

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 5 June 2023 at 1:00pm.

Present: Councillor B Brawn, Bailie C McLaren and Councillor C Reid.

In Attendance: R Burton (Planning Adviser), G Fogg, (Legal Adviser) and J Guild (Democratic Governance Officer) (all Corporate and Democratic Services).

Also Attending: A Brown and R Ramsay (both Corporate and Democratic Services).

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

No declarations were made in terms of the Councillors' Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 24 April 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-11
Planning Application – 22/02012/FLL – Erection of a dwellinghouse, land 50 metres south east of Woodfield Farm House, Kinclaven – Meikleour Trust**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 50 metres south east of Woodfield Farm House, Kinclaven.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for erection of a dwellinghouse, land 50 metres south east of Woodfield Farm House, Kinclaven, be granted subject to the imposition of relevant conditions and informatives.

Justification

Members considered that although the proposal is not in accordance with the Development Plan, the unique circumstances of this review including the original building being abandoned and situated in the flood plain, in the interests of National Planning Framework 4, specifically in relation to safeguarding distinctive character, and sense of place the review be granted.

**(ii) LRB-2023-12
Planning Application – 22/01722/FLL – Erection of a holiday accommodation unit and sauna building (in part retrospect), land 170 metres north west of Barnhill Farm, Powmill – Mr D Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a holiday accommodation unit and sauna building (in part retrospect), land 170 metres north west of Barnhill Farm, Powmill.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for erection of a holiday accommodation unit and sauna building (in part retrospect), land 170 metres north west of Barnhill Farm, Powmill, be refused for the following reason:

1. The proposals are contrary to Policy 8: Rural Business and Diversification of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal does not relate to the expansion of an existing business and it fails to demonstrate that the site presents a site-specific site resource or opportunity and how the proposal would improve the quality of new or existing tourism facilities, allow a new market to be exploited or extend the tourism season.

Justification

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

Note

Councillor Reid dissented from the majority opinion. He considered the proposal to be unintrusive to the site and appreciated the difficulty of producing a business plan for a new business.

**(iii) LRB-2023-13
Planning Application – 22/02137/FLL – Installation of replacement windows, Glengarth, Ferntower Place, Crieff PH7 3DD – Mr I Young**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse installation of replacement windows, Glengarth, Ferntower Place, Crieff PH7 3DD.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for installation of replacement windows, Glengarth, Ferntower Place, Crieff PH7 3DD, be granted subject to imposition of relevant conditions and informatives.

Justification

Members considered that although the proposal is not in accordance with the Development Plan and whilst the importance of the Conservation Area has been taken into account, the conservation of energy in relation to climate change, outweighs this. Members also noted that the other three flats within the building have double glazed uPVC windows, as do many other properties within the surrounding area.

**(iv) LRB-2023-14
Planning Application – 22/01205/IPL – Residential Development (in principle) land 140 metres north east of The Bungalow, Benarty Road, Kelty – Mrs B Constable**

Members considered a Notice of Review submitted following non-determination of the application by an appointed officer of Perth and Kinross Council.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the material planning considerations and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for residential development (in principle) land 140 metres north east of The Bungalow, Benarty Road, Kelty, be refused for the following reasons:
 - 1. The proposal is unacceptable in that it would be contrary to Policy 19: Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020, as it would entail the development of brownfield land without the required contaminated land investigation and remediation plan, including an assessment of the detrimental impact on the landscape should the land not be developed.
 - 2. The proposal is unacceptable in that it would be contrary to Policy 58B: Unstable Land of the Perth and Kinross Local Development Plan 2 (2019), as it has not been demonstrated that the site and adjacent land is, or can be made, safe and stable for the development to proceed.
 - 3. The proposal is unacceptable in that it would be contrary to Policy 9 of National Planning Framework 4, in that the applicant has not demonstrated that the land is, or can be made safe and suitable for the proposed new use.
 - 4. The proposal is unacceptable in that it would be contrary to Policy 23 of National Planning Framework 4, in that it would entail a development which could have a significant adverse effect on the health of the future residents of the development and existing neighbouring residents.

Justification

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

5. APPLICATIONS PREVIOUSLY CONSIDERED

- (i) **LRB-2022-36**
Planning Application – 22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres

north east of Logie Brae Farm, Craigie, Clunie PH10 6RG – Mr and Mrs Duncan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie PH10 6RG.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 24 October 2022, the Local Review Body resolved that insufficient information was before them to determine the application without (i) The report prepared by SAC Consulting and submitted with the Notice of Review to be provided to Development Management for comment and (ii) The applicant to produce further information on phosphorous mitigation in order that the proposal be assessed against Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2(2019). With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie PH10 6RG, be refused for the following reasons:

1. It has not been demonstrated that the total phosphorous discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence/authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. To this end, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

Justification

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

(ii) **LRB-2022-47**
Planning Application – 22/00772/FLL – Extension to dwellinghouse and erection of porch Sunnyhall, Kinnaird, Inchtute PH14 9QY – Miss J Graham

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse and erection of porch Sunnyhall, Kinnaird, Inchtute PH14 9QY.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 13 March 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) The applicant to produce a Preliminary Roost Assessment, with PKC Tree and Biodiversity Officer to comment on said report. With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for extension to dwellinghouse and erection of porch Sunnyhall, Kinnaird, Inchtute PH14 9QY, be granted subject to relevant conditions and informatives, including the following conditions:
1. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved, shall be full adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.
 2. Prior to completion or occupation of the building(s) hereby approved, whichever is the earlier, 3 nest boxes for tree sparrows shall be provided. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Justification

Members considered that although the proposal is not in accordance with the Development Plan, the proposal gives opportunity to enhance the current building. They considered that due to the extremely isolated position of the property, the impact would be minimal and with the imposition of relevant biodiversity conditions, the review be granted.

(iii) LRB-2022-54

Planning Application – 22/00032/FLL – Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works, land 180 metres east of Garden Cottage, Auchterarder, PH3 1PP – Mr and Mrs Pirie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works, land 180 metres east of Garden Cottage, Auchterarder, PH3 1PP.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 16 January 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) The applicant to produce further information including 1. A tree survey, 2. An ecological report, 3. Further information on the proposed foul drainage system including their location and operation measures and 4. Further information on the existing private track connecting to the U25 road particularly with regard to visibility splays, with Development Management to comment on all submissions and (ii) an unaccompanied site visit to be undertaken. With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works, land 180 metres east of Garden Cottage, Auchterarder, PH3 1PP, be granted subject to relevant conditions and informatives.

Justification

Members considered that although the proposal is not in accordance with the Development Plan, the requirement for a farm worker on site has been demonstrated and is required for sustainable farming practice. They considered the property is in a secluded location, not visible from the road and therefore the review be granted.

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