

TCP/11/16(357)
Planning Application 14/02186/FLL – Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF

INDEX

- (a) Papers submitted by the Applicant (**Pages 91-126**)
- (b) Decision Notice (**Pages 111-112**)
 - Report of Handling (**Pages 113-120**)
 - Reference Documents (**Page 121**)
- (c) Representations (**Pages 129-136**)

TCP/11/16(357)

Planning Application 14/02186/FLL – Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000117714-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

Ref. Number:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1 (Street): *

Telephone Number: *

Address 2:

Extension Number:

Town/City: *

Mobile Number:

Country: *

Fax Number:

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value=" & Mrs"/>
Last Name: *	<input type="text" value="Douthwaite"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text" value="The Croft"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Fearnan"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberfeldy"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="PH15 2PF"/>

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
---------------------	--

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

Address 1:	<input type="text" value="The Croft"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Fearnan"/>	Town/City/Settlement:	<input type="text" value="Aberfeldy"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH15 2PF"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="744380"/>	Easting	<input type="text" value="272229"/>
----------	-------------------------------------	---------	-------------------------------------

Description of the Proposal

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

Modification of condition no.3 on planning permission 12/01477/FLL to allow use of the boathouse as ancillary accommodation incidental to the enjoyment of 'The Croft' and also to allow use as holiday accommodation.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to covering letter that accompanied the planning application and also the separate statement in support of the Notice of Review

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

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

Planning application forms, covering letter, location plan, refusal notice, email correspondence with PKC, Report of Handling and Statement in support of Notice of Review

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/02186/FLL

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

16/12/14

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

10/02/15

Review Procedure

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

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

Yes No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

In order to discuss the proposal and also the relevant planning policy considerations

Please select a further procedure *

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

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

In order to assess the relationship between the building and The Croft and also to assess the character of the area

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

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

Yes No

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

Yes No

Checklist - Application for Notice of Review

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

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

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

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

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

Declare - Notice of Review

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

Declaration Name: Mark Myles

Declaration Date: 20/04/2015

Submission Date: 20/04/2015

SCANNED

14/0218d/FLL

18 DEC 2014

Development Quality Manager
The Environment Service
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

16th December 2014

Your ref : 000107207-001
Our ref: DOU001

Dear Sir

**Modification of condition no.3 of Planning Permission (12/01477/FLL) at
The Boathouse, The Croft, Fearnan, PH15 2PF**

I refer to the above application submitted earlier today on behalf of Mr & Mrs Douthwaite, and enclose the planning application fee (£202) and advertisement fee (£61.10) in respect of the modification to the above planning condition to allow the use of the boathouse as ancillary accommodation incidental to the enjoyment of the main house "The Croft" and also as holiday accommodation, which shall not be sold separately from the main dwellinghouse.

Background

The application site is located on the northern shore of Loch Tay, on the edge of the settlement of Fearnan, on the opposite side of the public road from the applicant's residential property.

The property, referred to as The Boathouse, is a stand alone building that has been erected on the site of a former derelict building. There were 2 planning applications relating to The Boathouse property;

- The initial application to alter and extend boathouse to form ancillary accommodation, was granted (ref 10/00377/FLL/FLL) on 12th April 2010.
- The second application for an extension to the boathouse was approved on 12th October 2012 (ref 12/01477/FLL),

The following condition was added to both approvals and it is an amendment to this condition which is now being sought;

The proposal has been approved strictly as ancillary accommodation incidental to the enjoyment of the main house "The Croft" and shall only be occupied by members of the immediate family, or visitors to, the occupants/owners of the main dwellinghouse and shall not be sold or rented separately from the main dwellinghouse.

The original planning application 10/00377/FLL had been assessed under the terms of the policies contained within the Highland Area Local Plan 2000 which was in force at that time. The Report of Handling for that application made it clear that support was *'given due to the presence of an existing building on site and I make it very clear that I would not be supporting any development on this site if there was no existing building to extend/convert. I believe the circumstances apparent on this specific site, the minor nature of the works proposed, the fact that the works proposed will improve the visual appearance and design of the building, and that the new building will be restricted by condition to be solely used as accommodation ancillary to the dwellinghouse, that there is sufficient information to justify a departure from the Development Plan in this specific case.'*

The Report of Handling for the extension application (12/01477/FLL) confirmed that *'the previous approval was granted on the basis of the use being tied to the existing house and as development was the alteration and extension of building already insitu.'* This application seeks to amend that restriction in order to allow the applicants to use the property as holiday accommodation (thereby operate a business) in addition to the building being used as ancillary accommodation to the main house.

