

TCP/11/16(213)

Planning Application 12/01304/IPL – Erection of two dwellinghouses (in outline) at Chimneys, Drumkilbo, Meikle, PH12 8QS

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

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Fax: 01738 475310

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Planning Department

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 000050111-001

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: MBM Planning & Development

Ref. Number:

First Name: * Mark

Last Name: * Myles

Telephone Number: * 01738 450506

Extension Number:

Mobile Number:

Fax Number: 01738 450507

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: * | <input type="text" value="Miss"/> |
| Other Title: | <input type="text"/> |
| First Name: * | <input type="text" value="Jean"/> |
| Last Name: * | <input type="text" value="Murray"/> |
| 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="Chimneys"/> |
| Building Number: | <input type="text"/> |
| Address 1 (Street): * | <input type="text" value="Drumkilbo"/> |
| Address 2: | <input type="text"/> |
| Town/City: * | <input type="text" value="Meigle"/> |
| Country: * | <input type="text" value="Scotland"/> |
| Postcode: * | <input type="text" value="PH12 8QS"/> |

Site Address Details

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

| | | | |
|------------|---|-----------------------|--|
| Address 1: | <input type="text" value="Chimneys Drumkilbo"/> | Address 5: | <input type="text"/> |
| Address 2: | <input type="text" value="Meigle"/> | Town/City/Settlement: | <input type="text" value="Blairgowrie"/> |
| Address 3: | <input type="text"/> | Post Code: | <input type="text" value="PH12 8QS"/> |
| Address 4: | <input type="text"/> | | |

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

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="745235"/> | Easting | <input type="text" value="330777"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

Erection of 2 houses in outline

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) – 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.

See attached statement of appeal

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)

Location Plan, Site Plan, Statement containing grounds of appeal, Planning Application Forms (MBM1), Decision Notice (MBM2), Report of Handling (MBM3), Statement from applicant in support of paragraph 2.12 of grounds of appeal (MBM4), Statement from applicant in support of paragraph 2.18 of appeal (MBM5)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/01304/IPL

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

13/07/12

Has a decision been made by the planning authority? *

☒ Yes ☐ No

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

22/08/12

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 *

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 fully assess the established site boundaries and relationship to existing properties

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: 11/10/2012

Submission Date: 11/10/2012

1. Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on 11th October 2012 on behalf of Miss Jean Murray, for the erection of two houses in outline on land adjacent to the Chimneys, Drumkilbo, Meikle. The planning application (12/01304/IPL) (copy attached - MBM1) was refused by PKC on 22nd August 2012 (decision notice attached – MBM2).
- 1.2 The proposal requires to be considered under the terms of the development plan policy (in particular Policies 2, 38 and 49 of the Eastern Area Local Plan) but also significantly the revised Housing in the Countryside Policy that was approved by the council in August 2009 and Scottish Planning Policy (February 2010).

2. Assessment of PKC Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 22nd August for two different reasons and we contest the reasons given and the assessment of the officer provided in the Report of Handling (MBM 3).
- 2.2 In terms of the general background policies, Policy 2 in the Eastern Area Local Plan includes reference to a number of detailed criteria which all developments are required to be assessed against. These include sites having the need for a landscape framework capable of absorbing the development, regard being paid to the scale, form and density of developments within the locality, development being compatible with its surrounding land uses, development having no loss to the amenity or character of the area and suitable access and services being achievable.
- 2.3 There are not considered to be any conflicts with these criteria and we note that the planning application was not refused as being contrary to Policy 2 of the local plan.
- 2.4 Similarly Policy 38 in the Eastern Area Local Plan is the general landward area policy which generally restricts development in rural areas. Given the nature of the wording of Policy 38, it is fair to say that **no** housing in the countryside proposal would ever be able to conform to this policy.
- 2.5 However any normal assessment of a housing in the countryside application, would be to focus on that particular subject policy in the development plan, which in this case is Policy 49. The council officer's report has therefore been very selective in its interpretation of how development plan policy applies to this particular proposal (focusing solely on conflict with Policy 38 rather than compliance with Policy 49). This is reflected in the decision notice where no mention or potential conflict with Policy 49 is stated anywhere.
- 2.6 Turning to the reasons for refusal; the first reason states that the proposal is contrary to the council's Housing in the Countryside Policy 2009. The officer's report acknowledges that there are already 3 existing properties situated adjacent to the site but does not address in any detail the matter of the building group's category of the policy. By definition category 1 of the HICP 2009 defines a building group as being 3 or more buildings of a size at least equivalent to a traditional cottage. The proposed site will extend the existing group of 3 properties into a definable site framed by existing landscape features and boundaries whilst respecting the character, layout and building pattern of the group.
- 2.7 The proposal reflects the character and density of development as well as the spacing between buildings within this group. The proposed plot sizes and width of road frontage for both plots are also comparable with the others in the group. Development of this site would not be detrimental to the amenity of the area or of any other property in anyway. No objections were received from any party. Indeed if

