

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 23 October 2023 at 1:00pm.

Present: Councillors B Brawn, D Illingworth and G Stewart.

In Attendance: R Burton (Planning Adviser), G Fogg, (Legal Adviser) and J Guild (Democratic Governance Officer) (all Corporate and Democratic Services).

Also Attending: A Brown and M Pasternak (both Corporate and Democratic Services) and C Brien (Communities).

### 1. WELCOME

Councillor Brawn welcomed all present to the meeting.

Councillor Brawn extended a personal thanks to all parties involved in flood rescue efforts throughout Perth and Kinross including Police Scotland, Tayside Fire and Rescue Services, Resilience Groups, Tayside Contracts, Perth and Kinross Council Officers and Scottish and Southern Electricity Networks. Councillor Brawn also extended his thoughts to the people of Brechin impacted by the worst of the flooding.

### 2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

### 3. MINUTES

The minute of meeting of the Local Review Body of 11 September 2023 was submitted and noted.

### 4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-29**  
**Planning Application – 23/00184/FLL – Erection of a fence (in retrospect) 22 King Street, Stanley, Perth PH1 4ND – Mr and Mrs Birse-Stewart**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a fence (in retrospect) 22 King Street, Stanley, Perth PH1 4ND.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for erection of a fence (in retrospect) 22 King Street, Stanley, Perth PH1 4ND, be granted subject to relevant terms, conditions and informatives including conditions that the fence be permitted for a temporary period of 5 years and the height at the entrance to the driveway be adjusted to be in accordance with Transport Planning standards on visibility splays.

**Justification**

With the imposition of relevant conditions, Members considered the proposal to be in accordance with the Development Plan.

**Note**

Councillor Stewart dissented from the majority opinion. He considered that whilst the vacant church has been subject to vandalism, the fence would not stop this entirely, and is detrimental to visual amenity.

- (ii) **LRB-2023-30**  
**Planning Application – 23/00755/FLL – Change of use of flat to form a short term let accommodation unit (in retrospect) 131 Atholl Road, Pitlochry PH16 5AG – Ms J Preston**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form a short term let accommodation unit (in retrospect) 131 Atholl Road, Pitlochry PH15 5AG.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for change of use of flat to form a short term let accommodation unit (in retrospect) 131 Atholl Road, Pitlochry PH15 5AG, be granted, subject to the imposition of relevant terms, conditions and informatives, including a

condition that the change of use be permitted for a temporary period of 5 years.

### **Justification**

Councillors B Brawn and D Illingworth considered that whilst the proposal is not in accordance with the Development Plan, the accommodation is part of an existing business and as the Perth and Kinross Planning Guidance on Short Term Lets (2023) is in draft format only, the review be granted for a temporary period.

### **Note**

Councillor Stewart dissented from the majority opinion. He considered that whilst the use of the property as a short term let accommodation business contributes to the local economy, it could also be beneficial on the open market for first time buyers, and therefore ought to be refused.

(iii) **LRB-2023-31  
Planning Application – 23/00593/FLL – Erection of a dwellinghouse land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross KY13 9JY – Mr and Mrs Megginson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross KY13 9JY.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for erection of a dwellinghouse land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross KY13 9JY, be refused for the following reasons:
  1. The proposed development is poorly designed, fails to respect the character and amenity of the place, will have a detrimental effect on the building pattern and character of the area and will have a significant detrimental impact on residential amenity. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and NPF4 Policy 17: Rural Homes and LDP2

Policy 1: Placemaking and related Placemaking Supplementary Guidance (2020) and LDP2 Policy 19: Housing in the Countryside and the related Housing in the Countryside Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).

**Justification**

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

**Note**

Councillor Illingworth dissented from the majority opinion. He considered that there is a requirement for single storey accommodation in the area, particularly for use by elderly or disabled individuals, and for that reason would have upheld the application.

**(iv) LRB-2023-32  
Planning Application – 23/00453/FLL – Erection of a dwellinghouse land 25 metres east of Gateside Cottage, Forteviot, Perth – Mr and Mrs Roberts**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse land 25 metres east of Gateside Cottage, Forteviot, Perth.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for erection of a dwellinghouse land 25 metres east of Gateside Cottage, Forteviot, Perth, be refused for the following reasons:
  1. The proposal is contrary to Policy 17: Rural Homes of National Planning Framework 4, as it fails to meet any of the criteria within Policy 17(a) and is not suitably scaled, sited or designed to be in keeping with the character of the area.
  2. The proposal is contrary to Policy 19: Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020 as the proposal fails to

satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

3. The proposal is contrary to Policy 1A and 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019). The proposed development would not contribute positively to the built and natural environment due to its exposed position combined with the siting, design and lack of a landscape framework.
4. The site is designated as prime agricultural land (category 2). The proposal is contrary to Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 (2019) which does not support development on such land outwith settlement boundaries unless it is necessary to meet a specific established need.
5. The proposal is contrary to Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) as it has not been demonstrated through assessment against a landscape capacity study that the site is appropriate for the development and meets the criteria in Policy 39 that seeks to maintain and enhance the landscape qualities of Perth and Kinross.

#### **Justification**

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

#### **Note**

Councillor Illingworth dissented from the majority opinion. He considered it appropriate to grant the review.

- (v) **LRB-2023-33**  
**Planning Application – 23/00437/FLL – Extension to dwellinghouse, 17 Tulliebelton Road, Bankfoot, Perth PH1 4BS – Mr B Gibb**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse, 17 Tulliebelton Road, Bankfoot, Perth PH1 4BS.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for extension to dwellinghouse, 17 Tulliebelton Road, Bankfoot, Perth PH1 4BS, be refused for the following reasons:
  1. The proposals, by combination of their excessive footprint increase, disproportionate projection and excessively long blank north elevation, would overdevelop the existing bungalow and result in an adverse impact upon the character and visual amenity of the area.  
Refusal would therefore be in line with Policy 14(c) of National Planning Framework 4. Furthermore approval would be contrary to Policies 14(a)+(b) and 16(g) of National Planning Framework 4, Policies 1A, 1B(c) and 17(c) of Perth and Kinross Local Development Plan 2 (2019) and Perth and Kinross Council's Placemaking Guide 2020, which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of massing, proportions and appearance, in order to respect the character and amenity of the place.
  2. The proposals by combination of the excessive projection, footprint increase and relationship with the adjoining property, would overdevelop the existing bungalow and result in an overwhelming and imposing appearance and an adverse impact upon surrounding residential amenity.  
Approval would therefore be contrary to Policy 16(g) of National Planning Framework 4 and Policies 1A, 1B(c) and 17(c) of Perth and Kinross Local Development Plan 2 (2019), which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of design, proportions and appearance, in order to protect and where possible, improve, existing residential amenity.

### **Justification**

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

### **Note**

Councillor Brawn dissented from the majority opinion. He considered that with the imposition of relevant conditions, the proposal would be in accordance with the Development Plan.