

**TCP/11/16(189)**  
**Planning Application 12/00284/IPL – Erection of a dwellinghouse on land 350 metres north east of Shieldrum Farm, Bridge of Cally**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

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Planning Department

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 000040469-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Colliers International
Ref. Number:	
First Name: *	Neil
Last Name: *	Gray
Telephone Number: *	0131 240 7503
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	neil.gray@colliers.com

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

Building Name:	
Building Number:	39
Address 1 (Street): *	George Street
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH2 2HN

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Miss"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Rachel"/>
Last Name: *	<input type="text" value="Ferguson (and Craig Thomson)"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text" value="Shieldrum Farm"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Shieldrum Farm"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Blairgowrie"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="PH10 7JX"/>

## Site Address Details

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

Address 1:	<input type="text" value="Shieldrum Farm"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Bridge Of Cally"/>	Town/City/Settlement:	<input type="text" value="Blairgowrie"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH10 7JX"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="755761"/>	Easting	<input type="text" value="314779"/>
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## Description of the Proposal

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

Erection of a dwellinghouse Land 350 metres north east of Shieldrum Farm, Bridge of Cally



## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please Refer to attached Statement of Grounds of Appeal

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 the new matter, 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: \* (Max 500 characters)

Further written support from Councillor Grant dated - this correspondence post dates the application but pre-dates the determination date.

Address of appellants confirmed as a temporary caravan accommodation - the application address was alias to appellants' agent. This has been the appellants place of residence since August 2010.

Clarification of the pattern of single houses in shelterbelts in the immediate area to that already provided with the application - to clarify existing matter

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Notice of Review  
Statement of Grounds of Appeal  
Decision Notice  
Planning application forms  
Planning application supporting statement  
Appendix 1 through to 12 in relation to Planning application supporting statement  
Appendix 13 - clarification of matter relating to pattern of development  
Appendix 14 - update correspondence from Cllr Grant in relation to existing matters  
Appendix 15 - Application Report of Handling

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

12/00284/IPL

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

22/02/12

Has a decision been made by the planning authority? \*

☒ Yes ☐ No

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

23/04/12

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

The review will observe the location of the appellants current inadequate accommodation; the appellants previous accommodation at Blackhall Farm (from 2003 to 2010) and the appellants proposed site at Shieldrum Farm. The review will observe the general pattern of single dwellings within tree-felled plots in the vicinity. The review will observe the landscape framework - the lower positioning of the appeal site than an exposed ridge; the functionality of the tree belt capable of screening site

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

The Reasons for Refusal lack clarity because they are not precise and in parts irrelevant. A hearing would enable open discussion about the precision and relevance of the matters.

None of the material considerations lodged with the application appear to have been appropriately assessed, including representations received. A hearing would allow open discussion about matters.

The appellants wish to explain their exceptional circumstances in person.

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The site can be viewed from a public road, however the full enclosure of the site (an issue the appeal will examine) may require access onto private farm land. The owner can escort the Local Review Body.

Furthermore, the appellants existing temporary accommodation and previous accommodations are on private property, but can be escorted to view these to enable matters of siting and patterns of location raised in the appeal to be fully examined.

## Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare - Notice of Review

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

Declaration Name: Neil Gray

Declaration Date: 18/05/2012

Submission Date: 18/05/2012



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# Statement of Grounds of Appeal

APPLICATION NO: 12/00284/IPL

ERECTION OF A DWELLINGHOUSE IN PRINCIPLE, AT  
LAND 350M NORTH EAST OF SHIELD DRUM FARM, BRIDGE OF  
CALLY, GLENSHIE PH10 7JX

18<sup>TH</sup> MAY 2012

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# 1 INTRODUCTION

## 1.1 PROPOSAL

Planning application 12/00284/IPL was registered by Perth and Kinross Council on 22<sup>nd</sup> February 2012. The appellants, Miss Rachel Ferguson and Mr Craig Thomson, sought permission for “Erection of a dwellinghouse (in principle) at Land 350 metres north east of Shieldrum Farm, Bridge of Cally, Glenshee PH10 7JX”.

The planning application documentation and Supporting Statement is found at Appendices C1 and C2.

The proposal is to seek permission in principle, to erect a single storey dwelling-house and formation of an access to the site. The dwelling would be for the appellants’ private use to house themselves and their two young children. The dwelling is necessary to meet and fulfil the operational needs of Shieldrum Farm (within Miss Ferguson’s family ownership) and both of the appellants’ employer requirements, which require they reside in the Glens to maintain an essential role in the rural community. These matters were explained in detail in the application Supporting Statement found at Appendix C2.

As a planning application seeking permission in principle (PPP), no details of the structure or design of the new dwelling or access have been submitted. However the aspiration of the appellants, explained in the planning application documentation, is for a modest single storey family home (3 bedrooms) to accommodate the appellants and their two children. The design proposal would be to create a home in keeping with the surrounding vernacular i.e cottage-style.

Further details of the appellants’ proposals are found in the Supporting Statement lodged with the planning application, prepared by Colliers International (see Appendix C2 and supporting appendices C3 to C22).

The appellants contest the Reasons for Refusal of the planning application and the authority’s justification for the reasons (Appendix C16). The appellants also contest a number of comments and remarks made within the Report of Handling (Appendix C15).

## 1.2 REASONS FOR REFUSAL

The planning application was assessed under delegated powers. The Decision Notice with Reasons for Refusal is found at Appendix C16. The Development Quality Manager stated the proposal fails to comply with the development plan for the following reasons:

- 1 *The proposal is contrary to the Eastern Area Local Plan 1998 Policy 2 and 38, which amongst other criteria, require that rural sites should have a landscape*

*framework capable of absorbing screening the development, the development should be compatible with its surroundings in land use terms and should not result in loss to the amenity or character of the area or local community and built development should where possible be located in identified settlement. The development would result in a significant loss of visual amenity and character of the area by virtue of its isolated location; the site would not be readily absorbed into the landscape due to the requirement to fell established woodland and the character and visual amenity of the area would be detrimentally affected by the sporadic development of a dwelling-house at the location proposed.*

- 2 *The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site; it is not an infill site; it does not meet the requirements of new houses in open countryside in that no reasonable justification or need for a house at the location identified has been provided and that it has not been proven that the applicants are currently inadequately housed; it does not involve the renovation or replacement of houses; it does not involve the conversion or replacement of redundant non-domestic buildings; nor does the site constitute rural brownfield land.*

These reasons were justified by the Planning Authority because “*the proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan*”.

The formal Decision Notice, dated 23<sup>rd</sup> April 2012, is found at Appendix C16.

These Grounds of Appeal will examine the Reasons for Refusal and the Planning Authority's justification for the reasons. It will present the appellants' case that neither reason is supported, based on an analysis of the Development Plan and examination of a significant amount of material considerations that would offer a balance in support of the proposals. These Grounds of Appeal also query the reasonableness of the authority's decision, as will be set out in Section 1.3 below.

The Local Review Body is respectfully requested to re-consider the application based on review of the facts before them, and grant planning permission.

## 1.3 REASONABLENESS OF DECISION

The appellants will demonstrate how they consider the Reasons for Refusal and the Report of Handling that justifies the decision to refuse planning permission are not reasonable. With regard to Scottish Government guidance, Circular 6/1990 “*Awards and Expenses In Appeals and Other Planning Proceedings and In Compulsory Purchase Order Inquiries*”, the appellants consider the following points merit a position to question the reasonableness of the planning decision:

- The Planning Authority has failed to give precise and relevant reasons for refusal. In respect of both Reasons, they are long-winded and refer to irrelevant parts of policies which unnecessarily detract from the basis of the refusal.
- The Planning Authority has reached its decision, solely on the grounds that the proposal does not accord with the provisions of the Development Plan, without having had regard to other material considerations. This is explained in the justification note below the Reasons for Refusal. The matter is also highlighted in the Report of Handling.

The Report of Handling contains a number of inconsistencies in relation to the assessment of the relevant Development Plan policies and inaccuracies with regard to the reporting of consultation and the representations received, including letters of support from Councillor Grant the appellants' local member.

## DECISION BASED ON DEVELOPMENT PLAN

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended, requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The appellants' acknowledge the determinant issues here are whether the proposals comply with the Development Plan (this will be examined in Section 2 of these Grounds of Appeal).

The appellants do not intend to repeat all of the relevant Development Plan policy references within this Grounds of Appeal statement as these have been presented in the planning application documentation and the Report of Handling (Appendix C15). However the appellants do contest the relevance of some of the Development Plan assessment undertaken by the planning authority in relation to matters of detailed design and layout given this application sought permission in principle and that detailed matters ought to be reserved for any future application(s).

The Report of Handling refers to the application assessment against Policies 1,2,38 and 49 of the Eastern Area Local Plan 1998. However no assessment of the proposal against Policy 1 is reported in the Report of Handling, nor is it a Policy that is offended by the proposals.

Policies 2 and 38, having been assessed and reported in the Report of Handling, are cited in the Reasons for Refusal, however a number of the phrases used in the Reason 1, relating to compliance with Policies 2 and 38, are matters of detail which were not presented for assessment or requested by the planning officer (being an application in principle).

With regard to Reason 2, the list of types of housing in the countryside to which this proposal does not comply is unnecessary, given that the assessment in the Report of Handling established all types, other than 'housing in the open

countryside' to be irrelevant to the case. Therefore the reference to the irrelevant types of housing in the reason for refusal is unnecessary and misleading.

Therefore the appellants contest the relevance of parts of both Reasons for Refusal.

The Council's adopted Housing in the Countryside Policy (2009) is acknowledged as a relevant policy in terms of assessment of the application, for clarity however, the specific housing category to which the proposal is compared (housing in the open countryside) should have been the only category cited to ensure clarity in the Reason for Refusal.

### **MATERIAL CONSIDERATIONS**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended, also requires material considerations to be considered where they indicate the balance of a decision might be otherwise. As will be explained in Section 2, the appellants are concerned that material considerations exhibited to the Planning Authority in the application (Section 4 of the planning application Supporting Statement) (See Appendix C2) have not been afforded due weight.

Despite clear evidence presenting the appellants' demonstration of need (based on operational and on exceptional circumstances i.e. since 2010, the appellants are currently inadequately housed), the appellants believe these matters failed to be given the weight which Section 25 and 37 (2) of the Act requires. Indeed the limited discussion during the determination period of the application between the planning officer and the appellants' agent revealed the officer was finding it a challenge to balance the Development Plan provisions and the appellants' evidence of material considerations.

The Report of Handling fails to adequately draw the matters of material weight out in reaching the decision. The justification to the Reasons for Refusal states "*the proposals are not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan*". The appellant disputes this remark.

### **KEY COMMENTS ABOUT THE PROPOSALS**

Given the PPP nature of the proposal, the appellants wish to emphasise that it is seeking permission in principle, and that design and siting matters relating to the proposal should therefore be reserved.

There have been no objections about the proposed development from statutory agencies, local residents or neighbours. The Report of Handling only confirms details about the statutory agency feedback. It inaccurately reports no representations had been received, when a number of letters of support from neighbours, employers and local councillor had been lodged at the time of the application. These were provided with the application (appendices C4 to C14).

There has been express support and continued interest about the proposed development from the appellants' local councillor (Councillors Shiers (verbally) and Grant (correspondence)) see Appendix C13.

There has been express support for the proposals from the appellants' neighbours including the landowner of Shieldrum and the appellants' employers, including Miss Ferguson's being Perth and Kinross Council (community care) and Mr Thomson's being JK Phillips an agricultural firm. These letters in full are provided at Appendices C5-7 and C12.

The above support has not been reported in the Report of Handling, rather it indicates 'Representations Received 0' which represents an inaccurate picture of how the proposals have been assessed by the wider community and how the appellants have worked hard to ensure they demonstrate the need and justify the exceptional circumstances they face. As such, the officer has failed to adequately factor this support into the weight to be attached in the material considerations of the application and balance the Report of Handling.

Support for this type of housing in the countryside proposal is also fully endorsed within Scottish Planning Policy (paragraphs 94-95) (SPP) which advocate that council's should *'support more opportunities for small scale housing development in **all** rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, **plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses.** The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to **maintain and improve the viability of communities and to support rural businesses.** In more accessible and densely populated rural areas most new development should be in or adjacent to settlements.'* Refer to Appendix C20.

The Report of Handling is silent on national planning policy. We shall return to SPP in the Section 2 discussion.

## 1.4 PROPOSED REVIEW METHOD

The Notice of Review enclosed with this submission respectfully requests the means of examination to be by an assessment of Review documents, a site visit and a hearing.

A site visit would give the Local Review Body a first-hand observation of the appellants' current operational difficulties as they and their children are living in temporary caravan accommodation at Shieldrum Farm; and the appellants' former tenancy at Blackhall Farm can also be located close by. This will also offer the opportunity for the Review Body to assess for themselves the incredibility of the officers' assessment that the proposal would bring *"significant loss of visual amenity and character of the area"* as cited in Reason for Refusal 1. The site visit would allow a greater understanding of how the proposals would provide a solution

for the appellants facing exceptional circumstances, without impacts on local residential amenity.

A hearing would also enable the appellants to address the Local Review Body, if granted to do so. This is because it is emphasised in these Grounds of Appeal how the officer has failed to interpret and understand the material considerations provided in the application, with respect to the appellants' exceptional circumstances of being inadequately housed, and their essential operational needs requires a home in the rural Glens area.

## 2 GROUND OF APPEAL

Generally the appellants found the long-winded nature of the two Reasons for Refusal unhelpful. The Reasons lack precision because of this. Parts of Reason 1 are considered invalid as they have not been connected to the criteria of Policies 2 and 38 cited as Reasons for Refusal, as will be demonstrated below. The first part of Reason 2 repeats types of housing in the countryside which are not relevant, and were discounted from the officer's assessment at an early stage, as evidenced in the Report of Handling.

As such the Reasons for Refusal fail to give a complete and precise set of reasons and appear much more substantial in their form than is necessary. This format makes it difficult for the appellants to understand why the proposals were refused, in relation to the perceived shortcomings of the application.

For these reasons, the Grounds of Appeal below seek to make a direct response to specific parts of phrases used within the two Reasons and refers to the Report of Handling, to explain why the appellants seek reconsideration of the application.

The planning authority's justification statement below the Reasons for Refusal is also unclear to the appellants. The appellants provided a large amount of evidence to give justifications for departing from the Development Plan (material considerations). When read alongside the Report of Handling (Appendix C15) it is clear that the officer has under-played the material considerations. Rather than there being "*no material reasons*" as cited in the justification the officer has failed to make due consideration of the material considerations and overlooked the significant support offered by neighbours, local councillors and the appellants' employees who recognise the operational need for the appellants to remain residents in the location in a new house and the fact that they are inadequately housed.

### 2.1 REASON 1 – "Landscape Framework"

*The proposal is contrary to the Eastern Area Local Plan 1998 Policy 2 and 38 which amongst other criteria, require that rural sites should have a landscape framework capable of absorbing or screening development.*

The appellants emphasise how they seek permission in principle and that matters relating to siting and design, being detailed matters, must be a reserved matter in this case. Nevertheless the appellants provided an outline indication of how the new house might be positioned relative to the landscape – essentially making use of the substantial tree belt backdrop. This is a common practice noted across the Glens area, illustrated in Appendices C17, C3b and C3f. They demonstrate a pattern of single houses erected within woodland belts within plots close by to the appeal site. This pattern can be verified by the Local Review Body in the event of a



site visit. The Reasons for Refusal reference to the proposal offending a housing grouping are therefore irrelevant.

The Report of Handling makes repeated references to parts of Policies 2 and 38 relating to siting and design of the house, which are simply not possible to demonstrate compliance at this outline stage. Some of the remarks are contradictory. For example Policy 2 parts b) and g) relate to built development; but the scale, form, colour, density and design of the development is not required to be demonstrated at this PPP stage. However the appellant has explained the modesty of the dwelling, being single storey, cottage style. In essence a very low impact development. The proposal matches built development evident in the vicinity. No further information was requested by the officer in relation to this matter during the determination period.

Further in relation to Policy 2, part a) requires *“a landscape framework capable of absorbing or, if necessary, screening development”* – the Report of Handling states *“the site would use the existing tree belt as a backdrop”* (page 3, para 5 of Report of Handling). The appellants agree with this comment. The existing tree belt would serve as a backdrop. As would be evident from a site visit, the tree belt is substantial in scale (height and width), relevant to the scale of any single storey cottage-style house and would be proportionately intact after clearing space for the single house plot – it certainly would not be lost or compromised in any way as suggested in the Report of Handling. No further information was requested by the officer in relation to this matter during the determination period. As such the appellants disagree with the officer comment about the framework fit of the proposal in the tree belt which states *“The current proposal does not blend sympathetically with the land form as it would appear incongruous to have a portion of tree planting removed solely to accommodate a house”* (page 3 para 4 of Report of Handling). Appendix C17 illustrates the regular occurrence of single houses within tree-cleared plots. Had the officer sought clarity from the appellant, this matter would have been resolved. No further information was requested by the officer in relation to this matter during the determination period. A site visit would confirm the occurrence of single plot houses within tree belts.

The appellants consider the large stand of trees would provide an identifiable boundary on two sides, it would offer protection from the elements and provide screening without loss of a wider landscape setting. The area is peppered with similar occurrences of single plot houses within shelterbelts, as will be evident from a site visit and reference to Appendix C17.

The appellants disagree with the officer’s comment, stating *“this could compromise the integrity of the shelterbelt’s function and would result in the proposed house sitting in a prominent, exposed position”*. This comment could not be further from the appellants’ aim to fit the proposed low impact, low rise development into the landscape, especially when the scale of the trees would appear to be unaltered when considered within the wider landscape framework of the area. The house



would not be exposed, as it would be positioned in a lower level than, for instance Shieldrum Farm house itself. It is not clear why the officer opines the house would be sitting prominent or exposed. No further information was requested by the officer in relation to this matter during the determination period.

These issues would be evident from a site visit to establish the broad landscape framework base.

## 2.2 REASON 1 – “Compatible with surroundings”

*“...the development should be compatible with its surroundings in land use terms and should not result in loss to the amenity or character of the area or local community...”*

As will be evident from a site visit, the surroundings are largely open countryside interspersed by farm houses, buildings and yards in groups. There are pockets of woodland shelterbelts, narrow tracks and minor roads.

In relation to a defined pattern of surroundings, the appellants had demonstrated the historical pattern of development in and around the appeal site (See Appendix C3b and C3f). Whilst the purpose of this technique was to demonstrate the fit of the pattern created by a new house at the appeal site within the wider Glenshee Development Area (Policy 50 of the Eastern Area Local Plan), the same spatial planning principles apply to any consideration of the surroundings and compatibility in this context. The location of the appeal site merely reflects a common characteristic of the pattern of development in the area, so cannot be considered contrary to Policy 2 part c).

In land use terms, the proposal for a single house is compatible with the surrounds. It is not a proposed industrial, commercial or retailing development that might give rise to disturbance to local amenity (noises, smells or lighting), or increased traffic (the proposal would imply one family car) or result in a development out of scale with the surrounding pattern (the proposal is for a one storey, cottage-style dwelling). Therefore it is difficult to reconcile any reason why “compatibility with surroundings” is a reason for refusing the proposal. The proposal cannot be considered contrary to Policy 2 part c) in relation to significant loss of amenity. There would be no loss of amenity.

The Report of Handling confirms no objections have been received from any party, either from neighbours (one might expect to have the most obvious concerns about impact on residential amenity) or from any wider community interests (one might expect to have concerns about location of proposals, or the landscape impact of a development). This is a remote location, not likely to arouse public concern about landscape fit or residential amenity of a single dwelling plot.

On the basis of the above, the appellant does not agree with the comments in the Report of Handling, such as “I consider the development of a house on the site

*proposed would have a detrimental impact on the surrounding landscape which has an undeveloped character with very few houses not located in close proximity to farm groupings*” (page 3, para 7 Report of Handling). The single house plot would not have a detrimental impact on the surrounding landscape or amenity of the area. The scarcity of houses is not proven as is demonstrated in Appendix C17 (parts a through to k), Appendix C3b and C3f. There are single houses in a regular pattern every 500m or so of the site and with very few actually on a farm itself. A site visit would confirm the pattern of spatial development which the appellant considers to be an acceptable fit and compatible with the existing arrangements.

Finally, by virtue of the Housing in the Countryside Policy 2009, a proposed house need not be solely located in close proximity to farm groupings, they can be located singularly alone as a house in the open countryside, as will be discussed in Section 2.8 below. This re-iterates Scottish Planning Policy paragraphs 94-95 about the Government’s support for single houses in the open countryside to support fragile rural communities. The proposal is precisely that.

## 2.3 REASON 1 – “built development located in settlements”

*“...and built development should where possible be located in identified settlement”*

There is no defined settlement within the broad location of the appeal site. As this is a proposal for a house in the open countryside, relevant to the HIC Policy, then the appellant considers this part of Reason for Refusal 1 to be contradictory.

There is a recognisable spatial pattern of settlement in the general vicinity of 500-750m of a type mostly in keeping with the appeal proposal. The fact that there is no defined settlement is considered to re-enforce the appellants’ view that the proposal complies with the key principles in Policies 2 and 48, and the HIC Policy, by the identification of a suitable location which does not impact on landscape setting; does not impact on residential amenity and which is compatible with the pattern of established development of single plot houses in this rural countryside location.

## 2.4 REASON 1 – “result in significant loss of visual amenity and character by virtue of its isolated location”

*“...The development would result in a significant loss of visual amenity and character by virtue of its isolated location”*

This part of Reason 1 appears to repeat the phrase already employed earlier in the Reason, and subsequently addressed by the appellant in Sections 2.1 and 2.2 above. The proposed development would not result in the “significant” loss of visual amenity and character. “Significant” is a matter of judgement. The appellants consider the degree of significance is small, when taken in the context of scale.

The proposal is small scale, in relative comparison to a large scale rural landscape;

it would be well-screened within a shelterbelt and it sit lower down than other existing single buildings in the immediate vicinity, without any loss of character as a result. This is a small scale proposal, not significant.

