

LRB-2020-18 - 19/00951/IPL – Siting of a hut (in principle) at land 70 metres north of The Steading, Keltneyburn

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**LRB-2020-18 - 19/00951/IPL – Siting of a hut (in principle)
at land 70 metres north of The Steading, Keltneyburn**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name PETER P. C. ALLAN

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☐

Yes No

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

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

19/00951/1 PL

Site address

SITING OF A HUT ON LAND 70 METERS NORTH OF THE
STEADING, KELTNEYBURN, ABERFELDY

Description of proposed
development

APPLICATION FOR PLANNING PERMISSION IN
PRINCIPLE

Date of application

07/06/2019

Date of decision (if any)

05/05/2020

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

NOTICE OF REVIEW STATEMENT IN SEPARATE DOCUMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes ☐ No ☒

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

List of documents and evidence

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

SEE SEPARATE REVIEW STATEMENT

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

Checklist

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

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

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

Declaration

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

Signed

Date

21/06/2020

Proposed hut at Keltneyburn, Aberfeldy

Siting of a hut on land 70 metres north of The Steading, Keltneyburn, Aberfeldy

Planning application reference 19/00951/IPL. Application for planning permission in principle, lodged on 7 June 2019 and determined on 5 May 2020

Notice of Review

Peter Allan

List of documents (PKC documents not attached)

We will be referring to the following documents:

1. Planning consent in principle granted on 5 May 2020 (PKC document)
2. Notice of Review statement (attached)

Notice of review statement (pages 3, 4 & 5)

We request the reconsideration of Conditions 2 and 3 (out of 8 in total) as these represent a disproportionate and obstructive burden on implementing the planning permission in principle. Please find below a summary of our comments, followed by more detailed comments and suggestions. We would like the conditions removed, but understand the Review Panel may be minded to retain them in some form, so we propose some alternative wording for the sake of clarification.

Summary of Comments by Peter Allan and Kristina Woolnough

- The restriction that the permission shall *'enure solely for the benefit of the applicant only and not for the benefit of the land'* is neither explained nor justified in planning or legal terms
- Similarly, the restriction concerning the specified users of the building *'due to the nature of the development'* is neither explained nor justified in planning or legal terms
- Permission is given only for Peter Allan and not for the benefit of the land. Planning permission usually runs with the land and not with a person – this is not explained or justified in legal terms
- The hut will be sitting physically on the land – how can the planning permission be unrelated to the land?
- The reasons given for the restrictions are *'in order to control and restrict the use of the building.'* How will this be enforced and what is the planning, legal explanation, or justification for this?
- Please note: I am 77 years old, have a wife and three grown up children: who can and who cannot use the building under these planning conditions? What is the planning or legal explanation or justification for the conditions? What happens when I die?

Comments in Detail on the Conditions

Please note: There are restrictions already built in to the definition of a recreational hut in 2014 SPP which is as follows:

'A simple building used intermittently as recreational accommodation (ie, not a principal residence); having an internal floor area of no more than 30m2; constructed of low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable at the end of its life. Huts may be built singly or in groups'.

The following are the Planning Conditions we would like to have reviewed:

Condition 2

'This permission shall enure solely for the benefit of Mr. Peter Allan and not for the benefit of the land. Reason - Due to the nature of the development, this should be a personal permission only to ensure the development accords with the Scottish Planning Policy definition of a recreational 'hut'.'

Our comment: Planning permission runs with the land, not with a person. The wording of the condition is not explained and nor is it justified in legal terms. The Hut will be sitting physically on the land – how can the planning permission be unrelated to the land?

The reason given states:

'Due to the nature of the development, this should be a personal permission only to ensure the development accords with the Scottish Planning Policy definition of a recreational hut'.

The restriction about the specified users of the building that it should be a personal permission only *'due to the nature of the development'* is not explained or justified in planning or legal terms.

Where is the planning link between the definition of a recreational hut and a personal planning permission in SPP 2014 (see above)?

Because of my age (77), this condition severely restricts the benefit of the consent. For this reason, if the review panel is minded to retain some sort of condition, there must be a succession arrangement built into the consent.

Suggestion: If the review panel is minded to retain this condition in some form, perhaps amend the first paragraph to remove the phrase *'and not for the benefit of the land'* and replace it with *'and for the benefit of the land and for Mr Peter Allan and his successors'*. Correct the spelling of 'enure'. Adjust the reason to read: *'Due to the nature of the development, this should be a personal permission.'*

Condition 3

'The development hereby approved shall be used solely for the benefit of the personal recreational enjoyment of Mr Peter Allan and his spouse, partner or family member only, and shall not be used as

their sole or main residence, shall not be used by any other person(s), nor shall the 'hut' be sold or let out to any other third person(s)'.

The sole reason given for the imposition of the condition is *'in order to control and restrict the use of the building'*.

Our comment: It took nearly 11 months from the date of the application for the consent to be decided. After such a lengthy gestation, Conditions 2 and 3 confuse rather than clarify. The conditions are silent as to the reasons why there are such unusual levels of control and restriction for the use of the proposed development. These are so restrictive, that building the hut becomes unviable and actually perpetually stressful: would one of our adult children and their partner be able to use it? Using these conditions to obstruct construction of the hut, which is the end result of them, seems cynical, disproportionate and without precedent in my experience.

We believe that Condition 3 as it stands is so restrictive as to remove the benefit of the consent.

Suggestion: If the review panel is minded to retain this condition in some form, perhaps amend it to add after partner *'or family members and guests.'* Omit the remaining wording of the first paragraph. Adjust the reason as follows: *'In order to control the use of the building and associated land'*.

Conclusion

For the reasons given, my wife and I respectfully ask you to review and ideally, remove the Conditions 2 and 3 in their entirety as I believe they are wholly unreasonable, they are without foundation or precedent in planning and legal terms, and they are also unenforceable. However, in the spirit of being constructive, we hope as a minimum, you will accept our suggestions.

**LRB-2020-18 - 19/00951/IPL – Siting of a hut (in principle)
at land 70 metres north of The Steading, Keltneyburn**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Peter P C Allan Ltd
Mr Peter Allan
35 Craigleith View
Edinburgh
EH4 3JY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **5th May 2020**

Town and Country Planning (Scotland) Acts.

Application Reference: 19/00951/IPL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 19th June 2019 for planning permission in principle for Siting of a hut (in principle) at Land 70 Metres North Of The Steading Keltneyburn subject to any undernoted conditions.

Conditions referred to above

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site (by foot or by vehicle), any utilities connections, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006

- 2 This permission shall ensure solely for the benefit of Mr Peter Allan and not for the benefit of the land.

Reason - Due to the nature of the development, this should be a personal permission only to ensure the development accords with the Scottish Planning Policy definition of a recreational 'hut'

- 3 The development hereby approved shall be used solely for the benefit of the personal recreational enjoyment of Mr Peter Allan and his spouse, partner or family member only, and shall not be used as their sole or main residence, shall not be used by any other person(s), nor shall the 'hut' be sold or let out to any other third person(s).

Reason - In order to control and restrict the use of the building

- 4 In the event that the recreational hut hereby approved is abandoned and cannot be readily used in the structural condition that it is in, all consented development shall be removed and the site reinstated to its former condition - all within 6 months from such instructions for removal and reinstatement being issued in writing by the Council as Planning Authority.

Reason - In order to ensure that the visual amenity of the area is protected in the event that the development becomes abandoned

- 5 Notwithstanding the terms of condition 1, an application for the approval of matters specified must include precise details of a Sediment and pollution preventative plan which must include all measures which are to be put in place during and after the construction phase.

Reason - To avoid any direct disturbance or damage to the qualifying interests of Keltneyburn SAC/SSSI and the River Tay SAC from the development or associated works on the access track

- 6 Notwithstanding the terms of condition 1, an application for the approval of matters specified must include a construction method statement (CMS). The CMS must include details of any proposed improvement works on the access track from Keltneyburn War Memorial to Upper Blairish, drainage improvements, storage and disposal of materials, including the siting of stock piles, temporary dumps, disposal of excess topsoil and recycling provision.

Reason - To avoid any direct disturbance or damage to the qualifying interests Keltneyburn SSSI/SAC and the River Tay SAC

- 7 For the avoidance of doubt, no details concerning the siting, size or appearance of the recreational 'hut' are approved under this permission, or any other associated engineering works or development with the red line planning unit. This permission relates to the approval of a recreational 'hut' solely, as defined by the Scottish Planning Policy 2014.

Reason - In order to clarify the terms of this permission

- 8 All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.

Reason - In order to avoid unnecessary tree and hedge removal

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 3 The applicant shall ensure that any private water supply for the development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

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

Plan and Document Reference

19/00951/1

19/00951/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00951/IPL	
Ward No	P4- Highland	
Due Determination Date	18.08.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Siting of a hut (in principle)

LOCATION: Land 70 Metres North Of The Steading,
Keltneyburn

SUMMARY:

This report recommends **approval** of a planning application in principle for the siting of a recreational hut on a site at Keltneyburn as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 1 August 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This application seeks to obtain a planning in principle consent for the siting of a recreational 'hut', for personal recreational purposes of an individual on an area of land that sits above the small hamlet of Keltneyburn.

A recreational 'hut' is described in the Scottish Planning Policy (SPP) as '*A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups*'.

Whilst this planning application has been made in principle only, some indicative details have been submitted in support of the application. Those indicative details correlate to the above definition. Also shown in the indicative details is the creation of a small wildlife pond / feature, which would require planning consent separately as it would be considered engineering operations in its own right.

SITE HISTORY

No previous history relating to this site.

PRE-APPLICATION CONSULTATION

A pre-application enquiry was made to the Council (18/00608/PREAPP), which raised some concerns regarding the proposal based on the lack of a landscape framework.

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this proposal are,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014, and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland

whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

- Paragraphs 74 - 83, Promoting Rural Development
- Paragraphs 92 – 108, Supporting Business & Employment
- Paragraphs 193 – 218, Valuing the Natural Environment

The SPP also defines a ‘hut’ as being,

‘A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups’

New Hutting Developments: Good practice guidance on the planning, development and management of huts and hut sites’ - Reforesting Scotland’s Campaign for a Thousand Huts (April 2018)

This document provides an overview of ‘hutting’ in Scotland from its historical roots to the current resurgence and status of huts and hutting. Overall it provides general guidelines for *‘the sustainable development of new hutting in Scotland’*. In describing the role of huts, it states that:

‘Simple, rustic buildings have always been an important part of Scotland’s culture. From shielings to mountain bothies and shepherds’ huts, they have played a crucial role as temporary bases for people to spend time in the hills, forests and countryside. Uses have included: tending livestock; fishing; seasonal work; rest, retreat and recreation; family time; enjoying nature and cultural activities such as writing, painting and making music.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan2 2019

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted 2019

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

The site lies within the landward area of the LDP, where the following policies would be applicable to a new hut proposal,

Policy P1A - Placemaking

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

Policy 1 - Placemaking

Policy 5 - Infrastructure Contributions

Policy 38 – Nature Conservation, Designated Sites

Policy 39 – Landscape

Policy 41 – Biodiversity

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing 2020

This policy sets out the Council's position in relation to affordable housing and developer contributions.

Placemaking Guide 2020

This policy sets out the Council's position regarding placemaking standards across the county.

EXTERNAL CONSULTATION RESPONSES

SNH have commented on the proposal in terms of the impact on the SSSI and SAC, and have raised no objection subject to appropriate mitigation measures being agreed and then delivered via suitable conditions being attached to any permission.

INTERNAL COUNCIL COMMENTS

Biodiversity Officer has commented on the proposal and raised no objections or requested the need for any additional wildlife surveys.

Transport Planning have commented on the proposal in terms of access and parking issues and have raised no concerns.

Development Negotiations Officer has commented on the proposal and indicated that there are no requirements for any Developer Contributions,

Environmental Health have commented on the proposal in terms of private water infrastructure and have indicated that there is some known private infrastructure in the area and standard informative notes should be attached to any permission to safeguard existing infrastructure.

REPRESENTATIONS

Four letters of representations have been received, 3 of which are objecting to the proposal and one is offering support.

