

**TCP/11/16(224)**  
**Planning Application 12/01353/FLL – Erection of a**  
**dwellinghouse on land 1140 metres east of Wester Deuglie**  
**Farm, Glenfarg**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



CHIEF EXECUTIVES  
DEMOCRATIC SERVICES

18 DEC 2012

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## 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 Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

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.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr and Mrs	Ref No.	
Forename	Tim	Forename	Malcolm
Surname	Esparon	Surname	Smith
Company Name		Company Name	TMS Planning Services
Building No./Name	Takamaka	Building No./Name	Balclune
Address Line 1	Drunzie	Address Line 1	32 Clune Road
Address Line 2	Glenfarg	Address Line 2	Gowkhill
Town/City		Town/City	Dunfermline
Postcode	PH2 9PE	Postcode	KY12 9NZ
Telephone		Telephone	01383 853086
Mobile		Mobile	07723320517
Fax		Fax	
Email		Email	tmsplanning@tiscali.co.uk

3. Application Details	
Planning authority	Perth and Kinross Council
Planning authority's application reference number	12/01353/FLL
Site address	Land 1140 Metres east of Wester Deuglie Farm, Glenfarg (Berryknowe)
Description of proposed development	Erection of a dwellinghouse (live/work unit)

Date of application	27 July, 2012	Date of decision (if any)	27 September, 2012
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**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

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**4. Nature of Application**

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

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) ☐

Application for approval of matters specified in conditions ☐

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**5. Reasons for seeking review**

Refusal of application by appointed officer ☒

Failure by appointed officer to determine the application within the period allowed for determination of the application ☐

Conditions imposed on consent by appointed officer ☐

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**6. 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.

Further written submissions ☐

One or more hearing sessions ☐

Site inspection ☒

Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, 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 necessary.

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**7. Site inspection**

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

Can the site be viewed entirely from public land? ☐

Is it possible for the site to be accessed safely, and without barriers to entry? ☐

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

The present access to the site is from a poorly surfaced farm road (which is to be upgraded as part of the development) and therefore the site is only readily accessed using a 4x4 vehicle not a domestic car or bus. The applicant can arrange for such transport from the adjacent public road (at Wester-Deuglie Farm).

## 8. 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.

See attached Statement of Review and related Appendices.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.



## 9. 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

Appendix 1 – Plans submitted with planning application: - (a) Location plan; (b) Existing/Former Block Plan; (c) Planning Application Drawings with proposed block plan, elevations and floor plans  
Appendix 2 – Berryknawe Ordnance Survey Plan – 1985  
Appendix 3 – Berryknawe Ordnance Survey Plan – 2012  
Appendix 4 – Site Photographs - 2012  
Appendix 5 – Design Statement by Niall Young Architecture - 2012  
Appendix 6 – Supporting Planning Statement by TMS Planning Services – July 2012  
Appendix 7 – Officer's Delegated Report (Report of handling) – September 2012  
Appendix 8 – Decision Notice for planning application 12/01353/FLL - September 2012  
Appendix 9 – Letters of Support

**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.

## 10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

Name: T Malcolm Smith

Date: 14th December 2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**PROPOSED NEW/REPLACEMENT DWELLINGHOUSE  
WITH INTEGRAL OFFICE ACCOMMODATION  
(LIVE/WORK UNIT) @ BERRYKNOWE, BY GLENFARG**

**STATEMENT OF REVIEW ON BEHALF OF MR AND  
MRS TIM ESPARON**

**DECEMBER 2012**

**TMS PLANNING AND DEVELOPMENT SERVICES LIMITED**  
"Balclune", 32 Clune Road, Gowkhall, Fife, KY12 9NZ  
Tel: (01383) 853066 Mob: 07723320517  
E-mail: [tmsplanning@tiscali.co](mailto:tmsplanning@tiscali.co)

## **SUMMARY OF STATEMENT OF REVIEW/MAIN ISSUES**

Mr and Mrs Esparon's full case is set out below and in the appendices attached. This section merely sets out the main parts of the case in summary form.

Historically the planning application site contained a number of buildings in both residential and agricultural use, it was the Berryknowe farmstead. Details of the extent of former buildings and of the relatively substantial structure remaining are shown in Appendix 1(b) the "Existing/Former Block Plan" (A4 copy attached) and in the photographs in Appendix 4. The site is Brownfield in terms of both Perth and Kinross Council's definition and as set out in Scottish Planning Policy. In both cases Brownfield land is considered to be **"Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings ..."**. There can therefore be little doubt that the application site meets this definition and therefore any development on the site should be assessed accordingly.

The proposal before the Local Review Body is for a high quality individually designed and environmentally sustainable house with integral office accommodation, in effect a live/work unit designed to meet the needs of long established local residents. This represents a form of development supported by Perth and Kinross Council and by existing Scottish Planning Policy and, in this case, it has significant support within the local community and no objections (Appendix 9 refers).

In rejecting the application, the case officer concluded that the application site was not Brownfield and therefore he rejected the proposal on policy grounds. This approach is clearly misinformed. Indeed, it has been shown in Sections 4 and 5 of the Statement of Review (below) that the development would in fact comply with the Perth Area Local Plan 1995 and also, more significantly in this case, with Perth and Kinross Council's Housing in the Countryside Policy (2009), Scottish Planning Policy and with the emerging Perth and Kinross Council Local Development Plan.

In terms of the specific requirements of Perth and Kinross Council Housing in the Countryside Policy (August 2009) it can be concluded that the development would:-

- bring redundant brownfield land back into productive (and supported) use;
- represent a small scale housing (live/work) development;
- remove dereliction in respect of the removal of the existing ruinous buildings;
- deliver significant amenity/environmental improvements to the site;
- respect the history of the site in terms of its former use, including the scale/form of the development now being proposed; and
- provide additional landscape treatment.

For all of the reasons set out it is considered that this is a development compliant with established planning policy at all levels and which should be supported.



## **1.0 THE PLANNING APPLICATION SITE**

1.1 The planning application at Berryknowe, Glenfarg relates to the construction of a dwellinghouse with integral office accommodation, in effect a live-work unit. The site lies to the north-west of Glenfarg and is accessed from the public road via a farm track (>1km). The landscape feature known as Berryknowe Wood forms the western portion of the site with the access track forming the northern boundary and fields to the south and east. The core of the site presently contains the substantial remnants of buildings (the former Berryknowe farmstead) previously used for residential and agricultural uses. The remaining section of the buildings is a traditional stone structure with external walls and some gables still clearly visible. The building is approximately 23 metres long, over 5 metres wide and over 3 metres high. It remains a substantial structure. The site is clearly Brownfield in character.

1.2 Historically, the site contained a small development enclave comprising a main house, other residential units and agricultural buildings. The form/nature of earlier development is detailed on the ordnance survey plan appended to this statement which is from 1965 (Appendix 2 refers) and on the Former/Existing Block Plan (Appendix 1(b)). The latter plan (Appendix 1(b)) superimposes the details from the 1965 plan and is easier to read. This plan shows the extent of the former use of the site/related buildings (outlined) and the retained structure (hatched) at its core. It is understood that the retained structure was last used for residential purposes. From this plan, the main farm house was the southern structure with the other residential units and agricultural buildings arranged in a courtyard format. The removal of a number of the buildings is understood to have occurred in the late 1970s/early 1980s, with the remaining structures occupied until around 1984. As indicated, clear evidence of the development remains on site. Appendices 2(b) and 3 (Ordnance Survey Site Plan 2012) detail the buildings on site presently in plan form and Appendix 4 contains photographs of the site taken earlier this year.

1.3 Pre-application consultation with Perth and Kinross Council related to the development set out the policy requirements related to any new development on this site and also confirmed that the proposed access arrangements for the site would be acceptable to Perth and Kinross Council subject to final details being agreed. No concerns related to the Brownfield nature of the site were raised at that time.

## **2.0 THE PROPOSED DEVELOPMENT**

2.1 The proposal has emerged from the specific needs of the applicants to balance residential and business requirements. In short, they have been resident in the local area for over 30 years and enjoy and contribute to the local Glenfarg community. They have been seeking a new property in the area for an extended period but have been unable to locate one that meets their residential and business needs. Tim Esparon runs

Drunzietek Limited presently from their home in Glenfarg. This is a successful company providing consulting and management services in the IT manufacturing industry nationally and on an international basis. Jan Esparon has worked as a doctor locally for in excess of 30 years. The Esparons are now looking to secure a property to meet their combined requirements presently and in the future. Both Tim and Jan are passionate about the present site/design proposal and are further committed to the use of sustainable/green technologies in order to minimise their respective carbon footprints.

2.2 The proposed house/office represents a modern interpretation on the historic courtyard development recorded on the site. It would contain a 2 storey central core with subservient "wings" physically/visually enclosing the core. It is a clean, sharp design utilising traditional materials respecting both the site and the Perthshire countryside generally. Existing on-site materials would be re-used (stone) with other materials sourced locally as far as practicable. A local bore hole is to be investigated as the primary water source with other services sourced from the surrounding area. The use of photovoltaic solar panels, grey water recycling, a ground source heat pump, and a high specification construction system (Scotframe Supawall construction system) are also being investigated as part of the development in order to move towards carbon neutrality.

2.3 As part of the re-development proposals, the farm track leading from the public road to the west (adjacent to the Wester Deuglie Farm steadings) to the planning application site will be fully upgraded to a standard agreed with Perth and Kinross Council. It is also proposed to incorporate inter-visible passing spaces on this route. Native hedge planting is proposed along the south and east site boundaries. Additional tree planting will also be incorporated at the edges of the proposed garden area and adjacent to the established Berryknowe Wood. The wood will also be subject to positive management and replanting in order to ensure its long term contribution to the local landscape.

### **3.0 BACKGROUND TO REQUEST FOR REVIEW**

3.1 The planning application was submitted to Perth and Kinross Council in July, 2012. The submission made included all of the usual forms and drawings (Refer Appendix 1) and in addition a Design Statement from NY Architecture (Appendix 5) and a Supporting Planning Statement (Appendix 6) were also submitted. These documents set out the policy assessment and related justification for the development. Following initial discussions with the planning case officer it became clear that concerns were being raised in relation to the compliance of the proposal with Perth and Kinross Council's Housing in the Countryside Policy. No reference to policy within the Perth Area Local Plan was made at that stage.

3.2 In short, the case officer was of the view that the planning application site did not constitute a Brownfield site. It is clear from the officer's delegated report and decision that this position has determined the decision taken and is at the crux of matters relevant to the Local Review Body in determining of this planning application.

3.3 In response to the concerns raised about the Brownfield nature of the site, the applicants' agent clarified (email dated 20<sup>th</sup> September, 2012) that: -

*"The requirement of the Housing in the Countryside Policy related to "Rural Brownfield Land" clearly allows support for development "for small scale housing" (in this case a single unit with home office) on land formerly occupied by buildings (in this case there is a clear history of buildings being on the site and remaining evidence of this on-site) where such development would "remove dereliction" (as indeed it would) OR result in significant environmental improvement" (which we believe would arise in respect of the removal of the ruinous structure and the positive and sustainable re-use of the existing land)".*

3.4 A subsequent email from the applicant's agent also clarified that: -

*"the definition of Brownfield land set out within Scottish Planning Policy states as follows: "land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building(s)". There can be little doubt over the Brownfield character of the site and I fail to see how an alternative conclusion can be reached in this respect."*

3.5 Despite this, and following a rejection of the the applicants' request for a meeting with officers to discuss the application, planning permission was refused for the stated reasons - Policy 32 of the Perth Area Local Plan and alleged non-compliance with the Perth and Kinross Council Housing in the Countryside Policy.

#### 4.0 ASSESSMENT OF THE OFFICER'S REASONS FOR REFUSAL

4.1 The reasons for refusal are set out within the officer's delegated report and on the decision notice dated 27<sup>th</sup> September, 2012. These documents are attached as Appendices 7 and 8. As set out within the Officers delegated report (the Report of Handling + appendix 7) the main determining issues in this case are whether the proposal complies with the Development Plan and, if not, whether there are material considerations supporting approval contrary to the Development Plan. In this instance the Development Plan comprises the Perth and Kinross Structure Plan (2003) and Perth Area Local Plan 1995. There are no Structure Plan policies/matters giving rise to any concerns related to this planning application.



4.2 The age and continued relevance of the development plan, in this case specifically the Perth Area Local Plan, is a key consideration. It is clear that it is now in excess of 17 years since the Perth Area Local Plan was adopted (Local Plans ideally having a 5 year life-cycle). On the specific issue related to this Review, Housing in the Countryside Policy, Perth and Kinross Council has considered it necessary to update this policy (2005 and 2009) in order to set out a more appropriate framework for decision making. Indeed, I believe it is fair to say that decisions on such planning applications are now largely being made on the basis of the Housing in the Countryside Policy (August 2009) even where such decisions would not necessarily comply with the largely outdated Perth Area Local Plan. This is also true in the rest of the Perth and Kinross Council area.

4.3 Looking though other decisions taken by Perth and Kinross Council related to housing in the countryside, including some that have come before the Local Review Body, it is fair to conclude that, while the Local Plan is rightly considered as part of the decision making process, many decisions are based firmly on the Housing in the Countryside Policy, as indeed is the intent of having this document in the first instance. In effect, the Housing in the Countryside Policy has largely replaced the Local Plan as the main policy consideration for such applications.