The appellants do not agree the proposed plot is in an isolated location in this context. It sits 350m from the nearest single dwelling and 500m from the next single dwelling. It is readily accessible via the adopted C-class road, which runs and connects with the A93.

In a broader context, the proposed plot does lie near to the defined catchment of Policy 50 which refers to the Glenshee Development Area. The Eastern Area Local Plan 1998 discusses the context to Policy 50, at Paragraph 2.11 (see Appendix C21) which recognises the rural isolation of the Glenshee area and its problems associated with remoteness. The continued population decline in the broader area is a matter of concern to Perth and Kinross Council. This provides further justification as to why the appeal proposal should be positively supported as it would retain a young family, employed in the Glens, and make a small but essential contribution to reversing the problems associated with remoteness in the Glenshee area.

## 2.5 REASON 1 “Requirement to fell established woodland”

*“...the site would not be readily absorbed into the landscape due to the requirement to fell established woodland”*

This part of Reason 1 appears to repeat the phrase already employed in Reason 1 subsequently addressed by the appellant in Section 2.1.

The proposal does not require falling an established woodland it does involve the loss of 5% of a tree shelterbelt to locate a plot for a single house in a location that has been identified suitable precisely because of the shelterbelt (i.e. a modest tree belt, not a woodland). The proposal would still retain 95% of the trees, and hence its functionality as a shelterbelt. The existing shelterbelt within the appeal site, owned by the appellant (and not the farmer, as was documented in the Report of Handling) amounts to 0.42 acres (0.17 Hectares). To accommodate the proposed dwelling would remove 0.25 acres (0.10 Hectares). The applicants will in due course investigate the opportunity to mill the removed trees for use as constructional timber. A narrow 5m perimeter belt of the shelterbelt would be retained within the appeal site to provide a shelter and backdrop to the development. This can be verified at a site visit.

The tree loss would equate to around 5% of the shelterbelt. It is considered this small loss would not be detrimental to the Shieldrum Farm functional requirement of the shelterbelt. Furthermore, Shieldrum Farm, in the ownership of the father of one of the appellants has abandoned maintenance of the shelterbelt and has no long term plans to manage the trees. Therefore the Report of Handling remarks about *“the trees could be felled to provide a site of any size”* and *“there would be*

*no manner to control the retention of the remaining trees as they are on land outwith the applicant's control and could therefore be removed at any time, leaving an undefined, exposed site" (page 3, para 6 of Report of Handling) is quite far-fetched.*

The shelterbelt is comprised of non-native species of coniferous woodland of low quality. None of the trees are protected by statute. A 5% loss of trees is considered to be of little significance when assessing the proposals against the benefits the proposed development would bring to a family currently temporarily housed in caravan accommodation at Shieldrum Farm and it would make a positive change in relation to population decline in the area as a result. Therefore the appellants do not agree that this part of Reason 1 is sufficient grounds for refusal.

## 2.6 OTHER SITING CRITERIA (HIC POLICY)

The Reason for Refusal 1 relating to siting and location is understood to be grounded on the proposal's perceived conflict with Policy 2 and 38 of the Local Plan. However, there is no indication in Reason for Refusal 1 that the proposal fails to satisfy the siting and location criteria of the Housing in the Countryside Policy (2009 (HIC Policy)).

The list of siting criteria a) to d) in the HIC Policy is followed by the statement:

*"Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;*

*a) it occupies a prominent, skyline, top of slope/ridge location;*

*b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and*

*c) is unable to provide a suitable degree of enclosure for a new house in the countryside.*

The foregoing, and the appellants' supporting information demonstrate that the appeal proposal will not occupy a prominent skyline or top of slope/ridge location (it lies lower down than the policies of Shieldrum Farm itself for example); the site does have mature boundaries (featuring the tree shelterbelt of a height greater than one metre) forming an immediate backdrop to the site. The site is able to provide a suitable degree of enclosure. On two sides this would be provided by the shelterbelt, and on two further sides the road frontage and farm track frontage would create enclosure. There are fence boundaries to the site as well. This will be evident from site visit.

## 2.7 REASON 1 “sporadic development”

*“...and the character and visual amenity of the area would be detrimentally affected by the sporadic development of a dwellinghouse at the location proposed.”*

This part of Reason 1 appears to repeat the phrase already employed earlier in Reason 1 and subsequently addressed by the appellant in Section 2.4.

The appellants do not agree that the proposed development would result in sporadic development. The context for this phrase appears to be drawn from Page 3, paragraph 4 of the Report of Handling. The officer comments *“The majority of development in this particular landward area is centred around established farm groupings. The proposed site is such a distance (some 300m) from the farm complex at Shieldrum that this will not be read within the context of the farm unit and will appear as sporadic development”*. In fact within a 1500m radius of the application site 90% of extant dwellings have no real farm grouping context.

With regard to the Policy context supporting Reason 1, the appellants find no specific locus to Policy 2 or 38 which require proposals to be assessed or read in the context of farm units, or that the pattern of development required under Policy 2 or 38 specify farm groupings or that “sporadic” development is to be resisted. Therefore this part of Reason 1 appears to be irrelevant and misleading and is **not a valid reason** for refusal as Policies 2 and 38 do not require this matter to be addressed.

## 2.8 REASON 2 – HOUSING IN THE COUNTRYSIDE POLICY 2009

The appellants acknowledge the relevance and weight that must be attached to any assessment against the Housing in the Countryside Policy 2009 (HIC Policy) as it is an approved policy of the Council. This is not contested.

In the pre-amble setting the context for how the HIC Policy is intended to be applied across Perth and Kinross, it is explained the HIC Policy operates in specific circumstances. In the appeal case, and in relation to Glenshee the location of the appeal proposal; The Introduction section to HIC Policy states *“within the Eastern Area Local Plan there is already a more relaxed policy to address the issues in relation to rural development and depopulation and the scattered nature of the settlement pattern”* designed to offer a more flexible policy approach to Glenshee to help stave population decline (See appendix C19).

This context does not appear to have been applied in the Report of Handling assessment of the proposals against the HIC Policy. The appellants wish to emphasise that Glenshee is an exceptional circumstance, where depopulation and the scattered nature of the settlements here play a significant role in justifying the arguments supporting the appeal. Again this fact is contradicted in the Reasons for Refusal.

The appellants contest the unnecessary references in the Reason for Refusal 2 to the parts of the HIC Policy covering housing in the countryside types which are irrelevant. The Report of Handling confirms early on how all types, other than housing in the open countryside, are irrelevant to the assessment.

The appellants also contest the lack of weight the officer appears to have provided to the HIC Policy context supporting exceptional circumstances at the appeal location (Glenshee), given that the HIC Policy introduction specifically refers to the need to apply the policy flexibly in the Glenshee area.

The key policy test for assessing the principle of erecting a house on the appeal site is Part 3 of the HIC Policy only. All other parts are considered not relevant in this case. The Report of Handling makes inconsistent remarks in this regard. On page 1, paragraph 4 of the Report of Handling, the officer states *“In respect of the HIC Policy 2009, parts 1, 2,4,5 and 6 are not applicable to this site. Of Part 3, sections 3.1, 3.2 and 3.5 are not applicable...the proposal can only be reasonably considered under part 3.3(a) which relates to the provision of a house for a local or key worker associated with either a consented or established economic activity, or tentatively part 3.4 which relates to local applicants currently being inadequately housed”*.

As the officer established that the assessment was based on Parts 3.3a and 3.4 of the HIC Policy, then the Reason for Refusal 2 is unnecessarily long-winded and misleading by listing parts of the HIC Policy relating to building groups, extension of building groups, infill and so on. This Reason therefore lacks clarity and relevance.

The appeal proposal is simply for a single **new house in the open countryside**, which is a valid proposal to be considered against the HIC Policy. This is not clearly expressed in the Reason for Refusal.

For the purpose of the following sections in response to Reason for Refusal 2, the appellant highlights in bold below, the parts of Reason 2 which it considers to be valid, but which it wishes to contest:

**“The proposal is contrary to the Council’s Housing in the Countryside Policy 2009 in that** it does not constitute development within a building group, nor the extension of a building group onto a definable site; it is not an infill site; **it does not meet the requirements of new houses in the open countryside in that no reasonable justification for the need for a house at the location identified has been provided and that it has not been proven that the applicants are currently inadequately housed**; it does not involve the renovation or replacement of houses; it does not involve the conversion or replacement of redundant non-domestic buildings; nor does the site constitute rural brownfield land.”

All other parts of this Reason for Refusal are considered irrelevant to the proposed development.



## 2.9 REASON 2 – NEED FOR A NEW HOUSE AT THE LOCATION

*“...it does not meet the requirements of new houses in the open countryside in that no reasonable justification for the need for a house at the location identified has been provided”*

Part 3.3(a) of the HIC Policy relates to provision of new housing for a local or key worker associated with either a consented or established economic activity. It states:

*“The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s)”.*

The planning application Supporting Statement (Appendix C2) explains at page 12 and 13 how the applicant has demonstrated the need for a house. The information provided in the appendices to the Supporting Statement indicated:

- With respect to justifying HIC Policy Category 3.3 (Economic Activity)
  - i Miss Ferguson is required to be on site as close to Shieldrum Farm, to assist the Shieldrum Farm business and also provide day care support to rural residents in the Glens area. Miss Ferguson’s justification is supported by a letter from her employer, Perth and Kinross Council (Appendix C4). This letter confirms that if the day-care service she provides in the Glens area is unable to run (e.g. due to poor weather) then she is available to provide emergency support to those living in the Glens area, as she lives there. The letter from Messrs Ferguson, farmer of Shieldrum, also confirms support for the proposals and confirm the appellants’ living and working status (appendix C5).
  - ii Mr Thomson is required to be on site locally within the Glenshee area, by his employer JK Phillips (agricultural machinery contractor working land on contract to local farmers and landowners). The firm has a network of clients in the Glenshee area whom rely on Mr Thomson’s expertise, and which is a vital service. His employer has specifically highlighted this aspect of Mr Thomson’s role in the firm’s letter of support and evidence of Mr Thomson’s employment status and address (Appendix C6). The letter from Messrs Ferguson, farmer of Shieldrum, also confirms support for the proposals and confirm the appellants’ living and working status (Appendix C5).

The Report of Handling, page 2, paragraph 5 at the third sentence, states *“It is more usual for a house in the countryside to be required for agricultural purposes relative to the land on which the proposed house is to be sited, though it is not unheard of for the occupation of a new house to be restricted to a worker employed locally in agriculture”*. This is an unusual circumstance. The choice of location is driven by the availability of land being offered by the appellant’s father who farms

Shieldrum. The appellants undertook to find alternative accommodation in the immediate vicinity upon being served an eviction notice from the landlord of their most recent permanent accommodation at Blackhall in 2010, having been tenant there since 2003 (Appendix C7). This will be discussed further in Section 2.10 covering the appellants' demonstration of local residence and being currently inadequately housed. It is not unusual for close-knit families with long standing association with an area, and found to be in urgent need for help, turn to and are supported by family peers. In this case the offer of land for a single house was given.

In relation to the Report of Handling remark stating *"It seems the site has been chosen purely because it is available to the applicants rather than the housing is actually needed at that location"* (page 2, paragraph 5) is indicative of precisely the position of urgent need the appellants face. They had sought alternative accommodation for rent in the immediate vicinity; accommodation for private purchase; development land for sale; taken advice from Perthshire Housing Association about available social housing availability (see Section 2.10 further) (appendices C8-C10). Without success, the appellants have now found themselves living in temporary caravan accommodation at Shieldrum since August 2010. These circumstances are not acceptable. Therefore in the absence of any available and reasonable alternatives, the appellants decided to progress with identification of a suitable site at Shieldrum. The appeal site was assessed as being the most suitable when compared against the siting criteria of the Local Plan Policies and the HIC Policy.

The Report of Handling states at page 4, paragraph 2 *"Whilst it is accepted that both applicants have employment based in the wider area, it is noted that they do not have one single place of employment and require to travel to many various locations across the wider area. There is nothing in either of the current jobs that requires a rural location over that of within a settlement in the general area"*. The appellants are valued in their current jobs as evidenced in the letters of support, precisely because they are close to the employers' customer base, specifically in a remote part of Perthshire. None of the appellants' employers' customers served by the appellants actually exist in any "settlement within the wider area" (presumably this is reference to Blairgowrie or nearby villages as a service centre).

Should the appellants be led towards the option of re-location outside the Shieldrum area to a larger settlement, as is implied in the Report of Handling, then there will clearly be a disharmony or conflict created against the Perth and Kinross Council HIC policy of seeking to stave rural depopulation, retain young families and support fragile economies, particularly in the Glenshee area. This approach seems to be firmly at odds with the wider demographic objectives and is considered a material consideration of significance.

The need for the house has been adequately demonstrated. At no point during the determination of the application has Perth and Kinross Council queried the need to



be further demonstrated. It had not sought further information to substantiate matters during the determination period. Furthermore, of the policy guidance considered to be available, there is no specific guidance or reference which sets out clearly how or against what, the Council will means test the actual need for a house at a particular location.

The HIC Policy states *“In remoter areas, 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.”* The appellants expressed agreement to a suitable occupancy condition in the Planning Statement.

## 2.10 REASON 2 – LOCAL RESIDENCY / INADEQUATELY HOUSED

*“...and that it has not been proven that the applicants are currently inadequately housed”.*

The appellants have been inadequately housed since being evicted in 2010 from Blackhall Farm, the nearby dwelling which they had rented since 2003 (Appendix C11). Since then, and in spite of their failure to secure appropriate permanent residency in the immediate area, the appellants have been living in a temporary caravan at Miss Ferguson’s father’s farm. These circumstances are considered inappropriate for a young family who are trying to maintain a living.

This Reason is linked to an assessment of HIC Policy Criteria Part 3.4 which states:

*“A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required. Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.”*

The appellants consider they have adequately demonstrated proof of living and working in the area for at least 3 years. Miss Ferguson has lived locally at Shieldrum, then Blackhall, and now currently Shieldrum (temporary caravan accommodation) for 32 years. The couple’s children have lived at Blackhall since birth and attend Kirkmichael Primary School. These matters are shown in Appendix C7 to C11.

Proof of residency has been provided in the planning application at Appendix C7 to C11. These are also confirmed by the letters of support from the appellants’ local employers, neighbours and Councillor at Appendix C4-7 and C12-13..

The Report of Handling acknowledges that proof of work status and of previous residence has been provided, however it also states *“there is no indication of current location or quality of residence”*. For the avoidance of doubt, the appellants

are currently located in temporary caravan accommodation at Shieldrum Farm since August 2010. The quality of the accommodation is hardly satisfactory for permanent residence, nor for bringing up a young family. This will be evident from a site visit.

With regard to proving the pursuit of a Rural Home Ownership Grant, this was documented in the planning application, see Appendix C8 and C9. The applicant's application for such a grant did not progress beyond early discussions (see letters enclosed with original planning application including correspondence from Perthshire Housing Association and the Council's Housing Department). The Report of Handling acknowledges the RHO scheme grant was cut by Government in 2011. Therefore it is not possible for this proof to have been required anymore.

The Report of Handling goes on to state "*Whilst there is substantial supporting information lodged in respect of the historic residence of the applicants, there is no information relating to their current circumstances*". At no time during the determination of the application did the planning officer seek clarification as to the applicants' current address. With regard to the stated address on the planning application form, there is no legal requirement for the applicants to declare a private address, so long as the applicants can be contacted. In this case, all matters were directed via the agents address at Colliers International.

This should not be a reason to look unfavourably at the appellants' case justifying their proof of residence in respect of Part 3.4 of the HIC Policy.

## 2.11 JUSTIFICATION FOR REASONS FOR REFUSAL

The appellants dispute the explanation justifying the two Reasons for Refusal, "*there are no material reasons which justify departing from the Development Plan*".

It is contested there are a large number of valid material considerations which, on this occasion, balance the proposals in favour of granting planning permission. It is considered the officer has failed to apply adequate weight to the material considerations. In the Report of Handling, this issue is not reported. In the absence of any discussion or feedback from the planning officer on these matters, it is therefore appropriate to question the degree of weight the officer had attached to the material considerations. The appellant is of the view that the substantial information provided to the Council at the time of making the application as follows:

- Letters of support from the appellants' employers, explaining locational need and the essential role both individuals play in their jobs in a remote location;
- Letters of support from neighbours and from the farmer at Shieldrum, expressing no objection to the proposed development
- Consultation responses of the various statutory organisations with no adverse comments or objections

- Letter of support from Councillor Grant, followed by further follow up including a meeting on site at Shieldrum and most recently her inquiries to the appellant about prospects for a positive outcome.
- Proof of current inadequate housing – this will be clarified from a site visit
- Documentary evidence to demonstrate the appellants have been seeking suitable accommodation in the immediate area since August 2010
- The Chief Planner of the Scottish Government has written to all Planning Authorities encouraging them to take a flexible approach to determining applications for rural housing. This was documented in the planning application Supporting Statement (See Appendix C22)
- The broad Perth and Kinross Council Policy is to stem rural depopulation, sustain remote communities and retain young people in such locations. This is echoed in the Introduction to the HIC Policy, specifically highlighting the Eastern Area Local Plan area and Glenshee. It is material to this application that the decision to refuse permission is at odds with the Council's demographic policy.

As a result the assessment has failed to comply with Section 25 and 23(a) of the Planning Acts. The Local Review Body is encouraged to re-examine these material considerations when assessing the merits of the proposal.

### 3 CONCLUSIONS

The Local Review Body is respectfully requested to review the planning application, Report of Handling, Representations and other material considerations. See Appendices attached (C1 to C22).

The Local Review Body is also respectfully requested to consider the appellants Grounds for Review as presented and to assess this appeal by written material, site visit and hearing in order that these issues can be fully discussed and issues pointed out on the ground in the presence of the Local Review Body.

The following conclusions are arrived at, which lead the appellant to conclude that the Reasons for Refusal cannot be supported, and that on balance, the planning appeal be allowed and planning permission granted for the proposals.

#### Reasons for Refusal

- There are irrelevant phrases in both Reasons for Refusal, making the Reasons lack clarity and not be relevant, in part, to the Development Plan policies that are deemed to have been offended by this proposal. The Reasons for Refusal are also not adequately justified, given the large number of material considerations presented with the application which should be afforded more weight than the assessment attached.
- The appeal seeks permission in principle, therefore the Reasons for Refusal referring to siting and design in relation to Policy 2 and 38 are not relevant, or at the very least, carry less weight in determining the proposals.
- In relation to landscape framework, the proposal will not be in a prominent or exposed location; it will not result in the “significant” impact on visual amenity; it will not result in the loss of woodland to the extent implied. The woodland will provide a suitable means of enclosure. This is a pattern consistent across the immediate area. This will be evident from site visit.
- In relation to impact on local amenity and community. The proposal is very low scale and impact and is a residential development compatible with other single houses in single plots scattered within 500m of each other in the general vicinity. No objections or adverse comments have been made by neighbours, statutory agencies and no public concern has been raised. The environmental impact is very small and in scale will not result in a change to the landscape or local amenity provision. These remarks would be evident from site visit.
- In relation to siting, the Reason for Refusal does not reflect HIC Policy on siting and design, rather it reflects Policy 2 and 38 of the Local Plan. In relation to HIC Policy on siting and design, the proposal is compliant: it will not occupy a prominent skyline or top of slope/ridge; it does have a mature

boundaries forming a backdrop; it is able to provide a suitable degree of enclosure. These features would be evident from site visit.

- In relation to sporadic development. This is not a relevant Reason for Refusal as there is no reference in the Development Plan policies 2 or 38 to this requirement.
- In relation to HIC Policy, the Reason for Refusal lists a number of unnecessary housing types which were established to be irrelevant to the proposals. This makes the Reason lack clarity.
- In relation to HIC Policy, the broad thrust of the policy when applied in Eastern Area Local Plan / Glenshee is to be more flexible to the exceptional circumstances of the remote, depopulated and aging area. The appellants would make a small but significant contribution to help stem the decline and sustain the fragile rural economy. The alternative scenario appears to be unsustainable move to a larger settlement and a clear conflict of policy objective with the Council's strategy to support rural communities.
- The appellants have fully justified the need for a new house at Shieldrum Farm under Part 3.3 of HIC Policy; as it is land that is available to them through exceptional circumstances; the site itself is assessed as suitable from a number of options at Shieldrum; and written evidence / letters of support prove the significant role they play in their rural jobs.
- The appellants have provided adequate evidence to prove local residency and a site visit will confirm the inadequacy of the appellants' temporary caravan accommodation (their current abode) since August 2010. Further documentary evidence provided in the application shows the appellants have pursued a number of possible accommodation options to no success including social, rented accommodation via a landlord and with Government support, which was withdrawn in 2011.

The Local Review Body is respectfully requested to review the application, conduct a site visit and undertake a hearing and grant planning permission.

**Colliers International Ltd**

**18<sup>th</sup> May 2012**

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# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	12/00284/IPL
Ward No	N3- Blairgowrie And Glens

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 350 Metres North East Of Shieldrum Farm Bridge Of Cally

**APPLICANT:** Miss Rachael And Craig Ferguson Thomson

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 28 February 2012



## **OFFICERS REPORT:**

This application is made in principle and is for the erection of a single detached dwellinghouse on land in a rural location. The site sits to the south of public road C446 and to the east of the access track to Shieldrum Farm, some 5km north of Bridge of Cally. The site is currently planted with a coniferous shelterbelt, some of which would need to be removed to accommodate the proposed house and curtilage. The site is surrounded by open farmland to the north and west, and beyond the shelterbelt to the east and south. The site is relatively level, has a frontage of some 55m and depth of 40m, and an area of some 0.48ac. The site forms part of the larger agricultural holding of Shieldrum Farm which is in the ownership of the father of one of the applicants.

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations which justify a departure from policy. The most relevant policies of the Eastern Area Local Plan are 1, 2, 38 and 49.