The previous Highland Area Local Plan has now been superseded and this current application now requires to be considered under the terms of the Perth & Kinross Local Development Plan (PKLDP) (**Policies ED3, PM1A and PM1B**) which was adopted in February 2014.

Proposal and Justification

The applicants have strong links with the local area having lived and worked in the area for over 35 years and as they are now in the process of retiring are seeking to start up a small self catering business by allowing the Boathouse to also be occupied as holiday let accommodation as well as their own guest accommodation. The current condition allows the property to be used as ancillary accommodation to The Croft and that would not change as a result of this application as the applicants still wish to be able to use the Boathouse for their own purposes and for their family and friends when they visit.

The reason quoted for the existing condition is to ensure that the building is used solely for purposes incidental to the enjoyment of the dwellinghouse. The proposed modification to the condition to allow the building to also be used as a holiday let in addition to ancillary accommodation with The Croft, does not alter that link to the main house as it would be a small scale rural tourism enterprise that would be managed from the main house.

Given the relationship between the existing property and the fact that the building is already in situ, it is not considered that the use of the building for holiday accommodation (as opposed to just ancillary guest accommodation) would have any adverse impact on the density, character or the amenity of the surrounding area.

The property would remain in the same ownership as The Croft (as clearly shown on the submitted plan). This was a critical factor in the determination of the previous applications and remains the case. The applicants are content for this link to remain in a reworded condition.

As part of the previous application (13/00951/FLL) which had proposed a change of use of the property, rather than an amendment to the planning condition, Environmental Health had responded raising no objections providing the property remained in the same ownership and was only used by persons associated with the holiday let or The Croft in order to protect amenity and avoid any undue noise from holiday tenants. This application to amend the condition provides this assurance.

Concerns had also previously been raised about setting a precedent. However as has already been highlighted above, the current building was granted permission on the basis that a building already existed on the site and the approval was considered to acceptable on the basis of redevelopment and improvement of a brownfield site to form ancillary accommodation. No other situations have been identified along this part of the shore line where redundant buildings or brownfield sites could allow similar redevelopment. Even if there were then any proposals would need to be considered on their own merits. The concerns about setting a precedent may be valid for any proposal to erect holiday accommodation on a greenfield site on the edge of the settlement, but that situation clearly does not apply in this case.

Strong support is also provided to this application by Policy ED3 of the PKLDP which states that *'The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be **within or adjacent to existing settlements**. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.*

New and existing tourism-related development will be supported where it can be demonstrated that it improves the quality of new or existing visitor facilities, allows a new market to be exploited or extends the tourism season.'

Policy PM1 within the Local Development Plan further adds that the design, density and siting of development should respect the character and amenity of the place. Category c) of Policy PM1B specifically states that the design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

This application relates to a building that has already been approved and already exists on site and the height, scale, materials, finishes and colours of the building, complement and contribute to the overall mix of the character and amenity found in the surrounding area in accordance with Policy PM1.

At the same time allowing an extended use of the property as a 1 bedroom holiday unit represents an efficient use of the building, provides support to a new business enterprise and respects the local environment without causing any adverse impact to existing residential amenity, all in accordance with the Local Development Plan.

No neighbouring properties are affected by the proposals in terms of overlooking or overshadowing, given their relative positions, orientations and surrounding vegetation. Amending the existing 'ancillary' planning condition does not alter that position in any way.

The proposed application can be considered as being compatible with the character of the area and would allow additional use of the building that fully respects its environs, without resulting in any adverse impact on the amenity of the area.

The proposal therefore satisfies the key criteria as set out in Policy ED3 and PM1A and PM1B of the Perth & Kinross Local Development Plan and therefore can be approved as being in accordance with the Development Plan.

Conclusions

In land use planning terms the proposed building has already been considered acceptable in terms of its scale, massing, proportions, density and the overall relationship with 'The Croft and also the neighbouring properties, such that there would be no adverse impact or detriment to the character or environment of the surrounding area.

The use of boathouse as ancillary accommodation and as holiday accommodation would result in no loss of amenity or privacy to any neighbouring property and further assurance is provided by the fact that the link between The Croft and the boathouse in terms of overall ownership would remain.

