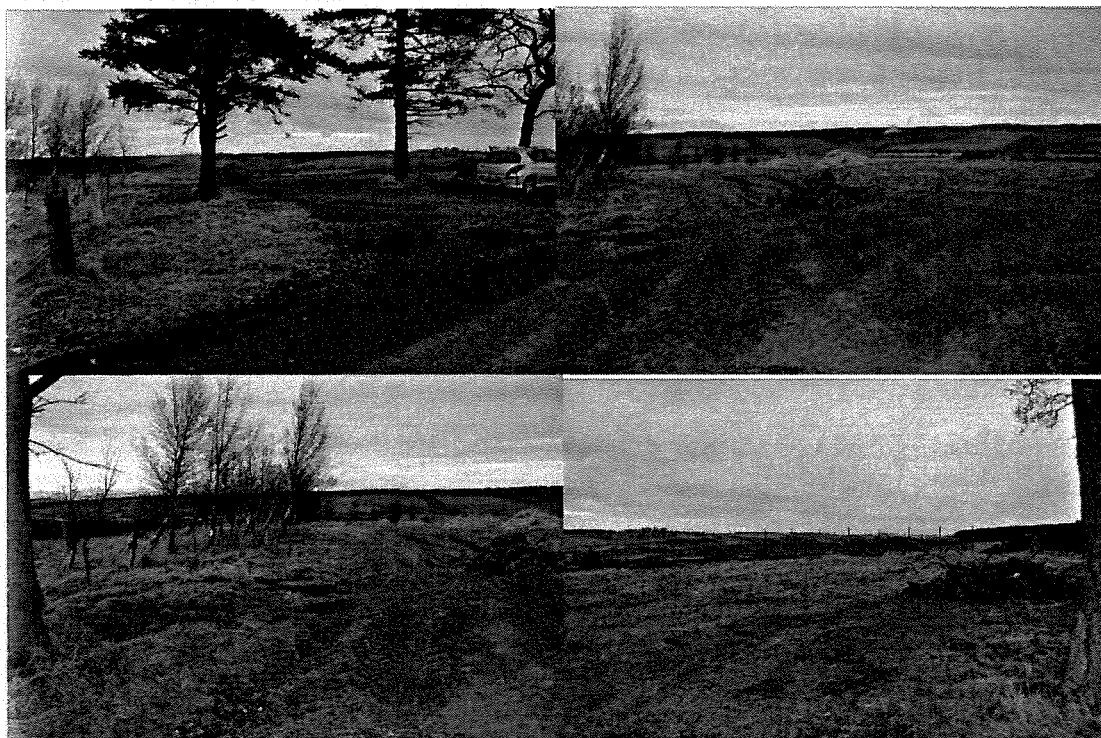
LOCATION: Land 600 Metres North West Of Broadslap Farm Dunning

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: 4 February 2015

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a dwellinghouse and garage on land at Broadslap Farm, Dunning. Broadslap is a mixed farm growing vegetables, soft fruit and cereals on around 100 acres of land. There is a particular emphasis on pick your own soft fruit between the months of June and September. There are presently 3 full time employees, including the manager, 20 – 30 part-time workers and around 40 – 50 'self-pickers' on a daily basis during the "pick your own" season. Improvements have recently been made to the farm shop/café and to the car park for the pick your own operation. The existing farmhouse is located to the west of the Perth to Glasgow railway line and Network Rail has expressed its desire to close the private level crossing that serves the house. The farmhouse is occupied by the farm manager. The farmhouse site also includes accommodation for temporary staff and storage. This planning application is for a new house for the manager.

Whilst the proposed new house would replace the existing farm house in operational terms it is expected that the existing house will be put on the market and sold to a neighbouring farm.

It is suggested that an alternative access to the house, avoiding the level crossing is not practical. The owner does not own the land that any access would cross and it would not function effectively as any farm manager at the site would have a four mile round trip to reach the existing farm shop and pick your own area.

SITE HISTORY

None recorded.

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

OTHER POLICIES

Perth and Kinross Guidance on the Siting and Design of Houses in Rural Areas.

Perth and Kinross Council – Housing in the Countryside Guide November 2012

CONSULTATION RESPONSES

External comments

Scottish Water
No response in timescale.