anything we consider the development of this site would compliment the established building pattern.

- 2.8 Contrary to the views expressed by the officer, the proposal cannot be considered to constitute ribbon development. By definition ribbon development is where the outer limit of a line of properties is being extended further. This proposal would close a gap between widely spaces houses rather than extend a ribbon of development further into the countryside.
- 2.9 On that basis we also consider that the proposal complies with category 2 of the HICP on Infill sites which supports up to 2 houses being developed in gaps between established houses where the plots are comparable in size to the neighbouring properties. The officer raises an issue with the fact that a field access is being retained along the northern boundary of the site and as such fails to meet the terms of category 2.
- 2.10 The farmer has a right of access to this field but has never used it for many years. However this policy was worded in this manner to prevent proposals coming forward that potentially left open the door for further opportunities or applications for additional development coming forward at a later date i.e. no more than 2 houses could be developed on an infill site. In this context this gap or infill site is capable of accommodating a maximum of 2 houses (as is allowed by policy) and the fact that a narrow right of access to a field is being retained does not mean that the proposal automatically conflicts with the objectives of this policy.
- 2.11 As can be seen from the photographs included in the Report of Handling (MBM3), the site clearly benefits from a suitable landscape framework and setting which is capable of absorbing the development. This is an identifiable infill site located within a recognised building group i.e. it is not a newly created site and development would not have a detrimental impact on the surrounding landscape.
- 2.12 The Report of Handling makes an issue out of the fact that the site remains purely in grass and has not been colonised in any way and frankly we are not sure what difference this makes. The site has been used as an extended garden area as part of the curtilage of the main house for over 25 years so whether or not that ever obtained planning permission is now no longer relevant. The point is that it has not been in active agricultural use for over 25 years and a substantial line of evergreen trees defines the south west boundary from the adjacent agricultural land that is located to the west. The fact that no fence exists on this boundary is totally irrelevant as the boundary is clearly defined by the mature trees and the line of ownership that has existed since the 1980's. The attached supporting letter from the applicant reaffirms these points (MBM4).
- 2.13 The key policy test for assessing the principle of erecting two houses on this site is Policy 49 – Housing in the Countryside in the adopted Eastern Area Local Plan. That

policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, renovation or replacement of houses, conversion or replacement of non domestic buildings and operational need.

- 2.14 Although it is now 14 years since the local plan was adopted and Policy 49 has effectively been superseded by the revised Housing in the Countryside Policy that was approved by the council in August 2009, this proposal is considered to satisfy the building groups criteria of Policy 49 and we would re-iterate that this policy has not been used as a reason for refusal of the application.
- 2.15 Of the 6 categories contained within the revised 2009 policy, the proposal satisfies the terms of Category 1 – Building Group but also as a definable Infill site in accordance with Category 2 of the 2009 policy, whilst reflecting and respecting the existing pattern and spacing of development, and all within the recognised building group in accordance with Policy 49 of the local plan. The proposal involves infilling of a gap situated between two existing long established properties which are at least equivalent in size to a traditional cottage. The two plots are also comparable in size to the neighbouring residential properties and will have a similar size of road frontage.
- 2.16 The development of two houses will blend in sympathetically by utilising the existing trees and landscaping to frame the development. This is an identifiable site with long established boundaries which separate the site naturally from the surrounding land i.e. it is not a newly created site and it will not have a detrimental impact on the surrounding landscape.
- 2.17 Overall the site has an excellent landscape framework and well defined boundaries on all sides, and there would be no impact to the amenity of the existing properties as the access to the proposed houses would be taken direct from the private road. The visibility at the existing public access road is excellent and the necessary visibility splays can be provided for the plots without impacting on the mature trees. The site slopes gradually down to the public road to the north i.e. the existing house sits at the highest point. It is therefore considered that the existing landscape framework will provide sufficient protection against any concerns about ‘skyline’ development and control over the height and scale of any houses could be imposed as a condition on any approval.
- 2.18 Finally support for this type of housing in the countryside proposal is also fully endorsed within Scottish Planning Policy which advocates that council's should *‘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. The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses.’* (see also attached supporting letter from applicant – MBM5).