4.4 As outlined in the Officers delegated report (appendix 7), the most relevant Local Plan policy is Policy 32 "*Housing in the Countryside*" of the Perth Area Local Plan 1995. Other material considerations of significance in this case include Perth and Kinross Council's Housing in the Countryside Policy (August 2009), Scottish Planning Policy, the emerging Perth and Kinross Council Local Development Plan and the specific character of the site (brownfield) and the quality and suitability of the development proposed. Policy 32 of the Perth Area Local Plan 1995 requires that "*The District Council's District wide policy on Housing in the Countryside will apply within most of the landward area.*" In a note below the policy, reference is made to the Housing in the Countryside Policy (revised May 1994) which is contained in Annex 1 of the Local Plan. In practical terms the contents of Annex 1, the 1994 policy, is now out of date having been drafted some 18 years ago. The Local Plan itself is now over 17 years old and therefore the weight to be given to the terms of the document and related policies will inevitably be limited.

4.5 A more pragmatic assessment of Policy 32 would consider "*The District Council's District wide policy on Housing in the Countryside will apply within most of the landward area*", to be the Housing in the Countryside Policy (2009) rather than the outdated appendix within the Local Plan document. While officers may not have taken this approach in this case, a fair reading of Policy 32 and its related intent would allow members to adopt such an approach. This position is further supported by the lack of any policy advice related to rural Brownfield sites within the Perth Area Local Plan 1995. No matter the view taken it is clear that the most relevant documents in this case are Perth and Kinross Council's Housing in the Countryside Policy (August 2009), Scottish Planning Policy (2010) and the emerging Perth and Kinross Council Local Development

Plan. These represent the most up to date policies and should be given greatest weight in any decision taken in this case.

4.6. Looking specifically at the reason for refusal cited by officers, while still maintaining that the 2009 Housing in the Countryside Policy is the most relevant policy in this case, it is considered that, notwithstanding the officer's assessment, the development proposed would in fact comply with part (d) "Replacement of Abandoned Houses" as set out in Annex 1 of the 1995 Local Plan document and therefore with Policy 32 of the Perth Area Local Plan. It is understood that the section of the original building remaining on site was a dwellinghouse (last occupied around 1984) and therefore falls under the terms of this part of the policy – it can be properly classified as an abandoned house. In order to comply with Policy 32, provided the property is: *"neither worthy of retention nor capable of rehabilitation economically"*; *"the design and detailed siting of the house is satisfactory"*; and the site, in effect, can be accessed and serviced, then according to the policy *"consent will be given to the replacement..."*. It is clear that the present building is neither worthy nor capable of retention/rehabilitation, that the design of the replacement buildings is to a high standard and that services can be provided. Therefore, on this basis, it is clear that Policy 32 of the Perth Area Local Plan in fact supports the application as proposed.

4.7. Looking at the terms of the Housing in the Countryside Policy, the officer within the delegated report (appendix 7) states that:

*"The applicant has detailed in their supporting statement that they consider the proposals meet the requirements of the policy on the basis that it would remove dereliction from the site and also deliver significant environmental improvements. Historical maps also clearly illustrate that the site was formerly occupied by a number of farm buildings. However having had the opportunity to visit the site it is considered that whilst the site may have previously had structures erected within the site related to its previous use, the vast majority of these buildings have long since been removed from the site and are no longer evident, with the exception of the small section of the old byre. The site has also become overgrown and is not recognisable as a brownfield site".*

4.8. The rationale/justification for this statement is completely lacking. While the officer correctly identifies that there remain buildings on the site and that some structures have previously been removed, the former use of the site and the remaining presence of a clearly identifiable and substantial structure measuring 23 metres long, over 5 metres wide and over 3 metres high clearly demonstrates this as a Brownfield site. There can be no doubting this position – it is clearly factual. The removal of some buildings does not extinguish the Brownfield character of the site or the relevance of this part of the Housing in the Countryside Policy to this proposal. The site remains clearly recognisable as Brownfield. Indeed, if you refer to the definition of Brownfield set out in Scottish Planning Policy and in Perth and Kinross Council's emerging Local



Development Plan (which is the Council's considered position on such matters) these are consistent in defining such land (and therefore how such sites should be considered/assessed in policy terms) as *"Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings ..."*. The planning application site clearly falls into the category of *"Land which has previously been developed"*, and includes *"vacant or derelict land"* and *"land occupied by redundant or unused buildings..."* and is therefore Brownfield. As the planning application site has previously been developed, includes areas of related vacant land and a redundant/unused building, it can only be considered as a Brownfield site in terms of both Scottish Planning Policy and Perth and Kinross Council's own definition (both being entirely consistent).

4.9 It is therefore reasonable to conclude that the officer's assessment of the site is incorrect and that the related reasoning for the refusal of planning permission in this case is fundamentally flawed. The decision taken is based on a false assumption.

4.10 It is also worthy of note that there is no reference in the stated reasons for refusal to any conflict with the emerging Perth and Kinross Council Local Development Plan. The emerging Local Development Plan is specifically referred to as a material consideration in the officer's report but no conflict with its requirements is noted – in other words no conflict with this document is considered to occur in the officer's assessment/decision. It is noted that Policy RD3 of the emerging Perth and Kinross Council Local Development Plan related to "Housing in the Countryside" states that *"The Council will support proposals for the erection, or creation through conversion, of single houses or groups of houses in the countryside which fall into one of the following categories", these categories including:*

- (d) Renovation or Replacement Houses
- (e) Conversion or replacement of redundant non-domestic buildings
- (f) Development on rural brownfield"

4.11 The proposed dwellinghouse relates to the erection of a single house in the countryside on Brownfield land, replacing a former derelict dwellinghouse with a new property of high quality design and external appearance, all of which fully complies with Perth and Kinross Council's most recent policy on Housing in the Countryside. It can therefore be concluded, and this is not disputed within the officers delegated report and decision, that the planning application would comply with the emerging Perth and Kinross Council Local Development Plan.

## 5.0 ASSESSMENT OF THE PROPOSAL

5.1 The relevant policy considerations for the assessment of this proposal are set out within Section 3 of the Supporting Planning Statement (Appendix 6) and in section 4

above. This includes Scottish Planning Policy, the Perth Area Local Plan 1995, Perth and Kinross Council's Housing in the Countryside Policy (August 2009), and the emerging Perth and Kinross Council Local Development Plan (2011). Please refer to the Supporting Planning Statement for the relevant details.

5.2 The aim of the proposed development is to facilitate the productive re-use of a rural Brownfield site with a quality of new development befitting the site and surroundings, while also seeking to positively address the overall sustainability of the development and support an established home-based business. It will constitute a live/work unit, a form of development fully supported by Scottish Government policy within rural areas and also in accord with Perth and Kinross Council's Housing in the Countryside Policy wherein *"encouragement will be given to the incorporation of measures to facilitate home working within new development"*.

5.3 The development will address economic, social and environmental objectives and in doing so promote the full and productive use of the land resource, demonstrating an appropriate and supportable level of sustainable development, while also supporting economic activity and the related benefits to the local and wider economy. The formation of a live/work unit on this brownfield site in the form proposed, an individually designed property of significant visual quality utilising green technology as an integral part of the development design/delivery, is exactly the approach being promoted by the Scottish Government through Scottish Planning Policy. It is noted that no concerns related to the design of the property has been raised by officers.

5.4 While largely outdated for the reasons set out in paragraph 4.6 above, it is concluded that the development, as proposed, would in fact comply with the stated requirements of the Perth Area Local Plan 1995.

5.5 In terms of the specific requirements of Perth and Kinross Council Housing in the Countryside Policy (August 2009) (Section 6 Rural Brownfield Land) it can be concluded that the development would: -

- bring redundant brownfield land back into productive (and supported) use;
- represent a small scale housing (live/work) development;
- remove dereliction in respect of the removal of the existing ruinous buildings;
- deliver significant amenity/environmental improvements to the site;
- respect the history of the site in terms of its former use for residential/agricultural purposes, including the scale/form of the development proposed; and
- provide additional landscape treatment.

5.6 The development would also address the "For All Proposals" requirements set out within the Housing in the Countryside Policy in that: -

- a) the design and appearance of the proposed building meets present design guidance;
- b) pre-application discussions took place;
- c) access and services can be readily provided;
- d) the ruinous structure is not listed;
- e) no affordable housing issues arise;
- f) means of enclosure will comprise additional/supplemented landscape planting;
- g) the stone arising from the removal of the ruinous structure will be positively re-used within the development;
- h) the location of the proposed dwellinghouse is remote from the closest working farm buildings;
- i) The proposals make positive provision for home working as an integral part of the development;
- j) No conflict with other local plan policies would arise;
- k) There are no areas of valued ecology/biodiversity within the area of the site to be developed. The value of the woodland forming Berryknowe Wood would be enhanced by some positive management, including new planting, in order to diversify its age profile and to protect its long term future as an attractive landscape feature;
- l) there would be no impact on a Special Protection Area or any other ecological site; and
- m) the proposed building, in terms of scale, layout, design and external finish (refer Design Statement) is appropriate to and has a good fit within the surrounding landscape. The design approach to the site has been set out within the Design Statement, this demonstrating the carefully considered approach and the resultant quality of development being promoted.

5.7 For the reasons set out in paragraphs 4.10 and 4.11 above, it can also be concluded that the proposal would comply with the emerging Perth and Kinross Council Local Development Plan, the council's most recent and up to date expression of planning policy.

5.8 Based on the assessment set out above, it is clear that the development, as proposed, would comply with prevailing policy in terms of Scottish Planning Policy, the Perth Area Local Plan, Perth and Kinross Council's Housing in the Countryside Policy and the emerging Perth and Kinross Council Local Development Plan. Careful assessment of the site, its use and an appropriate design solution has resulted in a development of quality being promoted, a development with both residential and economic benefits on a redundant area of Brownfield land. The applicants' are fully committed to delivering a quality of development within this site which meets all of the opportunities and constraints existing and complies fully with prevailing policy requirements and quality standards.



## **APPENDICES**

### **Appendix 1 – Plans submitted with planning application: -**

- (a) Location plan**
- (b) Existing/Former Block Plan**
- (c) Planning Application Drawings with proposed block-plan, elevations and floor plans**

### **Appendix 2 - Berryknowe Ordnance Survey Plan – 1965:**

### **Appendix 3 - Berryknowe Ordnance Survey Plan – 2012**

### **Appendix 4 - Site Photographs - 2012**

### **Appendix 5 - Design Statement by Niall Young Architecture - 2012**

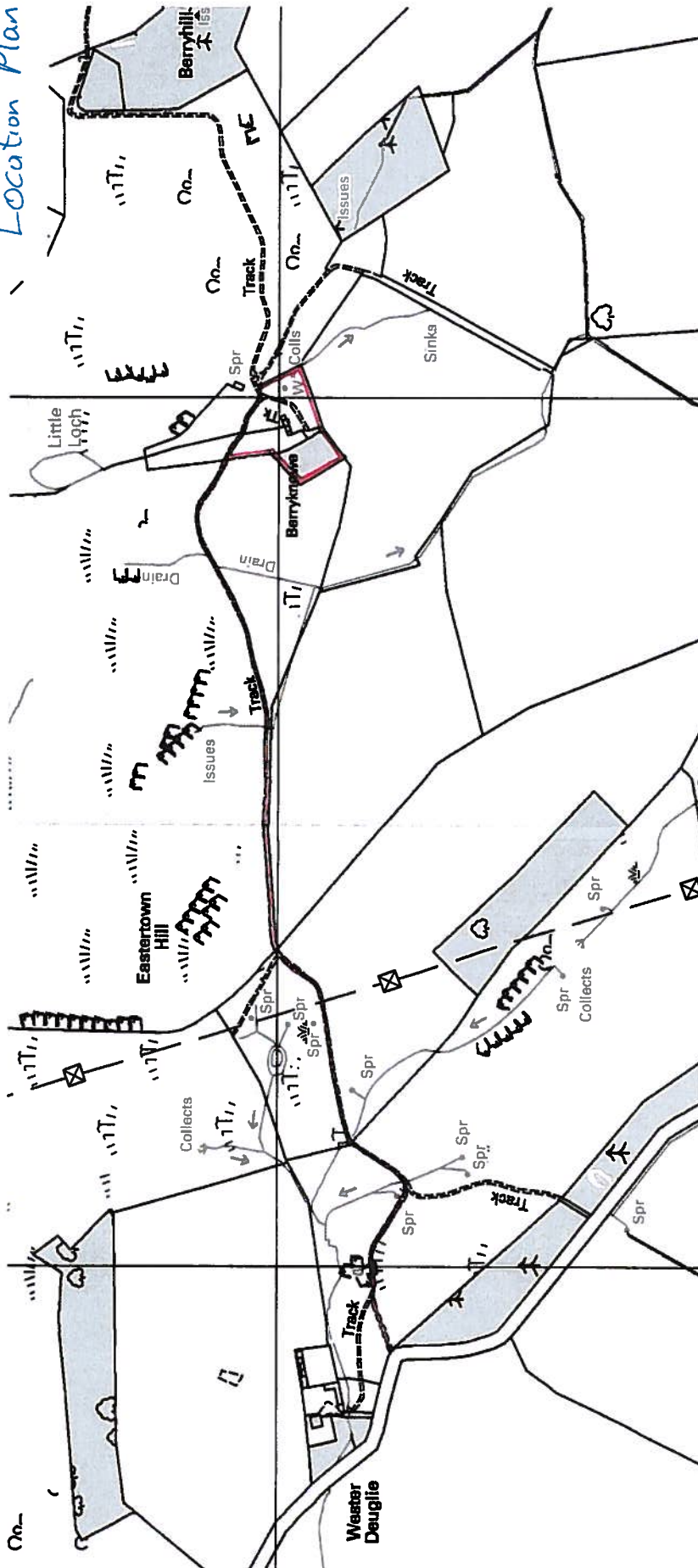
### **Appendix 6 - Supporting Planning Statement by TMS Planning Services – July 2012**

### **Appendix 7 - Officer's Delegated Report (Report of handling) – September 2012**

### **Appendix 8 - Decision Notice for planning application 12/01353/FLL - September 2012**

### **Appendix 9 - Letters of Support**

# Appendix 1(a) Location Plan



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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.