In terms of the letters of objections, the main issues raised are,

- Contrary to Development Plan
- House by 'any other name'
- Potential for larger development to occur
- Impact on SAC/SSSI
- Road safety issues
- Impact on Wildlife
- Impact on private track

In terms of the letters of support, this comes from a representative of the 1000 huts for Scotland campaign and offers support for the development, and considers the site to be a good location for such a development.

In addition to the above a further representation has been received from the local Community Council, the Glen Lyon And Loch Tay Community Council.

Their initial representation was largely an objection, which highlighted their concerns regarding the impact on the SAC/SSSI, the condition of the existing track and asked that SNH were formally consulted on the proposal. They also suggested that if the hut was to be commercial operation as opposed to a family recreational hut, then they would object to that usage.

After further discussions with the CC, and clarifying to them the settled position of SNH and the likely conditions which would be attached to any permission, they have formally withdrawn their objection - subject to SNH

recommended conditions being included on any permission, and additional conditions relating to the occupancy and ensuring the development correlates with the SPP definition of a recreational ‘hut’.

ADDITIONAL INFORMATION

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Undertaken by PKC
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	None

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2017 and the Perth and Kinross Local Development Plan 2019.

In terms of other material considerations, consideration of the Developer Contributions Policy is a material consideration.

Policy Appraisal

In terms of land use, the key policies are found within the LDP2.

Within that plan, the site lies within the landward area adjacent to both an area of Special Site of Scientific Interest (SSSI) and also a Special Area of Conservation (SAC). To this end, *Policies 1* (placemaking), *38* (nature conservation), *39* (landscape) and *41* (biodiversity) would be applicable.

Policy 1 seeks to ensure that all new developments do not have an adverse impact on the environment in which they are located, whilst *Policy 38* seeks to ensure that our designated environmental sites are not adversely affected by new developments – and makes specific reference to protecting both SSSI and SACs.

Policy 39 seeks to protect our protected landscapes from inappropriate new developments, whilst *Policy 41* seeks to ensure that existing habitats and

flower and fauna of importance are not adversely affected by new development, and that biodiversity is promoted where reasonably possible.

For reasons stated below, the proposal is considered to be acceptable in principle subject to conditions,

Land Use

It is noted that a concern has been raised within the representations that this proposal is for a house, by 'any other name'.

This is not the case.

The proposal is for a recreational 'hut', and by reading the applicants supporting statement and subsequent clarification, the proposed hut would be used inline with the definition of a hut as supplied by the Scottish Planning Policy. It would be for the personal use of Mr Peter Allan, and would not be used as his sole or main residence nor would it be sold or rented out to a third party.

It would also be the case that future control of the use and occupancy of the 'hut', and its size would be controllable by conditions to ensure that the detailed development which is advanced is as per the definition contained within the SPP, and that the development remains a recreational 'hut' for personal use and not a mainstream dwelling or a commercial holiday let. It would also be the intention to offer a personal permission in light of what is proposed.

Policy 8 of the LDP2 states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business, or are related to an existing site-specific resource or opportunity.

The proposal is for a private, recreational hut for an individual.

From what is contained within the applicants supporting statement and in supplementary correspondence, the proposed hut is not proposed to be a commercial operation but will be used for his personal recreational use, as per the principles of the hutting guidance and would be retained within his personal ownership.

The principles of *Policy 8* of the LDP2 would therefore not necessarily be directly applicable in this instance, as the recreational hut would not be a business venture.

The acceptability of the proposal from a land use point of view is therefore largely an assessment of whether or not the proposal would fit in with the

character of the area, and whether or not its potential impact on the existing amenity (visual, residential and natural) is acceptable.

The proposed recreational 'hut' will be extremely small and would have little impact on the visual amenity of the area. The concerns raised within some of letters of representations regarding the expansion of this development into 2, 3, 4 or more huts are noted, however what is proposed under this planning application is a singular 'hut' only.

It would not automatically be the case that if a permission for one hut was granted, then it would open the door for more huts to be consented or nor would it necessary set a potentially undesirable precedent. In the event of of this proposal being supported, and the hut being advanced and implemented, any further huts would be considered on their own merits. It would also be the case that if the 'hut' was to change from a recreational unit to a commercial let or a change in ownership was proposed, then a further planning application would be necessary, and a reassessment required at that given point in time.

In this location, a recreational 'hut' would not be unexpected. The area is remote and has tremendous views to the south over Keltneyburn which is largely why this site has been chosen for such a development.

The site does have a degree of landscape framework, with it being set in front of a woodland backdrop and an existing access track. The immediate site boundaries are less defined, but due to the nature of what is proposed, it would be expected that some openness would be apparent.

The proposed locational aspects of the recreational 'hut' are therefore acceptable in the context of what is being proposed.

In terms of the impact on the natural environment, the site is adjacent to areas which are sensitive, and have SAC and SSSI designations. The site itself is also rich in local wildlife. SNH have been consulted on the planning application, and the Council's Biodiversity Officer has also been consulted and visited the site.

Both are of the view that the proposal could have an impact on the nature conservation, however any such impact would be controllable via appropriate conditions, and the use of the 'hut' remaining as recreational and not commercial.

This position is echoed, to some degree, in the comments made within the representations and also the initial comments from the local Community Council.

The proposal is therefore also considered to be inline with the relevant nature conservation policies of the LDP2, and is ultimately considered to be acceptable from a land use point of view.

Visual Amenity, Design and Layout

This is only a planning in principle application only, so no details of the physical appearance of the recreational 'hut' will be approved as part of this permission.

However, the recreational hut will be restricted to a certain size, and therefore the potential for it to have an significant impact (due to its physical size) is slim. It will essentially be seen as a small shed, not too dissimilar to the many private water borehole huts which are scattered about the PKC countryside.

Final detail of the appearance, and placement of the recreational hut on the site will be subject to an application for reserved matters however subject to suitable details coming forward it is not envisaged that any issues with visual amenity, design or layout will be encountered.

Landscape

The site is right on the northern edge of the Loch Tay Special Landscape Area. The nature of the development is such, that there would be an impact on the landscape as the resultant structure would be visible. However, in the wider context of the landscaped area, the development would have minimal impact on the landscape qualities of the area.

Residential Amenity

In terms of the impact on existing residential amenity, the proposal have limited direct impact. It would also be the case that due to the nature of the open landscape there would be able recreational area for the users of the 'hut' to enjoy – which is one of the reasons for the proposed siting here.

Roads and Access

The proposal raises no concerns in relation road relates matters.

The site would be accessed partly a private track and a proposed footpath. As this proposal is only in principle, no details of the footpath or its length, specification are to be approved at this stage and would be subject of further assessment at a detailed stage.

It is noted that within the representations from interested parties and the local community council, the volume of additional vehicles movements is generated by this development is cited as being significant. This is a simple 'hut', with a maximum floor space of circa 30m². It would not physically have the volume of space to generate a large number of people movement to and from the site.

If the development progresses, and is eventually implemented the use would have minimal impact on the existing traffic usage or on the existing users of the track.

Impact on the SSSI and Special Areas of Conservation

The development lies directly adjacent to two Special Areas of Conservation (SACs) Keltneyburn SAC and the River Tay SAC and also Keltneyburn Site of Special Scientific Interest (SSSI).

In relation to the SAC's, the principle concern relates to any new track from the existing private track to the 'hut'. This is only an in principle application, so no details of this path are under full consideration at this stage and it may be the case that the final layout does not include any path to and from the hut.

However, to ensure that suitable sediment and pollution preventative measures and a construction method statement with specific details including any proposed drainage improvements or track improvements are provided at an early stage, these will be requested at the reserved matters stage so that any potential impact can be fully assessed and considered by both the Council and SNH.

In terms of the SSSI, the submission of the aforementioned details would also safeguard the grassland and plant interests of the SSSI from any direct adverse impacts.

SNH have reviewed the proposal, and subject to these matters being secured by conditions they have no objections to the proposal and are of the view that the integrity of the SSSI and SAC can be reasonably protected.

Drainage and Flooding

The proposal raises no issues in terms of flooding or drainage matters.

With a hut, there will be no connected foul drainage / treatment plants or running water and this will be subject to negatively worded conditions.

Conservation Considerations

The proposal would not affect any listed building or Conservation Area.

There are some listed buildings within the area, however this particular site is not considered to be within any historic setting.

In addition, there is also some known local archaeology to the west of the site, however as this proposal is for minor structure only with no degree of engineering, there would be no lasting impact on any archaeology interests.

Impact on Existing Trees

There is one notable tree on the site, which has been shown as being retained as part of the indicative proposals. Some other trees / hedges may also be affected depending whether a pedestrian path is advanced or not. A standard condition and informative note will be attached to the permission which secures its retention, and incorporation into the detailed layout.

Private Water

There are some known private water supplies believed to serve properties in the vicinity. To ensure that the development proposed as an adequate and consistently wholesome supply of water, and to ensure that the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance standard informative are proposed. It should be noted that once the development is operational, the Council may have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality.

Existing Track Access

The existing track leading up to the site appears to be well used, but it is not a core path or right of way and is private, for the users permitted. It is noted within the letters of representation that concerns have been raised regarding the impact that the development (construction phase and on completion) would have on the tracks physical condition and also safety at the junction with the public road.

The proposal is for a 'hut'. A very simple structure, which could be assembled quickly on site from scratch or quicker if transported as 'flat pack' or made up and would not require sustained HGV movements over any prolonged period of time.

There may have to be some thought given to how the levels are addressed on site to create a flat surface, however this could be as simple as short support posts in the ground as opposed to extensive engineering works – which would not be expected for a hut development. It is considered reasonable to seek clarification on this via the CMS required by SNH, due to the close proximity of the SAC and SSSI areas, however in practice and in terms of the impact on the existing track, the construction phase will have minimal impact on the track and its surface.

In terms of when in use, the 'hut' is recreational and will not be used daily, or probably even weekly. It will also not be used for permanent residence or used by third parties for commercial purposes. Due to the nature of the development there would be some movements up and down the existing track, however as the applicant has indicated that he has the necessary legal

rights to use the track then it would not be for the planning system to address on going issues over long-term maintenance.

In terms of the junction with the public road, Transport Planning have reviewed the proposal and the junction is considered acceptable for the development proposed.

Conditions

This planning application is unusual, as it is not common for such a small development to be subject to an in principle submission. The lack of details has also made determining the application challenging, which is the principal reason for the length of time taken for the determination – but this has been acknowledged by the applicant and he welcomes the time taken to come to a reasoned conclusion.

The nature of the submission, also makes it critical that suitable conditions are imposed on any permission to ensure that the proposal is advanced in line with what has been consented i.e. a recreational 'hut', as per the definition by the SPP. To this end, whilst this is a simple development in terms of its scale etc, the number of conditions which are proposed as extensive but all the conditions are considered necessary to deliver an acceptable development.

The conditions relate to,

- Occupancy, restricted to the personal permission
- No engineering works
- No fixed drainage
- Size restricted to the definition of a recreational 'hut', as per the SPP.
- The 'hut' removed if no longer used by the named person for a period of 2 years.
- Submission of a CMS to protect the adjacent SAC/SSSI
- Tree protection, and retention.

Size of the site

This proposal is essentially for a 30sq m (or less) structure, with no services and no engineered foul treatment plant. However, the applicant has submitted a larger planning unit which is slightly odd and which has been picked up in some of the letters of representations. The applicant has indicated that this proposal is purely for a single recreational hut, as per the definition of the SPP, and that the site boundaries submitted follow landownership extends and to offer as much scope for siting as possible. There is no intention to develop all the land, just to sit the single hut.

Developer Contributions

Affordable Housing

As the proposal is for a recreational 'hut', there is no affordable housing provision required.

Primary Education

As the proposal is for a recreational 'hut', there is no developer contribution for Primary Education required.

Transport Infrastructure

The site is located outwith the catchment area for Transport Infrastructure contributions.

A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

Economic Impact

As the hut is not a commercial operation, the development would have little direct impact on the local economy.

Conclusion

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2017 and the adopted Local Development Plan 2019. Other material considerations have been considered and there are none that would justify overriding the Development Plan.

On that basis the planning application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this planning application has not been made within the statutory determination period. An additional period of consideration was required to fully consider the possible impact on the SAC and the SSSI, and to allow for SNH to be formally consulted.