3 Conclusions

- 3.1 This Notice of Review seeks consent to erect two houses on a clearly defined infill site which is also considered to form part of an existing building group at Drumkilbo.
- 3.2 The development of two houses on this site would not prejudice the objectives of the Housing in the Countryside Policy (August 2009) as it would complete the opportunities for development at this location.
- 3.3 The proposal is contrary to Policy 38 of the Eastern Area Local Plan (which would be the case for any proposal for housing in the countryside). However as highlighted above it is considered that there are sufficient and justifiable reasons for allowing the application as it is consistent with the key policy considerations (policy 49 in the adopted local plan) and also the building groups and infill sites categories of the council's Housing in the Countryside Policy – August 2009.
- 3.4 The site benefits from a strong and robust landscape framework, the development will not impact on the amenity of other properties and suitable access to the public road can be provided.
- 3.5 There are no other technical difficulties or infrastructure issues raised by this proposal and no objections were received from any individual or organisation.
- 3.6 We therefore respectfully request that this Notice of Review is approved as being consistent with the terms of Categories 1 and 2 of the Housing in the Countryside Policy – August 2009 as well as being in conformity with Scottish Planning Policy, and policies 2 and 49 of the Eastern Area Local Plan, subject to any conditions that may be considered necessary by the Local Review Body.

Chimneys,

Meigle,

Perthshire.

PH12 8QS.

1st.October,2012.

Planning Application – 12/01304/IPL

Statement in support of Item 2.12

In 1986 I purchased the property now known as Chimneys from the Trust of Lord Elphinstone. The property comprised a house and large garden ground area.

The large extended garden ground for which planning permission has been sought has never been classified as anything other than garden area and has been utilised over the past 25years as an area for family leisure and pleasure activities. It has never been used for any agricultural or commercial activities whatsoever. One of my neighbours who has lived here longer than I have is willing to confirm these facts in writing if this is necessary. He is Mr.George Duff, Langlogie Farm Cottage,Meigle,PH12 8QS.

The garden ground area is bound on all sides by mature trees and hedges which are all part of the Chimneys property and are maintained by myself.

I trust this may help to clarify the understanding of the garden area.


Jean Murray

(Owner)

Chimneys,

Meigle,

Perthshire.

PH12 8QS.

1st.October,2012.


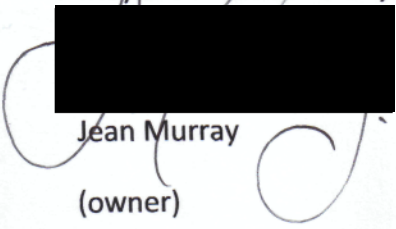
Planning Application – 12/01304/IPL

Statement in support of Item 2.18

I am a partner in a successful business which for the past thirteen years has operated from the property known as Chimneys and is indeed the Headquarters for the Company. The Company also operates from premises in Hamilton,Glasgow. Local staff and services are engaged from the Perthshire area and it would be preferable for this to continue.

However, my son who helps manage the business and hopefully in the near future take control of the operations wishes to set up his own home. For economical and commercial reasons it makes sense for him to be based near the business headquarters and hence the request for planning permission on the garden ground area. My son at the moment does not have the funds required for the deposit on a Mortgage facility but our Bank is willing to fund the building of a house if he was given the plot.

For the future succession of the Company and to retain Perthshire as an operating base the Management are keen to ensure that our young talent are nurtured and supported so that they are retained locally for the benefit of all in the community.



Jean Murray

(owner)

12 JUL 2012

12/01304/FL

£638pd. 12/7/12. 24428.