Scale 1:5000

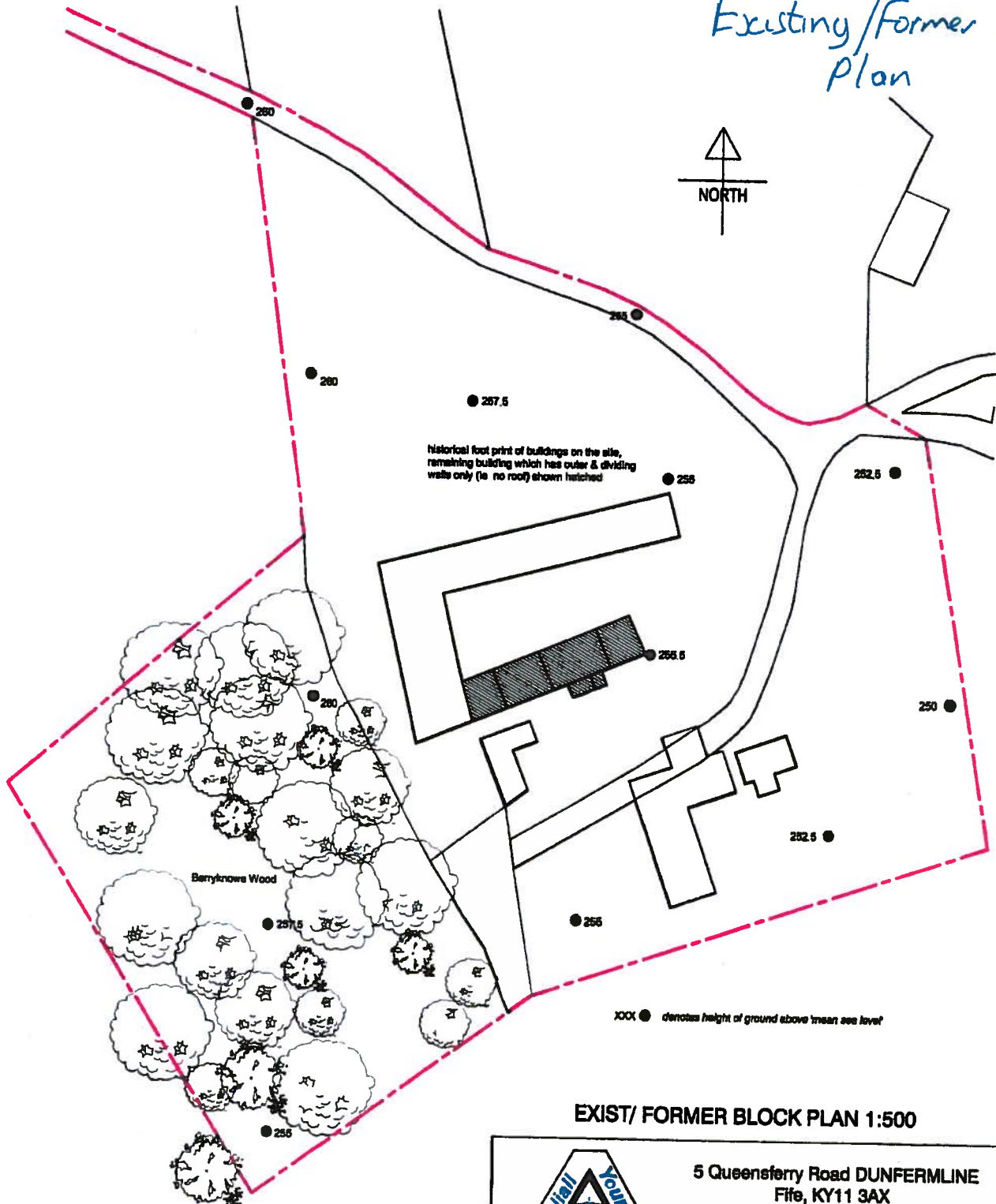
Supplied By: Niall Young Architecture

Serial number: 001034329

Plot Centre Coordinates: 311550, 711910



# Appendix 1(b) Existing/Former Block Plan



EXIST/ FORMER BLOCK PLAN 1:500



5 Queensferry Road DUNFERMLINE  
Fife, KY11 3AX  
Tel: 01383 621078 Mob: 07916 311411  
e-mail: nyarchitecture@btinternet.com

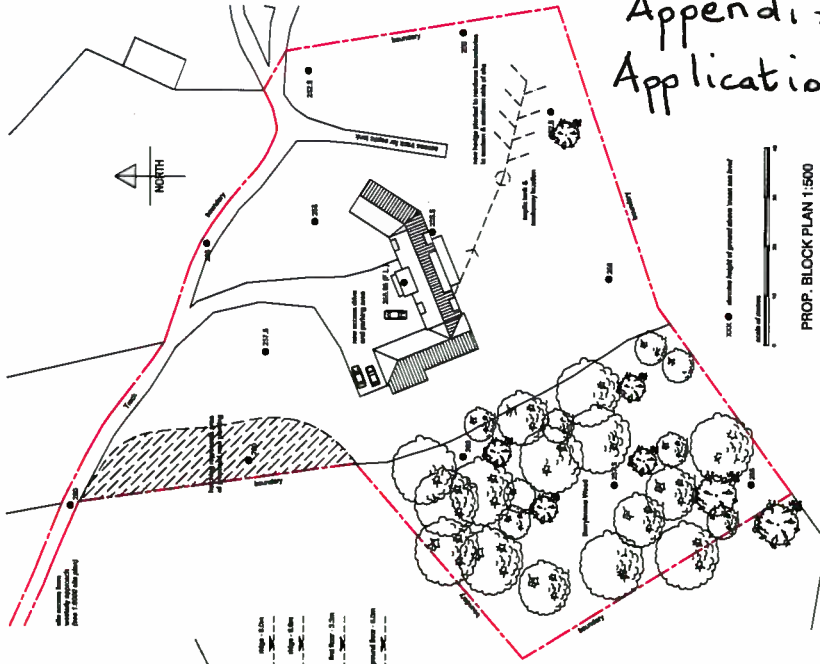
**PROJECT:**  
PROPOSED NEW DWELLING AT:  
'BERRYKNOWE' BY GLENFARG

**CLIENTS:**  
MR. & MRS. T. ESPARON

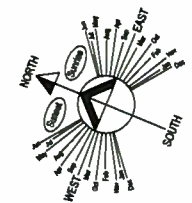
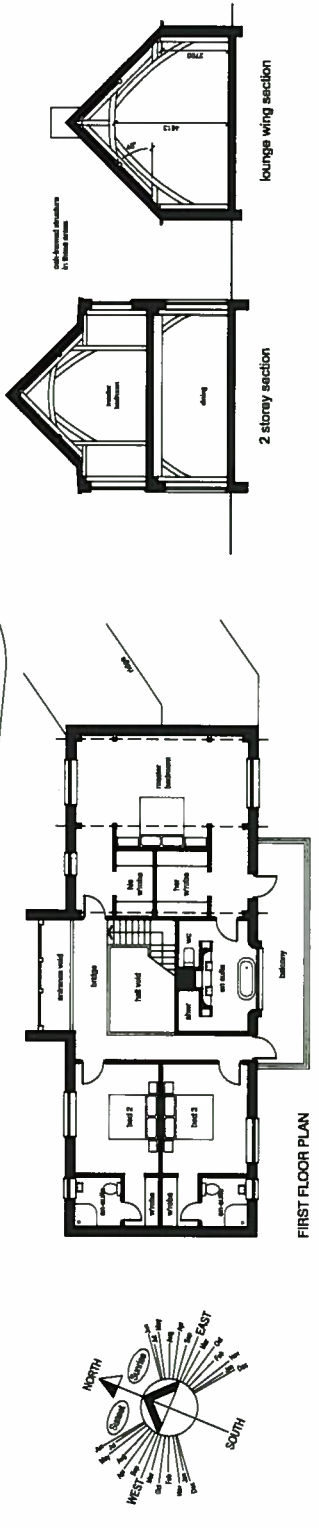
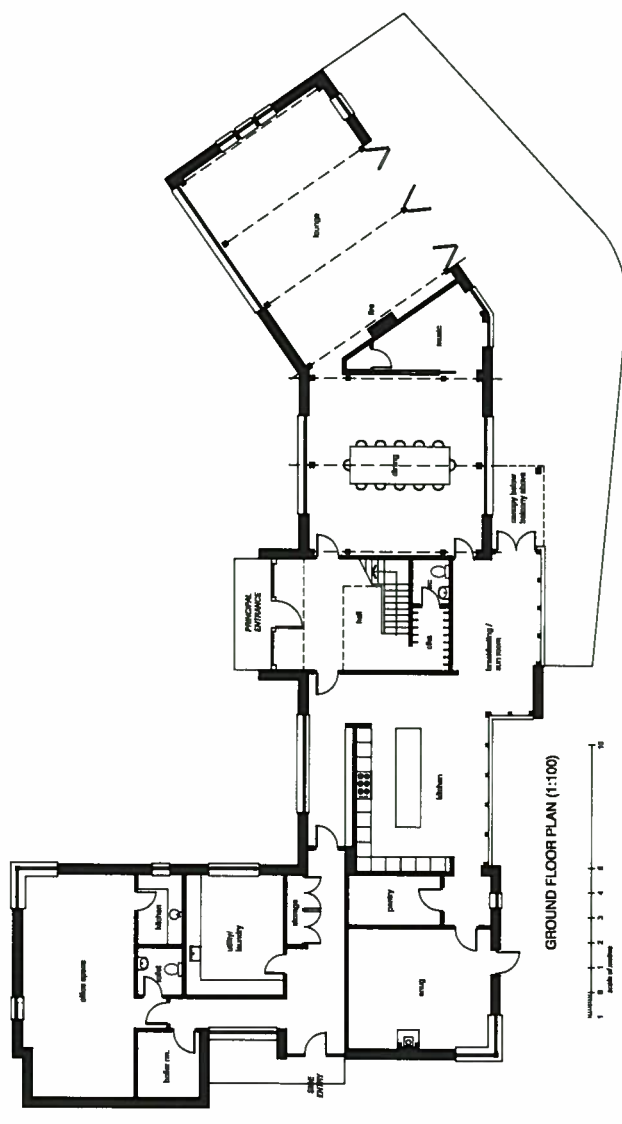
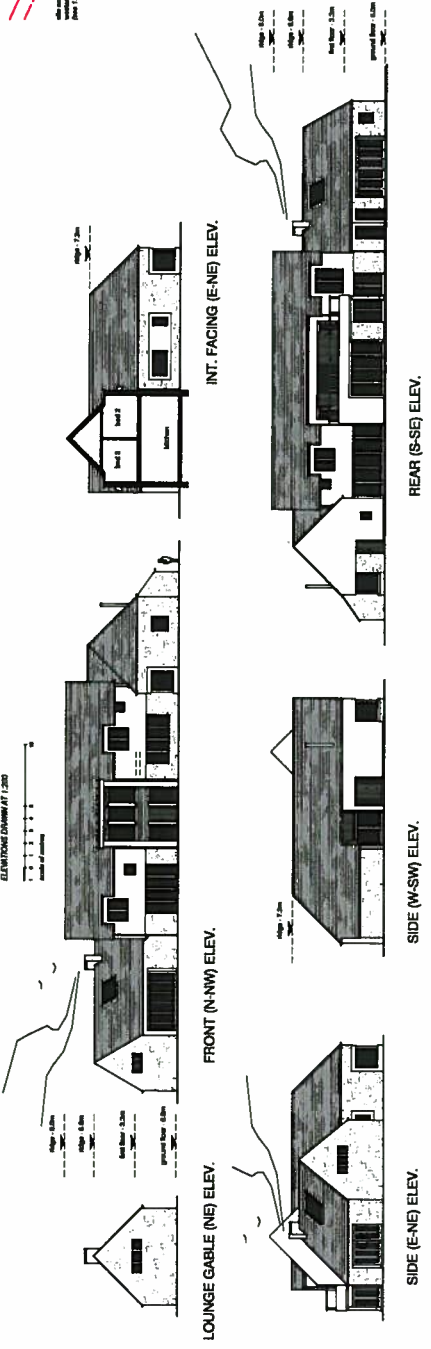
**EXISTING / FORMER BLOCK PLAN**