As the site is not located in any settlement identified in the Eastern Area Local Plan, it falls to be considered under the relevant Landward Policies. The site lies outwith the identified Glenshee Development Zone, which supports the development of up to 15 houses within the defined area, the limit for which may already have been reached. Policy 50 is therefore not applicable in this case. Policy 49 directs towards the Council's standalone Housing in the Countryside Policy 2009.

In respect of the Housing in the Countryside Policy 2009, parts 1, 2, 4, 5 and 6 are not applicable to this site. Of part 3, sections 3.1, 3.2 and 3.5 are not applicable as there are no existing gardens/policies, no flood risk replacement issues and no pilot project eco-development argument has been submitted. The proposal can only be reasonably be considered under part 3.3(a) which relates to the provision of a house for a local or key worker associated with either a consented or established economic activity, or tentatively part 3.4 which relates to local applicant(s) currently being inadequately housed. Part 3.3(a) of the policy states that any permission may be restricted by an occupancy condition for it to remain as essential worker housing or for it to be converted to an agreed tenure of affordable housing when the employment use is no longer required.

Part 3.3(a) No justification for requiring a house specifically at the site applied for has been submitted. It seems the site has been chosen purely because it is available to the applicants rather than the housing is actually needed at that particular location. It is more usual for a house in the countryside to be required for agricultural purposes relative to the land on which the proposed house is to be sited, though it is not unheard of for the occupation of a new house to be restricted to a worker employed locally in agriculture. The issue of 'need' for a house at the location applied for has not been proven. The principle of the application cannot therefore be supported under part 3.3 of the Housing in the Countryside Policy 2009. It must be noted that where there is no particular reason to require a house on any site (through operational need, etc), the development plan (both current and proposed) seeks to locate new housing development within existing settlements.



I do not consider it would be appropriate to restrict occupancy of the proposed house to inhabitants working locally in agriculture or the current employments of the applicants as, if their employment circumstances were to change, questions about their right to occupy the house would be raised.

Part 3.4 requires proof of residency and/or work status to be submitted in addition to the applicants being 'currently inadequately housed'. Whilst proof of work status and of previous residence has been provided, there is no indication of current location or quality of residence – the planning application form states the applicants' address to be care of the agent. The policy affirms that an offer of a Rural Home Ownership Grant (or similar) would be accepted as proof of need. The agent states in the planning statement that the applicants' application for such a grant did not progress past the first tentative steps. The RHO Scheme Grant has since been cut by the Government. Whilst there is substantial supporting information lodged in respect of the historic residence of the applicants, there is no information relating to their current circumstances. It therefore has not been adequately demonstrated that the applicants are 'currently inadequately housed', as required by the Policy. The principle of the application cannot therefore be supported under part 3.4 of the Housing in the Countryside Policy 2009.

The HitC Policy also requires that the siting criteria are met; that it blends sympathetically with the land form; it uses existing features to provide a backdrop; it uses an identifiable site with long established boundaries which must separate the site naturally from the surrounding ground and; it does not have a detrimental impact on the surrounding landscape. Any new house has to meet all of the four criteria.

1 The current proposal does not blend sympathetically with the land form as it would appear incongruous to have a portion of tree planting removed solely to accommodate a house. Although the indicative layout suggests that trees may be retained along the frontage and the western boundary, there would very likely be future pressure for the removal of surrounding trees in order to provide sunlight into the plot and to safeguard any house from windblown trees. This could compromise the integrity of the shelterbelt's function and would result in the proposed house sitting in a prominent, exposed position. The majority of development in this particular landward area is centred around established farm groupings. The proposed site is such a distance (some 300m) from the farm complex at Shieldrum that it will not be read within the context of the farm unit and will appear as sporadic development.

2 The site would use the existing tree belt as a backdrop.

3 The proposed site is not readily identifiable on all sides. The site is defined by the public road to the north and the farm access to the west. There is no definition of the remaining two sides. The trees could be felled to provide a site of any size and therefore the site is not currently identifiable. This interpretation is a stance that has been taken numerous times by this authority, which has been supported through both the appeal and review processes. There would be no manner to control the retention of the remaining trees as they are on land outwith the applicants' control and could therefore be removed at any time, leaving an undefined, exposed site.

4 I consider the development of a house on the site proposed would have a detrimental impact on the surrounding landscape which has an undeveloped character with very few houses not located in close proximity to farm groupings. There is a stronger characteristic of sporadic development alongside the A93 and

within the Glenshee Development Zone, where this type of development has been actively encouraged in the past.

I consider that the development of a house at the junction of an access track and the public road would set an inappropriate precedent which could result in similar, inappropriate, sporadic development in this rural area, to its significant detriment.

Whilst it is accepted that both applicants have employment based in the wider area, it is noted that they do not have one single place of employment and required to travel to many various locations across the wider area. There is nothing in either of the current jobs that requires a rural location over that of within a settlement in the general area. I think this is highlighted by the inclusion of seven preferred areas noted on the applicants' Housing Application. I consider it much more appropriate, in terms of the Council's development strategy to encourage sustainable development centred on existing settlements where services are already provided, that any additional dwellinghouse should be located within an identified settlement or existing building group.

The agent refers to a letter from the Chief Planner (dated 4 Nov 2011) which discourages the use of occupancy restrictions due to the knock-on effect of reduced ability to get mortgages. The letter states "In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing." The issues of location, siting and environmental impact have been considered above and none are considered to be justification for setting aside the development plan in this instance.

The agent refers to pre-application discussions with this department. In both instances concerns were raised by the respondent officers regarding the potential for the proposal to comply with policy, specifically in terms of being able to justify the need for the house at that particular location.

In terms of the changing Development Plan, the Strathmore and the Glens Area section of the Proposed LDP 2012 covers the application site. In line with the TAYplan, the majority of development is to be located within the major settlements where local services, etc are located. The remaining residential requirement is to be allocated to the larger villages in the rural area but outwith the Lunan Valley Loch Catchment Area. There is no allocation for housing sites outwith identified settlements. There is no Development Zone similar to that in the current Plan included.

It is noted that the applicants have been resident in the area for a number of years. Whilst it is accepted that the intention may well be to provide a 'whole-life' house for the family to reside in perpetuity, this is not something which could reasonably be controlled by the planning authority and therefore, whilst compelling, cannot be taken into consideration in the evaluation of the planning application.

The applicants may wish to consider an alternative site which would comply with parts 1, 2 or 5 of the HitC Policy 2009. This may allow the development of a house to be more readily supported.

## **DEVELOPMENT PLAN**

E\_002 Eastern General Development Policy

All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against the following criteria:-

- (a) Rural sites should have a landscape framework capable of absorbing or, if necessary, screening the development; where required, opportunities for landscape enhancement will be sought.
- (b) In the case of built development, regard should be had to the scale, form, colour and density, of existing developments within the locality.
- (c) The development should be compatible with its surroundings in land use terms and they should not result in significant environmental damage or loss to the amenity or character of the area.
- (d) The road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided.
- e) Where applicable there should be sufficient spare capacity in drainage, water and education services to cater for new development.
- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms.
- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible, be built in those settlements which are the subject of inset maps.

#### E\_038 EasternLandward general policies

Developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against the following criteria:-

- a. The site should have a good landscape framework capable of absorbing, and if necessary, screening the development.
- b. In the case of built development the scale, form, colour, density and design of development should accord with the existing pattern of building.
- c. The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.
- d. The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.
- e. Where applicable there should be sufficient spare capacity in local services to cater for the new development.
- f. The site should be large enough to accommodate the development satisfactorily in site planning terms.

g. Built development should not be located adjoining and outwith those settlements which are the subject of Inset maps.

#### E\_049 Eastern Houses in the Countryside

The Council's area wide policy on housing in the countryside will apply within most of the Landward area. Within the Lunan Valley Catchment Area and the Historic Gardens and Designed Landscapes there will be a strong presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

Note:- Details of the Housing in the Countryside Policy are contained in Annex 1 of the Plan.

### **OTHER POLICIES**

Housing in the Countryside Policy 2009: This policy updates the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas (including the open countryside).

The policy aims to:

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

It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. A series of criteria is also applicable to all proposals.

#### Primary Education and New Housing Development Policy (May 2009)

The Developer Contributions Policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. As this application is only in principle it is not possible to provide a definitive answer at this stage however it should be noted that the policy would apply to all new residential units with the exception of those outlined in the Policy.

### **SITE HISTORY**

01/00813/FUL Alterations and extension to existing farmhouse at 8 August 2001  
Application Permitted

03/00883/FUL Extension to existing farmhouse at 17 June 2003 Application  
Permitted

### **CONSULTATIONS/COMMENTS**

Environmental Health

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

application.

Transport Planning	No objection subject to conditions relating to access standard, gradient, visibility splays, turning facilities, car parking and bus 'pick up and drop off' areas.
Education And Children's Services	<p>This development falls within the Kirkmichael Primary School catchment area.</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p>
Scottish Water	<p>Scottish Water has no objection to this planning application.</p> <p>There are no public sewers in the vicinity of the proposed development.</p> <p>There are no public water mains in the vicinity proposed development site.</p>

**TARGET DATE:** 22 April 2012

**REPRESENTATIONS RECEIVED:**

Number Received: 0

**Summary of issues raised by objectors:**

Not applicable.

**Response to issues raised by objectors:**

Not applicable.

**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	Not required
Report on Impact or Potential Impact	Not required

**Legal Agreement Required:** no  
Summary of terms: N/A

**Direction by Scottish Ministers:** no

**Reasons:-**

- 1 The proposal is contrary to Eastern Area Local Plan 1998 Policy 2 and 38 which, amongst other criteria, require that rural sites should have a landscape framework capable of absorbing or screening the development, the development should be compatible with its surroundings in land use terms and should not result in loss to the amenity or character of the area or local community and built development should where possible be located in identified settlement. The development would result in a significant loss of visual amenity and character of the area by virtue of its isolated location; the site would not be readily absorbed into the landscape due to the requirement to fell established woodland and the character and visual amenity of the area would be detrimentally affected by the sporadic development of a dwellinghouse at the location proposed.
- 2 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site; it is not an infill site; it does not meet the requirements of new houses in the open countryside in that no reasonable justification for the need for a house at the location identified has been provided and that it has not been proven that the applicants are currently inadequately housed; it does not involve the renovation or replacement of houses; it does not involve the conversion or replacement of redundant non-domestic buildings; nor does the site constitute rural brownfield land.

**Justification**

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

# PERTH AND KINROSS COUNCIL

Miss Rachael And Craig Ferguson Thomson  
c/o Colliers International  
FAO Neil Gray  
39 George Street  
Edinburgh  
EH2 2HN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 23rd April 2012

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00284/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd February 2012 for permission for **Erection of a dwellinghouse Land 350 Metres North East Of Shieldrum Farm Bridge Of Cally** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Eastern Area Local Plan 1998 Policy 2 and 38 which, amongst other criteria, require that rural sites should have a landscape framework capable of absorbing or screening the development, the development should be compatible with its surroundings in land use terms and should not result in loss to the amenity or character of the area or local community and built development should where possible be located in identified settlement. The development would result in a significant loss of visual amenity and character of the area by virtue of its isolated location; the site would not be readily absorbed into the landscape due to the requirement to fell established woodland and the character and visual amenity of the area would be detrimentally affected by the sporadic development of a dwellinghouse at the location proposed.

2. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site; it is not an infill site; it does not meet the requirements of new houses in the open countryside in that no reasonable justification for the need for a house at the location identified has been provided and that it has not been proven that the applicants are currently inadequately housed; it does not involve the renovation or replacement of houses; it does not involve the conversion or replacement of redundant non-domestic buildings; nor does the site constitute rural brownfield land.

### **Justification**

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

### **Notes**

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

### **Plan Reference**

12/00284/1

12/00284/2

12/00284/3

12/00284/4

12/00284/5

12/00284/6

12/00284/7

12/00284/8

12/00284/9





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

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

Planning Department

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                      000034903-001

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)

Erection of a single dwellinghouse, creation of access from the C 446 road

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:	Colliers International
Ref. Number:	
First Name: *	Neil
Last Name: *	Gray
Telephone Number: *	0131 240 7503
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	neil.gray@colliers.com

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

Building Name:	
Building Number:	39
Address 1 (Street): *	George Street
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH2 2HN

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Miss
Other Title:	
First Name: *	Rachael and Craig
Last Name: *	Ferguson / Thomson
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	
Building Number:	39
Address 1 (Street): *	George Street
Address 2:	
Town/City: *	Edinburgh
Country: *	Scotland
Postcode: *	EH2 2HN

## Site Address Details

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

Address 1:

Shieldrum Farm

Address 5:

Address 2:

Bridge Of Cally

Town/City/Settlement:

Blairgowrie

Address 3:

Post Code:

PH10 7JX

Address 4:

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

Northing

755795

Easting

314824

## Pre-Application Discussion

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

☒

Yes

☐

No

## Pre-Application Discussion Details

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

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

Our letter of 25 May 2010 was responded by Mr Nick Brian of PKC on 14 June 2010. Advised to provide documentary justification for operational need for the new dwellinghouse. This was requested prior to making a planning application.

Title:	Mr	Other title:	
First Name:	Nick	Last Name:	Brian
Correspondence Reference Number:	NB/LE5	Date (dd/mm/yyyy):	14/06/10

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Email to John Culbert explained how the applicant considered a range of location options for the proposal. This stems from Housing in the Countryside Policy 2009 criteria - the officer had advised that Category 3 of the Policy may apply, providing demonstration of operational need, and evidence of the applicant having been resident in the area for 3+ years; the applicant seeking assistance for other accommodation. Also advised the Glenshee Development Area lends support in principle.

Title:	Mr	Other title:	
First Name:	John	Last Name:	Culbert
Correspondence Reference Number:	email of 9 June 2010	Date (dd/mm/yyyy):	09/06/10

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

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

Letter from Colliers to PKC (Callum Petrie) indicating wish to make a PPP application. No response received.

Title:	Mr	Other title:	
First Name:	Callum	Last Name:	Petrie
Correspondence Reference Number:		Date (dd/mm/yyyy):	08/02/12

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

## Site Area

Please state the site area:

0.19

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 land, wooded plantation

## 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.

## Water Supply and Drainage Arrangements

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



Yes



No

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



Yes – connecting to public drainage network



No – proposing to make private drainage arrangements



Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*



New/Altered septic tank.



Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).



Other private drainage arrangement (such as chemical toilets or composting toilets).

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



Discharge to land via soakaway.



Discharge to watercourse(s) (including partial soakaway).



Discharge to coastal waters.

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

There being no public connection, the proposal will be to install private septic tank system and form soakaway.

<p>Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Note: -</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h3>Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h3>Trees</h3> <p>Are there any trees on or adjacent to the application site? *</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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.</p>
<h3>All Types of Non Housing Development - Proposed New Floorspace</h3> <p>Does your proposal alter or create non-residential floorspace? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<h3>Schedule 3 Development</h3> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>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.</p>
<h3>Planning Service Employee/Elected Member Interest</h3> <p>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? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<h3>Certificates and Notices</h3> <p>Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008</p> <p>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.</p> <p>Are you/the applicant the sole owner of ALL the land ? *</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is any of the land part of an agricultural holding? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Neil Gray

On behalf of: Miss Rachael and Craig Ferguson / Thomson

Date: 20/02/2012

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

If Other, please specify: \* (Max 500 characters)

Options appraisal plans showing siting considerations

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Planning Statement with operational need justification

## 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: Neil Gray

Declaration Date: 20/02/2012



## Payment Details

Cheque: ,

Created: 20/02/2012 12:54



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## Miss Rachel Ferguson / Mr Craig Thomson

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS  
AMENDED BY PLANNING ETC (SCOTLAND) ACT 2006

**PLANNING PERMISSION IN PRINCIPLE (PPP) APPLICATION:  
ERECTION OF SINGLE DWELLING HOUSE (IN PRINCIPLE)  
AT**

***SHIELDRUM FARM, BRIDGE OF CALLY, GLENSHEE PH10 7JX***

**PLANNING STATEMENT**

20<sup>TH</sup> FEBRUARY 2012

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- Appendix 2 - Proof of local employment (Mr Thomson)**
- Appendix 3 - Letter from Chief Planner about housing in the countryside**
- Appendix 4 - Proof of local residence of applicants**
- Appendix 5 - Proof of farm owner confirming operational needs of applicants**
- Appendix 6 - Proof of tenancy of Blackhall Farm and notice to quit**
- Appendix 7 - Applicant correspondence with PKC and PHA**
- Appendix 8 - PKC Housing Needs assessment reply**
- Appendix 9 and 10 – applicant letters to Cllr Shiers and Cllr Grant June 2010**
- Appendix 11 – Cllr Shiers letter response to applicant August 2010**
- Appendix 12 - Letter of support from The Corb, neighbour**

# 1 PROPOSAL INFORMATION

## 1.1 PLANNING STATEMENT

This Planning Statement has been prepared by Colliers International, planning agent, on behalf of the applicants Miss Rachael Ferguson and Mr Craig Thomson. The applicants have submitted a Planning Permission in Principle (PPP) application to Perth and Kinross Council in respect of the proposed erection of a single dwelling-house on land at Shieldrum Farm, Bridge of Cally, Glenshee.

The purpose of the Planning Statement is to provide:

- A clear description of the proposals being submitted for the approval of Perth and Kinross Council,
- The case in support of the operational needs of Miss Ferguson and Mr Thomson for the erection of a dwelling-house at this location,
- A record of pre-application discussions with the Council's planning officers,
- An assessment of the options examined, and the applicant's preference for locating the proposals, in terms of patterns of development, land availability, environmental considerations and compliance with planning policy,
- An assessment of the relevant development plan policies that are considered pertinent to the determination of the planning application; and
- Any other material considerations relevant to the application.

The Planning Statement is submitted alongside further supporting information, appended to this Statement, comprising:

- Letters of evidence of the applicants' residence in the area since birth; their tenancy and latterly eviction of property at Blackhall Farm; confirmation of the applicant's agricultural employment status and letter of support from Shieldrum Farm owner, Mr Ferguson (father of the applicant Miss Ferguson).
- Letters of evidence of the applicants' seek of affordable or social housing in the area, including seeking support from local Council Members, and
- Letters of support from the applicants' employers who state the essential operational need of their living in the glens area.



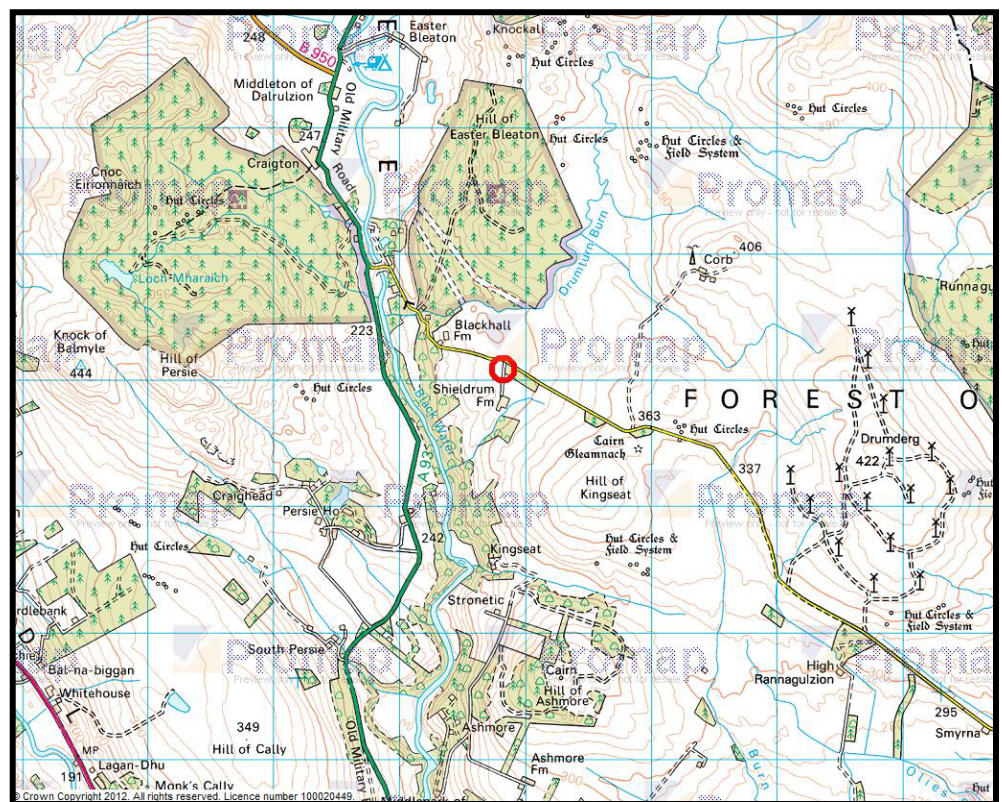
## 1.2 SITE LOCATION

The proposed development is located at land 300m north of Shieldrum Farm, Bridge of Cally, Glenshee, PH10 7JX. See Figure 1 below.

The site forms part of a small woodland plantation, which has been left to abandon. It occupies a corner position, with frontage to the C class road (C446) immediately north of the site, and the existing Shieldrum Farm track access immediately to the west. The site area measures 0.19 hectares (0.48 acres) and is no longer part of the agricultural holding known as Shieldrum Farm. The land was transferred jointly to Miss Ferguson, the daughter of landowner of Shieldrum Farm, and Mr Thomson.

The site is flat and enclosed by post and wire fence boundaries on all sides.

**Figure 1 – Site Location**



## 1.3 PROPOSAL

The proposal is to seek planning permission in principle for the erection of a single dwelling-house and formation of an access to the site for the applicant's family, which will be demonstrated, is necessary to meet and fulfil the operational needs of

the farm and both of the applicants' employer requirements which requires they stay the glens.

As a PPP application, no details of the structure or design of the new dwelling or formation of access have been submitted, however the aspiration of the applicant is for a modest family home (3 bedrooms) to accommodate the applicants and their two children. The design proposal would be to create a home in keeping with the surrounding vernacular – cottage-style, single storey and colour finishes in keeping with the surrounds.