The applicant has agreed to and signed a processing agreement.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Approve the planning application, subject to the following conditions

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site (by foot or by vehicle), any utilities connections, vehicle parking and turning facilities, levels, drainage and waste management provision. *(Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006)*
- 2 This permission shall enure solely for the benefit of Mr Peter Allan and not for the benefit of the land. *(Reason – Due to the nature of the development, this should be a personal permission only to ensure the development accords with the Scottish Planning Policy definition of a recreational ‘hut’).*
- 3 The development hereby approved shall be used solely for the benefit of the personal recreational enjoyment of Mr Peter Allan and his spouse, partner or family member only, and shall not be used as his sole or main residence, shall not be used by any other person(s), nor shall the ‘hut’ be sold or let out to any other third person(s). *(Reason - In order to control and restrict the use of the building)*
- 4 In the event that the recreational hut hereby approved is abandoned and cannot be readily used in the structural condition that it is in, all consented development shall be removed and the site reinstated to its former condition – all within 6 months from such instructions for removal and reinstatement being issued in writing by the Council as Planning Authority. *(Reason – In order to ensure that the visual amenity of the area is protected in the event that the development becomes abandoned)*
- 5 Notwithstanding the terms of condition 1, an application for the approval of matters specified must include precise details of a Sediment and pollution preventative plan which must include all measures which are to be put in place during and after the construction phase. *(Reason- To avoid any direct disturbance or damage to the qualifying interests of Keltneyburn SAC/SSSI and the River Tay SAC from the development or associated works on the access track)*
- 6 Notwithstanding the terms of condition 1, an application for the approval of matters specified must include a construction method

statement (CMS). The CMS must include details of any proposed improvement works on the access track from Keltneyburn War Memorial to Upper Blairish, drainage improvements, storage and disposal of materials, including the siting of stock piles, temporary dumps, disposal of excess topsoil and recycling provision. *(Reason- To avoid any direct disturbance or damage to the qualifying interests Keltneyburn SSSI/SAC and the River Tay SAC)*

- 7 For the avoidance of doubt, no details concerning the siting, size or appearance of the recreational 'hut' are approved under this permission, or any other associated engineering works or development with the red line planning unit. This permission relates to the approval of a recreational 'hut' solely, as defined by the Scottish Planning Policy 2014. *(Reason – In order to clarify the terms of this permission)*
- 8 All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above. *(Reason – In order to avoid unnecessary tree and hedge removal)*

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 3 The applicant shall ensure that any private water supply for the development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water

Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

Procedural Notes

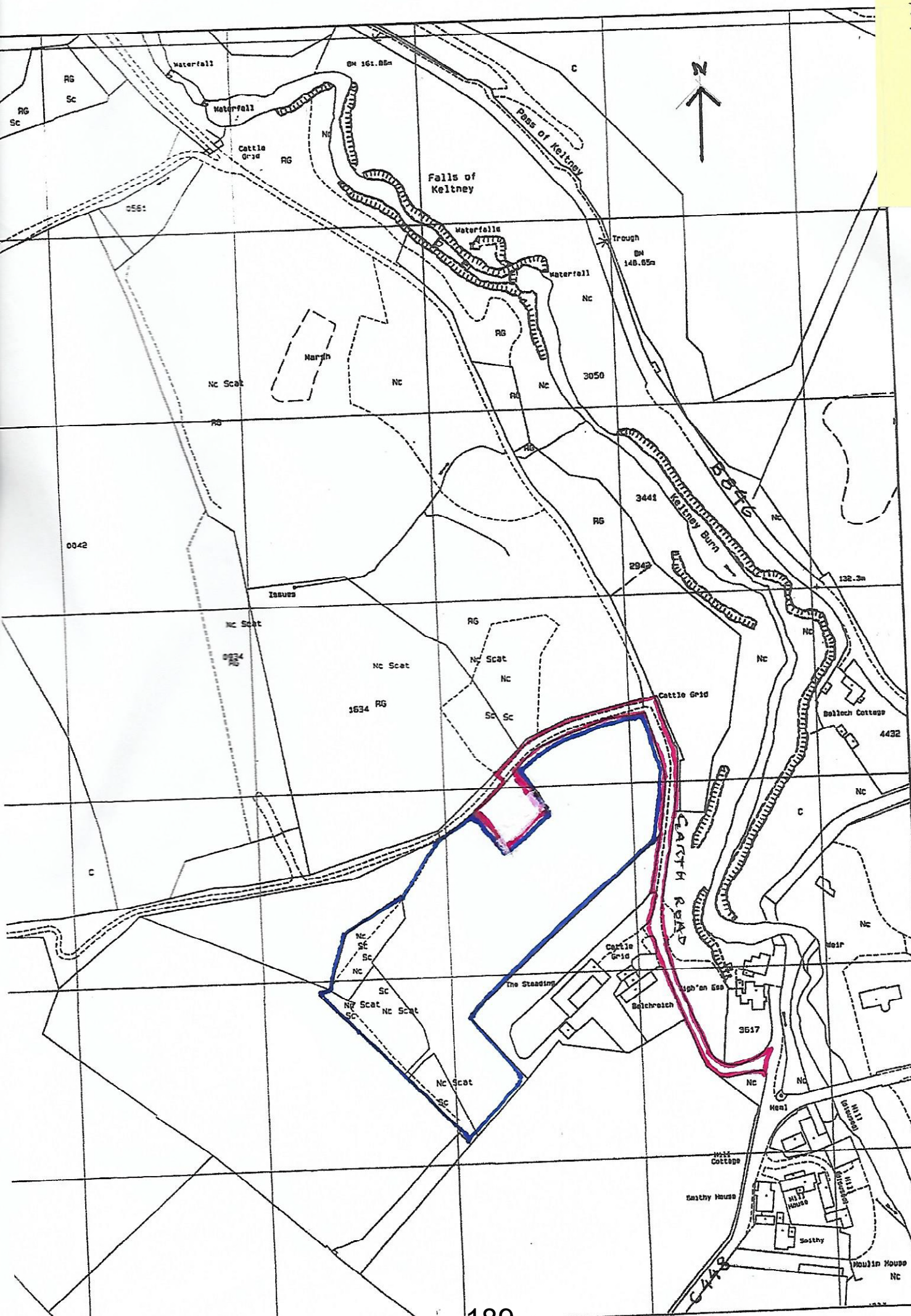
Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/00951/1

19/00951/2

Date of Report – 23 April 2020



Keltneyburn 2500 OS Map
PPCA Ltd CHARTERED CONSULTANT TOWN PLANNERS AND LANDSCAPE ARCHITECTS 25 Awa Street, Edinburgh EH2 4PS Tel: 0131 225 1225 Fax: 0131 220 177

Upper Blairish, Keltenyburn Lower Field

Application for planning permission in principle for a Proposed Hut near Keltneyburn, Aberfeldy

Planning statement June 2019

See accompanying schedule of documents

Introduction

Huts and the Scottish planning system

- Until recently, the lack of any formal recognition of hutting in policy or legislation has been an impediment to the building of new huts in Scotland. The inclusion of supportive policy on huts in the 2014 Scottish Planning Policy (SPP) and in more recent new legislation relaxing some building regulation, which came into force in 2017, brings huts and hutting firmly into the planning arena in recognising hutting as a distinctive type of development with its own characteristics and requirements.
- Reforesting Scotland's 1,000 huts campaign has been developed over 6 years in order to achieve those changes which grew from the Scottish Government's consultation and which showed widespread support for relaxing restrictions on the building of simple wooden huts. It would be reasonable to conclude that this finding is a recognition of demand.
- Section 79 of the SPP states that 'Local Development Plans should set out a spatial strategy which, where appropriate, develops policies and proposals for leisure accommodation, such as holiday units, caravans, and huts'
- This paragraph contains a link to the glossary in the SPP where a hut is defined as follows: 'a simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups'.
- Scottish Planning Policy identifies that the demand for huts for recreational use is one of the matters that should be addressed in the preparation of development plans. "Huts and Hutterers" conclude that hut sites are possibly the last bastion of a kind of individual freedom to 'nest'. Today there is evidence from the council that huts are in increasing demand within Perth and Kinross (see for cc email from Perth and Kinross Council, item 6 on the schedule, 30/05/19). The information in the research "Huts and Hutterers in Scotland" (Research Consultancy Services, Scottish Executive 2,000) page 5, Table 1 would also suggest there is historic evidence of demand in Perthshire with 30 huts recorded, item 10 on the schedule.

Hut construction

Huts should be simple buildings constructed from natural or reclaimed materials rather than highly-processed components. The reason for this is twofold: firstly, the use of natural materials, particularly for cladding, helps the building to integrate well with its natural environment. There

are however no permitted development rights for huts. A planning application will be required for all hut developments and the application process will need to provide details of what is proposed - including any decking, canopies or external toilets.

Secondly, the use of natural, less-processed materials reduces the energy embodied in construction, thereby minimising the carbon footprint of the building. While timber is the traditional material for hut construction, hutters are sympathetic to the use of most low impact, minimally processed materials (whether natural or reclaimed), and to the use of metals for roofing or cladding (which is in keeping with traditional rural use of corrugated metal).

The most appropriate approaches to hut building (i.e. those that are in keeping with its low impact philosophy) rely as much as possible on the use of sustainably grown and processed local materials, and the skills of locally based craftspeople and tradespeople. There are already examples of this happening in Scotland, and it has been demonstrated that it is possible to produce well-designed, simple, low-technology buildings in this way. A good example of this is the Woodsman's Hut at Nethybridge, which was built on a relatively small budget, using local timber and skills, and won the Cairngorm National Park Design Award in 2012.

Traditionally, hutting was an affordable way for low waged urban people to have regular access to their own low impact space in natural surroundings near the town or city where they lived. This use pattern still exists in remaining hut sites such as Carbeth. The Aberfeldy area is part of the area of Perth where huts are already located according to the survey carried out on behalf of the Scottish Executive.

Huts are primarily about spending time in nature, peace and quiet, companionship or perhaps solitude, away from busy lives. They are about creating a space to restore mind, body and spirit. This is part of what distinguishes huts from bothies, fishing huts and similar structures with a purpose primarily to do with sleeping and eating accommodation to help support specific activities.

Definition

As there are no permitted development rights for huts, a planning application will be required. On this occasion the application is for permission in principle. However, information is provided to aid consideration of visual impact and the proposed access arrangements. Details will be provided thereafter including decking, canopies, septic tanks or external toilets.

The maximum internal floor area of 30m² included in the SPP definition has been set to minimise the risks of structural instability, to maximise energy efficiency and to help ensure that huts remain simple, low impact buildings which can be removed with little or no trace.

Huts may also have decking. Decking has an important role for access and the practicalities of hutting. Decks can be covered to increase functionality and prevent entrance ways from becoming slippery.

The SPP definition of a hut clearly states that a hut is not a principal residence and that it is for intermittent use. To protect the natural environment of rural Scotland it is important that low impact huts do not turn into higher impact developments.

Planning considerations

All planning decisions are to be made in accordance with the development plan unless material considerations indicate otherwise. SPP 2014 is the only source of development plan requirements in this case. Other material considerations are set out below.

A pre-application submission was made to the council earlier in the year. While that process was helpful in identifying the range of policies considered relevant, there were two issues raised by the Council where some disagreement exists. Firstly, it is the case that huts are defined only in SPP. It follows that seeking justification for the opinion expressed in the PreApp that Local Plan Policy ED4: Caravan Sites, Chalets and Timeshare developments, could be used to assess the principle of the proposal for a hut is not correct. Hutting and other tourist facilities are now separated from each other by virtue of the introduction of hutting into SPP. Although SPP includes huts under the heading of leisure accommodation, sub-paragraphs a) and c) make it clear that new development according with policy ED4 can only apply to existing tourist facilities. Similarly, the suggestion that the proposal does not fit within policy ED4C because the purpose of hutting is to allow people to connect with the existing environment and that people using huts may have no wish to travel out with the site or take advantage of tourism facilities in the area, is to introduce a speculative planning argument which is an invention not supported by any policy.