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
 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 | MISS | Ref No. | |
| Forename | JEAN | Forename | LAWRENCE |
| Surname | MURRAY | Surname | BERTRAM. |
| Company Name | | Company Name | |
| Building No./Name | | Building No./Name | |
| Address Line 1 | CHIHNEYS | Address Line 1 | GARLOWBANK FARMHOUSE |
| Address Line 2 | DRUMKILBO | Address Line 2 | KINNORDY |
| Town/City | HEIGLE | Town/City | KIRRIEMUR |
| Postcode | PH12 8QS | Postcode | DD8 4LH |
| Telephone | | Telephone | 01575 575900 |
| Mobile | | Mobile | 07516409024 |
| Fax | | Fax | |
| Email | | Email | law@garlowbank.pws.com |

3. Postal Address or Location of Proposed Development (please include postcode)

LAND AT CHIHNEYS,
 DRUMKILBO,
 HEIGLE
 PERTSHIRE PH12 8QS

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
 What is the application for? Please select one of the following:

| | |
|--|-------------------------------------|
| Planning Permission | <input type="checkbox"/> |
| Planning Permission in Principle | <input checked="" type="checkbox"/> |
| Further Application* | <input type="checkbox"/> |
| Application for Approval of Matters Specified in Conditions* | <input type="checkbox"/> |
| Application for Mineral Works** | <input type="checkbox"/> |

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

| | |
|--|--|
| Reference No: <input style="width: 150px;" type="text"/> | Date: <input style="width: 150px;" type="text"/> |
|--|--|

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

OUTLINE PERMISSION FOR 2ND BUILDING PLOTS
ON LAND EXCESS TO REQUIREMENTS AT
CHIHNEYS, DRUHKILBO.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☒ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

SEE ATTACHED COPIES OF CORRESPONDENCE
BETWEEN CLIENT AND PLANNING DEPARTMENT.

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

3036

8. Existing Use

Please describe the current or most recent use:

GARDEN

9. Access and Parking

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

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 and explain 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?

NONE.

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

SIX (3 PER SITE).

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☒

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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 ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

TWO

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace (sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☐ Don't Know ☒

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

H^R L. D. BERTRAM

Date:

1st JULY 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.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself ~~THE APPLICANT~~ was owner 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 application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

On behalf of:

Date:

[REDACTED]

MISS JEAN MURRAY.

1st JULY 2012.

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

| Name | Address | Date of Service of Notice |
|------|---------|---------------------------|
| | | |

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

| Name | Address | Date of Service of Notice |
|------|---------|---------------------------|
| | | |

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have _____ been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have _____ been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have _____ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

| Name | Address | Date of Service of Notice |
|------|---------|---------------------------|
| | | |

- (6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ unable to do so.

Steps taken:

CERTIFICATE D **Certificate D**

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself _____ was an owner 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. ☐

or

- (2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

| Name | Address | Date of Service of Notice |
|------|---------|---------------------------|
| | | |