Drwg No. 12/19EBP	Rev.A	Scale -1:500	JUL 12'
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# Appendix 1c Application Drawings

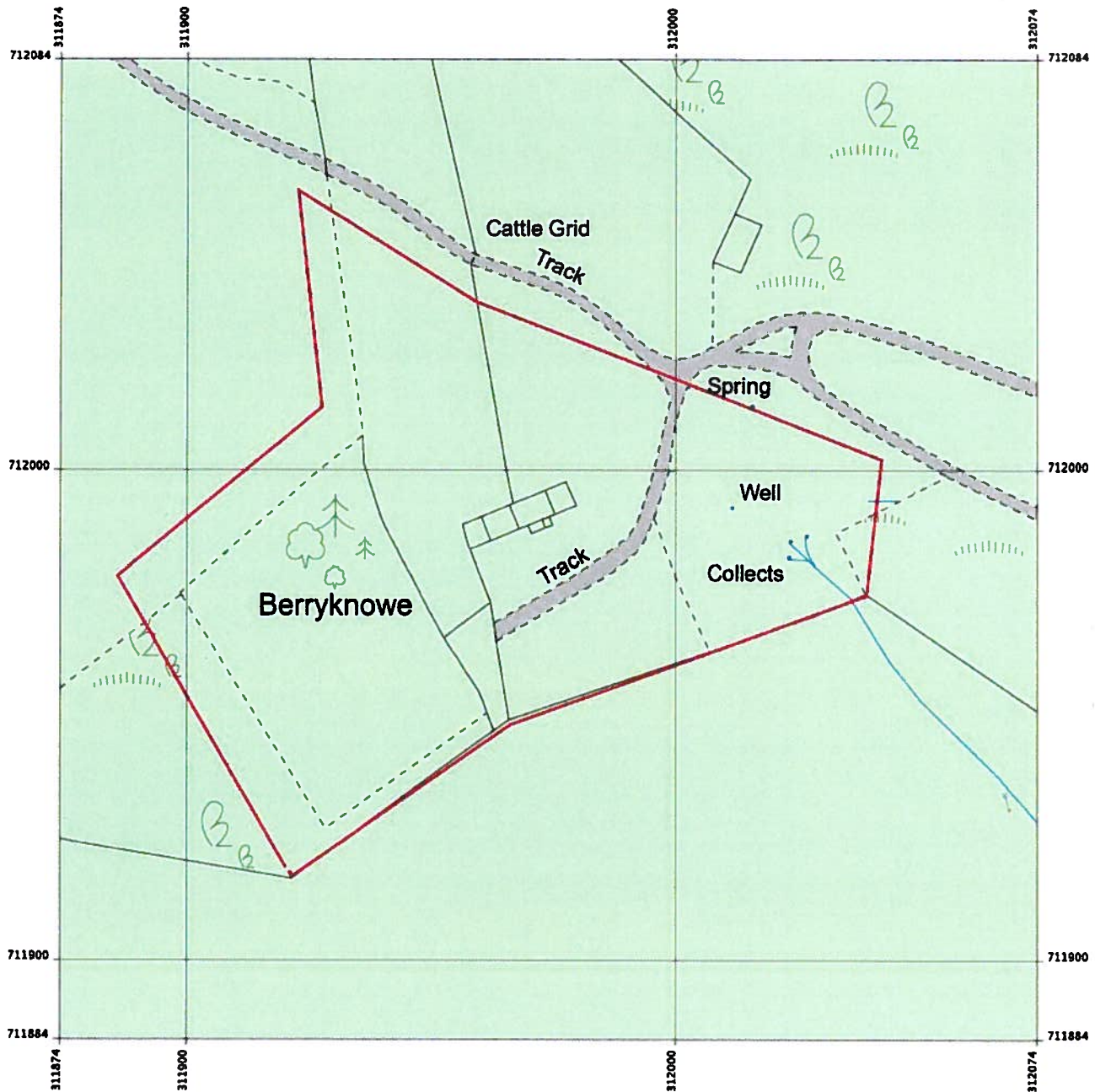


<p><b>Schedule of Floor Areas:</b> Ground Floor - 300sqm First Floor - 100sqm Total area - 400sqm</p> <p><b>Materials:</b> Timber framed windows / doors / screens 100% timber cladding to upper portions of wall Stone walling to lower portions / masonry on all Painted timber boarding to walls where shown Natural slate finish to roof with zinc ridge</p>	<p><b>5 Cusackery Road DUNFERMILINE</b> File: KY11.3AX Tel: 01393 821078 Mob: 07918 311411 e-mail: ryen@ryenarchitect.com</p> <p><b>PROJECT:</b> PROPOSED NEW DWELLING AT: "BERRYKNOWE" BY GLENFARG CLIENTS: MR. &amp; MRS. T. ESPARON</p> <p><b>PLANNING APPLICATION DRAWING</b></p>	<p>Dwg No. 12/19   Rev A   Scale - 1:100/200   25/07/12</p>
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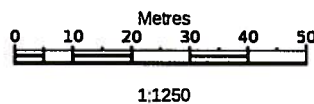




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The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Supplied by: Stanfords  
Reference: OI219631  
Centre coordinates: 311974 711984

Appendix 3  
2012 OS Plan

Appendix 4  
Photographs





# Appendix 5

## Design Statement



DESIGN STATEMENT FOR PROPOSED NEW DWELLING AT  
BERRYKNOWE BY GLENFARG FOR MR & MRS T. ESPARON



**PROVIDING BESPOKE RESIDENTIAL SOLUTIONS FOR CLIENTS THROUGHOUT CENTRAL SCOTLAND**

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### Design Statement for Proposed New Dwelling at 'Berryknowe' by Glenfarg

This statement sets out the underlying design rationale for the proposed replacement dwellinghouse at 'Berryknowe' by Glenfarg. The site is considered one with significant opportunities to deliver a bespoke development of quality that will, additionally, result in the productive re-use of a redundant brownfield site in the countryside. The statement is designed to set out the relevant site characteristics, design parameters and overall solution(s) reached. In the event that further analysis is required then this can be provided on request.

The clients' brief, as outlined in greater detail below, meant that the property had to function as a house while providing sufficient space for home working. This has influenced the overall scale of the building proposed and, of course, the internal floorspace arrangements.

My clients have been looking for a property to meet their needs over an extended period. Having located this brownfield site they immediately considered it to be an ideal location for them to create a wonderful home that not only enjoyed the fantastic outlook but also contributed to enhancing the area by bringing back to life this former residential site. Their vision was to construct a replacement property of a scale & proportion that befitted its location, in a contemporary style while incorporating traditional, high quality materials.

Our site analysis identified the following features & these became the strong influences in determining the overall form & layout of our proposals:-

- I) Maps of the area identified the scale of previous development on the site. This clearly showed that the area had not so long ago been covered in a range of buildings. These were a mix of traditional and agricultural arranged in a courtyard formation and covering a significant part of the site core (see Existing / Former Block Plan - Drawing No. 12/19EBP);
- II) The setting of the site was special with the impact when arriving along the access track from a westerly direction quite surprising when you rounded the corner & found the existing structure with an open aspect beyond. The original buildings were obviously chosen to go here for a reason. Inspection of the surrounding area has revealed that the site is not readily visible from roads in the locality and is well located to/contained within its landscape setting;
- III) Berryknowe wood, as located to the westerly part of the site, provides significant shelter / screening to the location and it's sitting on higher ground formed the tallest visual characteristic of the immediate area;
- IV) The stunning views in a south / south-easterly direction would give direct benefits in both solar gain & overall enjoyment of the setting;
- V) The contours across the site showing a natural fall away from the north-westerly part of the site falling towards the south-east where the site boundary exists to the open hillside;
- VI) The existing stone remains of the original properties are clearly visible and provide a context for the development previously on the site and its constructive replacement. Visual inspection suggests that the remaining structures are in a generally poor state for repair and could not readily be incorporated as part of the new property. However re-use of the existing materials would provide quality weathered material that could be incorporated sustainably in the new design & with more rock situated in close proximity a potential source for further stone was apparent;
- VII) we noted the sun's path throughout the year which would give vital information to assist with the location and orientation of the proposals to maximise the spread of daylight into & through the building;
- VIII) The site was ideally positioned to make use of solar & wind technologies to generate power;
- IX) Access to the site from the public road would require to be upgraded. There are presently 2 access options (west and east).

The objectives of the brief were to create a family dwelling of good proportion that would incorporate an area for office use for the occupants to run their established business. The property was to have an emphasis on quality accommodation with open & free-flowing characteristics, where all spaces provided comfort & ultimately pleasure. The idea was not to create a large property capable of accommodating many occupants, but was rather the opposite, to create a property that felt bright, spacious & relaxing with 'volume' that allowed the outside to be enjoyed from inside. Flexible accommodation was essential so that not only movement within the house was easy but also so the occupants could change the use of areas to permit living on the ground floor if this became necessary in the future.

A clean, crisp modern interior was envisaged with an exterior to match in concept, but which reflected traditional & time-tested materials that would endure. A degree of transparency was desirable that would permit the natural daylight



to flow from the south side through to the north and allow an appreciation of the interior space from the outside. The property was to be of high quality, designed for purpose & should generate excitement for both the occupants & visitors, whilst not being overly dominant and integrating well with its setting. A house minimising its carbon footprint was also a requirement of the clients.

The design solution has been a long & very considered process taking into account all the factors described above and identified throughout the site analysis. A summary of the main factors influencing the design are listed below:-

- 1) The siting of the building is in a position that respects the arrangement of the existing/former properties on site. This provides a location that retains the building within the landscape setting formed by Berryknove Wood and the rising hillside, maximises the wonderful outlook, gets protection from prevailing westerly winds & leaves a well proportioned front area for access with an attractive rear garden area enjoying the open views;
- 2) The footprint shape of the property was developed to give a flowing layout & derived from a desire to open up a more traditional U-shaped format which would allow a much greater sense of space. At arrival the frontage is wider & welcoming with the 'lounge wing' orientated to gain any evening sunlight that may be available. The more functional rooms (i.e. non-living spaces) are located adjacent to the wooded area where the provisions of generous daylight is less of a requirement;
- 3) The building scale fulfils the clients brief in a form respecting the site, its location, and its surroundings. The central 'hub' has a reduced eaves height with the 'wings' either side being subservient to the main part thus creating a more traditional form such as that of a rural dwelling with annexes or farmhouse with outbuildings. We feel the overall height and general flow of the ridge in relation to the contours of the site & the tall wooded area create a natural flow that diminishes to the easterly side and thus respects the landscape character of the area;
- 4) The building incorporates many interesting & attractive design features externally which evoke a sense of pleasure & pride with the building being individual & therefore 'special' to its owners. A good balance between contemporary design & traditional characteristics has been met in its overall form and we feel it sits well in its surroundings with materials that will be carefully sourced & constructed to give a sharp, quality finish. It is noted on the drawings that the proposed external materials will be natural stone reused from the existing structure, natural slate for roofing with render & lining of an appropriate finish & colour to the walls;
- 5) We propose to utilise all available energy sources with both solar & wind power generation, ground source heat pumps & the use of electricity as this already exists on the site. As indicated, the aim is to deliver a property that meets the clients' needs, re-uses a redundant brownfield site and minimises the impacts on the environment. At the time of writing we are still investigating the many options available related to the reduction in energy use both during the construction and operational phases of the building. The clients are looking to achieve the highest possible standards and to significantly exceed the present Buildings Standards requirements. Consideration is presently being given to the use of the 'Scotframe Supawall' construction system. This is a system which effectively locks together the house frame with airtight seals to create the walls, roof and floor of the structure. The frame is precision crafted and injected with a very high performance insulation which is 'A' rated under BRE's Green Guide To Specification, contains no CFC's or HCFC's, and fills every part of the panel. This means that, once the panels are fitted together on site, the integrity of the "thermal envelope" is assured. The insulation and air tightness is so effective that the need for a traditional central heating system is often removed albeit this is not proposed for this particular development. The water heating/central heating systems to be installed will utilise combination boilers, low water radiators and thermostatic radiator valves. The system will be linked to solar panels in order to reduce energy requirements for hot water production. All services, such as plumbing and electrical wiring, are contained in a service void, so no holes need to be drilled into the structural panel thereby ensuring air tightness performance is not compromised. The side of the panel on the house interior is faced with a heat reflective membrane and an air gap is left between it and the internal wall cladding. The exterior side is faced with a breathable waterproof membrane and 50mm of cavity insulation. Supawall exceeds the "Advanced" level of Energy Efficiency Best Practice in housing guidelines.

My clients have spent a great deal of time and effort in working with me to prepare a design that we feel respects the locality & will indeed ultimately improve the area. They are committed to investing significantly into this project in order to achieve a building of the highest possible design quality. As indicated, should further information/assessment be required then I would be happy to provide this on request.