Network Rail

No objection to this application and fully supports this proposal.

Internal comments

Transport Planning
No objection.

Education And Children's Services

Catchment school is at capacity. It is requested that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Contributions Officer

If the existing farm dwelling is to remain in use then the following contributions will be required.

Education: £6,395 (1 x £6,395)

Transport Infrastructure: £2,639 (1 x £2,639)

Total: £9,034

Perth And Kinross Area Archaeologist

In respect to the historic environment and the planning process, as outlined by Scottish Planning Policy paragraphs 135-151, no condition is recommended in this instance.

REPRESENTATIONS

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

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
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 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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 main policy of relevance is policy RD3 from the adopted Perth and Kinross Local Development Plan 2014 with its associated supplementary guidance. This supports housing development in the countryside subject to a number of criteria.

- a) Building Groups
- b) Infill site
- c) New houses in the 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

In this case the proposed site is not part of a building group, is not an infill site, does not meet the criteria for a replacement house, is not for the conversion or replacement of a non-domestic building and is not rural brownfield. It therefore fails to meet categories a), b), d), e) or f) of the housing in the countryside policy. The application is therefore being considered under category c) which supports new houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.

In this instance the primary consideration would be 3.3 Economic Activity a) where a house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s).

In this case the existing farm house is used by the farm manager and as an office. It is suggested that a new house is required to re-house the farm manager once Network Rail has closed the level crossing.

Design and Layout

The proposal is for a detached dwelling house with accommodation over two levels and a separate garage/store located to the southwest of the house. The house is designed in the form of a cross. It measures approximately 20 metres from north to south and 18 metres east to west. The central core of the house is around 7.5 metres deep with a large sunroom to the west and kitchen extension to the east extending the width to 18 metres giving a total footprint of over 200 square metres. The highest point of the roof ridge is around 8.5 metres in height. The garage/store measures 22 metres by 9 metres and is 6 metres in height. The garage building has three large bay openings.

The finishing materials include Spanish slate roof, upvc windows and doors and white wet dash render.

Landscape

The site is set within an area of Special Landscape Quality as identified in the Perth and Kinross Local Development Plan 2014 supplementary guidance. This supports policy ER6: Managing Future Landscape Change. The site is part of the Ochils Special Landscape Area and is set within an area that acts as a setting for the Ochil Hills. It is therefore in a sensitive location where the policy seeks to Conserve and Enhance the Diversity and Quality of the Area's Landscapes. The Housing in the Countryside Guide (m) also requires proposals to have a good fit with the landscape character of the area in which they are located. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality.

There is an existing shelterbelt of relatively young trees along the western boundary and part of the northern boundary with a cluster of more mature individual trees to the south east of the site. The eastern boundary is unfenced. The site is currently arable agricultural land. There are some soft fruit poly tunnels to the east. However, the development does not blend sympathetically with the land form, the existing trees are not sufficient to form a suitable backdrop. The site is at the top of a slope in a prominent, hill top location and lacks sufficient mature boundaries. The development would have a detrimental impact on the surrounding landscape.

I therefore consider that this proposal by virtue of its scale and design is inappropriate in this location and would be contrary to policy ER6: Managing Future Landscape Change and policy RD3: Housing in the Countryside.

Residential Amenity

The proposed dwelling is to be situated on a working farm but I do not consider that there are issues with residential amenity in this case. The occupier of the property would be associated with the business and will be aware of potential for disturbance, noise and odours associated with the farm. There will be no adverse impact on any existing residential amenity as there are no neighbours to be affected by the proposals.

Visual Amenity

The Council's Housing in the Countryside Guide sets out various siting criteria for new housing in the countryside. This requires any new house falling within category 3 of the Guide be required to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

- a) it blends sympathetically with land form;
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;
- d) it does not have a detrimental impact on the surrounding landscape.

In this case the site is highly visible from a number of viewpoints, including from the A9 dual carriageway. The site is particularly prominent from the north, south and east but also from the west. The design and scale of the buildings proposed will be visually intrusive and unduly prominent. The proposal will have an adverse impact on the landscape and visual amenity of this area.