The Pre-App response was also critical of the availability of public transport between Aberfeldy and Keltneyburn but offered no information to justify the expressed opinion. For example there was no reference to the suitability of the Tay valley for walking and cycling. There is one daily bus service from Aberfeldy to Keltneyburn and the reverse from Keltneyburn to Aberfeldy (except Mondays and Saturdays, but there is a Sunday morning service). It is obvious that in a rural area bus services may be less frequent. The provision a hut, although modest, will increase demand for public transport and other forms of access. It is the case that development associated with the adjacent Steading included 4 new houses (although the permission is said to have lapsed). At Upper Blairish there is an undeveloped plot with an extant consent (as the overall development there has been begun). It is not unreasonable to assume that this recent planning history will translate into some new housing development. Clearly, these additions can only increase demand for further bus and other services.

The pre-app states that the distance from Aberfeldy to Keltneyburn is 8km, which equates to 5 miles which is half of the total deemed appropriate in recent research in 'Huts and Hutters'. Their finding was that a significant number of hut owners in Scotland live within 10 miles of their hut, and over half of those surveyed live within 25 miles of their hut. The authors of the report state: 'we support the continued development of huts in such accessible rural locations'.

Suitable locations

Huts could be an appropriate form of development in a variety of rural locations around Scotland. Decisions on location will be based on local circumstances and national planning policy.

The 20th century model of Scottish hutting was such that huts were built near towns and cities, to be easily accessed by hutters from their homes a few miles away. The huts were not intended as permanent dwellings but as an extension of home life – an affordable getaway or retreat that people could easily access on a regular basis.

In terms of siting, each application will be assessed on its own merits. The Scottish Government promotes principles of good place making including issues applicable to hut sites. For a group of huts, accessibility to users may be an important consideration. For single huts, accessibility may

not have the same salience. For a hut that serves as a retreat or hermitage, a remote or inaccessible location may be appropriate.

In an ecologically sensitive area such as Keltneyburn the impact arising from the development of a new hut must be considered carefully. The ethos of hutting is that it should be in balance with the natural environment and should be a way for people to increase their understanding of, and connectedness to, the natural environment. The chosen locality benefits from access to the some of the best Highland scenery, from its proximity to fine woodland, to the area immediately adjacent to Keltneyburn SSS1 and to the popular Keltneyburn gorge. There is good walking access towards the mountains, in particular Schiehallion. The building of a hut is unlikely to have any adverse material impact upon the current use of the land or to the wider use of the Keltneyburn area.

The attached illustrations show the general site, the slope and the ash tree, and a sketch shows how the proposed hut would fit into this landscape. The proposed hut would not break the skyline in views from the south and it is suggested that in those views, against a background of trees and sloe bushes, there would very little or no impact. Included is a view from the proposed hut position to the south showing the steading and the way that longer views of the rivers is maintained.

Access and sustainable development

Hutting has the potential to increase low carbon living and to provide affordable access to nature. In keeping with this, effort should be made towards locating sites in areas accessible by sustainable transport modes: walking, cycling and public transport.

Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

In remote and fragile areas and island areas out with defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place. Where appropriate, the proposals should set out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts.

The site proposed for the hut has been chosen because it represents a location with a low visual impact on the local area. The attached photographs show an early Autumn landscape, and when read with the application plan, indicate a site approximately near the foot of a local south facing hill which is flanked to the north-east by a signature mature ash tree – one of the few examples of a free-standing tree on the adjacent acreage. To the north-west is steeply sloping ground with the trees running up to and surrounding Upper Blairish on the skyline. The proposed hut will not break the skyline in views from the south, say from The Steading. The hut will be barely visible to users of the Garth Road and the Upper Blairish access track. There is considerable visual screening to be obtained from the existence of sloe bushes and other trees adjacent to the track at this point. The benefit of the site lies in its ease of access, its shelter, the fine views over the valley of the River Lyon and to the River Tay in the far distance.

As shown on the application plans, the proposal is to take access directly from the track to Upper Blairish. A short path would then lead to the hut. These proposals would keep earthworks to a minimum and would help to ensure that there was no visible scar on the landscape arising from

access. The immediate area would be lightly strimmed twice a year in order to encourage wild flower growth. While details of the proposed hut would follow in an application for further approval, at this stage the applicants propose a hut constructed from timber, in all probability locally sourced, which will be allowed to weather naturally. A shingle roof finish may be proposed for the same reason but a metal roof may be more robust.

There is no direct implication for biodiversity, there is no threat to third party access rights and similarly no adverse effects arising from flood risk. The flat valley floor of the Tay is excellent for cycling with a riverside route extending along the banks of both the Tay and the Lyon from Aberfeldy. The bus shelter at the foot of the Garth Road, which lies within the applicant's ownership, will be repaired and retained. There is no reason, due to their scale and location, why any part of the proposals should have an adverse impact on the adjacent Keltneyburn SSI or the Meadow.

As the application is for planning permission in principle there is an opportunity to consider details such as exact siting, roof and wall treatment and colours as part of the subsequent application for matters specified in conditions. It is also relevant to note that the water supply to the field and to The Steading below passes close by the east of the site, although its exact alignment has not been verified as yet.

Adjacent agricultural land

The proposed site of the hut forms part of a field owned by the applicant of approximately 5 acres. In common with similar marginal grazing land, there is now considerable difficulty in letting out such land owing primarily to the costs of transporting stock. New uses need to be found.

There is already an area of ancient woodland recognised as such on the western side of the field, together with a large area of sloe bushes to the north. These existing woodland assets could form the kernel of what will become one of the future main land uses, namely, small-scale, local forestry. The proposal will include land areas for natural regeneration, together with areas for coppicing. Should there be demand for limited grazing, then land can be set aside for that purpose (see sketch layout 8).

It is intended that the proposed hut, in addition to its use for holiday purposes, will on occasions serve as a base for carrying out maintenance and for forestry work including providing some secure storage for appropriate equipment.

Summary

1. The proposal

Planning Permission in Principle is sought for a simple hut as defined in SPP2014. The SPP and other sources identify a demand for huts for recreational use; the LDP should describe a spatial strategy which, where appropriate, sets out policies and proposals for leisure accommodation such as holiday units, caravans and huts.

The proposed hut will constitute a simple building not exceeding 30sqm internal floor area. It will be based upon the principles set out in literature which refers to huts in Scotland i.e., to be built with the emphasis on natural and reclaimed materials. Such an approach will aid assimilation into the natural environment and will enhance energy efficiency.

2. Policy

The SPP refers to holiday accommodation in general but specifically mentions huts. Hut users are looking for relatively isolated locations. It is recognised that the site is part of an area identified as being of scenic and ecological importance. However a balance needs to be struck on each occasion between demand for huts and the environmental considerations that apply. Huts, due to their nature, use and modest scale make it unlikely they will lead to any material adverse consequences. Reference has been made to the particular features of the site which it is believed support the proposal.

3. Site considerations

The site shown in the application drawings is located near the foot of a south-facing slope such that the hut would not break the skyline when seen from The Steading for example. The materials proposed for the hut will be dark in colour. Fitting a small building such as is proposed into this particular landscape is unlikely to have any material negative environmental impact.

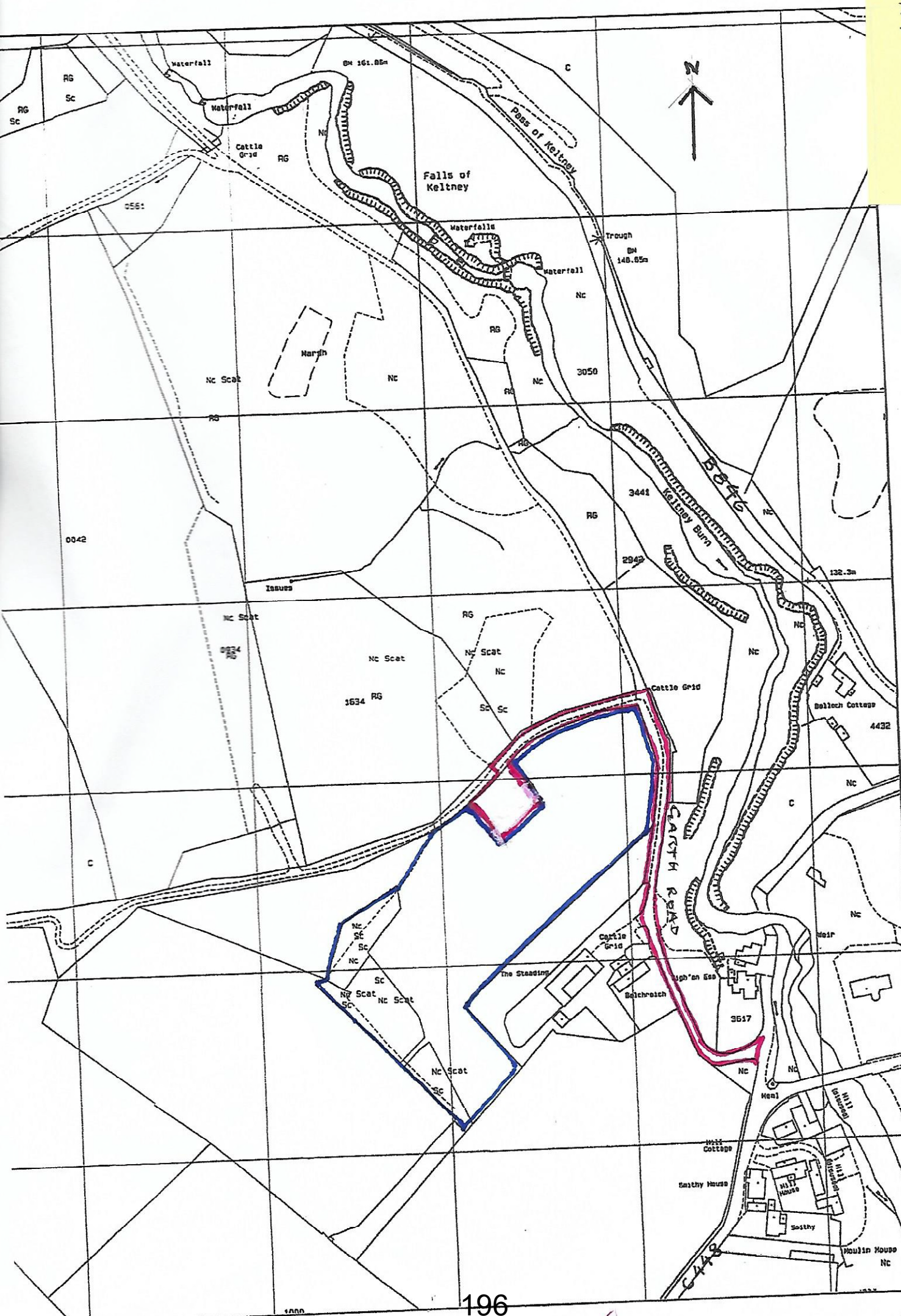
The adjacent ash tree which is situated immediately to the NW of the proposed hut potentially provides some effective containment and privacy. This is augmented by the existence of many sloe bushes and several trees along the line of the access track to Upper Blairish and from which pedestrian access to the vicinity of the hut would be provided. A layby for a single vehicle would be appropriate at the site entrance.

The attached photographs may help to understand the context and landform associated with the proposals.

4. Conclusion

The proposed application is for planning permission in principle. This is because there are some unknowns at this stage, for example the exact position of a water supply pipe close to the proposed eastern boundary. Similarly, ground conditions may dictate adjustments to the exact footprint of the hut. Neither of these matters is considered likely to cause difficulties.

It is believed that there is adequate policy justification to support the granting of consent. There are no other material considerations which would justify refusal of the application. As noted, the hut will be designed to have minimal environmental impact while contributing to the needs of those seeking comparative solitude. In this context it is the intention to let out the proposed hut on occasions so that others may share the opportunity that is provided.