*Appendix 6*  
*Planning Statement*

**PROPOSED NEW/REPLACEMENT  
DWELLINGHOUSE WITH INTEGRAL  
OFFICE ACCOMMODATION (LIVE/WORK  
UNIT) @ BERRYKNOWE, BY GLENFARG**

**SUPPORTING PLANNING STATEMENT ON  
BEHALF OF MR AND MRS TIM ESPARON**

**JULY 2012**

**TMS PLANNING AND DEVELOPMENT SERVICES LIMITED**

"Balclune", 32 Clune Road, Gowkhall, Fife, KY12 9NZ

Tel: (01383) 853066 Mob: 07723320517

E-mail: [tmsplanning@tiscali.co](mailto:tmsplanning@tiscali.co)

## **1.0 BACKGROUND/THE PLANNING APPLICATION SITE**

1.1 This supporting planning statement sets out the case for the development of land at Berryknowe, Glenfarg for a dwellinghouse with integral office accommodation, in effect a live-work unit. The site lies to the north-west of Glenfarg and is accessed from the public road via a farm track (>1km). The landscape feature known as Berryknowe Wood forms the western portion of the site with the access track forming the northern boundary and fields to the south and east. The core of the site presently contains the remnants of buildings previously used for residential and agricultural uses. These appear as traditional stone structures with a number of external walls still visible but in poor condition. There are no roofs present.

1.2 Historically, the site contained a small development enclave comprising a main house, other residential units and agricultural buildings. The form/nature of earlier development is detailed on the ordnance survey plan appended to this statement which is from 1965. The main house was the southern structure on the plan with the other residential units and agricultural buildings in a courtyard format. The removal of a number of the buildings is understood to have occurred in the late 1970s/early 1980s, albeit, with the remaining structures occupied until around 1984. As indicated, clear evidence of the development grouping remains and the remaining evidence on site suggests that these were all "traditional" steadings type properties.

1.3 Pre application consultation with Perth and Kinross Council related to the development (Christine Brien) set out the policy requirements related to any new development on this site and also confirmed that the proposed access arrangements for the site would be acceptable to Perth and Kinross Council subject to final details being agreed.

## **2.0 THE PROPOSED DEVELOPMENT**

2.1 The proposal has emerged from the specific needs of the applicants to balance residential and business requirements. In short, they have been resident in the local area for over 30 years and enjoy and contribute to the local Glenfarg community. They have been seeking a new property in the area for an extended period but have been unable to locate one that meets their residential and business needs. Tim Esparon runs Drunzietek Limited presently from their home in Glenfarg. This is a successful company providing consulting and management services in the IT manufacturing industry nationally and on an international basis. The Esparons are now looking to secure a property to meet their combined requirements presently and in the future. Both Tim and Jan are passionate about the present site/design proposal and are further committed to the use of sustainable/green technologies in order to minimise their respective carbon



footprints. The details of the proposed property are set out in the plans accompanying the planning application and in the Design Statement prepared by Niall Young Architecture which is also submitted as part of the application.

2.2 In short, the house/office building would represent a modern interpretation on the historic courtyard development recorded on the site. It would contain a 2 storey central core with subservient "wings" physically/visually enclosing the core. It is a clean, sharp design utilising traditional materials respecting both the site and the Perthshire countryside generally. Existing on-site materials would be re-used (stone) with other materials sourced locally as far as practicable. A local bore hole is to be investigated as the primary water source with other services sourced from the surrounding area. The use of photovoltaic panels, grey water recycling, a ground source heat pump, and a high specification construction system (Scotframe Supawall construction system) are also being investigated as part of the development in order to move towards carbon neutrality.

2.3 As part of the re-development proposals, the farm track leading from the public road to the west (adjacent to the Wester Deuglie Farm steadings) to the planning application site will be fully upgraded to a standard agreed with Perth and Kinross Council. It is also proposed to incorporate inter-visible passing spaces on this route. Native hedge planting is proposed along the south and east site boundaries. Additional tree planting will also be incorporated at the edges of the proposed garden area and adjacent to the established Berryknowe Wood. The wood will also be subject to positive management and replanting in order to ensure its long term contribution to the local landscape.

### **3.0 POLICY CONTEXT**

3.1 In this section of the statement the terms of Scottish Planning Policy and Perth and Kinross Council policy relevant to the proposed development is set out. The latter will include the adopted Perth Area Local Plan, the emerging Perth and Kinross Council Local Development Plan, and Perth and Kinross Council's Housing in the Countryside Policy (August 2009).

#### *Scottish Planning Policy*

3.2 The Scottish Government believes that the planning system is essential to achieving its central purpose of "*increasing sustainable economic growth*" and therefore requires to be pragmatic and flexible in the assessment of development proposals. Planning authorities are required to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth. SPP recognises that the fundamental

principle of sustainable development is that it integrates economic, social and environmental objectives.

3.3 SPP requires that the planning system, and its operation, should support economic development in all areas by:

- taking account of the economic benefits of proposed development;
- promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- supporting development which will provide new employment opportunities and enhance local competitiveness; and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

3.4 It recognises that the planning system has a significant role to play in supporting sustainable economic growth in rural areas by facilitating development which would allow rural businesses and communities to flourish. The strategy for rural development should support the overarching aim of supporting diversification and growth of the rural economy. Development plans are required to promote economic activity and diversification in all rural areas, including the establishment/expansion of rural businesses. The underlying aim to maintain and improve the viability of communities and to support rural businesses. In short development which provides employment should be encouraged.

3.5 In accordance with the Scottish Government's requirements to provide for a generous land supply for new housing and to provide for all housing needs within communities, SPP requires that development plans support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. Live-work units can be seen as an appropriate form of sustainable development in rural areas.

3.6 Planning Advice Note 73 (PAN 73) "Rural Diversification" indicates the Scottish Government's commitment to supporting rural communities and the rural economy. It stresses that the future of rural Scotland lies in economic diversification allied to a strong commitment to environmental stewardship. It further recognises the need to support a wide range of economic activity in rural areas. It recognises that the planning system can support and encourage diversification in ways that benefit the economy, communities and the natural environment. Live-work units can be seen as an appropriate form of sustainable development in rural areas.

### *Perth and Kinross Council Policy*

3.7 The Perth Area Local Plan (1995 as altered in 2000) remains part of the extant development plan. This plan supports limited development in the designated countryside including (as per Annex 1 "Housing in the Countryside Policy – May 1994) replacement houses subject to suitable design, the availability of services and the satisfactory amenity being provided. In practical terms this document is out of date and Perth and Kinross Council's established policy has moved on with the production of specific Housing in the Countryside Policy, the latest version of which was approved in 2009. In short the terms of the local plan have been effectively superseded by the Perth and Kinross Council wide Housing in the Countryside Policy (August 2009).

3.8 The Housing in the Countryside Policy contains guidance on a wide range of circumstances related to such development. In this case there are 3 parts of the policy of potential relevance those related to: -

- Part 4 - Renovation or Replacement of Houses;
- Part 5 - Conversion and Replacement of Redundant Non-Domestic buildings; and
- Part 6 - Rural Brownfield Land.

3.9 Each part of the policy sets out assessment criteria to be addressed while the policy also requires the criteria outlined within the "For All Proposals" section to be satisfied. There are a number of overlaps between the stated assessment criteria but, on reflection, it is considered that the most relevant section in respect of the current proposal would be Part 6 - Rural Brownfield Land and the general assessment criteria outlined within the policy. Compliance with other parts of the policy can be demonstrated where required.

3.10 Policy RD3 of the emerging Perth and Kinross Council Local Development Plan related to "Housing in the Countryside" states that "The Council will support proposals for the erection, or creation through conversion, of single houses or groups of houses in the countryside which fall into one of the following categories", these categories including:

- (d) Renovation or Replacement Houses
- (e) Conversion of replacement of redundant non-domestic buildings
- (f) Development on rural brownfield"

3.11 This emerging policy appears entirely in accord with the established Perth and Kinross Council Housing in the Countryside Policy (August 2009).



## **4.0 ASSESSMENT OF PROPOSAL**

4.1 As indicated, the aim of this development is to facilitate the productive re-use of a rural Brownfield site with a quality of new development befitting the site and surroundings, while also seeking to positively address the overall sustainability of the development and support an established home-based business. It will constitute a live/work unit, a form of development fully supported by prevailing Scottish Government policy within rural areas and also in accord with Perth and Kinross Council's Housing in the Countryside Policy wherein *"encouragement will be given to the incorporation of measures to facilitate home working within new development"*.

4.2 The development will address economic, social and environmental objectives and in doing so promote the full and productive use of the land resource, demonstrating an appropriate and supportable level of sustainable development, while also supporting economic activity and the related benefits to the local and wider economy. The formation of a live/work unit on this brownfield site in the form proposed, a bespoke property of significant visual quality utilising green technology as an integral part of the development design/delivery, is exactly the approach being promoted by the Scottish Government. The development of a bespoke property (plot development) further adds to and diversifies the range of residential properties within the area therefore, in a small way, helping to meet a wider housing (and related) requirement. All of the above combine to deliver a form of development fully in accord with prevailing Scottish Planning Policy requirements.

4.3 In terms of the specific requirements of the Housing in the Countryside Policy (Section 6 Rural Brownfield Land) it can be concluded that the development would: -

- bring redundant brownfield land back into productive (and supported) use;
- represent a small scale housing (live/work) development;
- remove dereliction in respect of the removal of the existing ruinous buildings;
- deliver significant amenity/environmental improvements to the site;
- respect the history of the site in terms of its former use for residential/agricultural purposes, including the scale/form of the development proposed; and
- provide additional landscape treatment.

4.4 The development would also address the "For All Proposals" requirements set out within the Housing in the Countryside Policy in that: -

- a) the design and appearance of the proposed building meets present design guidance;
- b) pre-application discussions took place;

- c) access and services can be readily provided;
- d) the ruinous structure is not listed;
- e) no affordable housing issues arise;
- f) means of enclosure will comprise additional/supplemented landscape planting;
- g) the stone arising from the removal of the ruinous structure will be positively re-used within the development;
- h) the location of the proposed dwellinghouse is remote from the closest working farm buildings;
- i) The proposals make positive provision for home working as an integral part of the development;
- j) No conflict with other local plan policies would arise;
- k) There are no areas of valued ecology/biodiversity within the area of the site to be developed. The value of the woodland forming Berryknowe Wood would be enhanced by some positive management, including new planting, in order to diversify its age profile and to protect its long term future as an attractive landscape feature;
- l) there would be no impact on a Special Protection Area or any other ecological site; and
- m) the proposed building, in terms of scale, layout, design and external finish (refer Design Statement) is appropriate to and has a good fit within the surrounding landscape. The design approach to the site has been set out within the Design Statement, this demonstrating the carefully considered approach and the resultant quality of development being promoted.

4.5 Based on the assessment set out above, it is clear that the development, as proposed, would comply with prevailing policy. Careful assessment of the site, its use and an appropriate design solution has resulted in a development of quality being promoted, a development with both residential and economic benefits on a redundant area of brownfield land. The applicants' are fully committed to delivering a quality of development within this site which meets all of the opportunities and constraints existing and compiles fully with prevailing policy requirements and quality standards.

4.6 In the event that any further information/assessment is required by Perth and Kinross Council in respect of the proposal then this will be provided on request.





# REPORT OF HANDLING DELEGATED REPORT

Officer's Report.

Ref No	12/01353/FLL
Ward No	N8- Kinross-shire

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 1140 Metres East Of Wester Deuglie Farm Glenfarg

**APPLICANT:** Mr And Mrs Tim Esparon

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 16 August 2012

## OFFICERS REPORT:

### Site Description and Background

This application relates to the site of the former farm holding at Berryknowe, 1.8 km north east of Glenfarg. The site once contained a farmhouse and a number of farm buildings but the site has long since been cleared and all that now stands on the site is the ruin of an old range of stone out buildings.

### Proposals

Full planning permission is being sought for the erection of dwellinghouse within the site. The proposed dwelling is a large three bedroom two storey house with an integrated home office. The external finish of the proposed house is detailed as natural stone to the first floor walls, wet dash render to the second floor walls, natural slate to the roof, and timber windows and doors. The proposed access to the site is to be taken via the existing farm access to the west from Wester Deuglie.

### Assessment

#### • Policy

The main determining issues in this particular case are whether the proposal complies with the Development Plan and whether or not there are material considerations supporting approval contrary to the Development Plan. In this instance the appropriate Local Plan policy is Policy 32: Housing in the Countryside. The Council's policy document Housing in the Countryside, August 2009 is an up to date and material consideration in this case.

In terms of Policy 32 of the Local Plan, it is considered that this proposed development does not comply with any of the excepted categories (a) Development Zones (b) Building Group (c) Renovation of Abandoned Houses (d) Replacement of Houses (e) Conversion of Non-Domestic Buildings or (f) Operational Need. It is therefore considered that this proposed development is contrary to Policy 32 of the Perth Area Local Plan.

As outlined above, this proposal must also be considered in context to the Council's revised Housing in the Countryside Policy. Category 5 does allow for the replacement of redundant non-domestic buildings subject to the criteria outlined in the policy. However it is considered that the proposed development cannot comply with this category of the policy, particularly as the proposed house will far exceed the 25% new build threshold outlined in criterion 5 (h).

It is therefore considered that the relevant category to consider this proposal is Category 6 'Rural Brownfield Land'. This category outlines that consent may be granted for small scale residential development on brownfield land which was formerly occupied by buildings where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.