The proposed dwelling would be accessed by forming a new access from the C-class road (C446). Outline details of this arrangement are shown in Drawing 231-D-SP02 accompanying the application.

Further details about the proposals, specifically the applicants' case supporting the operational need for the dwelling-house at this location follow in this statement. There is a requirement for Miss Ferguson and Mr Thomson to be on site at Shieldrum for different but linked reasons, both relating to agriculture and both resulting from the consequence of being evicted from their previous long-term residence at nearby Blackhall Farm. They have a long term aspiration to remain in 'the Glens' area, as this is also a requirement of their employers.

## 1.4 PLANNING HISTORY

There is no planning history associated with this site specifically. However, there have been a number of planning applications relating to Shieldrum Farm itself:

01/00813/FUL - Alterations and extension to existing farmhouse at Shieldrum Farm - Application Approved

03/00883/FUL - Extension to existing farmhouse at Shieldrum Farm - Application Approved

## 1.5 PRE-APPLICATION DISCUSSION

Initial discussions commenced in May 2010. The applicants sought the Council's informal views about a proposed single dwelling located near to Shieldrum Farm.

The applicants were advised to examine the Council's Housing in the Countryside Policy (2009) in relation to the criteria that would be assessed for determining the acceptability of the proposal.

The applicants were also advised, by letter from Nick Brian (dated 14<sup>th</sup> June 2010) to produce documentary evidence of operational need for the dwelling to be located at the farm, for a specific business.

## 2 PROPOSAL DETAILS

### 2.1 LOCATION

The proposal is for a single dwelling house to be located on land owned by the applicants, lying 300m from Shieldrum Farm house.

The site is accessible to the c-class road (C446) which connects to the A93 Glenshee – Blairgowrie Road. The site is currently a small woodland plantation, and it is proposed to remove some of the woodland and shape the remaining stand to create the plot required and the appropriate layout design.

The site is close to Shieldrum Farm house (300m), where the applicant Miss Ferguson is employed, in kind, by her parents. Three generations of the Ferguson family has been at Shieldrum for 32 years (grandparents, parents and now Miss Ferguson), before Miss Ferguson made partnership with Mr Thomson and have a family together, where they lived until 2010 at nearby Blackhall Farm.

The site is close to Blackhall Farm (500m), where the applicants had rented accommodation for over 7 years, before a notice to quit tenancy was served in August 2010 by the land owner. From Blackhall Farm house, the applicants were able to lead a convenient living with Miss Ferguson sharing her working commitments at Shieldrum Farm and also performing her duty to Perth and Kinross Council as a social care officer throughout the glens and Highland Perthshire area. (See Appendix 1). Mr Thomson is working for a local agricultural machine and plant contractor which had placed a specific responsibility on Mr Thomson, by virtue of his place of residence, to conduct the firm's business in the immediate Glenshee area, rather than from elsewhere in Perthshire as this is where the customer base is located, including Shieldrum Farm (See Appendix 2).

The location of the proposal therefore serves an ongoing and future location need i.e. maintains the family presence as close to previous arrangements as possible without constraint on the operational needs of the applicants or their respective employers, or the community they serve.

Without presenting detailed plans for the PPP, it has nevertheless been established that the site location itself is in line with the established landscape mosaic of the surrounding area – being scattered small holdings, steadings and cottages within the immediate surrounds. This spatial relationship is further discussed in Section 4.2.

### 2.2 USE PURPOSE

The purpose of the dwelling-house is to provide a whole-life property to the applicants and their family, following a change in living circumstances out with their control. The new home would provide a permanent, settled and convenient location

from which to continue life as normal, since the upheaval of eviction from their previous home in 2010.

Miss Ferguson's family own and operate Shieldrum Farm, as they have done for a number of generations, and are well-known in the local community.

Miss Ferguson had grown up locally at Shieldrum before moving to nearby Blackhall Farm when the farmhouse became available for rent in 2003 – totalling 32 years of living locally. The applicant's two children have also lived here from birth, and now attend the local Kirkmichael Primary School.

The applicants had lived at Blackhall Farmhouse, for seven years until their tenancy was released in August 2010 when the property was sold by the owner.

The operational requirement in these circumstances is that Miss Ferguson is employed by Shieldrum Farm to care for livestock and assist with the farming operations of her father's farming business. She shares this time whilst also performing duties for Perth and Kinross Council as a care worker in the glens and Highland Perthshire area (See Appendix 1). Mr Thomson is an employee of JK Philips, agricultural machinery business, who had put him in responsibility of the business in the Glenshee area where they both live; rather than elsewhere in Perthshire. Mr Thomson's presence in the immediate area is thus seen as a key operational requirement of his employer as this is where the firm's customer base is located, including Shieldrum Farm (See Appendix 2).

For the applicant's children, the proposals would enable the family to remain settled in the area, where schooling is a key need and where the children are happy and familiar with their local Kirkmichael Primary School.

Further details and justification of these operational needs is discussed through this statement, accompanied by evidence found at Section 4.3-4.7 and at Appendices 1 through to 12.

## 2.3 OUTLINE PROPOSALS

The proposed dwelling would be located on the corner between the C-class road (C446) and the existing farm track access to Shieldrum Farm itself.

Some, not all, of the proposed site would require to be cleared of the abandoned woodland plantation (no more than 0.1Ha) to accommodate the dwelling. However the design would incorporate the existing trees to act as a screen and shelter belt. Indeed, opening of the woodland belt would facilitate in making the proposed dwelling site benefit from solar gain and wind shelter.

Initial designs and sketches have been drawn up, although not submitted with this application but can be furnished to the Council for informal discussion if appropriate. The proposal is for a 3-bedroom dwelling, which is single storey, but

adaptable to meet the family's changing needs. It would be low energy and sustainable as it is important to the applicant to minimise fuel bills.

### ACCESS

The proposed access to the property would be taken from the c-class road (C446) fronting the proposed development. A new opening would need to be formed to access the site. This arrangement has been agreed with the owner of Shieldrum farm.

Drawing 231-D-SP02 shows the general location and arrangement.

### TREES

The site is currently planted with coniferous woodland, of low quality and capable of being thinned.

It is proposed to thin the plantation and retain a narrow belt of woodland to provide a shelter and backdrop to the development, thereby enhancing the local environmental performance of the property and managing the woodland, since it has been abandoned.

### DRAINAGE

It is proposed the dwelling will have its own private drainage arrangements. At this stage, a septic tank and soak away arrangement is planned, subject to detailed design.

### WATER SUPPLY

It is proposed the dwelling will have its own private water supply, from a natural spring currently used by Shieldrum Farm. Supply can be piped to the new property in a shared system, agreed with the farm owner.

### ENVIRONMENTAL / SUSTAINABLE CONSIDERATIONS

The micro-siting of the property would be subject to detailed design. However, at this stage the identification of the location for the new house reflects consideration of the following environmental and sustainable issues:

- Accessibility to main road network – the site is close to the A93 and connects directly to the c-class road
- The woodland belt offers wind and frost shelter thereby helping to naturally control local climatic effects. However the proposed thinning to accommodate the dwelling would enable improved solar gain and shelter for the property.
- The site does not flood, nor is it of any notable agricultural land classification

- The proximity of the site to Shieldrum (300m) and to Blackhall (500m) and to local neighbours of long acquaint, offers the ability for previous operations to be maintained without the need to switch travel modes or patterns. In most cases the operations would be carried out on foot or cycle in the locality. In the case of a need to travel out with the area, car journeys are not altered significantly.
- Section 4.2 discusses a short site options appraisal conducted on potential locations, which re-affirms why this proposed site is preferred on environmental and sustainable grounds.



## 3 THE DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997, states the determination of the application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The current Development Plan consists of the Approved Perth and Kinross Structure Plan (2003) and the Adopted Eastern Area Local Plan (1998).

The following is also material to the assessment of the application: the Draft Highland Area Local Plan (2005) and the emerging Perth and Kinross Local Development Plan (Proposed Plan January 2012) which is anticipated to replace the local plans in 2014. The Council's approved Housing in the Countryside Policy (2009) is also material and offers the most up to date detailed policy guidance.

The issues to be assessed against the Development Plan for this planning application are as follows:

- a) Principle of Development
- b) Housing in the Countryside

### 3.1 PRINCIPLE OF DEVELOPMENT

The principle of development relates to whether it is acceptable to erect a single dwelling-house in the countryside at this location.

The Perth and Kinross Structure Plan 2003 identifies a need to maintain communities in the upland areas that are vulnerable. It also recognises the widespread issue with the lacking provision of affordable housing. It also notes a balance needs to be struck between meeting the needs of vulnerable communities and environmental protection.

Sustainable Communities Policy 6 specifically seeks to support rural economies whilst preventing commuting. There is a real risk that the local economy would be impacted were these proposals not supported. The applicants would be forced to find accommodation outside the immediate area, within a wider catchment; and thus near-certainty that commuting would increase, as the applicants would be required to move from a wider catchment to the farms, and places they service were the proposals not to be supported in principle.

With respect to the adopted Eastern Area Local Plan (1998), the application lies within the landward area where Policy 49 relating to Housing in the Countryside applies. Policy 49 applies various criteria relating to development zones, building groups, replacement houses, conversion of non-domestic buildings and operational need. Operational need would be applicable in this case. The Council's more recent 2009 Housing in the Countryside Policy applies similar criteria – these are discussed in Section 3.2 below.

Local Plan Policy 50: Glenshee Development Area. Section 4.2 of this statement outlines how the applicant has taken on the recommendation of the planning officer Mr Culbert in pre-application discussions, in relation to the site being just outside *“an arbitrary development zoning”* (sic). The purpose of the spatial assessment presented in Section 4.2 is to demonstrate that the general direction and location of development pattern is repeated and fits in the context of the Glenshee Development Area.

As such, it is argued in Section 4.2 that Policy 50 lends support, in broad terms, because policy provides that within this zone the erection of a maximum of 15 houses singly or in small groups of houses will be permitted where the following criteria are all met:-

- a Houses should be located to accord with the existing pattern of development. Section 4.2 shows how the proposal fits with the existing pattern of development and that in spatial terms, there is a ‘gap’ within the broad location of the proposed house that fits the pattern.
- b New houses should have a safe access to the public road network. The proposals show the new house would be safely accessed to the public road network onto the c-class road.
- c Houses should be located within the existing landscape framework and take advantage of the screening offered by the topography and tree cover. The principle location has been demonstrated to fit within the existing landscape framework as it sits lower down than Shieldrum, is sheltered by woodland plantation and also takes advantage of the topography.
- d The design of houses should reflect the vernacular architecture of the area. This is not a requirement for the PPP application, however this is a design matter the applicant would agree to.
- e Houses must not affect the setting of Listed Buildings or Scheduled Ancient Monument. There are no listed buildings or SAMs in the immediate vicinity.

With respect to the development plan, it is therefore considered the principle of erecting a single house in the countryside is acceptable, subject to detailed examination of the Council’s Housing in the Countryside Policy, (see Section 3.2 below). It is also considered reasonable to apply the general emphasis of Policy 50 Glenshee Development Area, because its pattern of development repeats accurately; extending into the development area, and thus, despite a defined line on the plan itself, the principles do match. This is also material to the discussion, that the said Glenshee Development Area policy does not appear to be continued in the emerging new policies of the Local Development Plan. Therefore one could question the effectiveness of the policy to perform its function in 2012, based on this observation.



## 3.2 HOUSING IN THE COUNTRYSIDE POLICY

The Housing in the Countryside Policy (2009) (HIC) is the most up to date and relevant policy document relating to the proposals. It is noted that the HIC policy will eventually be updated when it assumes part of the Perth and Kinross Local Development Plan, when adopted in 2014. It is presently being reviewed in the shape of the Housing in the Countryside Guide (December 2011). For the purpose of this application, HIC is the relevant document.

### Glenshee an exception – scattered settlements and depopulation

The introduction section to HIC explains how the policy applies across Perth and Kinross, but subject to specific circumstances. In this case, and in relation to Glenshee, HIC states that within the Eastern Area Local Plan, *“there is already a more relaxed policy to address the issues in relation to rural development and depopulation and the scattered nature of the settlement pattern”* – i.e. we consider the HIC policy has validity in terms of guiding the criteria to be applied when assessing proposals, however it is also considered important to the emphasis that Glenshee appears to be an exceptional circumstance, where depopulation and the scattered nature of the settlement plays a significant role in justifying the arguments supporting this planning application.

### General criteria of HIC

The HIC applies thirteen generally applied criteria for all proposals subject to the policy. At this PPP stage, it is considered only criteria h), and m) are applicable because all other criteria relate to design or detailed site matters which are reserved at this stage.

With regard to criteria h) – this is an application for a dwelling located immediately adjacent to a working farm and within 300m of the working farmhouse. Section 4.2 discusses the detailed site option appraisal that has been carried out by the applicant which incorporates this requirement, that a satisfactory residential environment can be created next to a working farm (e.g. noise, smells). It is also considered the proposal will not compromise the legitimate continued operation of the working farm or the residents, because the proposal site has been selected because it was a redundant and underused part of the farm, it was distant enough from the existing farmhouse, but close enough to the farm itself to offer privacy, and a suitable residential environment and would not compromise the safe and efficient working of the farm.

With regard to criteria m) the proposal has a good fit with the local landscape and wider setting. The site sits lower than other scattered properties which may be visible from Glenshee and A93, therefore it is well-screened. It is also traditional for properties to be located at farm entrances acting for security as ‘lodge house’. The site sits within the backdrop of a woodland plantation which offers shelter and screening from the roadside and also from the climate itself. In terms of the spatial

pattern of settlement and individual properties, Section 4.2 and plan 231-D-SA08 shows how the pattern of scattering is repeated within and beyond the Glenshee Development Area – and as such, the proposal site fits that pattern neatly without compromise.

### Categories of HIC

Section 4.2 of this statement discusses the applicant's approach to the location of the site, within the context of a spatial strategy. In doing so, the approach was guided by the HIC Categories of development; e.g Category 1 discusses Building Groups. The process explained later in Section 4.2, examined how a new dwelling could fit a Building Group arrangement.

However, the proposals are considered to be relevant to Category 3 in HIC, being New Houses in the Open Countryside.

It is considered the new house falls into the Category 3.3 (Economic Activity) and Category 3.4 (Houses for Local People). The following paragraphs examine Categories 3.3 and 3.4 against the proposal and also the siting criteria that apply to Category 3 proposals.

### New House in the Open Countryside Category 3.3 – Economic Activity

Part 3a of the Category 3.3 of the HIC Policy is applicable in this case. The proposal is for a house required on site and locally for two local key workers associated with consented businesses – i.e. the farm business itself, plus Perth and Kinross Council employed day-care work and employment to a private agricultural machinery and plant business; the farm operation need and the applicant's employers require the applicants to be on site and in the immediate 'glens' area.

In the case of the applicants, Miss Ferguson is required to be on site as close to Shieldrum Farm, to assist the said farm's business and also provide day care support to rural residents in the glens area stretching from Coupar Angus, Alyth, Meigle, Meikleour, Kinrossie, Woodside. However Miss Ferguson is noted each winter with her employee, Perth & Kinross Council, that if the day-care service is unable to run, she has always been available to provide emergency support to those in the glen area, as she lives there. This is a key operational need confirmed in the Appendix 1, letter confirming this need.

Mr Thomson is also required to be on site locally (not full time on the farm but within the Glenshee catchment) in order that his employer JK Phillips (agricultural machinery contractor, service and repair) can service its network of farm customers, where Mr Thomson has the firm's responsibility for that particular area as a result of his residence in the area. His employer has specifically highlighted this aspect of his role as essential, see Appendix 2 letter confirming this need.

With regard to any permission being granted, the applicants understand the Council may wish to protect and manage the future use of the dwelling with an appropriate occupancy condition for the property to remain as essential worker housing, or convert to an agreed tenure of affordable housing when the employment ceases to be required. However, this statement refers to Appendix 3 and Section 4.8 which confirms a strong policy change of emphasis from the Scottish Government in favour of offering more flexibility to applicants for houses in the countryside.

### **New House in the Open Countryside Category 3.4 – Houses for Local People**

As has been introduced already, the applicant's living circumstances are such that Miss Ferguson has lived at Shieldrum and Blackhall for 32 years. She moved 500m to Blackhall Farm when a vacant lease arose in 2003. She had been tenant, along with Mr Thomson, for seven years, until the lease was cancelled in 2010. The couple's children have lived at Blackhall since birth and attend Kirkmichael Primary School. The applicants have worked in the area all this time, as indicated earlier.

Effectively, Miss Ferguson and Mr Thomson have been local people, living and working in the area, in terms of the HIC Policy definition, for much more than the required 3 –year to qualify for this Category. Proof of residency and work status is attached at Appendix 4.

The proof also shows correspondence from:

Appendix 5 – Mssrs Ferguson, farm owner of Shieldrum Farm who support the applicants proposal to erect a dwelling at the farm and who confirm Miss Ferguson and Mr Thomson's living and working status.

Appendix 6 – Tenancy Agreement / termination of Blackhall Farmhouse – demonstrating the previous address of the applicants and the fact they have been resident there for 7 years before eviction.

Appendix 7 – Correspondence from Perthshire Housing Association, showing the postal address and also contains evidence of the applicant's search for suitable affordable accommodation in the area, without success.

Appendix 8 – Showing the applicants' application for a Rural Home Ownership Grant. The process was carefully investigated, but economic viability on the applicant's part, prohibited the application proceeding beyond the tentative stages. There is written evidence today that in general the RHO Grant scheme has not been effective as was initially intended because the wealth and income gap of the people in the rural economic sector has simply not kept pace during the shrinking economy. It has now been confirmed that due to Government fiscal cuts, the RHO Scheme Grant has been removed.

### Category 3 siting criteria

A proposal for a new house within the Category 3 of HIC Policy, must satisfy all criteria a) to d) as follows:

- a Blends sympathetically with landform – the new dwelling would sit on a flat site, below the view of Shieldrum and out with the view of passers-by on the c-class road. As it sits below the ridge east of Glenshee and the A93, the site will also be hidden from longer distance views. The existing and retained woodland will allow the site to blend into the back drop.
- b It uses existing trees, buildings, landforms to provide a backdrop – as explained above; this is true of the proposals. The site is effectively screened on all sides by combination of trees, landform and positioning of other views relative to the site.
- c It uses an identifiable site boundary – the site is delineated by the abandoned woodland plantation, and bounded by permanent edges such as the c-class road and farm track. The land is demarked by post and wire fence creating a discrete area of land suitable for the development.
- d It does not have a detrimental impact on the surrounding landscape – this is already considered above to be true as the site is a good fit in the landscape.

## 4 OTHER MATERIAL CONSIDERATIONS

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that a Planning Authority's decision on a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Two main tests are used when deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
- It should fairly and reasonably relate to the particular application.

The following are considered to be material to the assessment of the planning application.

### 4.2 SPATIAL PATTERN OF DEVELOPMENTS

The introductory text of the HIC Policy emphasises how the policy applies across the Perth and Kinross Area, however it also advises special circumstances are also to be considered. It names Glenshee as a case in point. The HIC policy refers to how the policy application is more flexible and relaxed in the Glenshee Development Area, to help stave population decline and reflect the scattered pattern of settlements in this area, compared with the rest of Perth and Kinross.

During pre-application discussions, it was also pointed out to the applicant that it would help this case, if he were to demonstrate the spatial pattern of houses in the countryside in the Glenshee area. This is because the proposal site lies a short distance outside the Glenshee Development Area, as defined by Policy 50 in the Eastern Area Local Plan (1998).

The applicant has prepared a plan, Plan 231 D SA08, showing the general arrangement of buildings, cottages and farm houses and their position relative to the defined Glenshee Development Area (GDA). The use of historical mapping has assisted in illustrating the historical pattern of small scattered dwellings, since abandoned. This shows a spine of previous and existing developments continuing from the GDA boundary through the area and including property around Shieldrum itself.

We consider this pattern adequately demonstrates the historical and continued spatial pattern of scattered built development. It demonstrates a close fit with the proposed location of the dwelling house in this context.

### 4.3 OPERATIONAL NEED

The location justification for the proposed development is also a material consideration. This has been illustrated in the enclosed plan 231 D SA07. This was another exercise undertaken by the applicant, following pre-application discussions with the planning officer. This was advanced on the basis that the broad location of Shieldrum Farm would fit with the HIC Policy, however proposals needed to demonstrate compliance with the Category of development types.

The drawing 231 D SA07 shows six possible locations for the proposal, based on land availability and which would not be a constraint on the proper and effective operation of the farm, nor have a detrimental impact on residential amenity.

The site assessment criteria were arranged according to land use planning principles and scored on a 'traffic light' colour system to indicate what options demonstrated compliance.

This exercise shows that Options 3,4,5 and 6 had considerably better advantages for location of the proposals based on the factors. However the availability of land offered by the farm owner reduced the Options to Option 4 or 5.

Based on the ability to agree an access arrangement with the farm owner, Option 4 was adjudged to offer the best overall suitability for site selection.

This underlines the operational need which has already been examined:

- The site is close to the farm thus maintains the applicants' proximity to the farm for key needs
- The site is not constrained by accessibility, as it sits next to the track and a new road access from the c-class road can be formed
- The site is not on the higher ridge lines of the farm, for which Options 1, 2 and 6 would be constrained
- The site can be connected suitably to the farms water supply without constraint
- The site can be readily screened and the woodland setting would improve sustainability and climate issues
- The site offers the best balance when considered against the siting criteria of HIC.

### 4.4 EVIDENCE OF SEEKING ALTERNATIVE AFFORDABLE ACCOMMODATION

Further evidence is included in this statement to demonstrate how the applicants took steps to seek alternative accommodation, once served notice of their eviction from Blackhall in 2010; that was:

- affordable,
- within the immediate area,
- enabled their operational needs to be retained and service levels maintained,
- kept their children in settled education at Kirkmichael Primary School,
- kept them within convenient reach of Shieldrum Farm and
- accessible for Miss Ferguson and Mr Thomson's role fulfilment for their employers who express operational need (see Appendix 1 and 2).