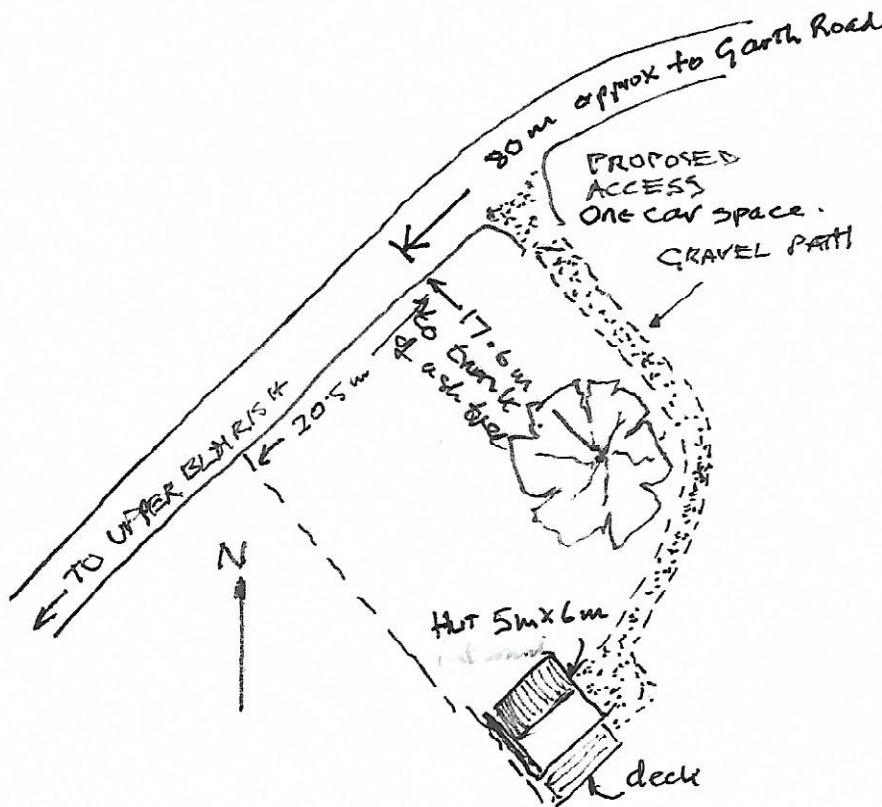
Keltneyburn 2500 OS Map
PPCA Ltd CHARTERED CONSULTANT TOWN PLANNERS AND LANDSCAPE ARCHITECTS 25 Awa Street, Edinburgh EH2 4PS Tel: 0131 225 1225 Fax: 0131 220 177

Keltneyburn

Proposed hut (as defined in SPP)

Scale 1:500

Planning Statement Summary



Lack of any formal recognition of huts in town planning has been an impediment to the building of new huts in Scotland. The inclusion of a supportive policy and definition of huts in SPP has brought huts within the planning arena as a distinctive type of development.

A hut is defined as a simple building, used intermittently as recreational accommodation, with an internal floor area not exceeding 30msq.

Keltneyburn is recognised as a sensitive area known for both its scenic and environmental qualities. The chosen site is reckoned to have the least visual impact due to its remoteness and to its siting to the lea of a small hill which provides both shelter and ensures the skyline is not broken. Similarly, the adjacent ash tree is a distinctive feature in the landscape owing to the general absence of single trees arising from the past use of the land for grazing. An illustrative plan is shown identifying the general location of the proposed hut.

There is an opportunity that investment in the hut would help to support forestry on the land ownership. An illustrative plan is included to demonstrate how this can be achieved. Similarly, the title confirms that the existing bus shelter is sited on land in the applicants ownership and will be maintained.

The proposed hut is a small building. It would be clad in dark coloured wood. The roof would be black corrugated metal or alternatively clad in shingles. The enclosed area would be lightly trimmed twice a year to encourage wild flower growth.

A log store and a composting toilet would be added. An adjacent water supply serves this field and parts of the village. It requires to be accurately located in order to ensure building work avoids the facility.

Table 1 - Hut sites and huts across Scotland

	Rented sites		Owned sites		All sites	
	Huts	Sites	Huts	Sites	Huts	Sites
Stirling	188	2	14	1	202	3
Scottish Borders	107	3	0	0	107	3
Angus	93	7	13	1	106	8
Dumfries & Galloway	30	4	27	2	57	6
South Ayrshire	16	1	17	3	33	4
Perth & Kinross	22	2	8	2	30	4
Argyll & Bute	17	2	12	1	29	3
East Lothian	24	1	0	0	24	1
Inverclyde	14	2	0	0	14	2
North Ayrshire	11	1	0	0	11	1
Renfrewshire	9	1	0	0	9	1
Aberdeenshire	7	1	0	0	7	1
TOTAL	538	27	91	10	629	37

Table 2 - Hut sites by size (approximate numbers of huts)

	Rented sites	Owned sites	All sites
Very large sites (>150 huts)	1		1
Large sites (c50 huts)	2		2
Medium sites (c 20-30 huts)	4	1	5
Smaller sites (c 10-20 huts)	8	3	11
Small groups (c2-9 huts)	12	6	18
TOTAL	27	10	37

From: Katrina Walker <KLWalker@pkc.gov.uk>
Sent: 30 May 2019 11:27
To: 'Peter Allan'
Subject: RE: Section 79 of Scottish Planning Policy

Dear Peter

I confirm that neither the adopted nor the proposed Plan policy make specific reference to huts. The Proposed Plan is currently at Examination and the issue of huts was not raised in representations so the next opportunity for including a specific reference to huts in planning policy will be Local Development Plan 3. This is however acknowledged as a growing area of interest and as such we are looking to prepare non-statutory guidance on this issue.

Regards

Katrina Walker
Planning Officer – Strategy & Policy

Please note that I work part time: Mornings only on Monday, Wednesday and Thursday, and all day on Tuesday.

Perth & Kinross Council, Planning & Development, Housing & Environment Service, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
Phone: 01738 476509
Email: klwalker@pkc.gov.uk
Website: www.pkc.gov.uk

From: Peter Allan [mailto:peterpcallanltd@gmail.com]
Sent: 30 May 2019 11:18
To: Katrina Walker
Subject: Re: Section 79 of Scottish Planning Policy

Katrina

Many thanks. However my query was specifically about huts and I'm not clear from your email whether your answer includes huts.

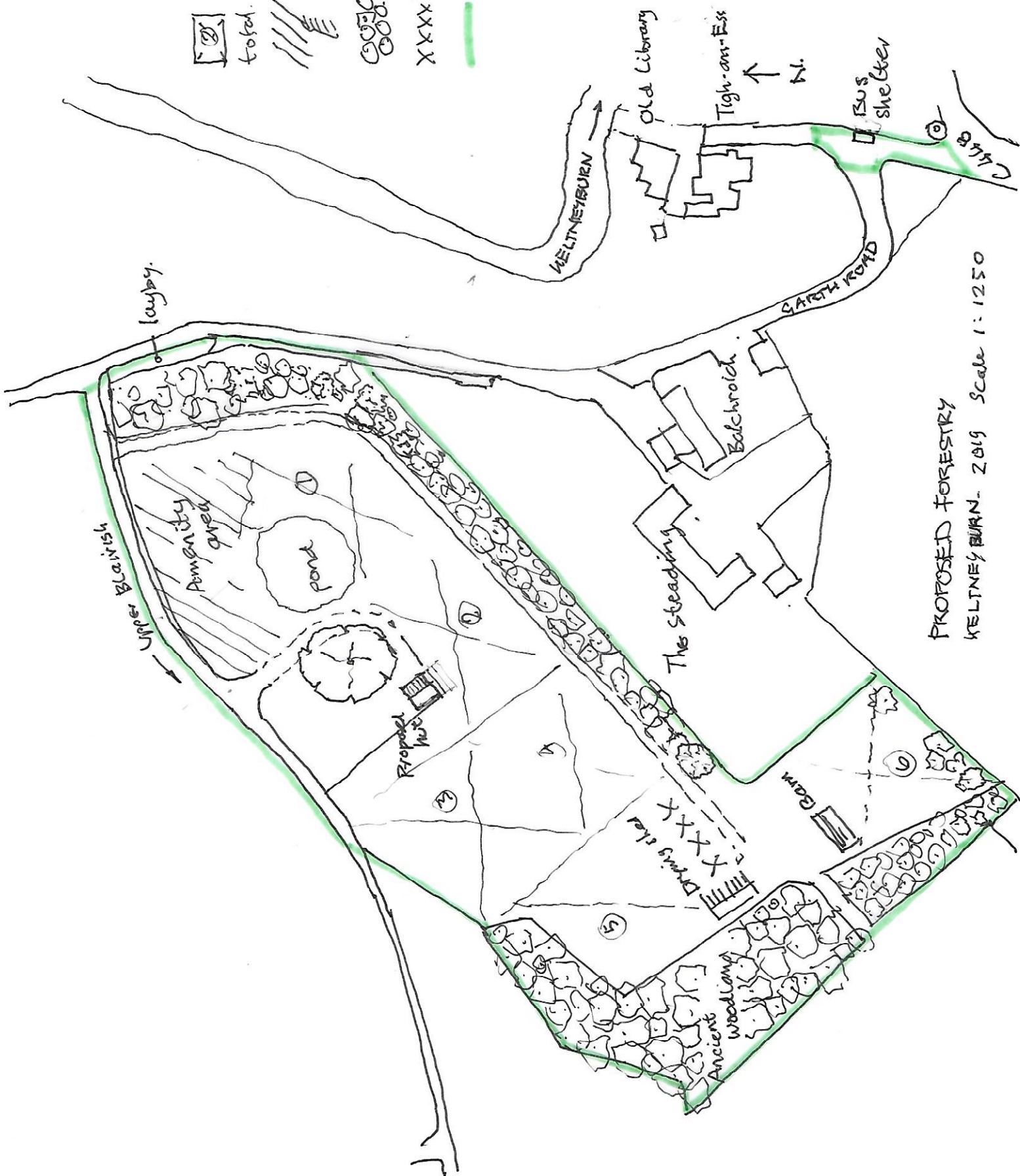
Peter

On Thu, 30 May 2019, 11:11 Katrina Walker, <KLWalker@pkc.gov.uk> wrote:

Dear Mr Allan

Thank you for your email which has been forwarded to me for response.

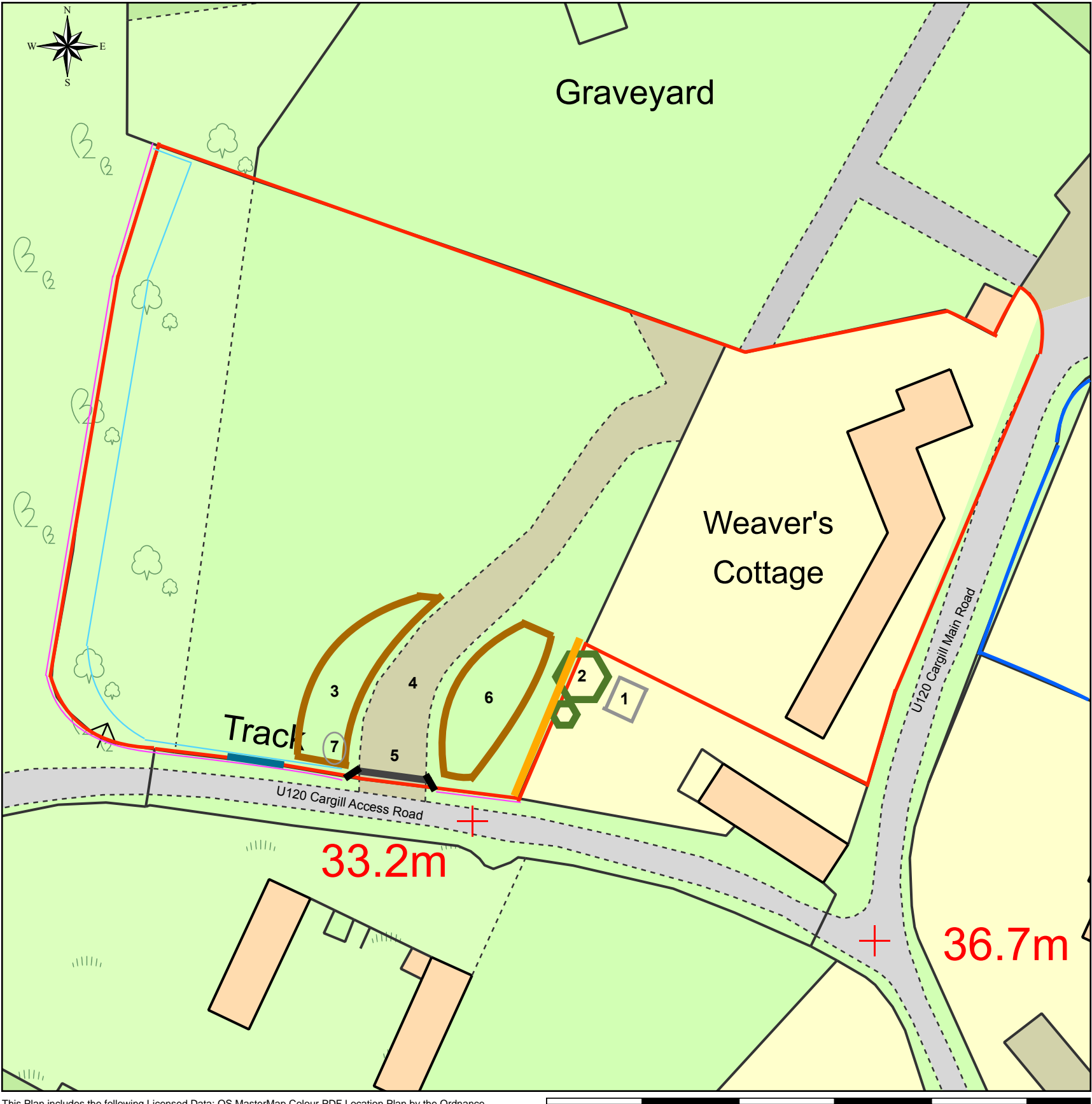
- 5 areas
copied. 2
total. 7, 200 m
- Amenity area
+ pond
- Amenity
for plants
- XXXX Timber
stacking
- Ownership
boundary