The applicant has detailed in their supporting statement that they consider the proposals meet the requirements of the policy on the basis that it would remove dereliction from the site and also deliver significant environmental improvements. Historical maps also clearly illustrate that the site was formerly occupied by a number of farm buildings. However having had the opportunity to visit the site it is considered that whilst the site may have previously had structures erected within the site related to its previous use, the vast majority of these buildings have long since been removed from the site and are no longer evident, with the exception of the small section of the old byre. The site has also become overgrown and is not recognisable as a brownfield site.

I am also equally unconvinced as to the argument that the development would result in a significant environmental improvement. The principal test of what could be considered as a 'environmental improvement' is largely based on the physical appearance of the site when viewed in context to its surroundings (i.e. existing built development) and whether the proposed development would result in a visual improvement. In this instance, the site in its current state quite typical of the rural countryside throughout Perthshire and it could be argued that the existing ruin forms quite an attractive historical agricultural feature within the immediate landscape. Furthermore, the erection of a significantly larger two storey structure on the site along with its associated driveway and parking would have a much greater visual impact than the unsuspecting ruin that presently stands on the site.

- **Education**

Amgask Primary School is currently considered to be at capacity by Education and Children's Services. Therefore the Council's recently approved Planning Guidance Note on Primary Education and New Housing Development will apply. Under the new policy, as it applies to education infrastructure, the developer will be required to make a contribution of £6,395 towards the cost of increasing school capacity which could be either a financial payment upon which the planning consent will be issued or involve a Section 75 legal agreement which upon signing by both parties the planning consent will be issued. The total amount required by the Policy is therefore £6,395.

- **Hazardous Pipeline**

The application site is located within the consultation zone of the Shell pipeline that runs to the 190m to the east of the site. An HSE Padhi+ consultation has been undertaken and this did not recommend against development on the site. However



Shell has advised that if access were to be needed over the pipeline then suitable protection measures would need to be installed prior to the commencement of construction activities. They have also advised that the applicant should consult them to discuss the design of the access road.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Perth Area Local Plan, in particular Policy 32. The proposal also fails to comply with the Council's revised Housing in the Countryside Policy 2009. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

### **DEVELOPMENT PLAN**

#### **Tay Plan 2012**

The application raises no strategic issues of relevance to the Tay Plan 2012.

#### **Perth Area Local Plan 1995**

In summary, the principal Development Plan policies of relevance which are found in the Perth Area Local Plan, 1995 are:

**Landward Area - Policy 1 - Developments will be judged against the criteria which include the following:**

- The site should have a good landscape framework within which the development can be set and, if necessary, screened completely.
- The development should be compatible with its surroundings in land use terms and should not cause unacceptable environmental impact.
- In the case of built development, the scale, form, colour and design should accord with the existing pattern of building.
- The site should be large enough to satisfactorily accommodate the development.

#### **Policy 4 – Pipeline Consultation Zones**

The Proposals and Inset Maps identify pipeline consultation zones where the District Council will seek the advice of the Health and Safety Executive (H.S.E) or the Central Scotland Water Development Board on development proposals. The District Council will also seek the advice of the H.S.E on the suitability of any proposals for a new notifiable installation within the Plan area or any proposal for development within the consultation distance of any other notifiable installation.

#### **Policy 32 – Housing in the Countryside**

This policy indicates that within Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.



Note: Details of the Housing in the Countryside Policy (revised May 1994) are contained in Annex 1.

### **PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN (JANUARY 2012)**

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

The principal relevant policies are in summary:

Policy RD3: Housing in the Countryside

Policy EP4: Health and Safety Consultation Zones

**Other Policies:**

#### **Housing in the Countryside Policy 2009**

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

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

The Council's "Guidance On The Siting And Design Of Houses In Rural Areas" contains advice on the siting and design of new housing in rural areas.

#### **Primary Education and New Housing Development Policy 2009**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development.

### **SITE HISTORY**

No recent planning history

### **CONSULTATIONS/COMMENTS**

Environmental Health

No objection but recommend conditions relating to water supply

**Education And Children's Services** Advise that local school is operating above capacity

**Transport Planning** No objection subject to conditions

**Scottish Water** No objection

**Shell UK Exploration And Production** Advise that if access were to be needed over the pipeline then suitable protection measures would need to be installed prior to the commencement of construction activities. They have also advised that the applicant should consult them to discuss the design of the access road.

**TARGET DATE:** 27 September 2012

**REPRESENTATIONS RECEIVED:**

**Number Received:** 0

**Summary of issues raised by objectors:**

n/a

**Response to issues raised by objectors:**

n/a

**Additional Statements Received:**

**Environment Statement** n/a

**Screening Opinion** n/a

**Environmental Impact Assessment** n/a

**Appropriate Assessment** n/a

**Design Statement or Design and Access Statement** Yes

**Report on Impact or Potential Impact eg Flood Risk Assessment** No

**Legal Agreement Required:**

No

**Direction by Scottish Ministers**

None

**Reasons:-**

- 1 The proposal is contrary to Policy 32 of the Perth Area Local Plan as it cannot satisfy any of the accepted categories of development.
- 2 The proposal is contrary to the Council's policy on Housing in the Countryside (August 2009) as it cannot comply with the requirements of category (6) Rural Brownfield Land and it does not satisfy any of the other accepted categories of the policy.

**Justification**

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

Appendix 8  
Decision Notice

**PERTH AND KINROSS COUNCIL**

Mr And Mrs Tim Esparon  
c/o TMS Planning Services  
Baldlune  
32 Clune Road  
Gowkhall  
Dunfermline  
KY12 1NZ

Pillar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 27th September 2012

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Number: 12/01353/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th July 2012 for permission for **Erection of a dwellinghouse Land 1140 Metres East Of Wester Deuglie Farm Glenfarg** for the reasons undernoted.

Development Quality Manager

**Reasons for Refusal**

1. The proposal is contrary to Policy 32 of the Perth Area Local Plan as it cannot satisfy any of the accepted categories of development.
2. The proposal is contrary to the Council's policy on Housing in the Countryside (August 2009) as it cannot comply with the requirements of category (6) Rural Brownfield Land and it does not satisfy any of the other accepted categories of the policy.

**Justification**

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



## Notes

10/01/2013 10:00:00 AM

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

### Plan Reference

12/01353/1

12/01353/2

12/01353/3

12/01353/4

12/01353/5

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

10/01/2013 10:00:00 AM

# Appendix 9

## Support letters

Lucero  
Duncrevie Rd  
Duncrevie  
PERTH  
PH2 9PD  
10<sup>th</sup> December 2012

To whom it may concern

I am writing in regard to a planning application from Mr and Mrs T. Esparon at Berryknowe on the Fordell Estate. As you will know this site currently has derelict buildings which could not be rebuild using the existing foundations and walls and it would therefore make sense to replace these dilapidated ruins with a modern housing structure.

This site was inhabited up until the early 1980s and it would be a shame not to utilise the area again for people to live there and enjoy the beautiful countryside.

I understand that there are statements in the Perth Planning Strategy that state that Councils should favour the replacement of derelict buildings and therefore request that the proposals be given careful and sensible consideration to improve the site

Yours faithfully

David J Brookes

Fordell House

Fordell Estate

Glenfarg,

PH2 9QQ

12/12/12

Planning Officer

Pullar House,

Kinnoull Street

Perth

Dear Sir or Madam,

**Re: Planning application for replacement House at Berryknowe.**

I am writing to support the above planning application.

I feel a replacement house at Berryknowe will improve the safety and security of the area. Parts of the old building are likely to fall down and be a safety hazard for people and animals on the estate.

I hope you can grant permission after your review.

Thanks,

Yours faithfully,

David Ismail

Fordell Estate.

Braefauld,  
Duncrervie,  
Perth,  
PH2 9PD

Perth and Kinross Council

Pullar House

35 Kinnoull Street

Perth

PH1 5GD

4<sup>th</sup> December, 2012

**Planning application for Berryknowe, Glenfarg**

Dear Sir or Madam,

I wish to register my support for the Esparons' application for a house at Berryknowe. Glenfarg. The site clearly represents a brownfield site and the proposed development would bring life back to a dwelling that has only recently become derelict. I ask you to re-consider the initial decision to decline planning permission.

Yours faithfully,

Alex Swanson



25 ELM ROW  
GLENFARG  
PH2 9PQ  
2<sup>nd</sup> DECEMBER 2012

PERTH AND KINROSS  
COUNCIL  
PULLAR HOUSE  
35 KINOULL STREET  
PERTH

My name is Valerie Gaudin I am a local resident in Glenfarg , I am writing this letter as a form of support for the Esparon's appeal in their attempt to get their refusal of planning permission for the above site overturned.

I have visited the plot on more than one occasion and it is a lovely spot that would provide a beautiful family home.

On the plot there are the remnants of a previous house , so this will clearly qualify the plot as a "Brown Field Sight" ( a sight that has been previously developed with a derelict building on it )

The plot is in a very quiet and secluded area which would be enhanced by the development of a house rather than the ruins that are present at the moment., and this would fit in with the current Planning Strategy of Perth Council which is clearly in favour of the replacement of derelict buildings.

In this day in age of environmental issues surely a development with Eco- friendly qualities would be a must , and be a positive step from the council .

I hope the council considers these valid points

Regards

Valerie Gaudin

# **BOB BUCHAN PR.**

(RADIO, TV & Press)

25 Birch Lane, Glenfarg, Perth, PH2 9PG



## **Berryknowe Planning Application.**

Dear Sir/Madam,

I am extremely dismayed and disappointed that Mr & Mrs Esparon's planning application, for Berryknowe has been refused.

I have lived, in Glenfarg, for over thirty years and during that time, I have spent many years walking the surrounding countryside and hills. Quite a lot has changed in that time, especially with the recent development of the Wind Farm, near Berryknowe, and with the apparent ease which farmers are allowed to erect "tattie sheds" as big as aircraft hangers, wherever and whenever they want.

I have known Mr & Mrs Esparon for many years and I am sure that their application for a dwelling house, in the old Berryknowe farm buildings, would be done very sympathetically, with the environment in mind. To my mind, this could only enhance the surrounding moor and bogland, which has taken such a battering in recent years.

It is even more puzzling when you consider that there are ruined buildings already on the site and the apparent ease of access through Wester Douglic or Fordell Estate.

Can someone tell me why so many other dwelling houses and renovations, in this area, have been allowed and this application has been refused?

I hope that Perth & Kinross Council will reconsider their verdict, as soon as possible.

Yours sincerely,

Bob Buchan.

Re: Planning application: Berryknowe

Dear Sir/Madam,

I am writing to you regarding the recent refusal of planning permission for Berryknowe.

My understanding of the site is that it has the ruin of a dwelling on it, which was inhabited until the early eighties. The Perth local plan defines a brown field site as a site that has been previously developed and has a derelict building on it. I was therefore very surprised to see that the reason for your refusal of permission was that the site was not considered to be brown field.

Having been a resident of Duncrevie for over 26 years, I have seen much development and building in the area, some of which could be considered infill, but some which has been and currently is being carried out on sites which are much more intrusive to our environment than Berryknowe would be. Developments such as a large house at Hilton of Duncrevie and building works by Colliston farm are just two that spring to mind. I am sure that the Esparons would treat the site with the sensitivity it deserves, complimenting the surrounding area and that the completed dwelling would much improve the appearance of the site.

I would therefore like to register my support for this application.

Yours sincerely

Mrs M Norris

*2 Elm Row  
Glenfarg  
Perth PH2 9PQ*

The Planning Department  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth PH1 5GD

10<sup>th</sup> December 2012

Dear Sir/Madam

Re: Planning application at Berryknowe on Fordel Estate, Glenfarg

I am writing in support of the appeal being made by Mr and Mrs T. Esparon for the above application which I understand was rejected on its first hearing.

I find it very difficult to understand how the plot can be considered anything other than a brownfield site given the derelict, decaying ruin which is sited there at the present time. I was led to believe that the Perth Planning strategy was to encourage the replacement of derelict buildings? Surely a new sustainably constructed dwelling, sympathetic in design to the immediate environment would be a huge improvement to the current dilapidated eyesore? I understand there were people living at Berryknowe as recently as the 1980's, it's not as if this application were being made for a pristine greenfield location.

In recent years I have seen the development of many large (and often of questionable architectural merit ) dwellings in the near vicinity of the village, such as the one at Hilton of Duncruevie which now dwarfs the entire countryside in that area. Where is the consistency? This application will not result in any such a drastic transformation of the local environment, indeed it will positively improve it.

As a longstanding resident of Glenfarg I would respectfully request your original decision be reconsidered and the application for Berryknowe be passed.

Yours faithfully,

Stephen Whiting



Ian McLaughlin  
Bennachie  
Duncrevie  
Glenfarg  
PH2 9PD  
3<sup>rd</sup> December 2012

Perth & Kinross Council Planning Department

Planning application 12/01353/FLL

Dear Sir.

I have recently become aware of the above planning application and the Planning Department decision to refuse this application, I wish by way of this letter to lodge my support for this development and trust that my views will be considered in any subsequent appeal.

As a resident in the Glenfarg area I fully appreciate the need to protect green belt areas and control new developments however, this proposed development is clearly a "brown site" as there is a substantial derelict building already on the site, in my opinion the proposed replacement building would greatly improve the local area.