The applicants searched for affordable housing via Perthshire Housing Association (PHA). A copy of correspondence between the two parties is found at Appendix 7 and 8. It should be noted that PHA confirmed that there was no property available within the immediate area, and that the availability was in larger urban area of Perth, which is not suitable to the applicant's family and operational needs.

The applicants also contacted their local councillors, Cllr Grant and Cllr Shiers to see if they would offer support to find suitable accommodation. This search continues. See Appendices 9, 10 and 11.

#### 4.5 SUPPORT FROM SHIELDNUM FARM

With respect to finding a suitable location to erect a dwelling that is affordable for the applicants, the owner of Shieldrum Farm had indicated a willingness to assist. Appendix 12 illustrates how the owner has stated a strong case supporting the matters raised in this statement, and provides confirmation of the operational needs of the applicant and family.

#### 4.6 SUPPORT FROM APPLICANT'S EMPLOYERS

With respect to providing evidence of Miss Ferguson's operational needs, Perth and Kinross Council has provided a letter confirming her employment status and emphasise the need for her to be available in the glens area, particularly for the care of vulnerable elderly residents. See Appendix 1. With regard Mr Thomson's operational needs, his employer JK Phillips has provided written support for the applicant's search for new accommodation in the Glenshee area. This support also confirms the applicant's postal address, area of operation and how he plays an essential role in the company's local business which is agricultural and relies on customers such as Shieldrum and other farms in the surrounding locale. See Appendix 2.

## 4.7 SUPPORT FROM LOCAL COUNCILLORS

As outlined in Section 4.4, the applicants have sought the support from local PKC Councillors, Cllr Grant and Cllr Shiers. Cllr Shiers has taken a continued interest in the applicant's efforts and has indicated a willingness to support their case when the planning application is being determined by the Authority. Appendix 9, 10 and 11 refers.

## 4.8 CHIEF PLANNER'S LETTER TO LOCAL AUTHORITIES

By letter of 4<sup>th</sup> November 2011 to all heads of planning of Local Authorities, the Scottish Government's Chief Planner encourages more flexibility to be applied to planning proposals that seek permission for housing in the countryside for operational needs. See Appendix 3.

The Chief Planner echoes the problems faced by the applicants, in stating: *"A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move."*

The Chief Planner also echoes the emphasis of this planning statement, directing authorities to recognise that *"The Scottish Government believes that a vibrant populated countryside is a desirable objective and that new housing to realise this aim should be well sited and designed, and should not have adverse environmental effects that cannot be readily mitigated."*

In his letter the Chief Planner encourages decision makers to be flexible in assessing applications such as this case, stating:

*"In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing."*

It is the applicants' view that new housing such as the single dwelling proposed, can help support and sustain a fragile rural area and that PKC should support the investment in additional provision – focussing on matters of land use, rather than who is to occupy the housing. It is considered this is a very positive policy direction issued by the Government and one that ought to be embraced by PKC in assessing the planning application in this case.



## 5 PLANNING ASSESSMENT

### 5.1 ASSESSMENT

The key determining issues introduced in Section 3 are assessed below, based on the provisions of development plan policy and other material considerations.

- a) Principle of Development
- b) Development in the Countryside

### 5.2 PRINCIPLE OF DEVELOPMENT

It is considered the principle of development accords with the provisions of the development plan.

With respect to appropriate location, the proposals are located in Glenshee, an area of PKC that continues to witness population decline and its fragile economy relies on the agricultural and rural networks therein. The applicants have lived in the area and have no desire to remove from it, despite their current plight. This is because their functional and operational needs rely on their presence in the area and their family ties, including the next generation, are rooted in the area.

The location is appropriate because the Council emphasises its support to retain people living and working in the area – an arbitrary boundary marks the Glenshee Development Area, where Policy 50 of the Local Plan offers strong support. It has been demonstrated in this statement how the applicants have taken on a thorough and analytical approach to establishing historical patterns of settlement and scattering, to show the location of the new dwelling is broadly to be supported in a spatial sense.

The principle of retaining the applicants' presence in the area is supported by the Structure Plan and Local Plan. Furthermore, it has been demonstrated by key Government policy announcements, including the Chief Planner's letter to authorities, that it is important to sustain fragile rural economies than allow them to decline – that is a real threat in this case.

### 5.3 DEVELOPMENT IN THE COUNTRYSIDE

The Housing in the Countryside Policy (2009) offers support for proposals such as the applicant's providing matters of siting and design (which is a reserved matter) and justification of operational need is adequately demonstrated.

It is considered the proposals meet the requirements of Category 3, and specifically because of economic activity as demonstrated, and because of the

applicant's local residence as demonstrated, there should be no reason to overlook these requirements for a planning application in principle.

The siting criteria under Category 3 are also considered to be suitably met, or can be conditioned on the presentation of further details in any subsequent planning application.

## 5.4 EXCEPTIONS AND MATERIAL CONSIDERATIONS

Again, the letter to the Planning Authorities from the Chief Planner underlines the need for a pragmatic examination of the application on a case by case basis. There are a number of exceptional circumstances in this case which is considered, would have the support of Scottish Government:

- Glenshee is a fragile rural economy reliant on retaining a decreasing population – the applicants contribute significantly to addressing this problem through their employment activities;
- Services and social structures rely on a strong economy – this includes schools and essential services both of which the applicants provide and have potential to do so permanently in future;
- According to the Chief Planner, the emphasis of assessing the application ought not to be on the applicant's ability to provide evidence of need, but more on the application's land use merits in terms of location, setting and amenity. There are no reasonable constraints on these matters.
- The applicants have demonstrated a continued effort to find suitable accommodation which is available, affordable, and suitable for their needs now and for the future and that allows ongoing operations to be maintained. However this has failed to materialise after 2 years of effort.

## 5.5 SUPPORT FOR THE PROPOSALS

It has been demonstrated in the material considerations and the attached appendices how the application has not only considered compliance with the development plan policies and HIC policy but also demonstrated operational need and endorsements of this priority from employers and Council member. The applicants have worked hard to engage with local organisations that are available to assist; and with Councillors who are continuing to work with them to find a suitable solution. This has now resulted in the applicants being in a position to seek permission for a modest single dwelling, on land close to Shieldrum Farm.

## 5.6 CONCLUSION

It is therefore respectfully requested that the application for planning permission be approved.

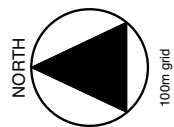
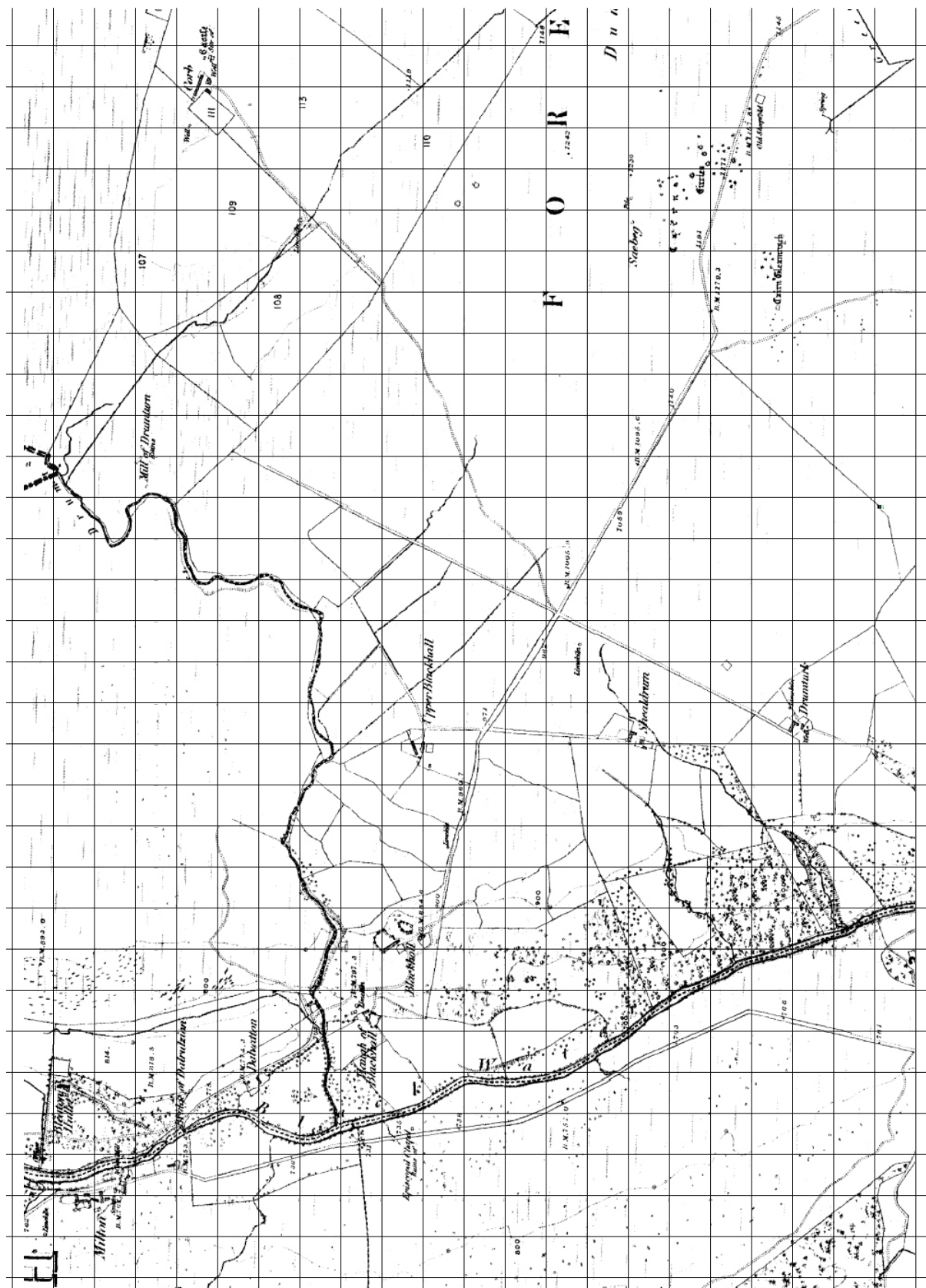
#### CONTACT DETAILS

Tel: 0131 240 7500  
Dir: 0131 240 7503  
Fax: 0131 240 7599  
[neil.gray@colliers.com](mailto:neil.gray@colliers.com)

Colliers International  
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39 George Street  
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EH2 2HN

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## PLANNING

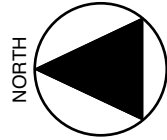
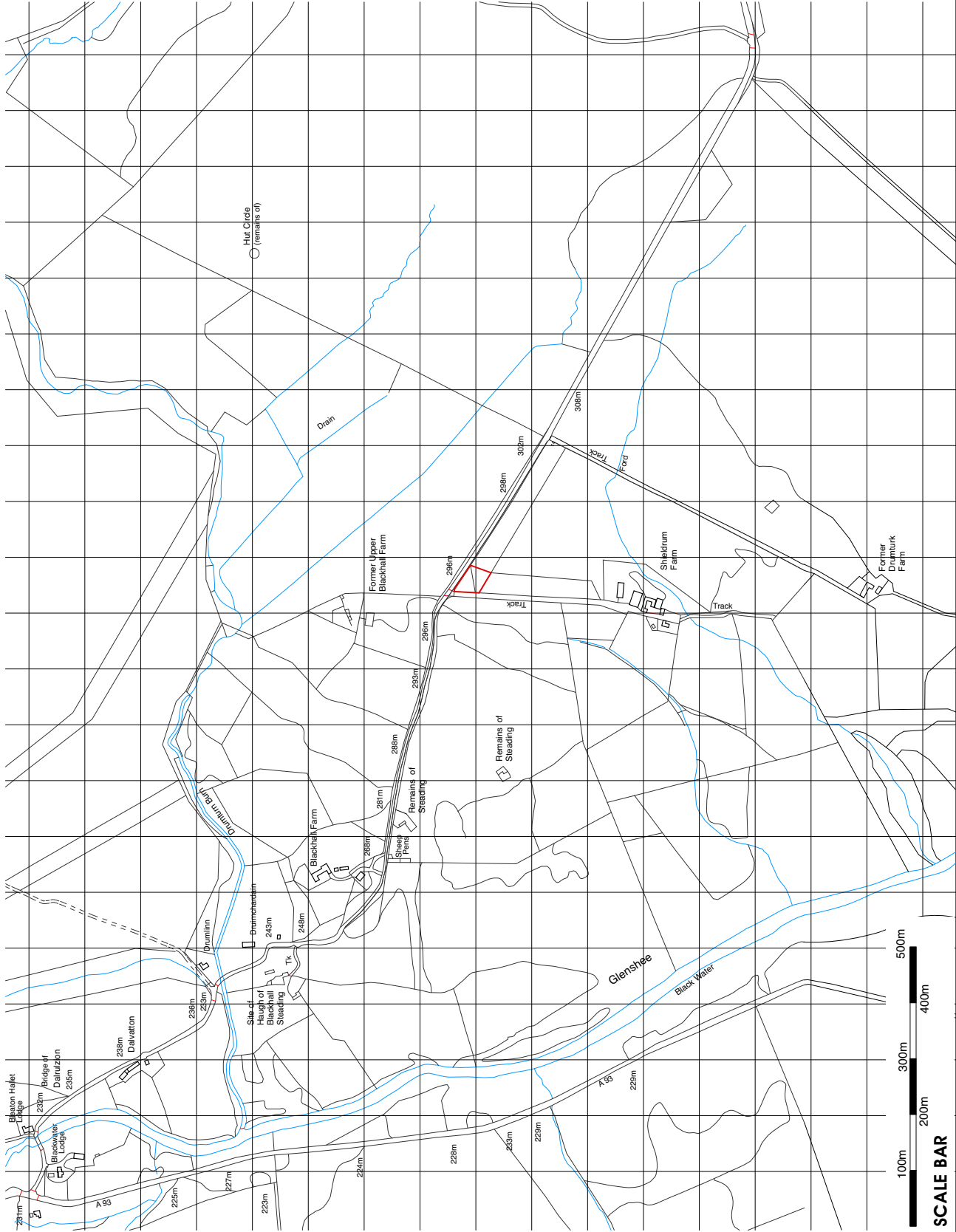
**G1 Architects**  
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 211 Dumbarton Road  
 Glasgow G1 6AA  
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 e info@g1architects.com  
 w www.g1architects.com

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**PROJECT**  
 PROPOSED DWELLING  
 NR SHIELDNUM FARM  
 GLENSHIE





## PLANNING

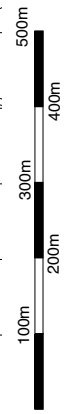
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**PROJECT**  
PROPOSED NEW DWELLING  
NR SHIELDNUM FARM  
GLENESHEE

**DRAWING**  
LOCATION PLAN 1

## SCALE BAR












565



# PLANNING

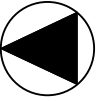


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211 Dumbarton Road  
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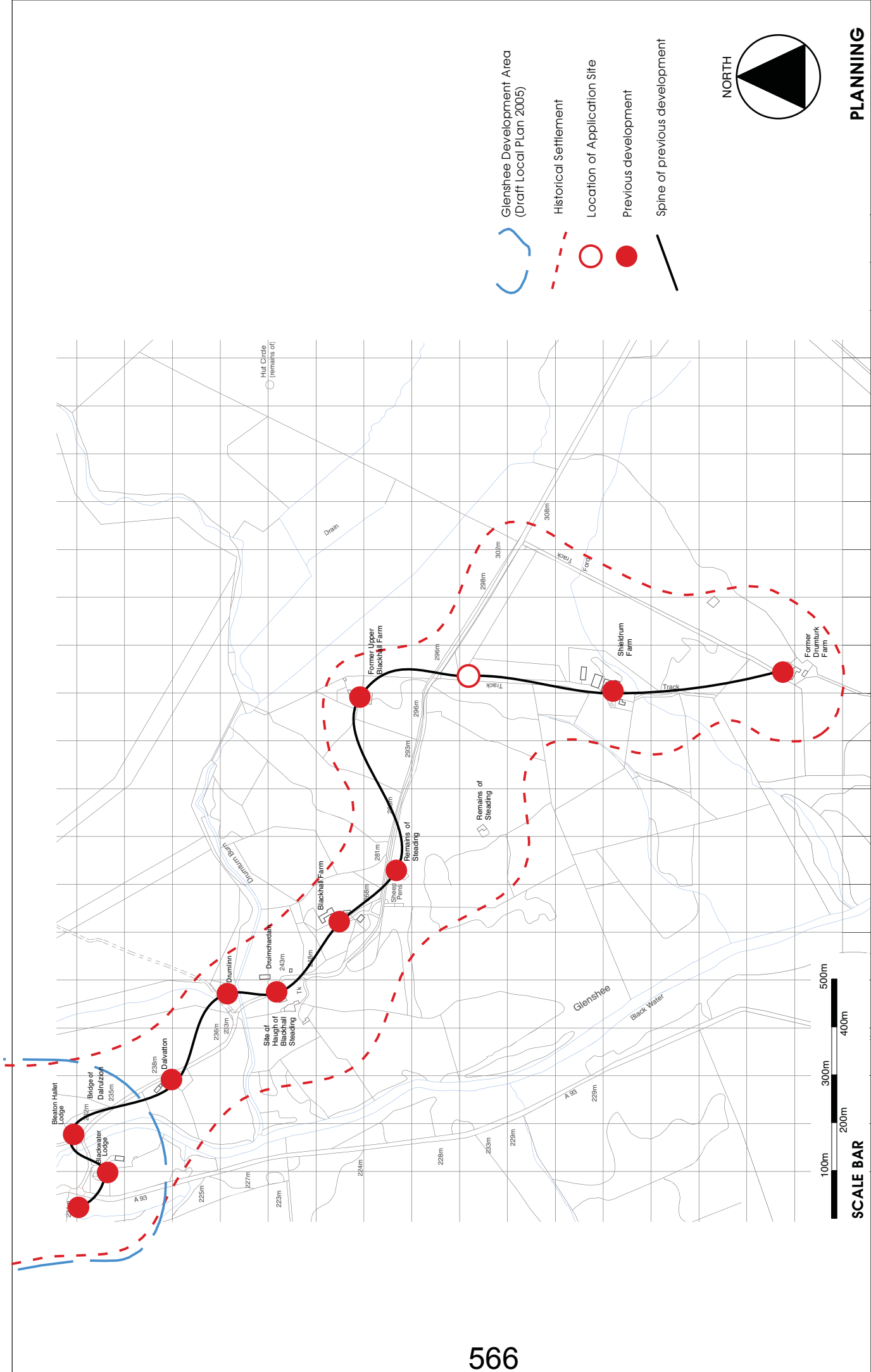
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DRAWING  
LOCATION PLAN 2

PROJECT  
PROPOSED DWELLING  
NR SHIELDRUM FARM  
GLENSHEE



NORTH



DRAWING

SITE 4 APPRAISAL AGAINST STRING PATTERN OF DEVELOPMENT

PROJECT

PROPOSED NEW DWELLING NR SHIELDRUM FARM GLENSHEE

DATE

24/01/12

DRAWN

SJT

SCALE

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REVISION

GL Architects

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Glasgow G11 4AA

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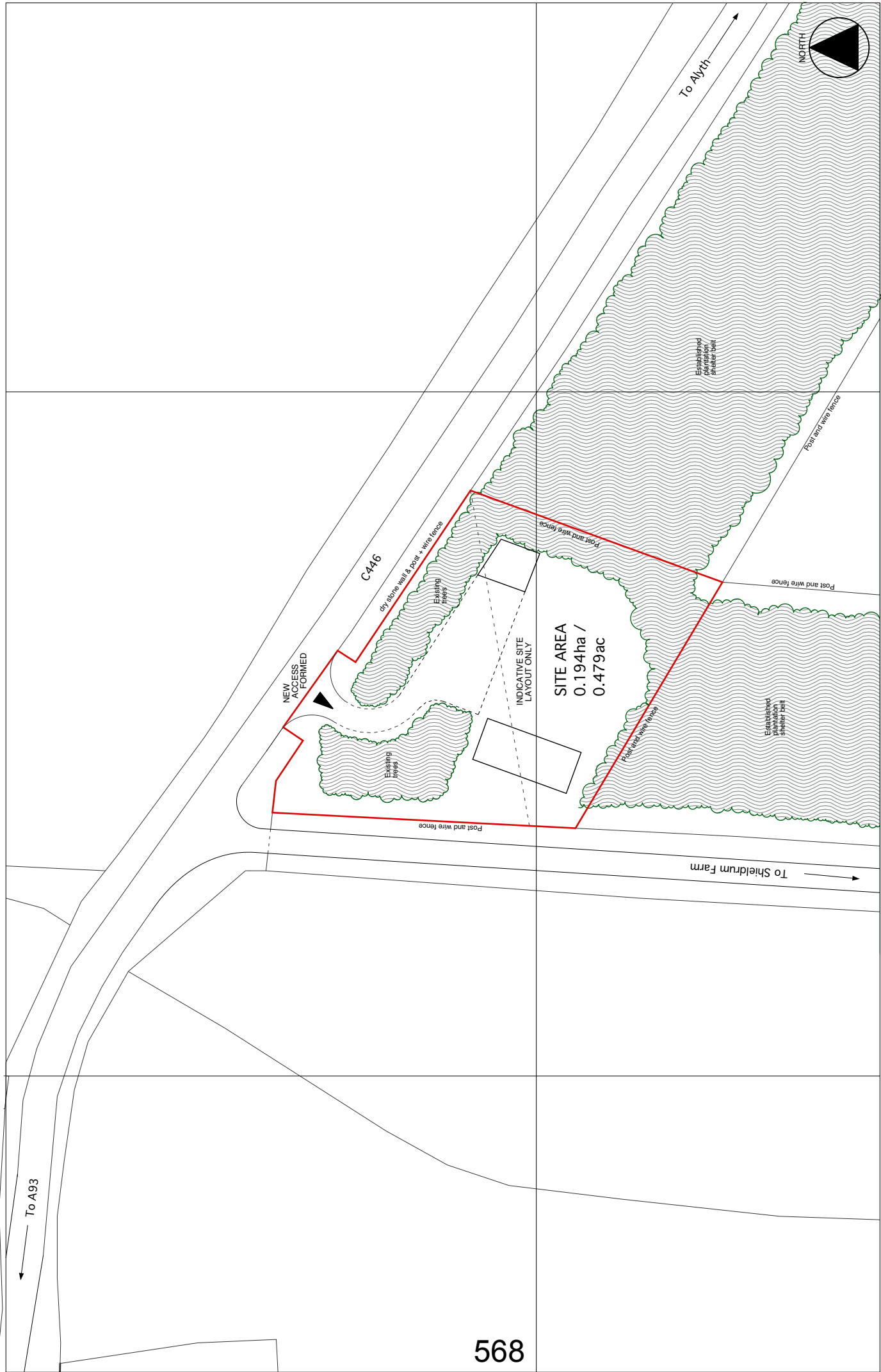
PLANNING

NORTH

GL Architects



<b>PROJECT</b> PROPOSED DWELLING SHIELDNUM FARM GLENSHEE	<b>DRAWING</b> EXISTING SITE PLAN	<b>DATE</b> 24/01/12	<b>DRAWN</b> SJT	<b>SCALE</b> 1:500	 <b>G1 Architects</b> 3rd Floor West 211 Dumbarton Road Glasgow G11 6AA t 01438 44881 f 01438 45060 e info@g1architects.com w www.g1architects.com



<b>PROJECT</b> PROPOSED DWELLING SHIELDNUM FARM GLENSSHEE	<b>DRAWING</b> PROPOSED SITE PLAN	<b>DATE</b> 24/01/12	<b>DRAWN</b> SJT	<b>SCALE</b> 1:500
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<div><b>G1 Architects</b> G1 Architects 12 Kirkburn Road Strathclyde Glasgow G63 7ED t 01549 771 185 f 01549 771 185 e info@g1architects.com www.g1architects.com</div>				





Perth and Kinross Council  
Housing & Community Care  
Strathmore Day Opportunities  
Harriet Court  
Harriet Row  
Blairgowrie PH10 6BZ

Contact: Monika Mill  
Tel 01250 871938  
Email: MMill@pkc.gov.uk

14 February 2012

Dear Sir/Madam,

I am writing in support of my employee Rachael Ferguson and her application for planning permission to build a family home at Shieldrum, Bridge of Cally.