PROPOSED FORESTRY
KELTNEY BURN. 2019 Scale 1:1250



Proposed Site Plan



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2020. Ordnance Survey 0100031673

0m 10m 20m 30m 40m 50m

Scale: 1:500, paper size: A3

Reference number: 20/01090/FLL

Ian Ingram
Weaver's Cottage
Cargill
PH2 6DT
01250 883226

Annotations

- 1 - garden shed
- 2 - large ash tree ~10m canopy
- 3 - silver birch, laurel, rowan, juniper
- 4 - gravel sweep
- 5 - black - wrought iron gates with stone pillars and ball finials
- 6 - shrubbery of rhododendron, hawthorn, bamboo, cypress, silver birch, Portuguese laurel, azaleas, gooseberry, raspberry, laurel
- 7 - rockery

- Stone dyke
- Post and wire fence
- Gate
- Proposed fence



Fence Section

Fence:

1850/1680 alternating x 300 x 20mm boards (wood)

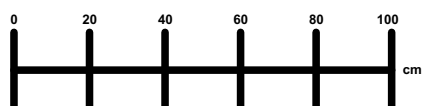
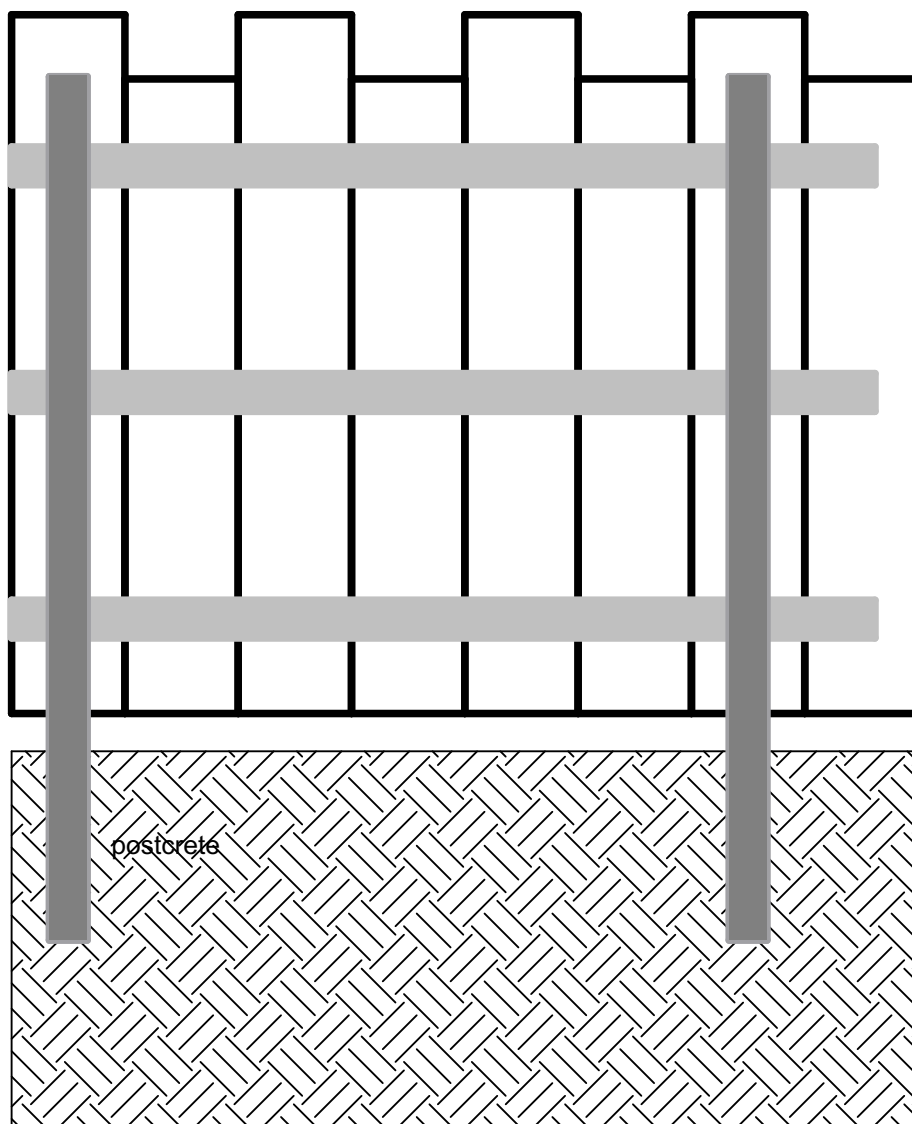
100 x 100mm fence posts (wood)

100 x 38 fencing rails (wood)

Side to Weaver's Cottage to be brown-stained wood.

Side to Tay Cottage to be choice of proprietor.

SW



Proposed boundary fence
Weaver's Cottage, Cargill, PH2 6DT

Scale: 1:20

Drawn by: ESI Date: 31/08/2020

Section

(from Weaver's Cottage garden towards Tay Cottage)

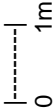


Fence

Wooden boards alternating ~185 cm and ~170 cm high
Wooden posts ~10 x 10cm section 10 posts ~165cm apart
Wooden rails ~10cm wide - top, middle, and bottom

Fence height and rails to be on Weaver's Cottage side
as agreed with Tay Cottage proprietor

Proposed Boundary Fence
Weaver's Cottage, Cargill, PH2 6DT
Ref: 20/01090/FLL
Scale: 1:100
Drawn by: ESI
Date: 29/08/2020



**LRB-2020-18 - 19/00951/IPL – Siting of a hut (in principle)
at land 70 metres north of The Steading, Keltneyburn**

REPRESENTATIONS

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 19/00951/IPL

Our ref MA

Date 24 June 2019

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Siting of a hut (in principle) Land 70 Metres North Of The Steading Keltneyburn for Peter P C Allan Ltd

I refer to your letter dated 20 June 2019 in connection with the above application and have the following comments to make.

Water (assessment date – 24/6/19)

Recommendation

I have no objections to the application but recommend the undernoted informatives be included in any given consent.

Comments

The development is for a hut in a rural area with private water supplies believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. It should be noted that once the development is operational this Service may have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. No public objections relating to the water supply were noted at the date above.

WAYL - Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

PWS - Informative 2

The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an

adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

MA

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00951/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emcloughlin@pkc.gov.uk
Description of Proposal	Siting of a hut (in principle)		
Address of site	Land 70 Metres North Of The Steading, Keltneyburn		
Comments on the proposal	I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	01 July 2019		

For the attention of
The Development Quality Manager
The Environment Service
Perth and Kinross Council
Pullar House, 35 Kinnoull Street
Perth PH1 5GD

Objection to Planning Application Ref 19/00951/IPL

Hut Adjacent to The Steading, Keltneyburn PH15 2LF

I wish to formally object to planning application ref 19/00951/IPL on behalf of myself and my wife who live [REDACTED]. We would urge the council, being the local planning authority, to reject it on the following planning grounds.

The proposed location for the hut is in a beautiful meadow/field which must surely constitute green belt land and deserve protection – especially as it is immediately across the track (and so within a few metres of) a Site of Special Scientific Interest designated as such for its unspoilt ecology which is noted for supporting orchids. In order to protect this sensitive environment we would urge that planning permission is not granted even “in principle”; rather the principle should be not to grant permission in order to protect the landscape and SSSI.

Planning permission has been granted for a new trackway across the field below Balchroich and The Steading between the C448 and the existing trackway [REDACTED] the proposed hut and beyond. While these proposals appear to be un-related and not from the same applicant we are very concerned lest any of these developments set an undesirable precedent for further new developments such as housing in this beautiful, tranquil, historic and environmentally sensitive rural area of green belt.

With respect to both the hut and the trackway we still have significant concerns regarding road safety at the access points to the C448.

Access and Sustainability

- We are concerned that the narrow, un-metalled track leading up to [REDACTED] the Steading, and continuing beyond that to serve the farmhouses and steadings further up the hill is already under pressure and suffering erosion. The hut implies additional regular traffic. So this would appear to be against the stated council policy of sustainability, set out in the newly approved local development plan (Policy TA1B: “The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.”).
- The shared access track is single carriageway, twisting and broken up by agricultural and other vehicles and water run-off and was simply not designed for anything other than a small volume of light-weight agricultural traffic. It is made of hardcore and gravel and requires repairing at least once per year and this proposal can only exacerbate this.

- **In addition this trackway joins the minor road (C448) at a location with limited lines of sight. Increasing the number of resident vehicles would exacerbate the road safety risks here.** When snowy and icy periods are threatened in winter local residents often park their vehicles overnight or for even longer at the bottom of the track in and around the splayed entrance to the track (due to the difficulty in navigating the track in such conditions). This development would be likely to exacerbate this parking congestion further.
- **All of the above problems would be heightened during the construction phase.** The heavy construction traffic required would be likely to severely damage the track and the bounding drystone walls. We are also concerned that our existing drainage and outflow pipework to the existing communal septic tank goes underneath the track way and may be vulnerable to crushing/cracking if exposed to heavy loads such as construction traffic. Heavy traffic may also threaten the service gratings to this pipework which are on the edge of the trackway and therefore also vulnerable to damage.

Environmental Impact

- The proposal would be visible from the nearby Local Nature Reserve, immediately to the north, and the Keltneyburn SSSI. It is of the order of 10 metres from the reserve and SSSI at its nearest points.
- Accordingly, it would detract significantly from the visual amenity of the natural heritage of the locality and people's enjoyment of this (both locals and tourists) - and potentially put at risk the scientific value of these neighbouring sites that are vulnerable and require safeguarding. So this proposal conflicts with the adopted plan's **Policy NE1B: National Designations**.
- We would urge the council once more to seek views from Scottish Natural Heritage and also from Scottish Wildlife Trust on this latest application.
- I am one of a team of volunteers that helps SWT maintain these valuable sites and I feel strongly that they should be protected.
- For the previous application 10/00964/FLL Perth and Kinross Council carried out at the same location, an "Appropriate Assessment of Planning Application" concluded that the development would be "within River Tay SAC area, Keltneyburn SAC and Keltneyburn SSSI" and "The Planning Authority has formed the view in consultation with SNH that there is a risk that this application is "likely to have a significant effect" on qualifying interests of Keltneyburn SAC (unless proposed mitigation measures are secured in perpetuity)" (from Section 3, Stage 2).
- The proposal appears in conflict with The Scottish Planning Policy paragraph 37 which states "Decision making in the planning system should:.....**protect** and **enhance** the natural environment, including biodiversity and **landscape**"
- The proximity of the proposed development to the Nature Reserve and SSSI may also impact adversely on local biodiversity.