The Esparon family are prepared to invest significant finance into this project which would transform a sad neglected and derelict building into an attractive home, this would benefit the local area and its residents, it would also allow the Esparon family to continue living in the Glenfarg area and continue their contribution as part of the local community.

Having read the council policy regarding housing in the countryside I cannot understand why you have chosen to class this application as contrary to the policy rather than allow it on the grounds of brownfield land.

Based on these points I would urge you to re consider your original decision as part of any appeal regarding this application.

Thank you.

Yours sincerely

Ian McLaughlin

PERTH AND KINROSS COUNCIL  
PULLAR HOUSE  
35 KINNOULL STREET  
PERTH  
PH15GD

**SUPPORT FOR THE ESPARON'S CURRENT PLANNING APPLICATION FOR A  
HOUSE AT BERRYKNOWE**

Just a note to convey our disappointment of the failure of the Esparon's to get planning permission for the above plot.

I am by no means an expert in planning but with my limited knowledge it does look like the above plot is certainly a "brown field sight ".

I am aware that the Esparon's were looking at a house design that is in the "Eco-friendly " category , this can only fit in with government guidelines on the environment and is surely a very positive aspect.

I am a Glenfarg resident of 24 yeras and have known the Esparon family for many years, they are a strong family unit with excellent family values , they have contributed positively to many aspects of village life in Glenfarg and it would be a real shame if they were lost to the community and the area if they decide to move further a field.

I offer this letter of support that may help in the appeal against the refusal of their application

Regards

CAMERON GAUDIN  
25 ELM ROW  
GLENFARG

Elaine McLaughlin  
Bennachie  
Duncricvie  
Glenfarg  
PH2 9PD  
8th December 2012

Perth & Kinross Council Planning Department

Planning application 12/01353/FLL

Dear Sir.

I understand that the Planning Department have decided to refuse the above application, I have looked at the details of the application and I wish to lodge my support for this development can you please ensure that my views are considered in any future appeal.

I have lived in the Glenfarg area for more than ten years and I fully appreciate the need to protect the green belt areas around the village but in my opinion this proposed development is on brownsite land, I regularly walk in this area and know that a large derelict building already exists on this site, I think the proposed new building would be a significantly improvement to the local area.

I am aware of the council policy regarding the building of new housing on greenbelt land but I cannot understand why this application is seen as contrary to this policy.

Based on these points I would urge you to re consider your original decision as part of any appeal regarding this application.

Thank you.

Yours sincerely

Elaine McLaughlin



Redwood House  
Newfargie,  
Glenfarg  
Perth  
PH2 9QT

4 December 2012

Perth & Kinross Council

Pullar House

35 Kinnoull Street

Perth

PH1 5GD

Dear Sirs,

I would like to support the planning application of Mr and Mrs Esparon at Berryknowe.

I have known the Esparons for some years and am aware that after 30 years in the Glenfarg area they wish to continue to live here in their new home built at Berryknowe.

The Esparons are well known in the community and take an active part in village life. They would be sadly missed, should they be unable to complete their dream home and move away from the district.

Having viewed the plans and the photographs of the site, I feel that the proposed house would be an asset on the site rather than the old dilapidated building now at present on site.

The site in my opinion constitutes a Brown Field site in accordance with planning guidelines.

I trust that you will look favourably at their application

Yours faithfully

Charles Young

**Braefauld,  
Duncrevie,  
Perth,  
PH2 9PD**

**Perth and Kinross Council**

**Pullar House**

**35 Kinnoull Street**

**Perth**

**PH1 5GD**

**4<sup>th</sup> December, 2012**

**To whom it may concern,**

**I am writing to express my support for the Esparons' current application for a house at Berryknowe. Glenfarg. As a local resident, I think that the replacement of derelict buildings with a new house on this site will be good for the local community. Having consulted the published guidelines, it seems obvious to me that the proposed site should be considered as a brown field site and therefore planning permission should be granted,**

**Yours faithfully,**

**Maud M. Swanson**

**Takamaka**

**Drunzle**

**Glenfarg**

**Perthshire**

**10/12/12**

**Planning officer**

**Pullar House**

**Kinnoull st**

**Perth**

**Dear Sir or Madam,**

**I am writing to support the application for a replacement building at Berryknowe. I have seen the derelict building and it is clearly beyond repair and yet it will not fall down and blend in with the environment for decades. This plan to replace it whilst using the existing stones area will serve to improve the area and needs to go ahead.**

**Extra planting and a wildlife pond will ensure landscaping sympathetic to the environment and provide further ecosystems at this site ensuring the preservation of Berryknowe wood and the return of berry bushes to a site clearly renowned locally for them.**

**I do not understand why this application has been refused on the basis that it is not a brown field site as it clearly is. I sincerely hope the council grant this application.**

**Yours Faithfully**

**Laurie Esparon**

20 Empress Court

Woodin's Way

Oxford

OX11HF

7/12/12

Planning Officer,

Pullar House

Kinnoull Street

Perth

Dear Sir or Madam,

**Re: Planning application at Berryknowe near Glenfarg.**

Although currently living in Oxford I was a resident of Glenfarg throughout my childhood/teenage years and it is a place close to my heart.

I was very disappointed that this application was refused and wish to lend my support to the granting of planning permission.

I have visited the site recently and remember that the farmstead only revealed itself at the last bend in the road and cannot be seen from the road. I could see why it had been chosen previously to be developed into what seems from old maps to have been accommodation for several families and animals. The ruins are substantial but clearly cannot be renovated.

My parents, I know, will build a building sympathetic to the environment and with good eco credentials. They have talked about a large wildlife pond which would serve well for heat pump exchange also. They desperately wish to remain in the Glenfarg area where they have lived for over 30 years and I gather have the support for this application from many Glenfarg residents some of whom have lived in the area for decades and know Berryknowe.

It is difficult to understand why this is not a Brownfield site and I am clear that this proposed development would enhance the environment.

Thanks and yours faithfully,

Paul Esparon



Takamaka

Drunzie

Glenfarg,

PH2 9PE

10/12/12

Planning Officer

Pullar House,

Kinnoull Street

Perth

Dear Sir or Madam,

**Re: Planning application for replacement House at Berryknowe.**

I am very disappointed about the refusal of this application and would like to make the following comments.

The Planning Officer has stated that he does not regard this site as brown field. Berryknowe has been a farmstead with people living there from before 1866. The old maps 1866, 1895 and 1965 of the area show Berryknowe as a farmstead with a few families living there. The remaining derelict building is substantial (76 feet by 17 feet wide by 13.7 feet high) and longer than most houses.

So this is in accordance with the 1995 Perth Local plan (clause 32) and also the propose Housing in the countryside policy.

I hope you can grant permission after your review.

Thanks,

Yours faithfully,

Tim Esparon

Takamaka,

Drunzie

Glenfarg,

PH2 9PE

10/12/12

Planning Officer

Pullar House,

Kinnoull Street

Perth

Dear Sir or Madam,

**Re: Planning application for replacement House at Berryknowe.**

I am extremely dismayed regarding the refusal of this application and would like to make the following comments.

The Planning Officer has stated that he does not regard this site as brown field and yet there is a derelict building there dimensions 23.30mx5mx4.20m. He comments that the area is overgrown. I will in the Spring be clearing this area of overgrown weeds and erecting fencing around the site shortly. This I feel will highlight the brownfield nature of the Berryknowe farmstead.

I would very much like the opportunity to build a replacement house at Berryknowe with high standard of landscaping surrounding it. I

envisage a large wildlife pond and extra planting of trees and berry bushes to compliment vegetation already there. This would clearly improve the area and environment. Certainly the owner of the Fordell estate on which Berryknowe is situated is in full support of our plans. We would both like to see the previously inhabited site restored to a work/ live building honouring previous occupants who clearly chose this site well for wind protection and availability of quarried stone. Berryknowe deserves a place on the local map again and I am passionate regarding this aim.

Thank you for your time.

Yours faithfully

Jan Esparon



Takamaka

Drunzie

Glenfarg,

PH2 9PE

11/12/12

Planning Officer

Pullar House,

Kinnoull Street

Perth

Dear Sir or Madam,

**Re: Planning application for replacement House at Berryknowe.**

I should like to support this planning application.

It seems to me that the reason for refusal was that it was not considered a brown field site. My understanding is that a brown field site is one that has been previously developed and this is clearly the case with Berryknowe. Indeed, I remember when the nearby Lochel bank wind farm was being considered, Berryknowe was specifically mentioned. I recall that the level of noise pollution was calculated for the neighbouring houses and hamlets and Berryknowe was assigned a decibel level. Clearly the author of this report considered that Berryknowe a dwelling site.

I also consider that proposed development at Berryknowe will enhance the environment,

Yours faithfully,

Tom Esparon

**TCP/11/16(224)**

**Planning Application 12/01353/FLL – Erection of a dwellinghouse on land 1140 metres east of Wester Deuglie Farm, Glenfarg**

**PLANNING DECISION NOTICE** (included in applicant's submission, see page 709-710)

**REPORT OF HANDLING** (included in applicant's submission, see pages 703-708)

**REFERENCE DOCUMENTS** (included in applicant's submission, see pages 686-689 and 692-701)





**TCP/11/16(224)**

**Planning Application 12/01353/FLL – Erection of a dwellinghouse on land 1140 metres east of Wester Deuglie Farm, Glenfarg**

## **REPRESENTATIONS**

- Representation from Education and Children's Services, dated 8 August 2012
- Representation from Environmental Health, dated 13 August 2012
- Representation from Shell UK Limited, dated 21 August 2012
- Representation from Transport Planning, dated 22 August 2012



# Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Assistant Asset Management Officer
Your ref	12/01353/FLL	Our ref	GR/CW
Date	8 August 2012	Tel No	(4) 76395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Planning Application Ref No 12/01353/FLL

This development falls within the Arngask Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	98
Highest projected 7 year roll	88
Potential additional children from previously approved applications	11.88
Possible roll	99.88
Potential % capacity	101.9%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

*Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact [ecssupportservices@pkc.gov.uk](mailto:ecssupportservices@pkc.gov.uk)*





# Memorandum

To Development Quality Manager From Environmental Health Manager

Your ref PKC/12/01353/FLL

Our ref KIM

Date 13 August 2012

Tel No 01738 476442

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse Land 1140 Metres East Of Wester Deuglie Farm  
Glenfarg for Mr And Mrs Tim Esparon**

I refer to your letter dated 8 August 2012 in connection with the above application and have the following comments to make.

### Private Water

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

The development is in a rural area with private water supplies (namely Wester Deuglie Supply) known to serve properties in the vicinity. The applicant has indicated that they will connect to a private water supply. To ensure the new development has an adequate and consistently wholesome supply of water and / or to maintain water quality and supply in the interests of residential amenity 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. No public objections relating to the water supply were noted at the date above.

### Condition

Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

### Informatives

(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.

(2) The applicant shall ensure the private water supply for the house /development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland)

Regulations 2006. 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.

A handwritten signature in black ink, appearing to be 'SND' followed by a long horizontal stroke.



DN

RECEIVED

27 AUG 2012

Mr N Brian  
Development Quality Manager  
Perth & Kinross Council  
The Environment Service  
Planning and Regeneration  
Pillar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Shell U.K. Limited  
Onshore Pipelines  
Orchardbank Industrial Estate  
Forfar  
Angus DD8 1TD  
United Kingdom  
Switchboard +44 (0) 1307 462225  
Tel +44 (0) 1307 475351  
Fax +44 (0) 1307 468522  
Internet <http://www.shell.com/eandp>

21<sup>st</sup> August 2012

Your ref: 12/01353/FLL

Our ref: UIE/P/SDP/TS/kc

Dear Sir

**The Town and Country Planning (Scotland) Act 1997  
As Amended By Planning Etc (Scotland) Act 2006  
Consultation On An Application  
Erection Of A Dwellinghouse, Land 1140 Metres East Of Wester Deuglie Farm, Glenfarg  
For Mr And Mrs Tim Esparon**

I refer to your consultation letter of August 16<sup>th</sup> regarding the above planning application. As the proposed site is around 200m from our pipeline there are three observations that we would make at this time:

1. The design statement states there are 2 access route options, one from the west and one from the east. If either access route to the development requires to cross our pipeline, we would require suitable protection of the pipeline to be installed prior to the start of construction activities, such as, heavy loads crossing the pipeline and construction of access roads.
2. We should be consulted on the design of access road and pipeline protection in the vicinity of the pipeline crossing.
3. The developer should also be made aware that should the route of any services to the development require to cross our pipeline we require to be consulted prior to the installation.

Shell U.K. Limited  
Registered in England number 140141  
Registered office Shell Centre London SE1 7NA  
VAT reg number GB 235 7632 55

12\_01353\_FLL.doc

**ENTERED IN COMPUTER**

27 AUG 2012

2

21<sup>st</sup> August 2012

Mr N Brian

Yours faithfully  
Shell U.K. Limited



Tom Smith  
Pipeline Engineer





The Environment  
Service

# MEMORANDUM

To	David Niven Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/01353/FLL	Date	22 August 2012

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

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

With reference to the application 12/01353/FLL for planning consent for:- **Erection of a dwellinghouse Land 1140 Metres East Of Wester Deuglie Farm Glenfarg for Mr And Mrs Tim Esparon**

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

- Prior to the occupation or use of the approved development the vehicular access shall be reformed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

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

I trust these comments are of assistance.