I had concerns with the prominence of this site in the landscape and requested information as to whether any alternative sites had been considered. The applicant submitted a report of two alternative sites both of which were rejected by the applicant due to proximity to operational activity and to allow the manager "down time". There is an extensive collection of buildings around the farm shop area and I do not consider it unreasonable to require any new house to be better related to these both operationally and visually.

Further information was also submitted to try to demonstrate how any negative impact could be mitigated in terms of the selected site. The

information submitted included a landscape and visual assessment of the proposal from a number of viewpoints. The submission included a proposal for additional planting and the slight lowering of the ground level to make the buildings less prominent.

The proposed house is almost identical to one approved in 2012 (12/01154/FLL) for an agricultural worker at Mains of Duncrub. This farm is now in the same ownership as Mains of Duncrub. This property was considered to be "at the very upper end of what is an appropriate scale for this site and in relation to an essential farmworker dwelling." The site at Duncrub is visible from the site of this application. Whilst there is a backdrop of existing woodland for this house it is still a significant feature in the landscape when viewed from this site. The same house type on this elevated site would be considerably more prominent and despite proposed additional planting I consider this site to be fundamentally unsuitable for such a development. Its skyline location is contrary to the Council's guidance on siting and design of housing in the Countryside which states that hilltop sites should be avoided. The guidance notes that whilst such a site might give future occupiers a view it would be visually obtrusive and will afford little shelter from the Scottish climate.

Roads and Access

The site is accessed along a single track private access. A number of new passing places and signs have recently been erected. The Council's Transport Planning officers do not object to the proposal.

Drainage and Flooding

No issues with regard to flooding have been identified with this site. Limited information has been provided with regard to site drainage.

Developer Contributions

Primary Education

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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Aberuthven Primary School.

Transport Infrastructure

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the

transport infrastructure improvements which are required for the release of all development sites in and around Perth.

This proposal is within the reduced contributions boundary.

The Contributions Officer notes that it is clear that this new property is required as a result of the closure of the railway crossing which accesses the existing dwelling. It is not clear from the proposal as to what will happen with the existing farm dwelling. If it is to be made redundant then this proposal would be considered as a replacement dwelling in terms of the contributions Supplementary Guidance and no contributions sought. If the existing dwelling is to remain in use then the Supplementary Guidance will apply.

In line with the note above if the existing farm dwelling is to remain in use then the following contributions will be required.

Education: £6,395 (1 x £6,395)

Transport Infrastructure: £2,639 (1 x £2,639)

Total: £9,034

From information received after the above comments were made it seems likely that the existing dwelling will remain although it would be in different ownership. In this case the developer contributions policy would apply.

Economic Impact

The development is to support an existing business although the economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

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 2012 and the adopted Local Development Plan 2014. 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 not been made within the statutory determination period. Further information was submitted to support the application which meant the statutory determination period was exceeded.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 Reason - This proposal by virtue of its siting, scale and design is inappropriate in this location and would be contrary to policy ER6: Managing Future Landscape Change of the Perth and Kinross Local Development Plan 2014 as the proposed development would not maintain or enhance the special landscape qualities of the area.

2 Reason - The proposal would be contrary to Policy PM1B (b) of the Perth and Kinross Local Development Plan 2014 as the design and scale of the buildings proposed will be visually intrusive and unduly prominent in this location. The proposal will have an adverse impact on the landscape character and visual amenity of this area.

3 Reason - The proposal by virtue of its siting, scale and design is contrary to Perth and Kinross Housing in the Countryside Guide 2012 categories 3 a) to d). The development would not blend sympathetically with the land form, has insufficient existing natural features to provide a backdrop, insufficient mature boundaries and would have a detrimental impact on the surrounding landscape.