Impact on Rural Setting and Historic Settlement

- Keltneyburn is an unspoilt historic settlement dating back to at least the nineteenth century and perhaps the seventeenth century. This has been reflected by Historic Scotland listing the neighbouring Keltneyburn Mill Complex and the Smithy as Category 'B' Listed. This recognises their importance not merely locally but also regionally. The proposal would detract markedly from the appearance and visual amenity of the local area.
- There would also be a significant adverse visual impact to the local rural landscape and the SSSI for local people and visitors passing through Keltneyburn from the Local Nature Reserve and SSSI up the Keltney Burn itself. In short it is in conflict with the adopted plan's **Policy PM1A "Development must contribute positively, to the quality of the surrounding built and natural Environment"**.
- We are also extremely concerned that it may set an unfortunate precedent and lead to further pressure for unwarranted development in this essentially rural area also in conflict with **Policy PM1A**. The proposal also appears to conflict with The Scottish Planning Policy paragraph 37 which states "Decision making in the planning system should:.....**protect and enhance** the cultural heritage".
- We would urge you once more to seek views from Historic Scotland on this latest application – particularly in view of its proximity to the track leading up the narrow glen to Garth Castle. This restored building is an important heritage landmark locally, which is of great historical significance.

Additional Concerns

- There have been objections lodged (by us and others) to previous planning applications close to this location on grounds of **impact to the rural area, impact on the countryside and the SSSI and the listed Keltneyburn development**. Those concerns expressed previously are still valid - and in our opinion should be taken into account as the local context has not changed significantly in the intervening period.

In summary, we contend that the proposal is inappropriate in terms of its location, scale and massing such that it would have significant and unacceptable planning and environmental impacts in the local and wider contexts. *This makes it contrary to the local development plan and national planning policy guidance* – and would set an unfortunate precedent that could lead to pressure for further such developments in the locality. **Based on all of the above considerations we would urge the council to refuse this planning application.**

Yours sincerely

Edis J. Bowden

For and on behalf of Mr. E.J.Bowden and Mrs. S.T.Bowden

Comments for Planning Application 19/00951/IPL

Application Summary

Application Number: 19/00951/IPL

Address: Land 70 Metres North Of The Steading Keltneyburn

Proposal: Siting of a hut (in principle)

Case Officer: Andrew Baxter

Customer Details

Name: Mr Donald McPhillimy

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Results in Environmental Improvements
- Supports Economic Development

Comment: Reforesting Scotland's Thousand Huts campaign wishes to support this application for a single hut at Keltneyburn. I have read all the associated documentation and am satisfied that this proposal will have only positive benefits for the applicant, the neighbours, the local community and the area.

Simple huts of the type advocated by Reforesting Scotland have minimal impact, being small, single storey and largely off grid. They give the owner a chance to escape from the busyness of normal life, re-connecting with nature with positive physical and mental health benefits, as enjoyed by the citizens of all the Nordic countries.

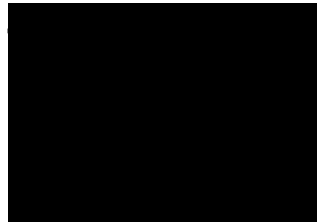
Some of the materials for construction are likely to be purchased locally and the hut dweller is likely to spend money in the local community. Part-time visitors are likely to contribute to the fabric of the local community. The important thing is that they don't buy second homes which reduce the number available for local young people. Constructing new huts avoids that problem.

The Reforesting Scotland perspective on huts and planning for huts is contained in this linked document which, I hope, you find useful. <http://www.thousandhuts.org/wp-content/uploads/2016/02/160215-Huts-Guidance-FINAL-screen-res.pdf>

Family huts, such as this one, are a fairly new phenomenon based on the tradition of hutting from the early 20th century. Planning applications are just starting to come forward promoted by pioneers such as Mr Allan. In the next 10 years, they should become very normal. It is important to realise what they are not. They are not rentable tourist accommodation, chalets or caravans. They

are not principal residences and are not for full-time occupancy.

Donald McPhillimy for the Thousand Huts campaign.



~~Dear~~ Sirs,

Objection to Planning Application Ref 19/00951/PZ

We wish to object, formally, to the above mentioned planning application.

- The proposed 'Hut' - what sort of 'hut'? - is to be built in a field, currently used for grazing, nearby the SSI Keltneyburn Meadows. Will the field have to change its usage?
- Any traffic coming to this 'hut' will increase the already well used track usage, wearing away at the gravel & dirt which washes down onto the road (the C448) causing a hazard to road users. The C448 has just become part of the new Heart 200 Tourist route, as approved by the Perth & Kinross Council.

We hope you will consider our
objections and those of our neighbours.
Yours faithfully

[Redacted signature block]

Comments for Planning Application 19/00951/IPL

Application Summary

Application Number: 19/00951/IPL

Address: Land 70 Metres North Of The Steading Keltneyburn

Proposal: Siting of a hut (in principle)

Case Officer: Andrew Baxter

Customer Details

Name: Mr Alan Fisher

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Out of Character with the Area

Comment: We consider the proposed 'hut' to be a house by another name. The proposed site is prominent and outside the boundaries of any existing development; as such we consider this application to be contrary to Policy RD3, Housing in the Countryside, and its supplementary guidance.

To allow its development would be detrimental to this picturesque area and set an unacceptable precedent.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00951/IPL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Siting of a hut (in principle)		
Address of site	Land 70 Metres North Of The Steading, Keltneyburn.		
Comments on the proposal	<p>Policy NE1A: International Nature Conservation Sites The proposed development site is located 115m from Keltneyburn Special Area of Conservation (SAC) internationally important for mixed woodland on base-rich soils associated with rocky slopes. From the information submitted, it appears this proposal will not affect the integrity of this protected site.</p> <p>The proposed development is located 120m from the River Tay SAC internationally important for otter, Atlantic salmon and three species of lamprey. From the information submitted, it appears this proposal will not affect the integrity of this protected site. The future proposal of installing a septic tank and toilet facilities must not impact on the watercourse.</p> <p>Policy NE1B: National Designations The proposed development site is located 40m from Keltneyburn Site of Special Scientific Interest (SSSI) which is nationally important due to lowland acid grassland, ash woodland and vascular plant assemblage. From the information submitted, it appears this proposal will not affect the integrity of this protected site.</p> <p>Policy NE2A: Forestry, Woodland and Trees The Council supports proposals which protect existing trees, especially those with high natural, historic and cultural heritage value. Where the loss of individual trees or woodland cover is unavoidable the council will require mitigation measures to be provided. Tree surveys should accompany all applications for planning permission whether there are existing trees on a site. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.</p> <p>From the information submitted, it appears no trees will be felled to allow this proposal to proceed and the large ash tree will be retained.</p> <p>Policy NE3: Biodiversity Policy NE3 sets out the Council's legislative obligation to further the conservation of biodiversity when carrying out its duties. The Council will seek to protect and enhance all wildlife and wildlife habitats whether formally designated/protected or not taking into account national and</p>		

	<p>international legislation and the Tayside Local Biodiversity Action Plan, and associated guidance. Proposals that have a detrimental impact on the ability to achieve these guidelines and documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>No habitat or protected species survey of the proposed development area was submitted alongside this application.</p> <p>A site visit was undertaken on 15th July 2019 to assess the need for further survey. The proposed location of the hut is a field with a rich wildflower assemblage with butterflies, bees and breeding birds observed onsite. The size and scale of this low-impact proposal is unlikely to result in a loss of biodiversity. No further survey work is required.</p>
Recommended planning condition(s)	<p>If you are minded to approve the application then I recommend the following conditions be included in any approval:</p> <p>TR10 All trees on site, other than those marked for felling on the approved plans, shall be retained.</p>
Recommended informative(s) for applicant	<ul style="list-style-type: none"> The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
Date comments returned	9 September 2019

Planning & Development
Perth & Kinross Council
Pullar House,
35 Kinnoull Street
Perth
PH1 5GD

For the attention of Mr A Baxter

22 November 2019

Our ref: CDM157247
Your ref: 19/00951/IPL

Dear Sir

Town and Country Planning (Scotland) Act 1997

Siting of a hut (in principle), Land 70 Metres North Of The Steading Keltneyburn

Thank you for your consultation on the above proposal dated 24 October 2019 and for giving us more time to respond.

Summary

This proposal could be progressed with appropriate mitigation. However, because it could affect internationally and nationally important natural heritage interests, **we object to this proposal** unless it is made subject to conditions or legal agreements so that the works are done strictly in accordance with the mitigation detailed in our appraisal below (and detailed in Annex A).

Appraisal of the impacts of the proposal and advice

Keltneyburn Special Area of Conservation (SAC) and River Tay SAC

The development lies directly adjacent to two Special Areas of Conservation (SACs) Keltneyburn SAC and the River Tay SAC and also Keltneyburn Site of Special Scientific Interest (SSSI). The SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. The SNH website has a summary of the legislative requirements for SACs:

<https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra/habitats-regulations-appraisal-hra>.

Scottish Natural Heritage, Battleby, Redgorton, Perth PH1 3EW
Tel: 01738 444 177 www.nature.scot

Dualchas Nàdair na h-Alba, Battleby, Ràth a' Ghoirtein, Peairt PH1 3EW
Fòn: 01738 444 177 www.nature.scot

Consequently, Perth and Kinross Council is required to consider the effect of the proposal on the two SACs before it can be consented (commonly known as a Habitats Regulations Appraisal).

To help you do this, our advice is that on the basis of the appraisal carried out to date, if the proposal is undertaken strictly in accordance with the mitigation detailed at Annex A, then the proposal will not adversely affect the integrity of either of the SACs. The required mitigation concerns sediment and pollution preventative measures and the provision of a construction method statement with specific details including any proposed drainage improvements or track improvements.

Access to the proposed development site is immediately adjacent to the designated sites. In our view, this proposal is likely to have a significant effect on the qualifying interests of Keltneyburn SAC and the River Tay SAC. Please note the phrase “likely significant effect” has a specific meaning in the context of the Habitats Regulations and simply notes there are elements of connectivity or possible impact which must be considered further.

The Upland mixed ash woodland of the SSSI is the same feature as the “mixed woodland on base-rich soils associated with rocky slopes” SAC feature. Our assessment at Annex A applies equally to these SSSI and SAC features.

Keltneyburn Site of Special Scientific Interest (SSSI)

The proposal could also adversely affect natural heritage interests of national importance at Keltneyburn SSSI. The mitigation at Annex A should also safeguard the grassland and plant interests of the SSSI from any direct impacts.

Conclusion

Our advice is mitigation measures secured by conditions or legal agreements are required to avoid an adverse impact on the integrity of the two SACs and Keltneyburn SSSI arising from this proposal.

We note the stated intention of the applicant to manage the development site along the principles of the hutting movement in a sustainable way. We would welcome discussion over how the sensitivity of the surrounding area and designated sites could be clearly highlighted to those using the hut. The meadow is outstanding in Perthshire and requires careful consideration to avoid loss of its species diversity.

Should the planning authority intend to grant planning permission against this advice without the suggested mitigation, you must notify Scottish Ministers.

If you need any further information or advice from us in relation to this proposal please contact Peter McPhail (peter.mcphail@nature.scot) at our Battleby office in the first instance. I would be grateful if you could let us know of your Council’s decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours faithfully

Darren Hemsley
Operations Manager
Tayside & Grampian
darren.hemsley@nature.scot

SNH APPRAISAL OF THE PROPOSALS

Appraisal of the likely impacts of the proposal on Natural Heritage Interests:

Keltneyburn SAC is internationally important for its gorge woodland also known as “mixed woodland on base-rich soils associated with rocky slopes”. The ground flora is rich in woodland species and has a high number plant species with a restricted distribution. The Keltney Burn below the Falls of Keltney forms part of the River Tay SAC which is one of the top three salmon rivers in Scotland with a considerable ecological variety supporting the full range of salmon life history from adults to spawning.

Click on the following links for further information on the SAC qualifying features and conservation objectives:

Keltneyburn	SAC	https://sitelink.nature.scot/site/8280
River Tay	SAC	https://sitelink.nature.scot/site/8366

The “mixed woodland on base-rich soils associated with rocky slopes” is also a priority habitat within the meaning of the Habitats Directive and the Habitats Regulations.