We therefore respectfully request that this planning application is determined on its merits as being in accordance with Policy ED3 and PM1A/PM1B of the Local Development Plan and that compliance with these policies justifies approval of the application.

We look forward to hearing from you.

Yours faithfully



Mark Myles

Enc



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000107207-001

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

Type of Application

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

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

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

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: *

Date (dd/mm/yyyy): *

Description of Proposal

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

Modification of condition no.3 on planning permission 12/01477/FLL to allow use of the boathouse as ancillary accommodation incidental to the enjoyment of 'The Croft' and also to allow use as holiday accommodation.

Is this a temporary permission? * Yes No

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

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation: MBM Planning & Development

Ref. Number:

First Name: * Mark

Last Name: * Myles

Telephone Number: * 01738 450506

Extension Number:

Mobile Number: 07887 801965

Fax Number:

Email Address: * mm@mbmplanning.co.uk

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

Building Name: Algo Business Centre

Building Number:

Address 1 (Street): * Glenearn Road

Address 2:

Town/City: * Perth

Country: * UK

Postcode: * PH2 0NJ

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: * Mr

Other Title:

First Name: * and Mrs

Last Name: * Douthwaite

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name: The Croft

Building Number:

Address 1 (Street): * Fearnan

Address 2:

Town/City: * Aberfeldy

Country: * Scotland

Postcode: * PH15 2PF

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

The Croft

Address 5:

Address 2:

Fearnan

Town/City/Settlement:

Aberfeldy

Address 3:

Post Code:

PH15 2PF

Address 4:

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

Northing

744380

Easting

272229

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Ancillary accommodation to 'The Croft'

Access and Parking

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

Yes No

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

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

Yes No

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

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

2

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

2

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note: -

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development - Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mark Myles

On behalf of: Mr and Mrs Douthwaite

Date: 16/12/2014

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

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

Planning Statement

Declare - For Application to Planning Authority

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

Declaration Name: Mark Myles

Declaration Date: 16/12/2014

Submission Date: 16/12/2014

Payment Details

Cheque: Mrs K Douthwaite & Mr A Douthwaite, 000525

Created: 16/12/2014 11:14

PERTH AND KINROSS COUNCIL

Mr And Mrs Douthwaite
c/o MBM Planning And Development
Mark Myles
Algo Business Centre
Glenearn Road
Perth
PH2 0NJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 10th February 2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/02186/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 18th December 2014 for permission for **Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse The Croft Fearnan Aberfeldy PH15 2PF** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The variation of the occupancy condition to allow holiday accommodation use would set a dangerous precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. Allowing holiday let on the site fails to relate to the established character of the area which sees mainly ancillary buildings being located on the southside of the public road adjacent to the shore. The proposal is therefore contrary to policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure the siting of the development should respect the character and amenity of the place.

Justification

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

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

Plan Reference

14/02186/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/02186/FLL	
Ward No	N4- Highland	
Due Determination Date	17.02.2015	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse

LOCATION: The Croft Fearnan Aberfeldy PH15 2PF

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 22 January 2015

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought for the variation of condition 3 (occupation) of planning consent 12/01477/FLL which relates to an ancillary accommodation building at The Croft, Fearnan. Consent was granted in 2010 (10/00377/FLL) for alterations and extension to a small scale boathouse to form ancillary accommodation and then further consent was granted to provide an additional extension in 2012 (12/01477/FLL). Both of these consents were granted subject to a condition which restricted the occupancy of the unit to members of the immediate family or visitors and that it not be occupied, sold or rented separately from the main dwellinghouse. An application was then received in 2013 (13/00951/FLL) for the change of use of the ancillary accommodation to a holiday let. This application was refused due to the proposals failure to relate to the established character of the area which sees mainly ancillary buildings being located on the south side of the public road adjacent to the shore. This refusal was subsequently considered by the Council's Local Review Body and dismissed. The applicant now seeks consent to vary the occupancy condition on the permission. It currently reads:

"The proposal has been approved strictly as ancillary accommodation incidental to the enjoyment of the main house, "The Croft" and shall only be occupied by members of the immediate family of, or visitors to, the occupants/owners of the main dwellinghouse and shall not be occupied, sold or rented separately from the main dwellinghouse."