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

14/02238/1

14/02238/2

14/02238/3

14/02238/4

14/02238/5

14/02238/6

14/02238/7

14/02238/8

14/02238/9

Date of Report 17.06.2015

Document 9 Decision Notice

PERTH AND KINROSS COUNCIL

Stuart Partnership
c/o Architectural Services And Design
Albert Dunn
40 Polmont Park
Polmont
Falkirk
FK2 0XT

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 18.06.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 14/02238/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 20th January 2015 for permission for **Erection of dwellinghouse and garage Land 600 Metres North West Of Broadslap Farm Dunning** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. Reason - This proposal by virtue of its siting, scale and design is inappropriate in this location and would be contrary to policy ER6: Managing Future Landscape Change of the Perth and Kinross Local Development Plan 2014 as the proposed development would not maintain or enhance the special landscape qualities of the area.
2. Reason - The proposal would be contrary to Policy PM1B (b) of the Perth and Kinross Local Development Plan 2014 as the design and scale of the buildings proposed will be visually intrusive and unduly prominent in this location. The proposal will have an adverse impact on the landscape character and visual amenity of this area.
3. Reason - The proposal by virtue of its siting, scale and design is contrary to Perth and Kinross Housing in the Countryside Guide 2012 categories 3 a) to d).

The development would not blend sympathetically with the land form, has insufficient existing natural features to provide a backdrop, insufficient mature boundaries and would have a detrimental impact on the surrounding landscape.

Justification

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

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

14/02238/5

14/02238/6

14/02238/7

14/02238/8

14/02238/9

14/02238/1

14/02238/2

14/02238/3

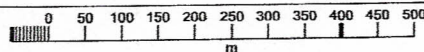
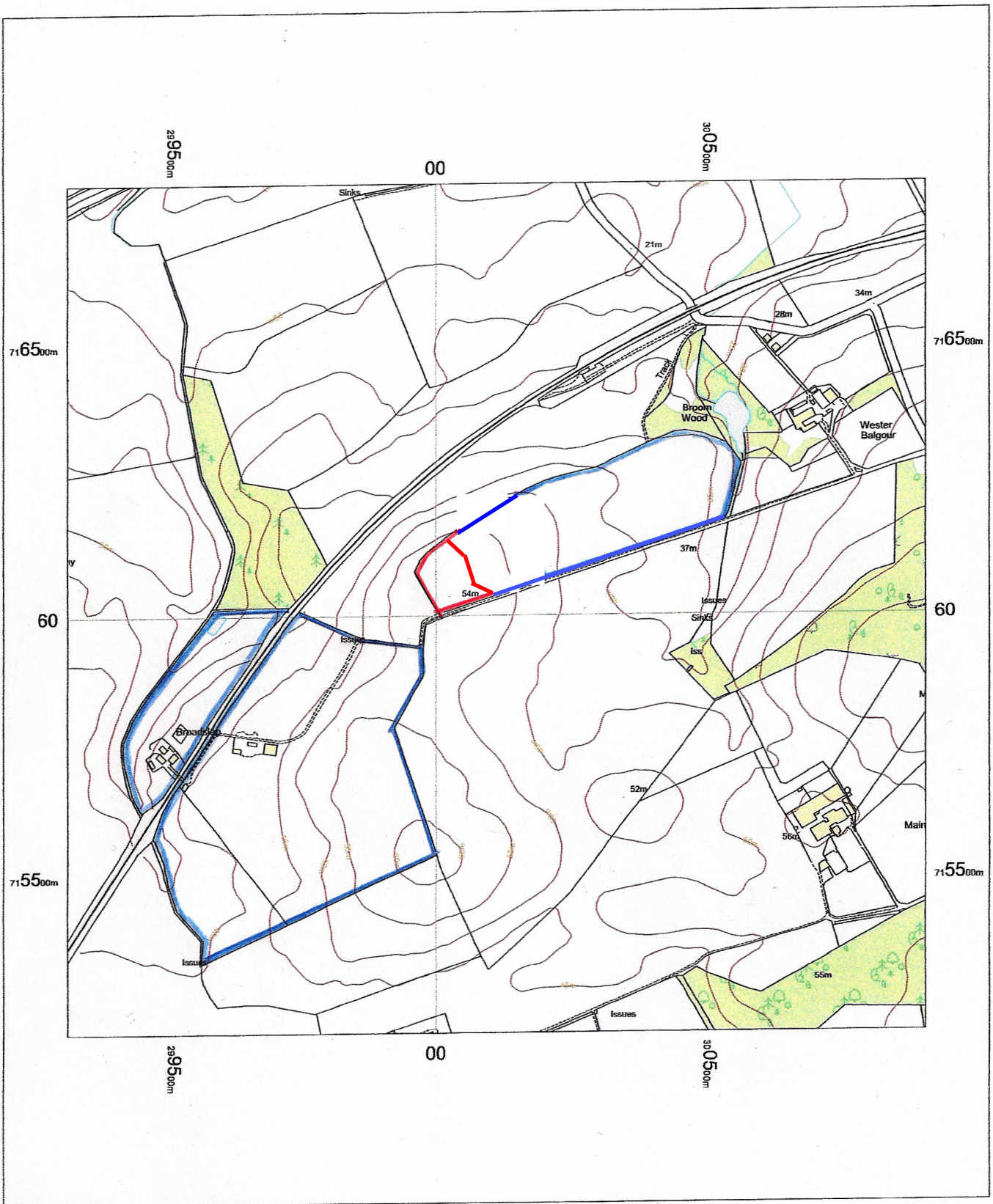
14/02238/4

