

Perth and Kinross Council
Planning and Placemaking Committee – 1 June 2022
Report of Handling by Head of Planning & Development
(Report No. 22/116)

PROPOSAL:	Erection of an agricultural building
LOCATION:	Land east of Moivaird House, Ochertyre, Crieff PH7 4JR

Ref. No: [22/00529/FLL](#)
Ward No: P6- Strathearn

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site comprises agricultural land, extending to approximately 2 hectares to the east of Moivaird House, which is in the same ownership as the residential dwellinghouse.
- 2 The proposal seeks detailed planning permission for the erection of an L-shaped timber agricultural shed, which has a modest footprint of 45sqm. The shed would have benefitted from permitted development rights, and the simplified prior notification process, had it not been for ground works being carried out in preparation for the shed.

Pre-Application Consultation

- 3 Not Applicable.
- 4 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

- 6 The Scottish Planning Policy 2014 (SSP)
- 7 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Gardens and Designed Landscapes: paragraph 148

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 2019.

TAYplan Strategic Development Plan 2016-2036

- 11 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2

- 12 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 29: Gardens and Designed Landscapes
- Policy 39: Landscape

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 13 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

SITE HISTORY

- 14 [09/01975/FLL](#) Full Planning Permission was Approved On 20 January 2010 for Alterations and extension to house
- 15 [12/01917/FLL](#) Full Planning Permission was Approved On 7 January 2013 for Alterations and extension to dwellinghouse
- 16 [15/00048/FLL](#) Full Planning Permission was Approved On 23 April 2015 for Alterations and extension to existing dwellinghouse to form a larger modified dwellinghouse.
- 17 [21/02301/FLL](#) Full Planning Permission application was Withdrawn On 14 March 2022 for Erection of an agricultural building

CONSULTATIONS

- 18 As part of the planning application process the following bodies were consulted:

External

- 19 **Scottish Water** - No objection received.
- 20 **Historic Environment Scotland** - No adverse comments on the impact of the proposals on the Ochertyre Garden and Designed Landscape.

Internal

- 21 **Transport Planning** - The proposal would utilise an existing vehicular access from the adjacent private access track – No objections.

Representations

- 22 A total of 7 letters of representation have been received in respect of the current application. The main issues raised within the representations are:

- The proposal is contrary to the development plan
- Large proportions of the shed would be at odds with the area
- Impact of proposal on the designed landscape and surrounding area
- Potential of the timber shed to turn into a steading conversion for domestic use
- Inadequate access and increase in volume of traffic

- 23 These issues are addressed in the Appraisal section of the report. Speculative concerns regarding potential future developments are not a material planning consideration.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 24 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 25 The provision of storage facilities on agricultural land, for the storage of equipment to maintain the land, is generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact on visual or residential amenity, the character and appearance of the place or the designed landscape.

Design and Layout

- 26 The proposed timber agricultural shed has an L-shaped footprint with a shallow pitched roof. It would measure 2.7 metres in height, with a maximum width of 7.4 metres and a maximum depth of 9.6 metres. It would be located within agricultural land between Moivaird House and the ancillary outbuilding at the neighbouring property, Gamefield. The position of the corner shed has been

selected by the applicant to sensitively integrate the proposal into the surrounding built and natural environment as the location benefits from mature beech hedging which exceeds the height of the proposed shed.

Landscape

- 27 Policies 29 (Ochertyre Garden and Designed Landscape) and 39 (Upper Strathearn Local Landscape Area) of LDP2 seek to safeguard the sensitive nature of the protected landscape. The proposal consists of a low-rise, small scale, implement and storage shed which would be sited within a well-screened corner of the agricultural land. The proposal meets the requirements of policies 29 and 39. Therefore, concerns raised regarding the proposal having an adverse impact on the landscape character of the area cannot be substantiated.

Residential Amenity

- 28 Given the position and nature of the proposed agricultural building, the residential amenity of neighbouring properties would not be adversely affected. In the interests of establishing a clear distinction between the domestic curtilage of Moivaird and its adjacent agricultural land, the applicant has offered to build a separation fence with associated field access gate between the two areas of land, along the blue dotted line on the site plan (drawing 04). This can be secured by condition (Condition 2).

Visual Amenity

- 29 The agricultural storage shed is of small proportions, with a footprint of 45sqm, and its L-shaped footprint would fit well within the corner of the agricultural land. Therefore, it does not raise any concerns with regards to having an adverse impact upon visual amenity. Therefore, policies 1A and 1B of LDP2 are satisfied.

Roads and Access

- 30 The proposal would utilise an existing vehicular access from the adjacent private access track. Vehicular activity along the private access track is unlikely to substantially increase as a result of the proposed storage shed. Accordingly, there are no road or access concerns associated with this proposed development.

Drainage and Flooding

- 31 There are no drainage or flooding implications associated with this proposed development.

Developer Contributions

- 32 No developer contributions are required for the scale of agricultural development proposed.

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 34 None required.

DIRECTION BY SCOTTISH MINISTERS

- 35 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 36 To conclude, 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 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. Prior to the use of the development hereby approved, a one-metre-tall post and rail timber fence shall be erected along the dashed blue line on drawing 04, with a field gate on the access link between the domestic curtilage and the agricultural land.

Reason - In the interests of amenity; to create distinction between the residential curtilage and the agricultural land, to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None Required.

D INFORMATIVE NOTES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.

Background Papers: 7 letters of representation
Contact Officer: Keith Stirton
Date: 19 May 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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