Balchroich Meadow forms part of the SSSI. It lies directly adjacent to the development site and is nationally important for its lowland neutral and acidic grassland types with 200 different plant species recorded including eight species of orchids and other rare plants. The meadow is managed by the Scottish Wildlife Trust and is one of very few such sites in Perth and Kinross.

The Proposal

Siting of a hut (in principle) at Land 70 Metres North of The Steading, Keltneyburn. The supporting planning statement states SPP planning policy "a simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life." Sewerage is stated as to either a septic tank or composting toilet.

Our Assessment

Regarding the three tests to consider in a Habitats Regulations Appraisal:

Step 1: Is the proposal directly connected with or necessary to site management for nature conservation?

Conclusion : No

Step 2: Is the proposal likely to have a significant effect on the site either individually or in-combination with other plans or projects?

Conclusion : Yes

The development site has connectivity to the woodland SAC as it lies 85m to the west of the Keltneyburn woodland habitat. The River Tay SAC is 115m to the west of the Keltney Burn, a tributary of the River Tay. Access to the development site will be via the track adjacent to the SAC. Drainage from the track accessing the development site enters the River Tay and the SAC woodland habitat – see attached map 1. Salmon and Brook lamprey have access to the Falls of Keltney and therefore may be impacted by pollution or siltation of the watercourse. As this is an in principle proposal, no final details are given except an indication of the likely final proposal. Therefore there is additional uncertainty regarding the scale of any impacts on the conservation objectives of either SAC.

Our advice is that there is a likely significant effect for both SAC designations for the following features:

- | | |
|-----------------|---|
| Keltneyburn SAC | 1) Mixed woodland on base-rich soils associated with rocky slopes (a Priority feature)* |
| River Tay SAC | 2) Atlantic Salmon |
| | 3) Brook lamprey |

* indicates priority habitat

We advise a conclusion of likely significant effect is made for:

- Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels
- Sea lamprey
- River lamprey
- Otter

The first two features occur elsewhere in the Tay catchment. River lamprey is unlikely to migrate to this point in the catchment. As far as otter is concerned any impacts on the woodland habitat are assessed as insufficient to have a likely significant effect on riparian habitats supporting otter holts and resting places.

Step 3: Appropriate assessment - can it be ascertained that the proposal will not adversely affect the integrity of the site?

Please note that whilst this section of the letter focuses on SAC assessment, in order to try to avoid repetition it inevitably includes some aspects of SSSI impact where the issue being considered overlaps.

We have concluded that the most significant issues in relation to the two SACs are related to the access track including layby car parking, drainage from the site and construction.

Access to the site lies along a track directly adjacent to the boundary of the SAC and the qualifying interest. Vehicle use on the track and previous developments have included un-consented small scale digging of ditches and disturbance beside the track for drainage or vehicle pull-ins. This past activity has resulted in site damage. There is the potential for further poorly planned road, drain or layby work to physically remove areas of woodland and we seek to prevent these problems occurring again.

Drainage from the track accessing the development site enters the SAC. No details of drainage or sewerage are provided in the application as this is an outline application. The issues noted above also have the potential to affect the site through changes to hydrology, sedimentation and pollution. Any changes require careful consideration of the designated sites

One further issue relates to possible increase in disturbance from having holiday accommodation directly adjacent to the SSSI and SAC with unknown levels of occupancy throughout the year. Disturbance is a difficult issue to quantify but this development potentially adds to the existing level of disturbance and represents a change in land use adjacent to the site. Whilst the principle of a single hut in this location could be approved through conditions, should any further proposals for additional huts on this site be made, consideration will be needed regarding the cumulative effect on the SAC and SSSI designations in terms of integrity of the site.¹

Conclusion

We have concluded that mitigation measures are required to ensure a conclusion of no adverse effect on site integrity and these should be secured by appropriate conditions or legal agreements. See below.

National Interests - Keltneyburn SSSI:

Some of the issues affecting the SSSI are covered in discussion above. The proposal could adversely affect natural heritage interests of national importance including the following protected features:

- Upland mixed ash woodland
- Lowland neutral grassland
- Lowland acid grassland
- Vascular plant assemblage

More details are available here: <https://sitelink.nature.scot/site/832>.

The potential pathways of impact on the SSSI are the same as those for the SACs discussed above, including the potential for increased disturbance.

¹ The Waddenzee judgement¹ indicates at paragraph 53 that an appropriate assessment should “...take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site’s conservation objectives”. European Court of Justice judgement in case C-127/02 “Waddenzee”

Conditions or modifications required to ensure adverse effects are avoided.

1. Sediment and pollution preventative measures to be put in place during and after the construction phase.

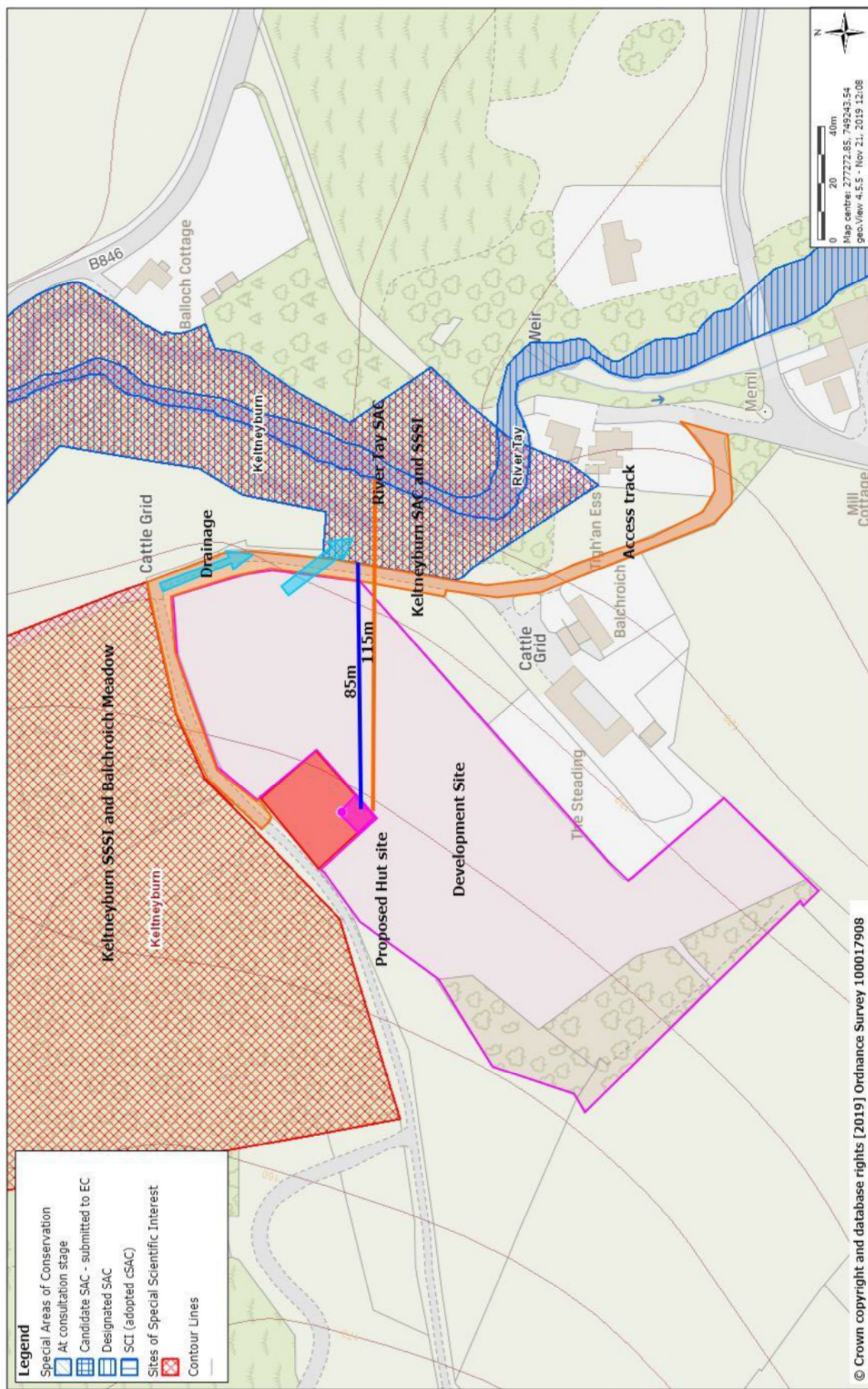
Reason: To avoid any direct disturbance or damage to the qualifying interests of Keltneyburn SAC/SSSI and the River Tay SAC from the development or associated works on the access track.

2. A construction method statement to be submitted to Perth and Kinross Council prior to construction to provide the following information:- any proposed improvement works on the access track from Keltneyburn War Memorial to Upper Blairish, drainage improvements, storage and disposal of materials, including the siting of stock piles, temporary dumps, disposal of excess topsoil, recycling.

Reason: To avoid any direct disturbance or damage to the qualifying interests Keltneyburn SSSI/SAC and the River Tay SAC.

The above conditions should be secured by appropriate conditions or legal agreements with Perth and Kinross Council.

Map 1 - Planning Application 19/00951/IPL in relation to Keltneyburn SAC/SSSI and the River Tay SAC



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For the attention of
Lisa Simpson
The Local Review Body
The Environment Service
Perth and Kinross Council
Pullar House, 35 Kinnoull Street
Perth PH1 5GD

Objection to Planning Application Ref 19/00951/IPL

Hut Adjacent to The Steading, Keltneyburn PH15 2LF

Comments on Decision Notice of 05 May 2020

I formally objected to planning application ref 19/00951/IPL on behalf of myself and my wife who live in Balchroich which is immediately adjacent to the Steading.

I received a copy of the Councils decision and notice only today (20 July 2020) from a neighbour. It is possible that the council sent me notification to my old and now defunct email address [REDACTED] please could I ask the council to update their records so that any future correspondence gets sent to my current email address [REDACTED].

We are very disappointed that the council appears to have granted permission for a "Hut". However, we are grateful that the council appears to have put in place steps to prevent the "hut" becoming a permanent house in this beautiful, rural, green belt area. We would continue to urge the council, being the local planning authority, to protect the environment at Keltneyburn and reject any appeals to reduce the stringency of their conditions which give the environment some protection for all the reasons expressed in my original letter of objection.

We would also ask for the following additional points to be considered.


1. In paragraph 2 of the councils notice it stipulates "This permission shall ensure solely for the benefit of Mr Allan and not for the benefit of the land". This seems a very sensible requirement. However, what stipulations are there to prevent sale of the land with the hut in situ? Surely (were it to happen) this would constitute selling the land with the "benefit" of the hut attached to the land itself? Please could the council strengthen this paragraph to guard against this.
2. Since my original letter of objection the volume of traffic going up and down the track which would presumably service this has increased considerably. The track was only ever designed for light agricultural use and the traffic erosion is becoming a serious concern. This development can only exacerbate this issue.
3. I would like to re-iterate my concern that all this proposed development would occur a matter of a few short meters from the Keltneyburn SSSI.

Yours sincerely

Edis J. Bowden

For and on behalf of Mr. E.J.Bowden and Mrs. S.T.Bowden

CC : Mike Williamson, Councillor; Sue Gardner, Community Councillor; Melanie O'Flynn, Perthshire Advertiser; Mike and Mary Edwards, neighbours and local residents; Rab Potter, Scottish Wildlife Trust; Xander McDade, Councillor



For the attention of The Local Review Body
The Environment Service
Perth and Kinross Council
Pullar House, 35 Kinnoull Street
Perth PH1 5GD

21 July 2020

Application Ref: 19/00951/IPL – Siting of a hut (in principle) at land 70 metres north of The Steading, Keltneyburn – Peter P C Allan Ltd

We wish to make the following comments in relation to the review of the original decision.

Our interpretation of the current Perth and Kinross Local Development Plan is that Mr Allen would not be permitted to build a house on the site chosen for his proposed hut. It is outside the boundary of Keltneyburn and contrary to the guidance for Housing in the Countryside.

While we would have preferred the application to build a hut was rejected, we thank the Planning Team for creating a series of conditions which prevent the hut from morphing into a house or having the commercial value of a saleable dwelling. Without them we fear the countryside between existing settlements in the valley might become covered in huts and ask that the conditions be retained to ensure the character of the area is protected.

Yours sincerely

Dr A. Fisher & Mrs C. Fisher