No specific varied wording has been provided by the applicant but according to the submission the wish is for the condition to be varied to allow the boathouse to be used as holiday letting accommodation. The applicant is still content for the building to remain linked to the existing dwelling but for it to be used as holiday accommodation as well as ancillary purposes.

The submission also states that the applicant has lived and worked in the local area for 35 years and they are in the process of retiring and are seeking to start up a small self catering business.

SITE HISTORY

90/00215/FUL EXTENSION TO BEDROOM AND ERECTION OF PORCH AT
8 March 1990 Application Permitted

98/00096/FUL Change of flat roof to pitched roof at
5 March 1998 Application Permitted

10/00377/FLL Alterations and extension to boathouse to form ancillary
accommodation to existing dwellinghouse 14 April 2010 Application Permitted

12/01477/FLL Extension to boathouse 12 October 2012 Application Permitted

13/00951/FLL Change of use of boating retreat building to holiday let 20 June
2013 - Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy ED3 - Rural Business and Diversification

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally

be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

OTHER POLICIES

None

EXTERNAL CONSULTATION RESPONSES

Glen Lyon And Loch Tay Community Council – object to proposal (reasons outlined in representation section below)

INTERNAL CONSULTATION RESPONSES

Transport Planning – no objection

Contributions Officer – no objection

REPRESENTATIONS

One letter of representation has been received from the Glen Lyon and Loch Tay Community Council which objects to the application and raises the following issues:

- Contrary to Local Development Plan
- Fails to relate to established character
- Setting of precedent
- Impact on SAC

The comments above are addressed within the appraisal section below.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and	Not Required

Access Statement	
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The previous application for change of use to holiday let was refused under the Highland Area Local Plan Policy 2 which seeks to ensure development relates to the established character of the area. Allowing a holiday accommodation unit on this shoreside location at Fearnan was not considered to relate to the established character of the area. It is now the case that the Perth and Kinross Local Development Plan 2014 has been approved and is the relevant policy document for this case. The most relevant policies are PM1A and B which relate to placemaking and Policy ED3 which relates to the creation of new businesses in rural areas. It states that new tourism related development will be supported where it can be demonstrated that it improves the quality of new or existing facilities, allows a new market to be exploited or extends the tourism season.

Principle

The report for the 2010 consent makes it very clear that consent was being granted contrary to Policy 45 of the now superseded Highland Area Local Plan (development adjacent to settlements) subject to a condition controlling the use of the building. The report also makes it very clear that no support would be offered to the 2010 application if the building was to be utilised for a use other than one which was ancillary to the dwellinghouse. The building remains outwith the identified settlement of Fearnan as indicated in the Local Development Plan 2014. The use of the building for ancillary purposes to the main house was considered appropriate to ensure that there remains a link between the main house and the development on the south side of the road and the applicant has indicated that this would remain the case whilst allowing for the building to also be used for holiday accommodation.

The south side of the public road adjacent to the shore along Loch Tay is occupied by a number of ancillary buildings/boat houses which are associated with the main houses on the north side of the road. This is the manner in

which the settlement of Fearnan and this side of Loch Tay has developed. Approval of this application to introduce holiday accommodation would be completely contrary to this historic and established character.

Whilst an argument can be made in relation to Policy ED3 and the provision of tourist accommodation adjacent to a settlement, I believe in this specific case that approval would set an unwelcome precedent for similar development on the south side of the public road to the detriment of the overall character of this shoreside location at Fearnan. . I am concerned that granting consent for a holiday let in this location encourages a tourism based use outwith the established settlement boundary and will set a dangerous precedent for further similar development along the shores of Loch Tay to its significant detriment. In my view the various applications made for this site by the applicant appear to be a mechanism for seeking consent for a use on this site which was not considered acceptable or appropriate in the first instance. This was made very clear in the recent consents/refusals and the conditions attached to these consents and also by the dismissal of the previous application for a similar proposal at the Local Review Body. I therefore feel strongly that this application be refused.

Special Area of Conservation

As this proposal solely relates to the variation of a condition I am satisfied that it would not result in any impact on the qualifying features of the River Tay SAC.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reason for Refusal

- 1 The variation of the occupancy condition to allow holiday accommodation use would set a dangerous precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. Allowing holiday let on the site fails to relate to the established character of the area which sees mainly ancillary buildings being located on the southside of the public road adjacent to the shore. The proposal is therefore contrary to policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure the siting of the development should respect the character and amenity of the place.