TCP/11/16(377)
Planning Application – 14/02238/FLL – Erection of dwellinghouse and garage, land 600 metres north west of Broadslap Farm, Dunning

PLANNING DECISION NOTICE (included in applicants submission, see pages 89-90)

REPORT OF HANDLING (included in applicants submission, see pages 75-85)

REFERENCE DOCUMENT (part included in applicants submission, see pages 37-39, 55-58 and 61-63)



OS VectorMap Local - Landplan Style
01 December 2014, ID: MNOW-00382153
mapsnow.co.uk

1:10000 scale print at A4, Centre: 300113 E, 716014 N

©Crown Copyright Ordnance Survey. Licence no.
100017780



MapsNow

TCP/11/16(377)
Planning Application – 14/02238/FLL – Erection of
dwellinghouse and garage, land 600 metres north west of
Broadslap Farm, Dunning

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	14/02238/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse and garage		
Address of site	Land 600 Metres North West Of Broadslap Farm Dunning for Stuart Partnership		
Comments on the proposal	<p>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.</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>Primary Education</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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Aberuthven Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>This proposal is within the reduced contributions boundary.</p> <p>Note: It is clear that this new property is required as a result of the closure of the railway crossing which accesses the existing dwelling. It is not clear from the proposal as to what will happen with the existing</p>		

	<p>farm dwelling. If it is to be made redundant then this proposal would be considered as a replacement dwelling in terms of the contributions Supplementary Guidance and no contributions sought. If the existing dwelling is to remain in use then the Supplementary Guidance will apply.</p>
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>In line with the note above if the existing farm dwelling is to remain in use then the following contributions will be required.</p> <p>Education: £6,395 (1 x £6,395) Transport Infrastructure: £2,639 (1 x £2,639)</p> <p><u>Total: £9,034</u></p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75</p>

Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

Other methods of payment

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

Remittance by Cheque

The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH15GD

Bank Transfers

All Bank Transfers should use the following account details;

Sort Code: 834700

Account Number: 11571138

Education Contributions

For Education contributions please quote the following ledger code:
1-30-0060-0001-859136

Transport Infrastructure

For Transport infrastructure contributions please quote the following ledger code:
1-30-0060-0003-859136

Direct Debit

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

Indexation

All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.

	<p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	28 January 2015

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	14/02238/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse and garage		
Address of site	Land 600 Metres North West Of Broadslap Farm Dunning		
Comments on the proposal	Insofar as the road matters are concerned I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	10 February 2015		

Perth and Kinross Council
The Environment Office
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Network Rail
Town Planning
1st Floor George House
36 North Hanover Street
Glasgow
G1 2AD

Martin Henderson
Town Planning Technician

Planning reference: 14/02238/FLL
Case Officer: Persephone Beer

E-Mail:
TownPlanningScotland@networkrail.co.uk
Network Rail ref: 34 2015
12/02/2015

Dear Ms Beer,

Town and Country Planning (Scotland) Act 1997 (as amended)
Re: Erection of dwellinghouse and garage at Land 600 Metres North West Of Broadslap Farm Dunning

Thank you for consulting Network Rail regarding the above development.

I would like to confirm that Network Rail's previous position stated in the submitted letter from Leonard Blain Liability Negotiations Manager has not changed.