Rachael works as a Social Care Officer for Strathmore Day Opportunities based at Harriet Court, Blairgowrie. She is our lead worker for dementia. Our service provides vital social support to older people, including those with dementia in the Strathmore and the Glens, reducing the number of older people suffering from isolation and promoting choice. Much of Rachael's role requires her to be flexible in the approach of providing support. This role sees Rachael travelling around Blairgowrie and the Glens providing induction and assessments to new service users and ongoing outreach and carer support to these individuals, as well as supporting group excursions around the local area.

Some of our service users have at sometime in their life resided in the Glenshee/Kirkmichael area and enjoy reminiscence activities with Rachael as she has extensive past and current knowledge of the area passed on and continued from her family.

Perth and Kinross Council's has a statutory duty to provide support to individuals at home during inclement weather as outlined in our Housing and Community Care Contingency Plan. Rachael has got a vital role in this regard and is registered as providing such support in the Glenshee area due to her residence there.

In anticipation of your support and understanding in this matter.

Yours sincerely

Monika Mill  
Manager  
Strathmore Day Opportunities



*S. C. Ferguson*

*Shieldrum*

*Bridge of Cally*

*Blairgowrie*

*Perthshire*

*PH10 7JX*

**Date : 17 June 2010**

---

Director of Planning  
Perth & Kinross Council  
Pullar house  
35 Kinnoull Street  
Perth  
PH1 5DG

Dear Sir / Madam

**Please find the following statement from Simon C. Ferguson, Farmer at Shieldrum in support of the application by Rachael Ferguson & Craig Thomson to build a family home on land at Shieldrum, Bridge of Cally, PH10 7JX.**

My family has occupied and worked these farms for over 150 years. The Corb passed into the tenancy of Simon Frazer Ferguson and his brother William in 1861 as the nearest male descendents from their Mother's family, Martha Ferguson née Frazer. The Frazer family having occupied the Corb at least back into the 1700's.

There remain few families in the glen that can trace their local ancestry for so many generations.

The last 50 years has seen considerable change in the population of this locality. Young people have been forced to leave the area for work, more recently they have left for homes as more affluent people have bought, upgraded or built new homes here. Farm incomes are poor making it difficult to employ full time labour. Low and erratic profitability also means that committing a farm to a full time employee is mostly untenable, resulting in scarce rural employment opportunities.

It became clear in 2003 that my 91 year old mother needed our support and we decided that it was time to move from our home at Blackhall to be with her in the farmhouse at Shieldrum. By vacating the house at Blackhall an opportunity was made for Rachael, her partner Craig Thomson and their baby daughter Gabrielle to reside at Blackhall. Craig started to work for agricultural contractor J K Phillips Jnr and is a respected and reliable employee, working extensively across farms throughout the local area.

This is and has always been a family run farm. A hill farm is reliant on manpower, mechanisation helps, but it takes people and their knowledge to get the best from this challenging landscape. In recent years it had been very difficult to manage the farm alone, employing part time help only when it could be justified. Now my son works with me and we are making steady progress, improving the ground, the stock and the business overall.

Craig and Rachael offer us invaluable help in their spare time, it is of great reassurance for us to know that they are nearby, ready and willing to help out their family. I am now 62, and while I do not anticipate imminent retirement, I have to acknowledge that my physical health is not what it was, having my family close by is important to me.

In an age when families are so easily fragmented, my wife and I think it is wonderful that our children enjoy their lives here and wish to remain. A century ago between the Corb and the A93 lived in excess of 40 families. There are now 6, and three of those are related.

The decision of their landlords to require Rachael and Craig to vacate Blackhall is not ours to judge, we must each make choices to secure our own lives. For us that choice is to offer our daughter and family land on which they may be allowed to build a home that will in all probability be theirs for the rest of their lives.

Yours faithfully,

A large black rectangular box redacting the signature of Simon Ferguson.

Simon Ferguson



# J K PHILLIPS



## Agricultural Contractor

Balloch Mill, Alyth, PH11 8JN

Telephone 01828 632853 Mobile: 07889 641275

Planning Department  
Perth + Kinross Council  
Pullar house  
35 Kinnoull Street  
Perth  
PH1 5DG

I write in support of proposals to construct a new dwelling house adjacent to Shieldrum Farm, Glenshee for Mr Craig Thomson and Miss Rachael Ferguson.

I own and operate JK Phillips Agricultural Contractors from my base at Balloch Mill, Alyth, where we undertake contracts throughout Angus and North East Perthshire. Our contract work is varied and includes all aspects of working agricultural land where we address farmers' seasonal imbalances and deficiencies in labour and machinery.

The business has been grown organically by offering and delivering an efficient, responsive, and thoroughly professional service to Clients.

Accordingly, our geographical working territories have gradually extended.

Six years ago Craig Thomson accepted employment within my company. This appointment has proven to be extremely beneficial to the operation of the Company and Craig is now an essential asset. From his home base at Blackhall Farmhouse Craig is able to respond immediately to our Clients in Glenshee and the surrounding areas in a fashion that would simply not be possible from Balloch Mill. Regular appointments can be carried out efficiently, urgencies can be attended quickly, out-of-hours working is significantly more feasible and strategically, fuel costs + carbon emissions are reduced.

Furthermore as a local man to Glenshee all his working life, the contacts and working relationships that Craig has been able to foster are invaluable to the Company in growing the business in the Glenshee area. His local knowledge, and local residence has strengthened our Client base in the area so much so that the Company is currently investigating options for plant and machinery storage that will further grow a more economical operation in that area.

Meeting the demands of Clients requires me to employ the right people, in the right place at the right time. The residence of Craig Thomson in Glenshee is essential to my business and the fragile economy of Glenshee and East Perthshire.

JK Phillips





# J. M. HODGE & SON

*Solicitors & Estate Agents*

Andrew D Hodge LLB, NP  
Stephen J Cumming LLB, NP  
Michael J Tavendale LLB, NP  
Stephen J Lafferty LLB, NP

28 Wellmeadow, Blairgowrie, Perthshire PH10 6AX LP 1, Blairgowrie

Tel: 01250 874441

Fax: 01250 873998

Mr. Craig Thomson & Miss Rachael Ferguson,  
Blackhall Farmhouse,  
GLENSHEE,  
Blairgowrie,  
Perthshire.

Our Ref: ADH/W-M/MM  
Ask for: Mr. Hodge

Your Ref:

2<sup>nd</sup> June, 2004.

Dear Mr. Thomson & Miss Ferguson,

Blackhall Farmhouse

I refer to our meeting on 19<sup>th</sup> May, 2004 and enclose for your consideration a missive of let for Blackhall Farmhouse.

This is in standard form but I have made alterations to it to cover the rent being paid half yearly and I have also removed the normal clause (j) which reads "not to alter in any way the decor or the structure of the subjects or the fittings and fixtures and parts and pertinents thereof" and substituted it with a new condition which I hope will fit the bill.

There may be some other conditions of this lease with which you are not happy and I am quite prepared to look at modifying or removing them if these cause you unnecessary concern. Perhaps you could get back to me soon about it or indeed arrange to see me at my office in Blairgowrie by prior appointment.

As we all know, you have been in occupation rent free of Blackhall Farmhouse from 30<sup>th</sup> May, 2003. With regard to the year that has just passed you will once a missive of let is signed, either pay for that year the sum of £1,500.00 to me as agent to the Trustees or produce invoices which prove to my satisfaction that you have spent capital sums on the property which benefit the Estate and your goodselves. Likewise throughout the duration of this Lease, I will permit you instead of paying cash which is fixed for the next four years to exhibit accounts to me and, provided I am satisfied that these sums have been spent on the property, will treat the rent as paid in full.

Should there have been any matter in connection with Blackhall Farmhouse which I have overlooked, then please kindly remind me.

Yours sincerely,

  
Andrew D. Hodge



## MISSIVE OF LET

In this Missive of Let, the expressions set out below in Column 1 shall have the meaning and effect as provided opposite them in Column 2. Where appropriate the masculine shall denote the feminine and the singular shall denote the plural.

### **Column 1**

### **Column 2**

**The Landlord:**

The Trustees of the Lionel Malcolm Walker-Munro  
1985 Discretionary Settlement.

**The Tenant:**

Craig Thomson and Miss Rachael Ferguson,  
Blackhall Farmhouse,  
GLENSHEE,  
Blairgowrie,  
Perthshire.

**The Subjects:**

Blackhall Farmhouse,  
GLENSHEE,  
Blairgowrie,  
Perthshire.

**Period of Let:**

Four years from 1<sup>st</sup> July, 2004

and renewing as the Type of Tenancy for successive periods of two months thereafter until two months notice of termination in writing is given by either Landlord or Tenant in terms of Housing (Scotland) Act 1988 s.33

**Type of Tenancy:**

Short Assured Tenancy.

**Rent and  
Due Date for Payment:**

Fifteen Hundred Pounds (£1,500.00) Sterling per annum. Whitsunday (28<sup>th</sup> May) and Martinmas (28<sup>th</sup> November) annually.

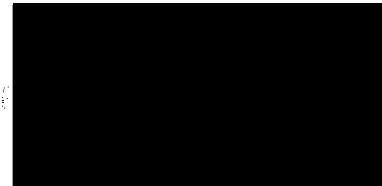
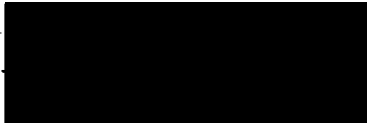
**Deposit:**

Not applicable.

The Tenant hereby offers to lease from the Landlord the Subjects for the Period of Let and by his signature hereto undertakes to pay the Rent at the Due Date for Payment throughout the Period of Let and to lease the Subjects on the terms and conditions specified in the Schedule annexed and signed as relative hereto:

Dated this Twenty ninth day of June, Two thousand and Four.

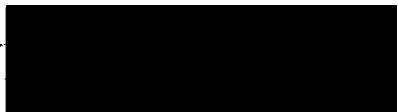
CT.  
X



The Landlord accepts the foregoing offer and the undertakings in the Schedule annexed and signed as relative hereto and certifies that this missive of let is not a lease which gives effect to an agreement for lease as interpreted by the Inland Revenue in terms of the guidance note dated 30.06.94 referring to Section 240 of the Finance Act 1994.

Dated this Twenty ninth day of June, Two thousand and Four.

1-10-04



**SCHEDULE ANNEXED TO THE FOREGOING MISSIVE OF LET**

The Tenant undertakes:-

- (a) to pay the Rent half yearly in advance at the Due Date for Payment with interest at ten per centum per annum from the Due Date for Payment until paid providing that if the Rent is not paid within fourteen days of the due date for payment or if there is any breach of the conditions of these presents the Landlord or his agents will be entitled to terminate the let in accordance with the provisions of the Housing (Scotland) Act 1988.
- (b) to settle (where supplied) all electricity, gas, telephone and other charges incurred during the Period of Let and not to change supplier of electricity, gas or telephone without the written consent of the Landlord.
- (c) to meet the cost of insurance of the Tenant's own possessions within the Subjects.
- (d) to pay all Council Tax due in respect of the Subjects for the Period of Let.
- (e) to acknowledge and comply with all notices in the prescribed form appropriate to the Type of Tenancy in terms of the Housing (Scotland) Act 1988 or any amendment thereto.
- (f) to keep the Subjects clean and properly aired and to preserve the Subjects and any contents thereof in the condition as found at the commencement of the Period of Let, fair wear and tear excepted.
- (g) to have the windows regularly cleaned.
- (h) to use the Subjects of Let as a principal private residence only.
- (i) not to assign this Missive of Let or sub-let the Subjects without the Landlord's prior written consent.
- (j) not to make structural changes to the subjects without the prior consent in writing of the Landlord or his agents.
- (k) not to stop up or obstruct a) the waste pipes and drains or b) the chimneys and vents.

- (l) not to keep any pets within the Subjects without the prior written permission of the Landlord or his Agents.
- (m) to refrain from any acts or omissions which may result in inconvenience or be a nuisance to neighbouring proprietors or occupiers.
- (n) to notify the Landlord or his agents whenever the Subjects are to be unoccupied for more than three days and to take all necessary precautions to avoid the freezing of tanks and pipes during the winter months.
- (o) to give immediate written notice of any damage to or defects in the Subjects.
- (p) not to carry on any trade, business or profession from the Subjects without the prior written consent of the Landlord or his Agents.
- (q) to repair forthwith at the Tenant's expense any damage, breakage, marking or staining of the Subjects or the contents thereof whether caused by the Tenant or any invitees of the Tenant or arising as a result of any omissions or negligence of the Tenant.
- (r) to maintain any garden or amenity ground in a neat and tidy condition at all times.
- (s) to allow the Landlord or his agents access to the Subjects when required on giving of not less than twenty four hours notice. The Landlord reserves the right to obtain immediate access in the event of an emergency.
- (t) to remove along with all other occupants from the Subjects at the termination of the let and to give up the Subjects including the contents thereof in the condition as found at entry, fair wear and tear excepted.

The Landlord undertakes:-

- (a) to keep the Subjects in a wind and watertight condition unless the Subjects become uninhabitable as a result of structural defects or damage whereupon this Missive of Let will be held to be terminated.



**HODGE**  
SOLICITORS LLP

28 Wellmeadow  
Blairgowrie  
Perthshire PH10 6AX  
LP1 Blairgowrie  
Telephone: 01250 874441  
Fax: 01250 873998

**L M WALKER-MUNRO'S 1985 DISCRETIONARY SETTLEMENT**

**Subjects: Blackhall Farmhouse**

**NOTICE OF SUM DUE**

Craig Thomson, Esq.  
Miss Rachael Ferguson  
Blackhall Farmhouse  
Glenshee  
Blairgowrie  
Perthshire

**PAYMENT:** Half year's rent - £750

**DUE DATE:** Martinmas (28<sup>th</sup> November) 2009

The above sum now falls due and remittance should be made to:

Hodge Solicitors LLP  
28 Wellmeadow  
Blairgowrie  
PH10 6AX

**Please enclose the copy of this notice with your remittance**

**PARTNERS**

• Andrew D Hodge LLB, NP • Stephen J Cumming LLB, NP • Michael J Tavendale LLB, NP • Stephen J Lafferty LLB, NP •

Hodge Solicitors LLP is a limited liability partnership registered in Scotland No SC300494. Registered office: 28 Wellmeadow Blairgowrie, PH10 6AX

**HODGE**  
SOLICITORS LLP

28 Wellmeadow  
Blairgowrie  
Perthshire PH10 6AX  
LP1 Blairgowrie

Telephone: 01250 874441  
Fax: 01250 873998

**L M WALKER-MUNRO'S 1985 DISCRETIONARY SETTLEMENT**

**Subjects: Blackhall Farmhouse**

**NOTICE OF SUM DUE**

Craig Thomson, Esq.  
Miss Rachael Ferguson  
Blackhall Farmhouse  
Bridge of Cally  
Blairgowrie  
Perthshire

**PAYMENT:** Half year's rent - £750

**DUE DATE:** Whitsunday (28<sup>th</sup> May) 2010

The above sum now falls due and remittance should be made to:

Hodge Solicitors LLP  
28 Wellmeadow  
Blairgowrie  
PH10 6AX

**Please enclose the copy of this notice with your remittance**

**PARTNERS**

• Andrew D Hodge LLB, NP • Stephen J Cumming LLB, NP • Michael J Tavendale LLB, NP • Stephen J Lafferty LLB, NP •

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All correspondence signed by a named individual is signed for and on behalf of Hodge Solicitors LLP

**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month commencing 6 February 2003.*



**PERTH &  
KINROSS  
COUNCIL**

**Housing &  
Community Care**

**Housing & Community Care**  
*Executive Director David Burke*

Blairgowrie Area Office  
46 Leslie Street  
Blairgowrie, PH10 6AP  
Tel 01250 871300 Fax 01250 876029\*

Contact Housing Officer

Direct Dial

Our ref HO/my

Your ref

Date 31 May 2010

Ms Rachael Ferguson  
& Mr Craig Thomson  
Blackhall  
Bridge of Cally  
Blairgowrie  
Perthshire. PH10 7JX

Dear Ms Ferguson & Mr Craig Thomson


**Housing Options**

I refer to your recent enquiry regarding your housing situation.

If you wish to discuss your position further, please call the Blairgowrie office for an appointment with your housing advisor, in order to discuss the options that are available to you with regards to your future housing.

Should you have any queries with regards to this matter or should this appointment be unsuitable please contact my office in order that a mutually convenient alternative can be arranged.

Yours sincerely

  
Andrea McCallum  
Area Housing Manager







# Perthshire Housing Association Ltd



31 May 2010

Miss Ferguson & Mr Thomson  
Blackhall  
Bridge of Cally  
Blairgowrie  
Perthshire  
PH10 7JX

5 South St. John's Place

Perth PH1 5SU

Tel: 01738 441088

Fax: 01738 441060

Housing Services Fax: 01738 474838

Maintenance Fax: 01738 474838

E-mail: [info@perthha.co.uk](mailto:info@perthha.co.uk)

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

Dear Miss Ferguson & Mr Thomson

**RE: ENQUIRY**

Thanks for your recent enquiry. In terms of affordable property in the Bridge of Cally area we have none. We do own an undeveloped site in Blairgowrie, however I cannot say at this stage as to what type of property it will be and as to when it will be developed.

The only other options I can advise to at this stage are to browse the open market to check whether owners are selling their shares or to try other housing associations.

If you require any more information please do not hesitate to contact me.

Yours sincerely



Colin Claves  
Housing Assistant.





Blairgowrie Area Office  
Housing Dept  
46 Leslie Street  
Blairgowrie  
PH10 6AW

Blackhall  
Bridge of Cally  
Blairgowrie  
Perthshire  
PH10 7JX

30<sup>th</sup> May 2010

Dear Sir/Madam,

**ENQUIRY**

I am writing to enquire into the availability of affordable housing in the Bridge of Cally area. As you can see we currently reside approximately 5 miles north of Bridge of Cally and have received notification that our tenancy will end in August 2010. This is due to the property being sold. Therefore we would greatly appreciate clarification as to the possibility of affordable housing in this area.

Look forward to hearing from you.

Yours sincerely,

Rachael Ferguson & Craig Thomson





Perthshire Housing Association  
5 South St. John's Place  
Perth  
PH1 5SU

Blackhall  
Bridge of Cally  
Blairgowrie  
Perthshire  
PH10 7JX

30<sup>th</sup> May 2010

Dear Sir/Madam,

**ENQUIRY**

I am writing to enquire into the availability of affordable housing in the Bridge of Cally area. As you can see we currently reside approximately 5 miles north of Bridge of Cally and have received notification that our tenancy will end in August 2010. This is due to the property being sold. Therefore we would greatly appreciate clarification as to the possibility of affordable housing in this area.

Look forward to hearing from you.

Yours sincerely,

Rachael Ferguson & Craig Thomson



Date: 18<sup>th</sup> June, 2010.  
Our Ref: ADH/W-M/MM  
Ask for: Mr. Hodge  
Your Ref:  
Email: adhodge@hodesolicitors.co.uk

**HODGE**  
SOLICITORS LLP

28 Wellmeadow  
Blairgowrie  
Perthshire PH10 6AX  
LP1 Blairgowrie  
Telephone: 01250 874441  
Fax: 01250 873998

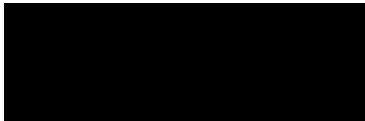
**FIRST CLASS MAIL**

Craig Thomson, Esq. & Miss Rachael Ferguson,  
Blackhall Farmhouse,  
Glenshee,  
BLAIRGOWRIE,  
Perthshire, PH10 7JX.