Justification

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

Informatives

None

Procedural Notes

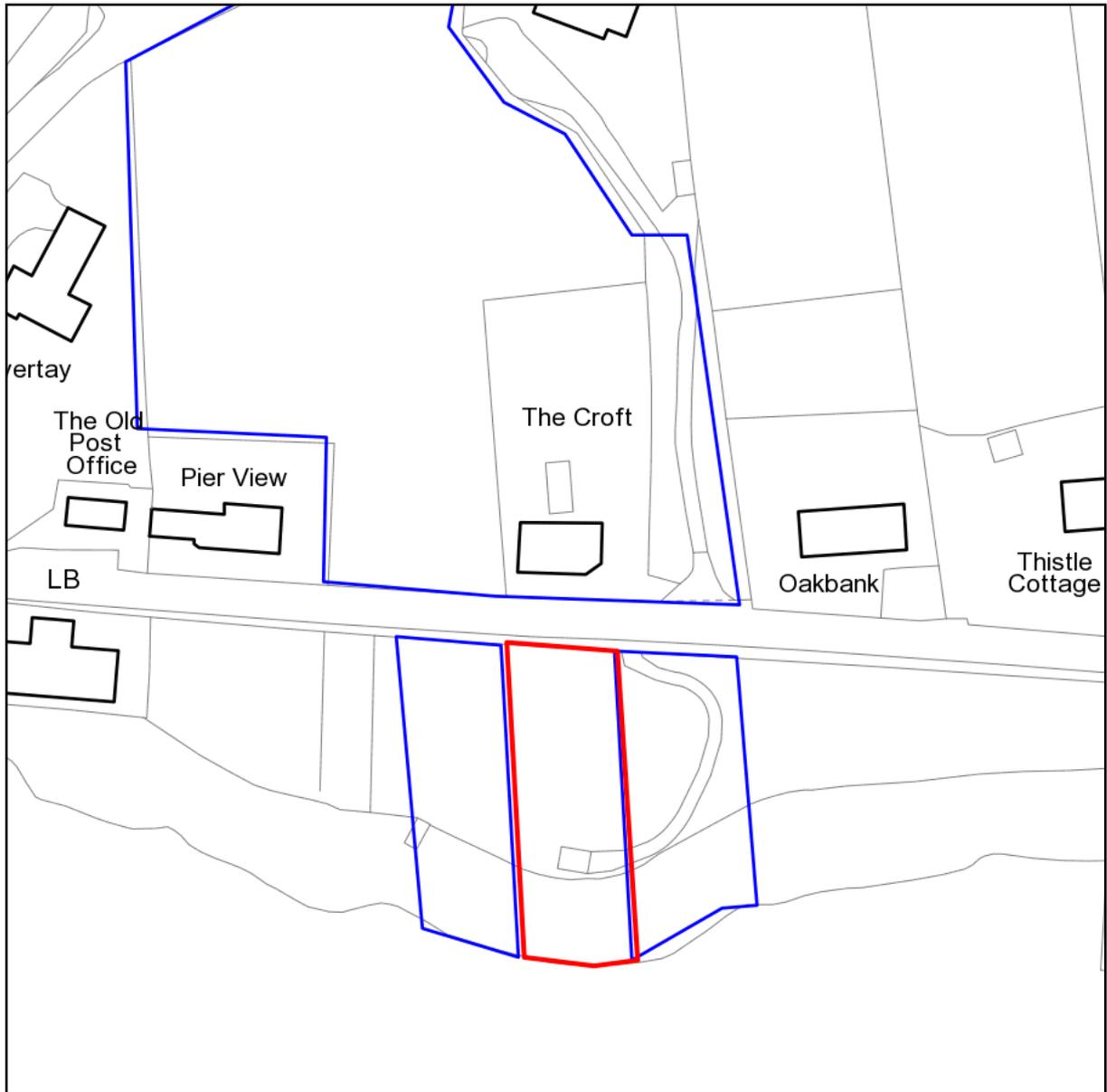
Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/02186/1

Date of Report 09.02.2015

The Croft, Fearnan, Aberfeldy, PH15 2PF



Information

-  Application Boundary
-  Land in Ownership

Online Ref:
000107207
Date: 16/12/2014

Scale 1:1250 (4Ha)



Due to OS licensing conditions, you/your agent may only use this map for official Planning purposes. If you wish to use the map for other uses, you must first obtain a separate licence from OS.