The proposal will enable Network Rail to eliminate the level crossing at Broadslap. This ensures that 100mph line speeds can be maintained and thus assists us to improve journey times. This strategic outcome was identified in the Transport Scotland document: Scotland's Railways, complying with the aims of the Strategic Transport Projects Review and is a requirement of the Scottish Ministers as described in High Level Output Specification. This is also compliant with the TACTRAN Regional Transport Strategy Objectives.

Network Rail has no objection to this application and fully supports this proposal.

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Yours sincerely



Martin Henderson
Town Planning Technician



Network Rail
Buchanan House
58 Port Dundas Road
Glasgow
G4 0LQ
Tel: 0141 555 4162

To whom it may concern

Dear Sir/Madam

**Scottish Central Railway Line:
Broadslap Level Crossing**

As you may be aware Network Rail, as part of an ORR (Office of Rail Regulation) nationwide level crossing safety campaign is looking at high risk crossings as potential candidates for closure.

As part of this process, Broadslap Level Crossing has been included in the list and is therefore being vigorously pursued.

In order to achieve this closure it is essential that the authorised user of the Level Crossing, Stuart Partnership, obtain planning permission to erect a substitute dwelling House on the south side of the railway in order to continue operations in connection with their business.

'The proposal to construct a replacement house as shown on drawings received by Network Rail on 1st December 2014 would appear to be in broad compliance with the policies (particularly RD3) of Perth and Kinross Council in its recently adopted Local Development Plan and in related Supplementary Guidance on Housing in the Countryside which are aimed at managing the development of new housing in rural areas. In this case it is likely that the proposal can be justified against criteria in the Guidance related firstly to supporting economic activity on the basis that the house is required by local workers associated with an established business. Secondly it can be justified against the criteria of need in relation to the closure of the level crossing and the wider safety benefits that will generate. The Guidance also includes detailed design criteria with which the proposal should be able to comply as the design is refined.'

The risk to Network rail would significantly decrease with removal of the crossing as a result of the cessation of all activity on the applicants land to the west of the said crossing and the risk increase if the crossing was to remain open as a result of the increase in users, possibly seasonal workers unfamiliar with user worked crossings and increase in vehicular movements in connection with the upscaling of the

applicant business. The railway is double line working with 64 trains a day with a line speed of 100mph max.

To this effect, Network Rail fully support or would have no objection to said planning application. We believe that the owner would only allow the closing of the crossing if planning was granted to allow relocation.

Yours sincerely

Leonard Blain
Liability Negotiations Manager



The Lodge, 4 York Place, PERTH PH2 8EP

To:	Persephone Beer, Planning Officer
From:	Sarah Winlow, Heritage Officer (Maternity Cover)
Tel:	01738 477080
Email:	Sarah.Winlow@pkht.org.uk

24th February 2015

14/02238/FLL: Erection of dwelling house and garage, Land 600m NW of Broadslap Farm, Dunning.

Thank you for consulting PKHT on the above application.

In respect to the historic environment and the planning process, as outlined by Scottish Planning Policy paragraphs 135-151, no condition is recommended in this instance.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	14/02238/FLL	Comments provided by	ECS										
Service/Section		Contact Details	Maureen Watt ext 76308										
Description of Proposal													
Address of site													
Comments on the proposal	<p>This development falls within the Aberuthven Primary School catchment area.</p> <p>Based on current information this school will reach the 80% capacity threshold.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Approved capacity</td> <td style="width: 20%; text-align: right;">46</td> </tr> <tr> <td>Highest projected 7 year roll</td> <td style="text-align: right;">38</td> </tr> <tr> <td>Potential additional children from previously approved applications</td> <td style="text-align: right;">0.54</td> </tr> <tr> <td>Possible roll</td> <td style="text-align: right;">38.54</td> </tr> <tr> <td>Potential % capacity</td> <td style="text-align: right;">83.8%</td> </tr> </table>			Approved capacity	46	Highest projected 7 year roll	38	Potential additional children from previously approved applications	0.54	Possible roll	38.54	Potential % capacity	83.8%
Approved capacity	46												
Highest projected 7 year roll	38												
Potential additional children from previously approved applications	0.54												
Possible roll	38.54												
Potential % capacity	83.8%												
Recommended planning condition(s)	<p>I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.</p>												
Recommended informative(s) for applicant													
Date comments returned													