Dear Sir & Madam,

On behalf of and as instructed by your Landlord, The Trustees of the Lionel Malcolm Walker-Munro 1985 Discretionary Settlement, we hereby give you Notice to Quit the subjects Blackhall Farmhouse, Glenshee, Blairgowrie, Perthshire, as at 31<sup>st</sup> August, 2010.

Yours faithfully,



Partner

**SCHEDULE**

1. Even after the Notice to Quit has run out, before the tenant can lawfully be evicted, the Landlord must get an order for possession from the Court.
2. If a Landlord issues a Notice to Quit but does not seek to gain possession of the house in question, the contractual assured tenancy which has been terminated will be replaced by a statutory assured tenancy. In such circumstances, the Landlord may propose new terms for the tenancy and may seek an adjustment in rent at annual intervals thereafter.
3. If a tenant does not know what kind of tenancy he has or is otherwise unsure of his rights, he can obtain advice from a solicitor. Help with all or part of the cost of Legal Advice and Assistance may be available under the Legal Aid legislation. A tenant can also seek help from a Citizens Advice Bureau or Housing Advisory Centre.

**PARTNERS**

• Andrew D Hodge LLB, NP • Stephen J Cumming LLB, NP • Michael J Tavendale LLB, NP • Stephen J Lafferty LLB, NP •  
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All correspondence signed by a named individual is signed for and on behalf of Hodge Solicitors LLP

SHORT ASSURED TENANCIES

HOUSING (SCOTLAND) ACT 1988  
SECTION 33(1)(d)  
AS AMENDED BY PARAGRAPH 85 OF SCHEDULE 17  
TO THE HOUSING ACT 1988

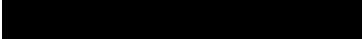
NOTICE UNDER SECTION 33 OF LANDLORD'S  
REQUIREMENT TO POSSESSION OF PROPERTY AT  
TERMINATION OF SHORT ASSURED TENANCY

**IMPORTANT NOTICE TO TENANT**

To: Craig Thomson, Esq. & Miss Rachael Ferguson of  
Blackhall Farmhouse, Glenshee, Blairgowrie,

We on behalf of your Landlord, the Trustees of the Lionel Malcolm Walker-  
Munro 1985 Discretionary Settlement care of 28 Wellmeadow, Blairgowrie,  
PH10 6AX.

Inform you that we hereby give you notice that we require possession of  
the property Blackhall Farmhouse, Glenshee, Blairgowrie leased to you in  
terms of a short assured tenancy which commenced on 1<sup>st</sup> September,  
2008 and we require vacant possession as at 31<sup>st</sup> August, 2010. The  
tenancy will reach its termination date as at that date and we NOW GIVE  
YOU NOTICE THAT YOU ARE REQUIRED TO REMOVE FROM THE PROPERTY ON  
OR BEFORE 31<sup>st</sup> August, 2010.

Signed ..  Landlords' agent

Date ..... 18-7-10 .....

**FORM AT6: FOR USE ONLY BY A LANDLORD**

**ASSURED TENANCIES**

**AT6**

**HOUSING (SCOTLAND) ACT 1988**

**AS AMENDED BY PARAGRAPH 85 OF SCHEDULE 17  
TO THE HOUSING ACT 1988**

**NOTICE UNDER SECTION 19 OF INTENTION  
TO RAISE PROCEEDINGS FOR POSSESSION**

**IMPORTANT: INFORMATION FOR TENANT(S)**

This notice informs you as tenant that your Landlord intends to apply to the Sheriff for an Order for possession of the house at the address in Part 1, which is currently occupied by you.

**Part 1** To Craig Thomson, Esq. & Miss Rachael Ferguson,  
(name of tenant(s))

of Blackhall Farmhouse,  
Glenshee,  
Blairgowrie,  
Perthshire, PH10 7JX.  
(address of house)

**NOTE 1 TO TENANT.**

**IF YOU ARE UNCERTAIN ABOUT WHAT THIS NOTICE MEANS, OR IF YOU ARE IN DOUBT ABOUT ANYTHING IN IT OR ABOUT ITS VALIDITY OR WHETHER IT IS FILLED IN PROPERLY YOU SHOULD IMMEDIATELY CONSULT A SOLICITOR OR AN ORGANISATION WHICH GIVES ADVICE ON HOUSING MATTERS. YOU MAY ALSO FIND IT HELPFUL TO DISCUSS THIS NOTICE WITH YOUR LANDLORD.**

**Part 2** I/we [on behalf of]\* your landlord(s)

The Trustees of the Lionel Walker-Munro 1985 Discretionary Settlement

(name(s) of landlord(s))

of care of Hodge Solicitors LLP,

28 Wellmeadow, Blairgowrie, Perthshire, PH10 6AX.

Tel. (01250) - 874441

(address and telephone number of landlord(s))

inform you that I/we\* intend to raise proceedings for possession of the house at the address in Part 1 above on the following ground/grounds\* being a ground/grounds\* for possession as set out in Schedule 5 to the Housing (Scotland) Act 1988.

N/A

(give the ground number(s) and fully state ground(s) as set out in Schedule 5 to the Housing (Scotland) Act 1988: Continue on additional sheets of paper if required)

**NOTE 2 TO TENANT.**

**A FULL LIST OF THE 17 GROUNDS FOR POSSESSION IN SCHEDULE 5 TO THE HOUSING (SCOTLAND) ACT 1988 TOGETHER WITH INFORMATION ON YOUR RIGHTS AS TENANT IS GIVEN IN THE BOOKLET "ASSURED TENANCIES IN SCOTLAND. A GUIDE FOR LANDLORDS AND TENANTS". IT IS AVAILABLE FROM ANY OFFICE OF THE RENT ASSESSMENT COMMITTEE, CITIZENS ADVICE BUREAU, HOUSING ADVISORY CENTRE OR FROM THE RENT REGISTRATION SERVICE.**

**Part 3.** I/we also inform you that I/we are seeking possession under the above ground/grounds\* for the following reasons:-

Termination of Short Assured Tenancy.

(state particulars of how you believe the ground(s) have arisen: continue on additional sheets of paper if required)

\* delete as appropriate



**NOTE 3 TO TENANT.**

**YOUR LANDLORD MUST GIVE YOU PROPER NOTICE BETWEEN SERVING THIS NOTICE AND RAISING COURT PROCEEDINGS. IF ANY OF GROUNDS, 1, 2, 5, 6, 7, 9 AND 17 APPLY, WITH OR WITHOUT OTHER GROUNDS, 2 MONTHS NOTICE MUST BE GIVEN. YOUR LANDLORD MUST ALSO GIVE YOU 2 MONTHS NOTICE IF YOUR TENANCY IS A SHORT ASSURED TENANCY AND YOUR LANDLORD IS SEEKING REPOSSESSION ON THE GROUND THAT THE TENANCY PERIOD HAS EXPIRED. IF ONLY OTHER GROUNDS APPLY, ONLY 2 WEEKS NOTICE NEED BE GIVEN.**

**Part 4.** Proceedings will not be raised before 1<sup>st</sup> September, 2010 (date) (which is the earliest date at which proceedings can be raised under Section 19 of the Housing (Scotland) Act 1988)

Signed .....  ..... (Landlord(s) or Landlord's agent)

Date ..... 18-5-10 .....

**NOTE 4 TO TENANT.**

**IF YOUR LANDLORD DOES NOT RAISE COURT PROCEEDINGS THIS NOTICE AT6 WILL CEASE TO HAVE EFFECT 6 MONTHS AFTER THE EARLIEST DATED ON WHICH COURT PROCEEDINGS COULD HAVE BEEN RAISED (SEE PART 4 OF THE NOTICE).**

**NOTE 5 TO TENANT.**

**IF YOU WANT TO CONTEST YOUR LANDLORD'S INTENTION TO REPOSSESS YOUR HOME, YOU ARE STRONGLY ADVISED TO TAKE LEGAL ADVICE WITHOUT DELAY AND BEFORE THE EXPIRY OF THE TIME LIMIT GIVEN BY THE NOTICE. HELP WITH ALL OR PART OF THE COST OF LEGAL ADVICE MAY BE AVAILABLE UNDER THE LEGAL AID LEGISLATION.**

**NOTE 6 TO TENANT.**

**REMEMBER BEFORE YOU MUST LEAVE YOUR HOME, YOUR LANDLORD MUST HAVE DONE 3 THINGS:**

- 1. SERVED ON YOU A NOTICE TO QUIT (NOTE CAREFULLY THAT THIS MAY HAVE BEEN SERVED AT AN EARLIER STAGE IN THE TENANCY TO CHANGE THE TENANCY FROM A CONTRACTUAL TO A STATUTORY ASSURED TENANCY); AND**
- 2. SERVED ON YOU AN AT6 (THIS NOTICE); AND**
- 3. OBTAINED A COURT ORDER.**

**NOTE 7 TO TENANT.**

**THIS IS AN IMPORTANT DOCUMENT AND YOU SHOULD KEEP IT IN A SAFE PLACE.**





The Corb  
Bridge of Cally  
Blairgowrie  
Perthshire  
PH10 7JX

14<sup>th</sup> February 2012

The Development Quality Manager  
Environmental Services  
Perth & Kinross Council  
Pullar House  
35, Kinnoull Street  
Perth  
PH1 5DG

**Re Proposed Dwelling at Shieldrum Farm Lane End, Bridge of Cally, PH10 7JX**

Dear Sirs,

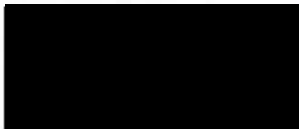
I write to support the above Planning Application.

The development will be visible from my property and the Sheildrum farm only, and it will in no way impair the views from my house or inconvenience me in any way.

I am strongly in support of the younger generation having the chance to live in the Glen and bring up their families, they are the future for the area. Due to holiday homes and retirement homes being built in the area, the younger families can not afford the chance to remain the area where they were born and lived most of their life.

Young families give vibrancy and a future to the area and should be encouraged to remain in the Glen, take a lead in the Community, help keep rural schools open, and build continuity to the area. I hope that this Planning Application is granted by the Council.

Yours sincerely



Ann Bailey



CS/BS



25 August 2010

Rachael Ferguson and Craig Thomson  
Blackhall  
Bridge of Cally  
Blairgowrie  
PH10 7JX

2 High Street  
Perth PH1 5PH  
Tel: 01738 475000  
Fax: 01738 475005  
Email: [cshiers@pkc.gov.uk](mailto:cshiers@pkc.gov.uk)

Councillor Caroline Shiers  
49 Airlie Street  
ALYTH  
Perthshire  
PH11 8AJ

Tel: 01828 634 183

Conservative Group

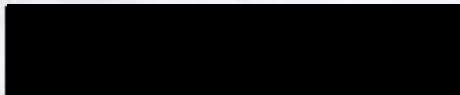
Dear Ms Ferguson and Mr Thomson

Thank you for your letter of 5 August 2010. I hope things have settled down now you have moved.

In principle, I am happy to support your proposed application but it will be subject to the usual planning considerations.

Please let me know when you submit your planning application and I will see what, if anything, I can usefully do to assist at that stage.

Yours sincerely



Councillor Caroline Shiers  
Ward 3, Blairgowrie & Glens



## Audrey Brown - Democratic Services

---

**From:** Gray, Neil [Neil.Gray@colliers.com]  
**Sent:** 22 May 2012 09:26  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Fw: Proposal for single house at Shieldrum Farm, Bridge of Cally

---

**From:** Sheila Wright [mailto:SheilaWright@pkc.gov.uk]  
**Sent:** Monday, May 21, 2012 03:33 PM  
**To:** Gray, Neil  
**Cc:** Councillor Caroline Shiers <CShiers@pkc.gov.uk>  
**Subject:** Proposal for single house at Shieldrum Farm, Bridge of Cally

### Sent on behalf of Councillor Caroline Shiers

I am happy to give my full support to the application lodged by Ms Ferguson and Mr Thomson for the reasons laid out in my earlier correspondence. I would be very happy to discuss this further.

Councillor Caroline Shiers

Blackhall  
Bridge of Cally  
Blairgowrie  
Perthshire  
PH10 7JX

4<sup>th</sup> June 2010

Councillor Grant  
Rossearn  
Perth Road  
BLAIRGOWRIE  
PH10 6EJ

Dear Madam

**REQUEST FOR SUPPORT  
NEW DWELLING HOUSE, NR SHIELDRUM FARM, BRIDGE OF CALLY, GLENSHEE, PERTHSHIRE**

We write to request your support for our proposals to construct a new house near Shieldrum, Bridge of Cally, Glenshee.

My family have owned and farmed Shieldrum for a number of generations and are well known in the local community. I have lived locally my whole life.

We currently reside nearby at Blackhall Farmhouse and have done so since I was seven years old. We have however received notice that our lease will not be renewed when it expires in August 2010.

Continuing to live locally is important to us and our children and we feel privileged to have such a close supportive family. As a result we regularly help on my family's farm and my partner's work as an agricultural contractor in the area benefits from living locally. There is however little, if any, affordable housing available in the area.

We are in the process of submitting an application for a Rural Home Ownership Grant and we hope this could potentially help us afford to build a modest 3-bedroom home on my parents' land.

Please find enclosed a location plan which details one site being discussed by our consultants with the planning department.

We hope to submit a planning application for our proposals very soon and would be grateful if you would be able to offer us your support in this matter.

We will of course keep you informed.

Kind regards, and yours sincerely

Rachael Ferguson & Craig Thomson

Enc. Location Plan



Blackhall  
Bridge of Cally  
Blairgowrie  
Perthshire  
PH10 7JX

Councillor Shiers  
49 Airlie Street  
Alyth  
Blairgowrie  
Perthshire  
PH11 8AJ

5<sup>th</sup> June 2010

Dear Madam

**REQUEST FOR SUPPORT  
NEW DWELLING HOUSE, NR SHIELD DRUM FARM, BRIDGE OF CALLY, GLENSHEE, PERTHSHIRE**

We write to request your support for our proposals to construct a new house near Shieldrum, Bridge of Cally, Glenshee.

My family have owned and farmed Shieldrum for a number of generations and are well known in the local community. I have lived locally my whole life.

We currently reside nearby at Blackhall Farmhouse and have done so since I was seven years old. We have however received notice that our lease will not be renewed when it expires in August 2010.

Continuing to live locally is important to us and our children and we feel privileged to have such a close supportive family. As a result we regularly help on my family's farm and my partner's work as an agricultural contractor in the area benefits from living locally. There is however little, if any, affordable housing available in the area.

We are in the process of submitting an application for a Rural Home Ownership Grant and we hope this could potentially help us afford to build a modest 3-bedroom home on my parents' land. We understand there is a mechanism within this application process that can substantiate our 'need' for local housing to the planners.

Please find enclosed a location plan which details one site being discussed by our consultants with the planning department.

We hope to submit a planning application for our proposals very soon and would be grateful if you would be able to offer us your support and any advice with regards to this matter.

We will of course keep you informed.

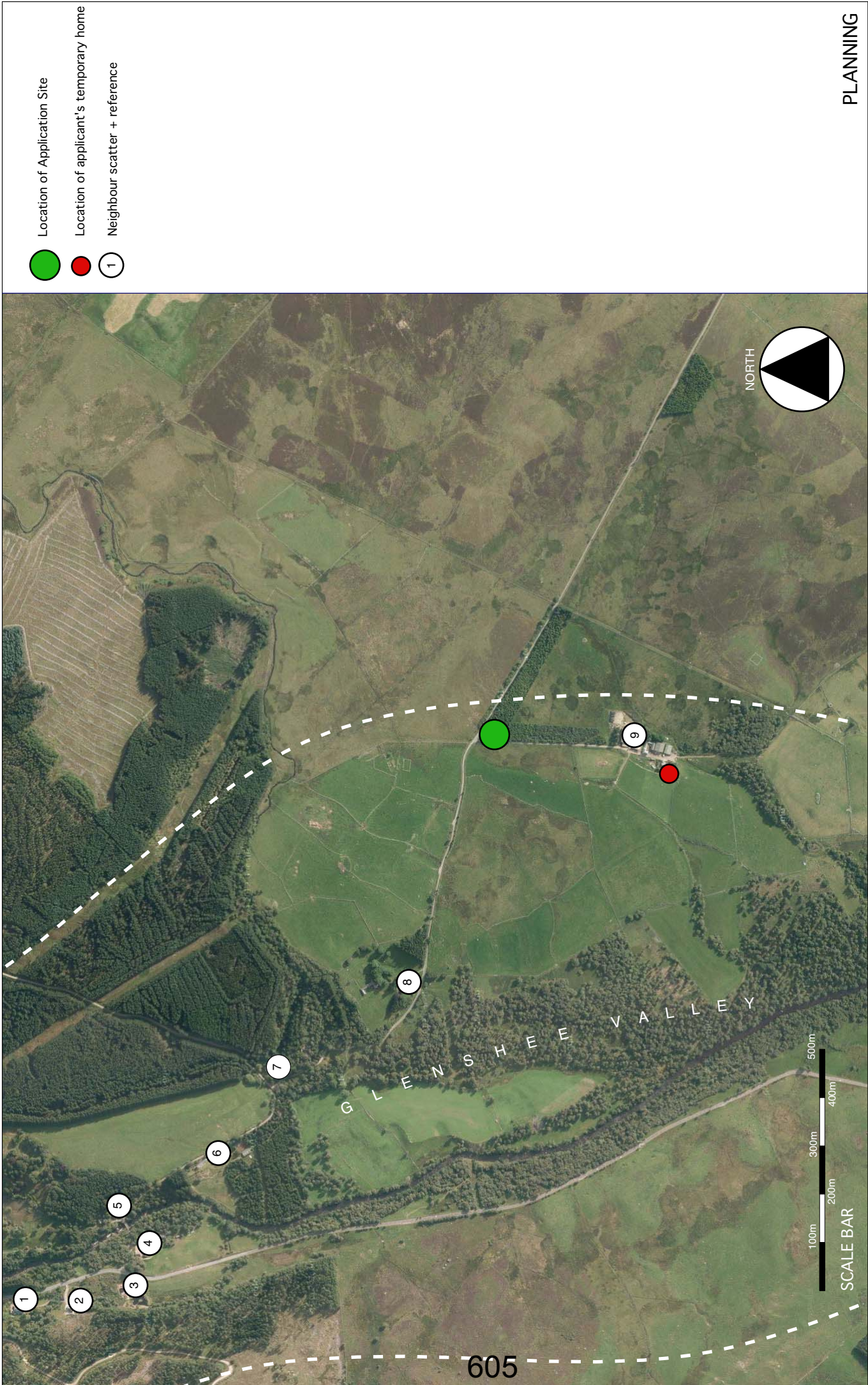
Kind regards, and yours sincerely

Rachael Ferguson & Craig Thomson

Enc. Location Plan







Location of Application Site

Location of applicant's temporary home

Neighbour scatter + reference



# PLANNING



G1 Architects  
3rd Floor West  
211 Dundas Street West  
Glasgow G11 6AA  
0141 334 8811  
info@g1architects.com  
www.g1architects.com