© Crown Copyright. All rights reserved 100028305 2014

Email_exchange_with_PKC-862122-1
From: John Williamson - TES [Johnwilliamson@pkc.gov.uk]
Sent: 20 January 2015 12:23
To: 'Mark Myles'
Subject: RE: 14/02186/FLL

Dear Mark

I accept your view below and progress the application accordingly.

Kind Regards

John Williamson
Planning Officer - Development Management
Perth and Kinross Council
The Environment Service
Pillar House
35 Kinnoull Street
Perth
PH1 5GD

Direct Dial: 01738 475360

Email: johnwilliamson@pkc.gov.uk

From: Mark Myles [mailto:mm@mbmplanning.co.uk]
Sent: 19 January 2015 14:46
To: John Williamson - TES
Cc: Alan Douthwaite
Subject: 14/02186/FLL

Hi John

I refer to our discussion earlier today in respect of the above planning application. After reviewing the description of the application and the previous history; I'm content that what has been applied for (variation of the planning condition on the extended boathouse) is competent for the following reasons.

The relevant condition on the original application (10/00377/FLL) itself described as 'Alterations and extension to boathouse...' read;

'The proposal has been approved strictly as ancillary accommodation incidental to the enjoyment of the main house, "The Croft" and shall only be occupied by members of the immediate family of, or visitors to, the occupants/owners of the

Page 1

main dwellinghouse and shall not be occupied, sold or rented separately from the main dwellinghouse.'

The reason for the condition was 'To ensure the building is used solely for purposes incidental to the enjoyment of the dwellinghouse.'

The subsequent application (12/01477/FLL) - also described as 'Extension to boathouse' had the same condition on the permission i.e.

The proposal has been approved strictly as ancillary accommodation incidental to the enjoyment of the main house "The Croft" and shall only be occupied by members of the immediate family, or visitors to, the occupants/owners of the main dwellinghouse and shall not be sold or rented separately from the main dwellinghouse.'

Once again the reason for the condition was 'To ensure the building is used solely for purposes incidental to the enjoyment of the dwellinghouse.'

I have also noted that the Report of Handling for application 12/01477/FLL included the following statement; 'The minor extension of the unit is acceptable given the limited nature of works involved, distance from road, absence of neighbours, sympathetic design/finishes and ability to regulate the use of the unit.'

As the permission under 12/01477/FLL has been implemented it was considered that the correct approach was to apply to vary the condition from the boat house unit (as extended), rather than the pre-extended unit. I accept the point you have made about the condition on the original permission 10/00377/FLL still remaining but that consent and condition have effectively been superseded by the terms and implementation of the permission granted under 12/01477/FLL. The application site boundary for application 12/01477/FLL includes the whole building and matches the boundary as shown in the earlier application. In both cases the wording of the planning condition and the reason for the condition relates to the use of the whole building (not just the extensions) and this is supported by the Report of Handling which refers to regulating the use of the unit.

I trust this response is helpful and if you require any further information please let me know.

Kind regards

Mark Myles

MBM Planning & Development

life - Making best use of public resources.

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

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council, Live Active Leisure Limited and TACTRAN do not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council, Live Active Leisure Limited or TACTRAN. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

Requests to Perth & Kinross Council under the Freedom of Information (Scotland) Act should be directed to the Freedom of Information Team - email: foi@pkc.gov.uk

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries to Live Active Leisure Limited should be made to enquiries@liveactive.co.uk or 01738 454600.

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

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

TCP/11/16(357)

Planning Application 14/02186/FLL – Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 111-112)*

REPORT OF HANDLING *(included in applicant's submission, see pages 113-120)*

REFERENCE DOCUMENT *(included in applicant's submission, see page 121)*

TCP/11/16(357)

Planning Application 14/02186/FLL – Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse, The Croft, Fearnan, Aberfeldy, PH15 2PF

REPRESENTATIONS

- Representation from Development Negotiations Officer, dated 12 January 2015
- Objection from Glen Lyon and Loch Tay Community Council, dated 23 January 2015
- Representation from Transport Planning, dated 26 January 2015