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

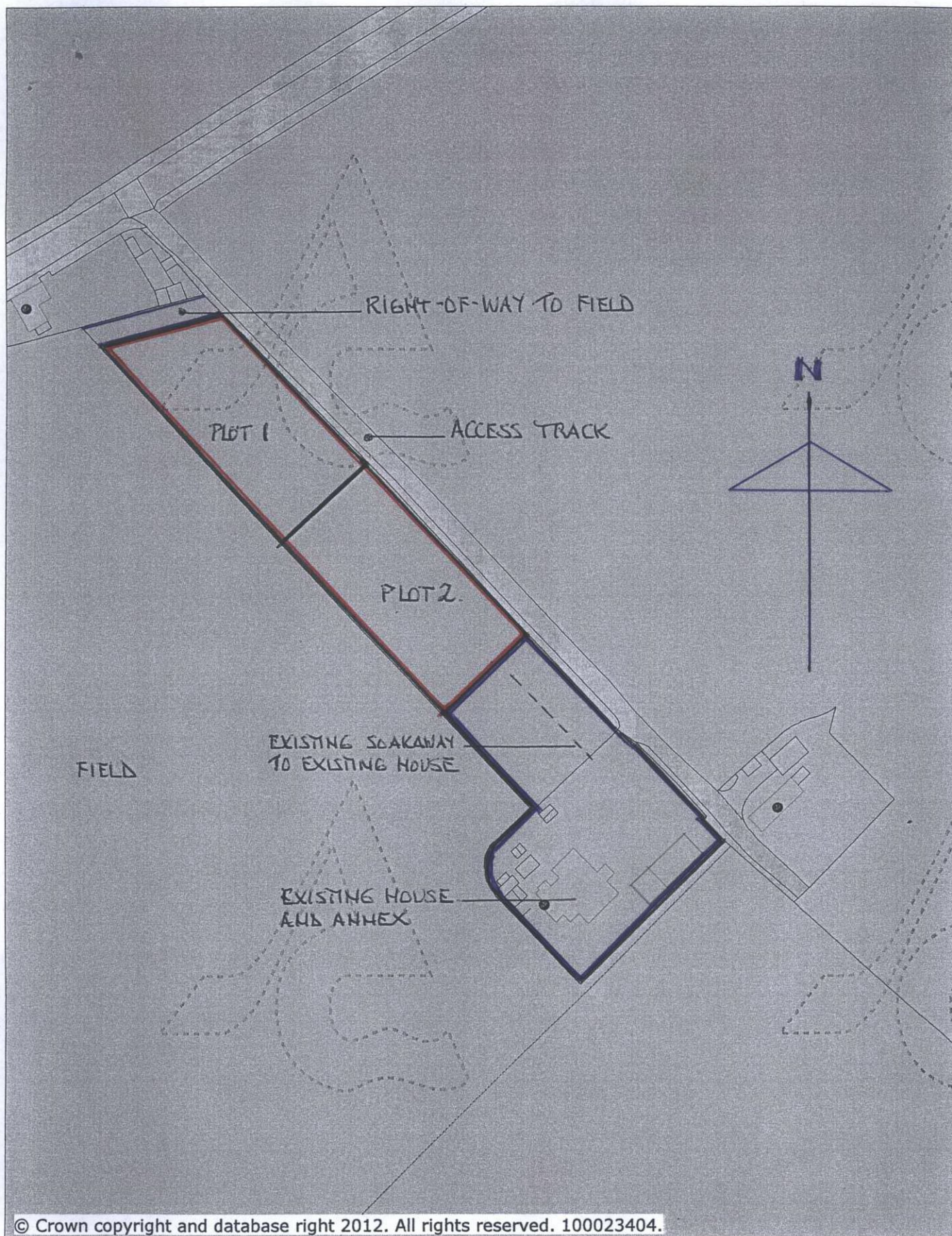
- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:*

Date:

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



SCALE 1 : 1,250

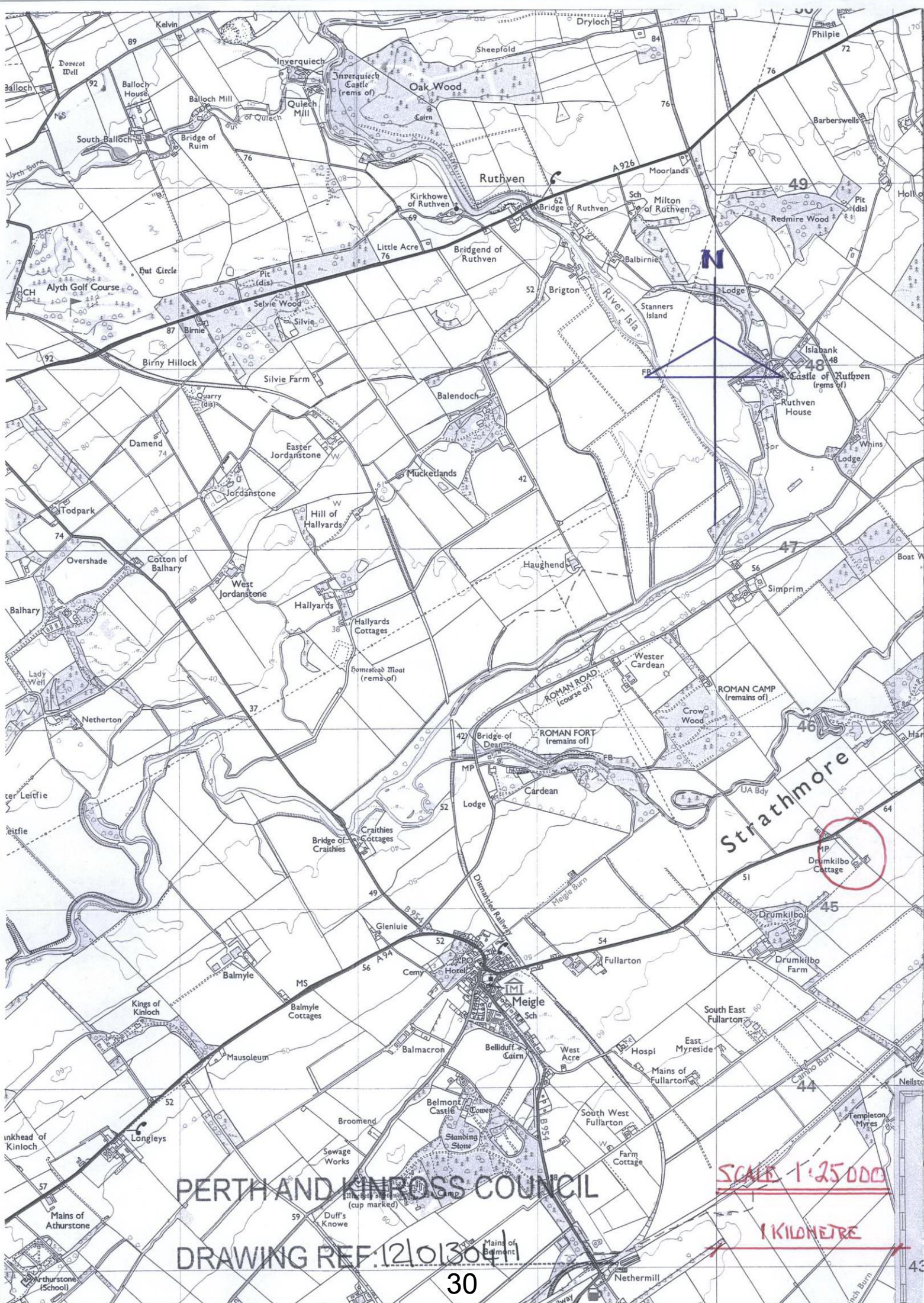
10 0 10 20 30

METERS

Chimneys

29 May 2012 15:53

PERTH AND KINROSS COUNCIL



PERTH AND KINROSS COUNCIL

DRAWING REF. 12/01301

SCALE 1:25000

1 KILOMETRE

REPORT OF HANDLING

DELEGATED REPORT

| | |
|---------|----------------|
| Ref No | 12/01304/IPL |
| Ward No | N2- Strathmore |

PROPOSAL: Erection of two dwellinghouses (in outline)

LOCATION: Chimneys Drumkilbo Meigle Blairgowrie PH12 8QS

APPLICANT: Miss Jean Murray

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 2 August 2012



OFFICERS REPORT:

The application site is located to the north east of Meigle, to the south of the public road. The site is set back from the road between an existing roadside single storey house of traditional appearance and the existing house (Chimneys) at Drumkilbo. The applicant advised that the existing cottage to the south west of the application site, Chimneys, (which is also in their ownership) was originally the gamekeeper's house for the estate, with the application site being used for the rearing of pheasants, etc. There is a further house to the north east of Chimneys which sits to the opposite of the access track.

The site itself extends to some 0.3ha and is stated to be garden ground however it was clear from my site visit that the ground has not been colonised in any way and remains purely in grass in contrast to the area immediately surrounding the house. There is a very substantial hedge between the existing house plot and the area of ground shown on the site plan which accommodates the existing soakaway. The application site is purely a grassed area. The applicant confirmed it has not been used by them for any purpose. The site is bounded to the north east by the access track which is defined by a grassed mound with a line of large trees atop. The boundary to the south west is defined by a row of trees (Scots pine?) but no fence. There is a field beyond. The north west boundary is set back from the roadside cottage to provide access to the adjacent field.

The site is very visible on approach on the public road from Meigle and whilst any houses may be partially screened by existing trees, the houses would be sky-lined from this approach. The site has a lesser visual impact from the south west bound side of the road but any new housing would still be visible.

In forming accesses into the proposed plots trees may be compromised or lost which would be to the detriment of the visual quality and biodiversity of the vicinity.

The two proposed plots are significantly greater in size than the majority of existing house plots, though similar to the indicated extended Chimneys' plot. The application site does not extend the entire gap between the existing properties, with the inclusion of the field access separating the plots. This is similar to a former proposal in a rural location outside Crieff. That applicant was advised that the scheme did not comply with the HitC Policy 2009: Infill Sites as the full extent of the gap was not included within the new plots. A revised application rectifying this matter was submitted and subsequently approved. In the interests of consistency across the Council area, I would have to take the same stance in this case. As part of the gap between the existing houses would not be included within either of the two plots, the scheme is contrary to HitC 2009. There remains the concern that Chimneys does not have a change of use for the area of extended garden ground shown on the submitted drawings. This adds to the non-compliance with Infill Sites policy.