G1 Architects

REVISION

SCALE
1:10000

DRAWN
SJT

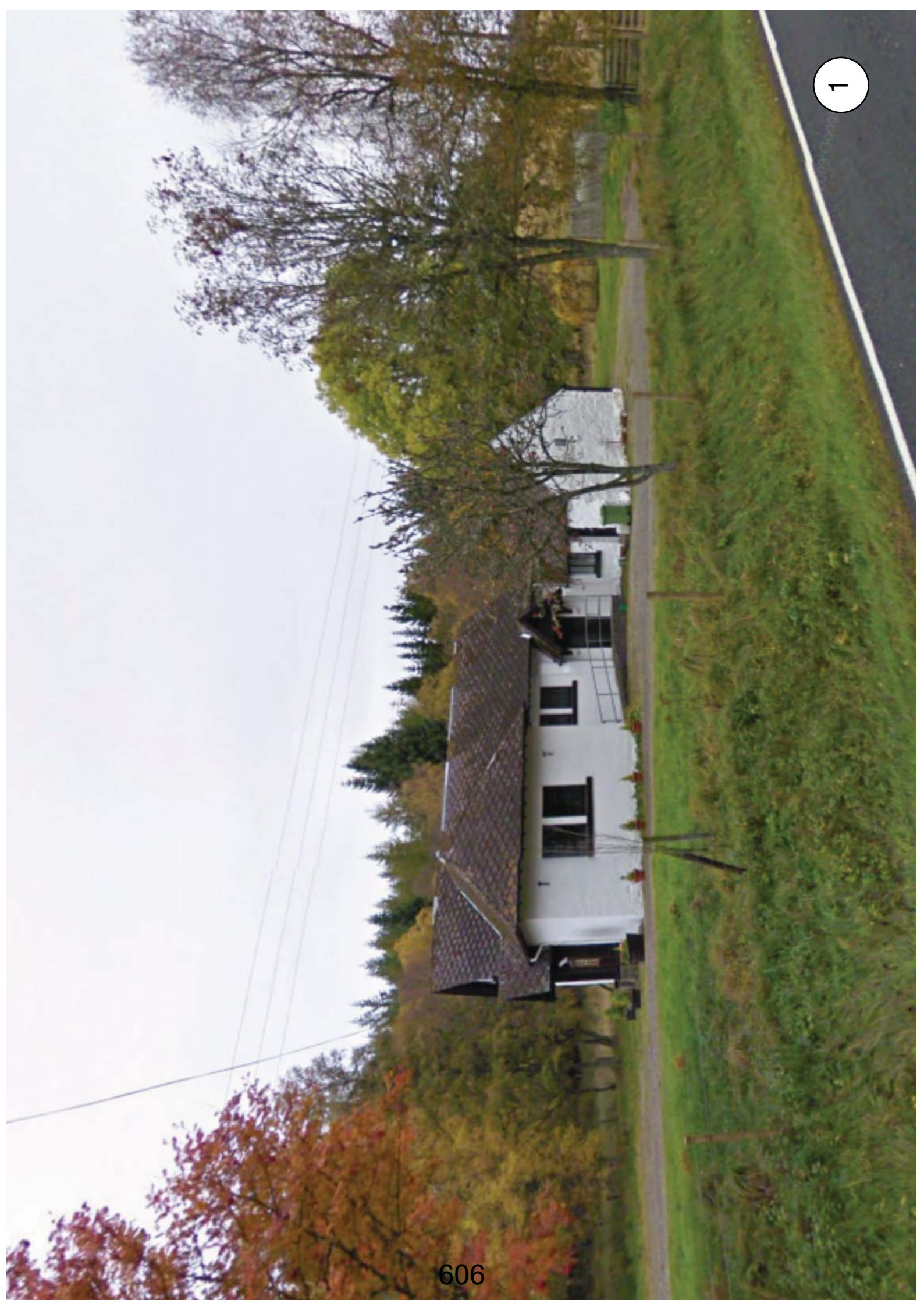
DATE
11/05/12

DRAWING NUMBER
231 D SA09

PROJECT
PROPOSED NEW DWELLING NR SHIELDS DRUM FARM GLEN SHEE

DRAWING
LOCAL PRECEDENCE IMAGES KEY PLAN





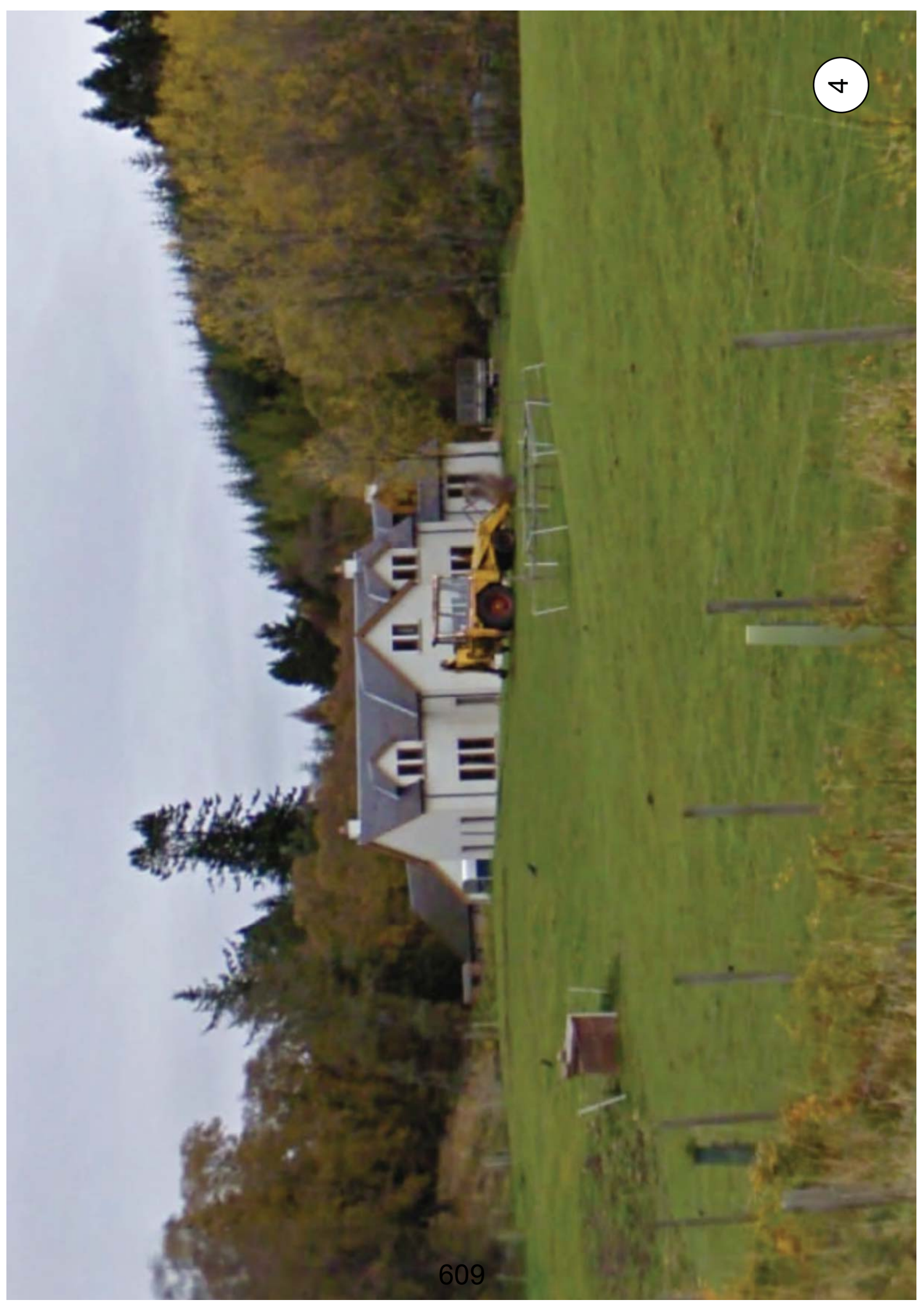












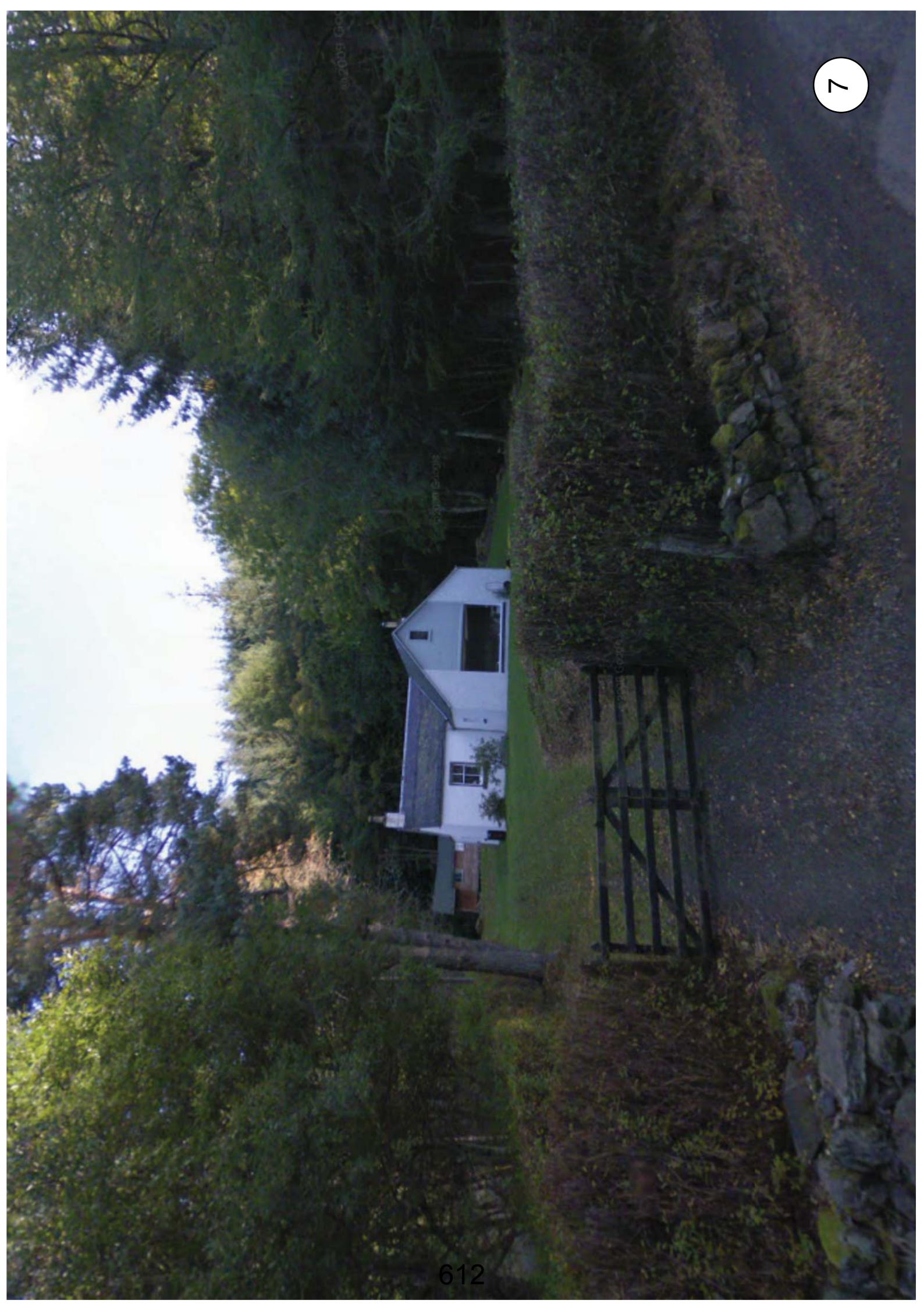




























1



4



7



8



2



5



6



9



3



10



11

Revision Notes

Drawing Status

PLANNING

G1 Architects  
94 Floor West  
211 Dumbarton Road  
Glasgow G11 6AA

t 0141 33 44 88 1  
f 0141 334 50 60  
e info@g1architects.com  
w www.g1architects.com



G1 Architects

Project

PROPOSED NEW DWELLING  
NR SHIELDRUM FARM  
GLENSHREE

Drawing Title

LOCAL IMAGES

Scale

nts

Drawn

SJT

Date

17/05/2012

Drawing No

231 D SA10

Revision

She

A2

# **Housing in the Countryside Policy**

**August 2009**



## **Introduction**

The policy is intended to apply across Perth and Kinross, subject to specific circumstances identified in Local Plans, this would include an area like Glenshee where the Eastern Area Local Plan already includes a more relaxed policy to address the issues rural development and depopulation and the scattered nature of the settlement pattern.

In addition, in areas where particular constraints apply, the policies specific to these areas must also be complied with. Areas with specific designations include:

- Designated Historic Gardens and Designed Landscapes
- National Scenic Areas
- Areas of Great Landscape Value
- Special Areas of Conservation
- Special Protection Areas
- Ramsar Sites
- Sites of Special Scientific Interest
- Scheduled Ancient Monuments and their setting
- Loch Leven and Lunan Valley Catchment Areas for nature conservation/environmental reasons

This may result in a proposal being acceptable in terms of the Housing in the Countryside Policy but unacceptable for other policy reasons, and therefore refused.

## **Housing in the Countryside**

In accordance with SPP15, PAN 72 and PAN 68 the Council's objective is to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas including the open countryside. The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

The policy aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural development needs.

Whilst most new development will continue to be in, or adjacent to, existing settlements, the Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories, and meet all the following criteria:

**For All Proposals**

- a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.
- b) Pre-application discussion is recommended.
- c) Satisfactory access and services should be available or capable of being provided by the developer.
- d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

- f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).
- g) Existing on site materials, particularly stone and slate, should be re-used in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.
- h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.



- i) Encouragement will be given to the incorporation of measures to facilitate home working within new development
- j) The proposed development should not conflict with any other policy or proposal in the Local Plan.
- k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.
- l) Proposals with the potential to result in increased disturbance of birds in Special Protection Areas must demonstrate how adverse impacts on the site's integrity will be avoided.
- m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.

### **1. Building Groups**

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

## **2. Infill Sites**

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

## **3. New Houses in the Open Countryside**

Favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

### **3.1 Existing Gardens:**

- a) Established gardens once associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site.
- b) Walled gardens where development would not affect the integrity of the structure or the garden, and may assist in the preservation of the wall.

### **3.2 Flood Risk:**

- a) Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.

### **3.3 Economic Activity**

- 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.

- b) Proposals for new country estates with ancillary accommodation may be permitted where they are of outstanding architectural quality and create a new designed landscape. In addition they must demonstrate that they will bring associated employment and long term economic benefits to communities in the surrounding area.

#### 3.4 Houses for Local People:

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

Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.

#### 3.5 Pilot projects creating eco-friendly houses:

Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.

#### Siting Criteria

Proposals for a new house falling within category 3 above will require 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.

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;

- a) it occupies a prominent, skyline, top of slope/ridge location;
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and
- c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

#### **4. Renovation or Replacement of Houses**

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- a) Restoration rather than replacement will be favoured where the building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.
- b) Any alterations and extension to an existing house should be in harmony with the existing building's form and proportion.
- c) Only if it can be demonstrated that the existing house is
  - i) either not worthy of retention,
  - ii) or is not capable of rehabilitation at an economic cost,

will substantial rebuilding or complete replacement be permitted.

*Note: Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options. Where a house has been demolished prior to the submission of an application or grant of planning consent, there will be no guarantee that a replacement house will be granted.*

- d) Where rebuilding or demolition is permitted the replacement house shall be of a high quality design appropriate to its setting and surrounding area.
- e) The replacement of an abandoned or ruinous house will be permitted where:
  - i) there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified
  - ii) it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds;

- iii) the site boundaries are capable of providing a suitable enclosure for the new house.
- f) The siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road, unless individual site conditions suggest that another position would create a better landscape fit.

#### **5. Conversion or Replacement of Redundant Non-Domestic buildings**

Consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:

- a) The building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.
- b) Any alteration and extension should be in harmony with the existing building form and materials
- c) Replacement of such buildings will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.\* The replacement must be generally faithful to the design form and materials of the existing building but may incorporate non-original features which adapt it to modern space requirements and building standards or reflect a local architectural idiom.

\* Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction, the Council will commission an independent expert opinion, at the applicant's expense, to evaluate the costs of alternative options.

Consent will be granted for the conversion of redundant, traditional building complexes such as farm steadings and, in addition, consent may be granted for the extension or replacement of such buildings and for limited new build accommodation associated with the conversion where the following criteria are met:

- d) The conversion/reconstruction has, as its core, the footprint of the existing traditional steading.
- e) Non-original features may be incorporated to adapt the steading to modern space requirements and building standards or to reflect a local architectural idiom,
- f) Extensions and new-build houses should only be contemplated where they reinforce the architectural integrity and external appearance of the original building and its grounds by, for example, infilling appropriate gaps in a group or rounding off a group. It should not be assumed that the entire 'brownfield' area of a site is suitable for housing.

- g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials.
- h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development.
- i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location.
- j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application.
- k) The development is in an accessible location ie in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

Note: Where farming operations require to be moved details of any replacement building and where this will be located should be submitted along with the application for conversion.

For the purposes of this policy a building will be classed as redundant when it can be demonstrated that it: has not been in use for a considerable number of years; is no longer fit for purpose; or is unsuited to the restructuring needs of the farm necessary to ensure a viable farm business.

## **6. Rural Brownfield Land**

Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation works.

Proposals for more than five new houses on rural brownfield land will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.



# **Housing in the Countryside Policy**

**August 2009**

## **Introduction**

The policy is intended to apply across Perth and Kinross, subject to specific circumstances identified in Local Plans, this would include an area like Glenshee where the Eastern Area Local Plan already includes a more relaxed policy to address the issues rural development and depopulation and the scattered nature of the settlement pattern.

In addition, in areas where particular constraints apply, the policies specific to these areas must also be complied with. Areas with specific designations include:

- Designated Historic Gardens and Designed Landscapes
- National Scenic Areas
- Areas of Great Landscape Value
- Special Areas of Conservation
- Special Protection Areas
- Ramsar Sites
- Sites of Special Scientific Interest
- Scheduled Ancient Monuments and their setting
- Loch Leven and Lunan Valley Catchment Areas for nature conservation/environmental reasons

This may result in a proposal being acceptable in terms of the Housing in the Countryside Policy but unacceptable for other policy reasons, and therefore refused.

## **Housing in the Countryside**

In accordance with SPP15, PAN 72 and PAN 68 the Council's objective is to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas including the open countryside. The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

The policy aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural development needs.

# SCOTTISH PLANNING POLICY

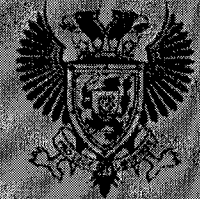


**RURAL DEVELOPMENT**

92. The planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.
93. The character of rural areas and the challenges they face vary greatly across the country, from remote and sparsely populated regions to pressurised areas of countryside around towns and cities. The strategy for rural development set out in the development plan should respond to the specific circumstances in an area whilst reflecting the overarching aim of supporting diversification and growth of the rural economy. Development plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification, whilst ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced. Developments which provide employment or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. Planning authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity.
94. The requirement for development plans to allocate a generous supply of land to meet housing requirements, including for affordable housing, applies equally to rural and urban areas. Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. Opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result a cohesive grouping. Modernisation and steadying conversion should not be constrained within the original footprint or height limit unless there are compelling design or conservation reasons for doing so.
95. The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses. In more accessible and densely populated rural areas most new development should be in or adjacent to settlements. In less populated areas, small scale housing and other development which supports diversification and other opportunities for sustainable economic growth whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations. In these areas, new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
96. It is essential that rural communities have reasonable access to good quality services. Major facilities are usually concentrated in larger settlements, and wherever possible they should be accessible by a range of transport modes including public transport. However, planning authorities should be realistic about the availability or likely availability of alternatives to access by car as not all locations, particularly in remoter areas, can be served by public transport.

# *Eastern Area*

Local Plan 1998



PERTH &  
KINROSS  
COUNCIL

Planning &  
Development Services

## **Cairngorms Partnership Area**

- Policy 46** The Council will work with the Cairngorms Partnership to secure the environmental, economic and social aims of the Partnership's Management Strategy.

## **Historic Gardens and Designed Landscapes**

- Policy 47** The Council will protect and seek to enhance the Historic Gardens and Designed Landscapes identified on Proposals Map A and any others which may be identified by Historic Scotland and Scottish Natural Heritage during the Plan period.

**Note:** Further details are contained in the Technical Appendix.

## **National Scenic Area**

- Policy 48** The Council will oppose developments which would have an adverse impact on the landscape and amenity of the National Scenic Area identified on Proposal Map A.

## **Housing**

### **Housing in the Countryside**

- Policy 49** The Council's area wide policy on housing in the countryside will apply within most of the Landward area. Within the Lunan Valley Catchment Area and the Historic Gardens and Designed Landscapes there will be a strong presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

**Note:** Details of the Housing in the Countryside Policy are contained in Annex 1 of the Plan.

### **Glenshee Development Zone**

- Policy 50** Within this zone the erection of a maximum of 15 houses singly or in small groups of houses will be permitted where the following criteria are all met:-
- (a) Houses should be located to accord with the existing pattern of development.
  - (b) New houses should have a safe access to the public road network.
  - (c) Houses should be located within the existing landscape framework and take advantage of the screening offered by the topography and tree cover.
  - (d) The design of houses should reflect the vernacular architecture of the area.
  - (e) Houses must not affect the setting of Listed Buildings or Scheduled Ancient Monument.

## **Tourism and Recreation**

### **Skiing**

- Policy 51** The expansion of downhill ski-ing facilities in the Plan area should not be allowed in, or in close proximity to proposed or designated Special Protection Area (SPA), or Special Areas of Conservation (SAC) unless it can be demonstrated that the proposal will not have a significant adverse effect on the species or habitat safeguarded in a particular designated area, or there are other imperative reasons of overriding public interest why the development should proceed and there are no alternative solutions. An Environmental Impact Assessment will be required in association with any proposal for downhill ski-ing within the Plan area.



Heads of Planning



4 November 2011

Dear Sir/Madam

## **OCCUPANCY RESTRICTIONS AND RURAL HOUSING**

I am writing to clarify the Scottish Government's views on the use of conditions or planning obligations to restrict the occupancy of new rural housing.

Occupancy restrictions are typically used in Scotland to limit the occupancy of new houses in the countryside either to people whose main employment is with a farming or other rural business that requires on-site residency, or to people with a local connection. Sometimes new houses are tied to particular land holdings, preventing them being sold separately. Such restrictions have been applied either through planning conditions or Section 75 planning obligations.

A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move. While it may be possible to include provisions in the condition or obligation that attempt to address these issues, any use of occupancy restrictions introduces an additional level of complexity (and potentially expense) into the process of gaining consent for a new house. Occupancy restrictions can also be intrusive, resource-intensive and difficult to monitor and enforce.

Scottish Planning Policy promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions.

**The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.**

In determining an application for a new house in the countryside, it may be appropriate for the planning authority to consider the need for a house in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification for the house against its impact, for example on road safety, landscape quality or natural heritage, and in such circumstances it may be appropriate for applicants to be asked to make a land management or other business case. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The Scottish Government believes that a vibrant populated countryside is a desirable objective and that new housing to realise this aim should be well sited and designed, and should not have adverse environmental effects that cannot be readily mitigated. In areas, including green belts, where, due to commuter or other pressure, there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach. In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing.

Where sites are considered unsuitable for new housing, more acceptable locations will often exist elsewhere on the same landholding or nearby, and planning authorities can assist applicants by advising where these are.

Yours faithfully



**JAMES G MACKINNON**

**TCP/11/16(189)**

**Planning Application 12/00284/IPL – Erection of a dwellinghouse on land 350 metres north east of Shieldrum Farm, Bridge of Cally**

**PLANNING DECISION NOTICE** (included in applicant's submission, see pages 523-524)

**REPORT OF HANDLING** (included in applicant's submission, see pages 515-522)

**REFERENCE DOCUMENTS** (included in applicant's submission, see pages 561-568)



**TCP/11/16(189)**  
**Planning Application 12/00284/IPL – Erection of a dwellinghouse on land 350 metres north east of Shieldrum Farm, Bridge of Cally**

## **REPRESENTATIONS**

- Representation from Transport Planning, dated 9 March 2012







# MEMORANDUM

To	Christine Brien Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/00284/IPL	Date	9 March 2012

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

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 12/00284/IPL for planning consent for:- **Erection of a dwellinghouse Land 350 Metres North East Of Shieldrum Farm Bridge Of Cally for Miss Rachael And Craig Ferguson Thomson**

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

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- Visibility splays of 2.4m x 70m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the C446 prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.
- Prior to the occupation or use of the approved development "Pick up and drop off" areas for school children / bus passengers shall be provided on both sides of the C446 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

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

I trust these comments are of assistance.