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	14/02186/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse		
Address of site	The Croft Fearnan Aberfeldy PH15 2PF for Mr And Mrs Douthwaite		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kenmore Primary School.</p> <p>This proposal is seeking to a variation of Condition 3 of planning consent 12/01477/FLL to use the ancillary accommodation as holiday accommodation. The proposal is not creating a new dwellinghouse and as such the Developer Contributions Supplementary Guidance will not apply.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total: £0</u></p>		
Recommended informative(s) for applicant			
Date comments returned	12 January 2015		

Glen Lyon and Loch Tay Community Council

Nurse's Cottage, Bridge of Balgie, Glen Lyon, Aberfeldy PH15 2PP

Development Quality Manager
Perth & Kinross Council
Pullar House,
35, Kinnoull St.,
PERTH
PH1 5GD

23/01/15

Planning App.14/02186/FLL – variation to condition 3 application 12/01477/FLL for extension to boathouse, The Croft, Fearnan PH15 2PF

The Letter and Supporting Statement for this Application, referring to the 13/00951/FLL application, states that “concerns had also been raised about setting a precedent.” What was expressed in the Decision Notice were rather more than *concerns*. The sole reason for that application being refused was not the grounds that it would set “a dangerous precedent” There was an Appeal against this decision. Below are the Findings and Conclusions from the Review Decision Notice, 29th January 2014

Findings and Conclusions

- 4.1 Having regard to the whole circumstances, the PKLRB concluded by unanimous decision that the original proposal for a change of use of the boating was retreat had only secured consent on the basis of the condition precluding holiday let use, the removal of which could constitute an undesirable precedent. Accordingly, they considered that the application had been correctly refused by the appointed officer, which is to say, for the following reasons:
- (1) The proposed change of use to holiday letting accommodation could set an inappropriate precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. The introduction of holiday letting accommodation on land outwith the settlement between the public road and the loch does not accord with the established character and use of this foreshore area for domestic purposes ancillary to the associated houses within Fearnan. The proposal is therefore contrary to (i) Policy 2(c) of the Highland Area Local Plan 2000 which seeks to ensure that development reflects the character of the area and does not result in significant harm to the amenity of the area; and (ii) Policy 45 of the Highland Area Local Plan 2000 (Development Adjacent to Settlements).

This was just a year ago! It makes no material difference that the Highland Area Local Plan has been superseded by the PKLDP or that the ancillary use by the owner is retained in the Condition.

The introduction of holiday letting accommodation on land outwith the settlement between the public road and the loch **still** does not accord with the established character and use of this foreshore area for the domestic purposes ancillary to the associated houses within Fearnan. The introduction of a commercial enterprise on the shore side of the public road in Fearnan would set a "*dangerous precedent*".

Despite the assertion in the Supporting Statement that " no other situations have been identified along this part of the shore line where redundant buildings or brownfield sites could allow similar redevelopment" there are, in fact, at least seven boathouses/sheds around Fearnan Bay plus planning consent for two more boathouses.

There is a very real danger here of a) an inappropriate ribbon development along the shore and b) a proliferation of commercial enterprises some of which could be other than holiday lets.

There is now, also, the River Tay SAC to consider. This kind of development adjacent to a settlement may fit some aspects of PKLDP policy but in this case the land in question is the shore of a designated clear water loch within a Special Area of Conservation. We, therefore, submit that commercialisation is incompatible with the area.

The proposed variation to Condition 3 to allow holiday letting accommodation could, indeed, "set an inappropriate precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area". Each application may be taken on its own merit but as a Community Council we are bound to look at the wider context and see the possibility of this Variation opening the door to the commercial development of the loch shore which we consider inappropriate and unacceptable and to which we object.

It would be helpful if the front page of the Housing in the Countryside Guide indicated that it had been updated because just now it is dated November 2012 and looks like the old version.

When correspondence from this Community Council is put on the PKC web-site under Application:Documents:Description, please can it be shown to be from the Community Council and not a personal name e.g Gardener such as has happened several times recently. It makes it look like a) a personal response b) that the CC has not commented.
Thank you

regards

Susan Gardener – Chair – Glen Lyon & Loch Tay Community Council

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	14/02186/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	x76512
Description of Proposal	Variation of condition 3 (occupation) of planning permission 12/01477/FLL for extension to boathouse		
Address of site	The Croft Fearnan Aberfeldy PH15 2PF		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to the proposed development.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	26 January 2014		