Approval of this application would result in a line of four houses being formed. I consider this would constitute ribbon development, again contrary to the requirements of the relevant policy. I therefore consider that the proposal does not meet the requirements of the HitC Policy relative to Infill Sites.

Policy 38 in the EALP restricts developments in the landward area generally to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators for which a countryside location is essential. The proposed residential development does not fall within any

of the identified supportable uses. The proposal is therefore not in accordance with Policy 38.

Given the above, I consider that the proposal is contrary to the development plan and to other material considerations, with no other material considerations outweighing these. I therefore cannot support the application and recommend refusal.

DEVELOPMENT PLAN

E_002 Eastern General Development Policy

All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against the following criteria:-

- (a) Rural sites should have a landscape framework capable of absorbing or, if necessary, screening the development; where required, opportunities for landscape enhancement will be sought.
- (b) In the case of built development, regard should be had to the scale, form, colour and density, of existing developments within the locality.
- (c) The development should be compatible with its surroundings in land use terms and they should not result in significant environmental damage or loss to the amenity or character of the area.
- (d) The road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided.
- e) Where applicable there should be sufficient spare capacity in drainage, water and education services to cater for new development.
- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms.
- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible, be built in those settlements which are the subject of inset maps.

E_038 Eastern Landward general policies

Developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against the following criteria:-

- a. The site should have a good landscape framework capable of absorbing, and if necessary, screening the development.
- b. In the case of built development the scale, form, colour, density and design of development should accord with the existing pattern of building.

c. The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.

d. The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.

e. Where applicable there should be sufficient spare capacity in local services to cater for the new development.

f. The site should be large enough to accommodate the development satisfactorily in site planning terms.

g. Built development should not be located adjoining and outwith those settlements which are the subject of Inset maps.

E_049 Eastern Houses in the Countryside

The Council's area wide policy on housing in the countryside will apply within most of the Landward area. Within the Lunan Valley Catchment Area and the Historic Gardens and Designed Landscapes there will be a strong 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 are contained in Annex 1 of the Plan.

OTHER POLICIES

PKC Local Development Plan, Jan 2012 Proposed Plan

This is the Council's most recent policy statement and is a consideration.

Policy RD3: Housing in the Countryside

This policy supports the development of single houses or groups of houses which fall within at least one of the six identified categories. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area. Further guidance is provided within the Supplementary Guidance.

Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Housing in the Countryside Policy 2009: This policy updates the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas (including the open countryside). The policy aims to:

- Safeguard the character of the countryside;

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

It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. A series of criteria is also applicable to all proposals.

Primary Education and New Housing Development Policy (May 2009)

The Developer Contributions Policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. As this application is only in principle it is not possible to provide a definitive answer at this stage however it should be noted that the policy would apply to all new residential units with the exception of those outlined in the Policy.

SITE HISTORY

92/00478/FUL ERECTION OF 2 HOUSES-IN PRINCIPLE-AT 15 May 1992
Application Refused

99/00668/FUL Erection of a double garage with "granny flat" above at 25 May 1999
Application Permitted

05/01899/FUL Extension to dwellinghouse 2 November 2005 Application Permitted

05/01900/FUL Extension to granny flat/garage 2 November 2005 Application Permitted

CONSULTATIONS/COMMENTS

| | |
|-----------------------------------|--|
| Transport Planning | As no drawings showing an indicative layout were available at the time this memo was written, I cannot comment on specific roads issues relating to this application. However, based on the location of the site and the current access arrangements I do not object to the proposed development provided a condition is applied so that all matters can be confirmed at a later date - in the interests of pedestrian and traffic safety. |
| Education And Children's Services | This development falls within the Meigle Primary School catchment area. Education & Children's Services have no capacity concerns in this catchment area at this time. |
| BP Consultations | As the safety and engineering integrity of our BP Forties Pipeline will not be affected, we have no comment to make on the proposal. |

Shell UK Exploration And Production

There is no reason why the development and associated construction works would directly affect our pipeline servitude strip or the safety and integrity of our pipeline. Therefore, we have no comment to make regarding this proposal.