**TCP/11/16(224)**

**Planning Application 12/01353/FLL – Erection of a dwellinghouse on land 1140 metres east of Wester Deuglie Farm, Glenfarg**

## **WRITTEN SUBMISSIONS**

- Written submission by Appointed Officer, received 28 March 2013
- Agent's response to written submission, received 9 April 2013





<b>LRB</b>
<b>APPOINTED OFFICERS STATEMENT</b>
<b>Ref. no.12/01353/FLL</b>
<b>Erection of a dwellinghouse on land eat of Wester Deuglie farm Glenfarg</b>

## **ISSUES TO BE CONSIDERED**

- (a) the scale, design and massing of the proposed dwellinghouse; and
- (b) the potential for landscaping;

## **RESPONSE**

### **Scale/Design/Massing**

As outlined in the Report of Handling, it is considered that the construction of the proposed two storey house would have a much greater visual impact than the single storey ruin that presently stands on the site. Whilst the historic mapping shows that there once stood a range of buildings within the site, all that now remains is a small single storey section of the old byre. There is no remaining evidence of any of the other buildings that once stood on the site.

The proposed house is far removed from the scale and massing of the ruin that presently stands on the site. The main two storey central section of the house would stand approximately 3 metres higher to the ridge and be around 2 metres deeper than the ruinous byre. It would also have a footprint of approximately 389sqm which is 239sqm larger (approx. 162% larger) than the footprint of the existing ruin. As such the proposed building would have a significantly greater presence in the landscape in comparison to the single storey ruin, particularly when viewed from south or east. In addition, it is considered that this greater presence would be a detrimental visual intrusion in to the landscape as it would be of a scale and form which would not appropriate for this location.

### **Landscaping**

At present the site is well screened from the west due to an existing area of long established woodland and to the north the topography of the land rises. However the site is completely exposed to views from the south and east. The potential for landscaping would depend upon the intention behind that landscaping but in a location such as this, landscaping should not be intended to screen a development but to enhance it. Where the scale, extent and massing of the proposal are considered to be inappropriate for its location then this cannot be effectively dealt with through landscaping.

### **Documents Relied Upon**

No additional documents have been relied upon.



**FURTHER INFORMATION REQUEST BY PERTH AND KINROSS COUNCIL LOCAL REVIEW BODY RELATED TO PROPOSED ERECTION OF DWELLINGHOUSE ON LAND EAST OF WESTER DEUGLIE FARM, GLENFARG FOR MR AND MRS TIM ESPARON-  
RESPONSE TO APPOINTED OFFICER'S STATEMENT**

Mr and Mrs Esparon are surprised by the contents of the further submission made by the appointed officer in this case. At no stage in the consideration of the application was any issue related to the design of the house raised as a concern AND no concerns of this nature underpin the reasons for refusal given (the 2 stated reasons for refusal make no reference to the scale or design of the house or its landscape impact as matters of any concern). There is an obligation on the planning officer (in all cases) to give full and robust reasoning for any decision taken not to seek to add reasons at a later stage as appears to be the case within the appointed officer's response to the Local Review Body's request for further information.

Indeed, as you are aware, the reasons for refusal cited stem from a surprising misinterpretation by the appointed officer of what comprises a Brownfield site and how national policy and Perth and Kinross Council's established policy relates to proposals on such areas. Both the Scottish Government and Perth and Kinross Council define such sites as ***"Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings ..."*** and therefore is relevant to the current proposal. **The removal of some buildings does not extinguish the Brownfield character of the site.** The further comments now made by the officer related to the scale/design of the proposed high quality individually designed and environmentally sustainable house appear an attempt to find additional reasons to resist this proposal and should be clearly seen/considered in this light.

In terms of the specific issues set out by the officer the following clarification is considered relevant using the headings set out: -

**Scale/Massing/Design**

The extent of the buildings formerly on site and that remaining are shown in detail in Appendix 1(b) (copy attached) as submitted with the Notice of Review (the retained ruinous structure is shown hatched and the removed structures outlined in black). This clearly shows the extent of built development noted, in effect the extent of the former use of this Brownfield site (refer Appendix 2 – the 1965 OS Site Plan). As can be readily seen, there were a number of buildings on site covering a much larger footprint to that presently proposed. Indeed, it is understood that these buildings were in place for around 150 years until some were latterly demolished around 1987. Evidence of their on-site presence remains in the form of corner stones and sections of walling at ground level. While the proposed new house would be larger than the remaining ruinous building on the site, it would in fact be noticeably smaller than the historic cluster that formed the farm hub. The statistical comparisons made in the officer's statement are noted albeit these all relate purely to the remaining ruinous structure. It

is unclear what such an assessment brings to the consideration of the proposal as there is nothing in existing Perth and Kinross Council policy preventing a larger building being constructed provided that the design and visual appearance of the building is appropriate to the setting (see below). Indeed, present Perth and Kinross Council Housing in the Countryside Policy supports up to 5 new houses on Rural Brownfield Land, which this site clearly is. To simply seek to reject a single house because it's larger than an existing roofless ruin appears unreasonable and without merit, and is not based on Perth and Kinross Council policy.

The proposed house has been specifically designed for the site with all matters related to its position, setting and visibility in the landscape fully assessed/addressed. It is precisely the form of quality individual development that the planning system should be striving to secure. The application is supported by a Design Statement (Niall Young Architecture – Appendix 5) which clearly sets out the rationale and fully justifies the form of development in this specific case. While the new house will clearly have a *“greater visual impact than the single storey ruin than presently stands on the site”*, as stated by the appointed officer, this in itself is not a reason for concern in this case, particularly in light of the quality of the development proposed and the nature of the site and surroundings. Surely it is not the officer's view that retaining a ruin is a better planning solution than bringing a Brownfield site back into beneficial use with an attractive modern property incorporating traditional design features and finished in high quality natural materials (stone/slate/render). The retention of derelict properties on rural Brownfield sites is the exact opposite of Perth and Kinross Council's policy in favour of replacing ruinous buildings with new ones in order to remove dereliction. Additionally, two storey rural houses are not uncommon in the local area (and throughout the Perth and Kinross Council area) and, with the appropriate design/quality (as in this case) are positively supported by existing policy. **The location/design/appearance of the proposed house meets all present standards.**

Despite the impression given by the officer, the site is well contained within the landscape and **NOT READILY VISIBLE FROM ANY PUBLIC AREA** immediately surrounding the site, areas used by the public in the local area or from further afield. Placed in context, the proposed house is therefore not visible or prominent from public views to the south or east, as suggested by the officer. It is noted that no indication of the location of “prominent” viewpoints is contained within the officer's statement as, other than the immediately adjacent fields occupied by sheep, they do not exist. Whatever level of visibility can be attributed to the proposed house, it represents a high quality of development set within an existing and to be enhanced landscape context (new planting is proposed as part of the development). Despite the claims made, no detrimental intrusion into the landscape would occur. Rather this is precisely the type of bespoke development supported by prevailing policy. Had there been any detrimental impact, as claimed by the officer, then there would inevitably have been objections from the community – there are no such objections. **Rather there are 16 individual letters of support for the proposals** (refer Appendix 9).

## **Landscaping**

It is accepted that the site is well contained within the landscape to the west (woodland) and north (landform) as set out in the officer's statement. The site is relatively open to the south and east but is not visible to public view from these directions. Indeed, if viewed from the south and west, the proposed house would be seen against the established landscape features (woodland and landform) which would clearly contain the appearance of the built form. Views from the north and from the west of the site are interrupted by the existing landscape (woodland and landform) and, therefore, from no public viewpoint, is the site readily visible or prominent. In short, the proposed house would not be prominent in the landscape, as suggested in the officer's statement. Rather, it would fit within the landscape and have no negative impact on the appearance of the site or on the landscape generally. Indeed, in both respects (to the very limited extent visible) the impact of the development on this redundant disused site and on the surrounding landscape would be positive.

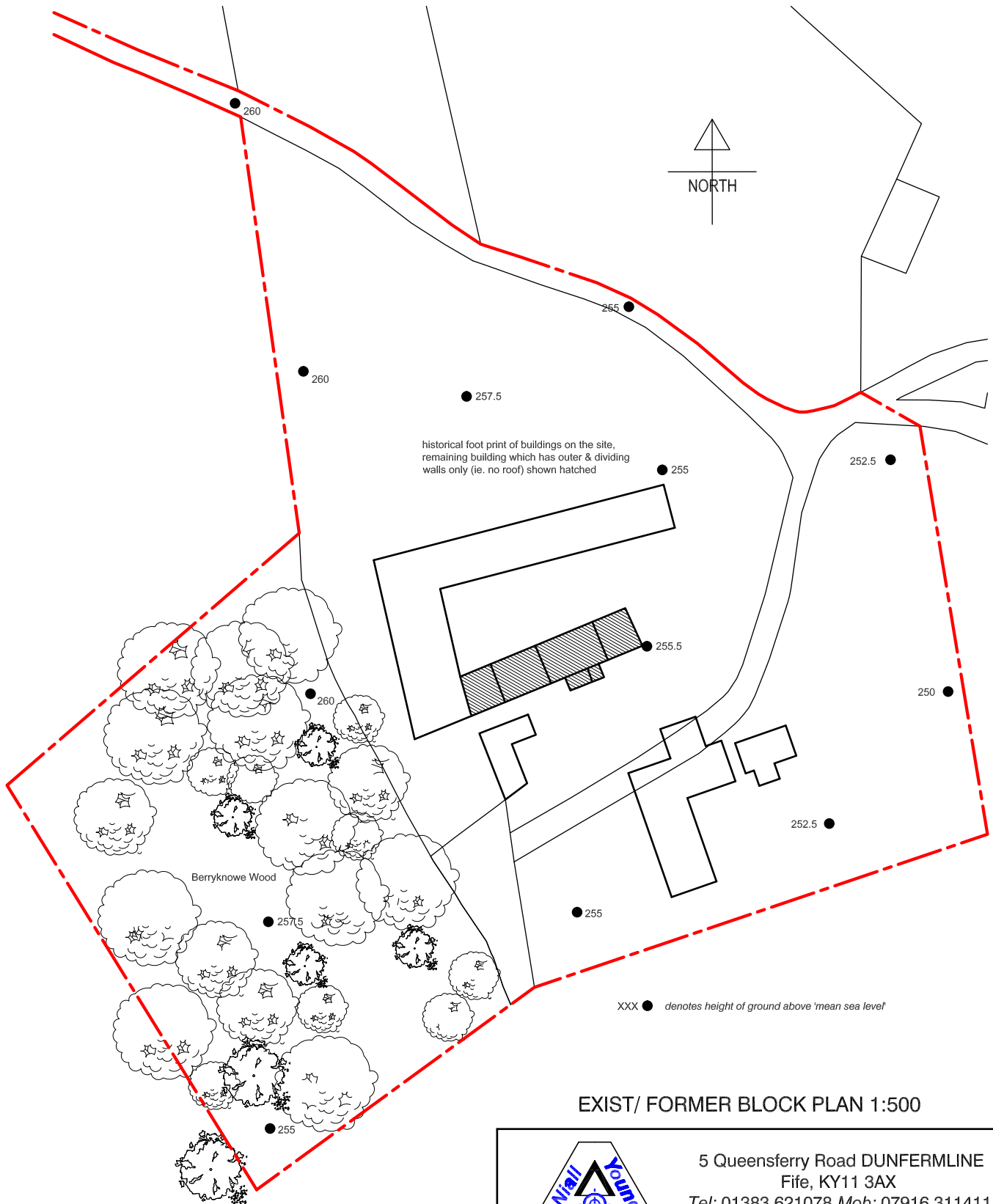
As indicated, additional boundary and other planting form an integral part of the development. New beech hedge planting is proposed in order to reinforce the east and south site boundaries (supplementing the post and wire fencing), a new area of native woodland adjacent to Berryknowe Wood is proposed and the full management and maintenance of Berryknowe Wood would also occur. All of this will enhance the setting of the site/property but is not designed to further screen the proposed property as there are no vantage points from which this is a requirement in light of the location of the site within the landscape.

## **CONCLUSIONS**

The design of the proposed new house related to the site and to the surrounding area has been carefully considered. The removal of dereliction and its replacement with a well-designed and sympathetic modern property would bring this redundant area back into productive use in a manner completely compatible with established Perth and Kinross Council policy. The site is not prominent in the landscape and neither would be the proposed house. Landscape containment/setting exists and this would be further enhanced as part of the development.

The productive re-use of this rural Brownfield site, along with the economic benefits arising from the new development, all point to a positive outcome. The concerns expressed by the appointed officer are not understood by the applicants and are not supported by the policy framework or by the facts and circumstances of the case. The development is positive in all respects and is one that should be fully supported by the planning system.





scale of metres  
0 10 20 30 40

#### EXIST/ FORMER BLOCK PLAN 1:500



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**PROJECT:**  
PROPOSED NEW DWELLING AT:  
'BERRYKNOWE' BY GLENFARG

**CLIENTS:**  
MR. & MRS. T. ESPARON

**EXISTING / FORMER BLOCK PLAN**

Drwg No. 12/19EBP

Rev.A

Scale -1:500

JUL 12'