Scottish Water

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.
There are no public sewers in the vicinity of the proposed development.
Lintrathen Water Treatment Works may have capacity to service this proposed development.
The water network that serves the proposed development may be able to supply the new demand.

Environmental Health

The application site is located in a very rural area, which is dominated with fruit growing farming. There are several other residential properties in close proximity and adjacent to the site. The closest working farm to the site is Drumkilbo Farm which is approximately over 520 metres away from the site. It is my contention that future residents of the dwelling houses will be aware of noise and odours at certain times of the year due to the rural location, but this will not adversely affect the residential amenity of the proposed properties.
I have no adverse comments in relation to the above application.

Health And Safety Executive Does not advise against.

TARGET DATE: 13 September 2012

REPRESENTATIONS RECEIVED:

Number Received: none

Summary of issues raised by objectors:

Not applicable.

Response to issues raised by objectors:

Not applicable.

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 Access Statement | Not required |
| Report on Impact or Potential Impact eg Flood Assessment | Not required |

Legal Agreement Required: no
Summary of terms: N/A

Direction by Scottish Ministers: no

Reasons:-

- 1 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land. Furthermore, the proposal does not comply with the requirements of the infill sites part of the policy in that not all of the gap is incorporated within the proposed plots, the plots and their frontages are not comparable to the other plots in the vicinity and the proposal would result in ribbon development.
- 2 The proposal is contrary to Eastern Area Local Plan 1998 Policy 38 which restricts types of developments in rural areas to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators for which a countryside location is essential. The proposed development does not fall within any of the identified categories. The development would result in a significant loss of visual amenity and character of the area by virtue of its elevated location and the creation of ribbon development. The character and visual amenity of the area would be detrimentally affected by the development of dwellinghouses at the location proposed.

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

PERTH AND KINROSS COUNCIL

Miss Jean Murray
c/o Lawrence Bertram
Garlowbank Farmhouse
Kinmordy
Kirriemuir
DD8 4LH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 22nd August 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/01304/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 13th July 2012 for permission for **Erection of two dwellinghouses (in outline) Chimneys Drumkilbo Meigle Blairgowrie PH12 8QS** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land. Furthermore, the proposal does not comply with the requirements of the infill sites part of the policy in that not all of the gap is incorporated within the proposed plots, the plots and their frontages are not comparable to the other plots in the vicinity and the proposal would result in ribbon development.
2. The proposal is contrary to Eastern Area Local Plan 1998 Policy 38 which restricts types of developments in rural areas to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators for which a countryside location is essential. The proposed development does not fall within any of the identified categories. The development would result in a significant loss of visual amenity and character of the area by virtue of its elevated location and the creation of ribbon development. The character and visual amenity of the area would be detrimentally affected by the development of dwellinghouses at the location proposed.

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

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

12/01304/1

12/01304/2

TCP/11/16(213)

Planning Application 12/01304/IPL – Erection of two dwellinghouses (in outline) at Chimneys, Drumkilbo, Meikle, PH12 8QS

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 39-40)*

REPORT OF HANDLING *(included in applicant's submission, see pages 31-37)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 29-30)*

TCP/11/16(213)

Planning Application 12/01304/IPL – Erection of two dwellinghouses (in outline) at Chimneys, Drumkilbo, Meikle, PH12 8QS

REPRESENTATIONS

- Representation from Transport Planning, dated 9 August 2012



MEMORANDUM

| | | | |
|-----------|-------------------------------------|---------|--|
| To | Christine Brien Planning Officer | From | Niall Moran Transport Planning Technician Transport Planning |
| Our ref: | NM | Tel No. | Ext 76512 |
| Your ref: | 12/01304/IPL | Date | 9 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 12/01304/IPL for planning consent for:- **Erection of two dwellinghouses (in outline) Chimneys Drumkilbo Meigle Blairgowrie PH12 8QS for Miss Jean Murray**

As no drawings showing an indicative layout were available at the time this memo was written, I cannot comment on specific roads issues relating to this application. However, based on the location of the site and the current access arrangements I do not object to the proposed development provided the condition indicated below is applied so that all matters can be confirmed at a later date - in the interests of pedestrian and traffic safety.

- Prior to the commencement of the development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be agreed in writing with the Council as Roads Authority and to the satisfaction of the Planning Authority.

I trust these comments are of assistance.

