

Perth and Kinross Council  
Planning & Development Management Committee – 24<sup>th</sup> September 2019  
Report of Handling by Head of Planning & Development (Report No. 19/270)

<b>PROPOSAL:</b>	Erection of 2 camping pods, formation of hardstanding, vehicular access and associated works
<b>LOCATION:</b>	Land South West of Liathach, Leslie

Ref. No: [19/01084/FLL](#)  
Ward No: P8 - Kinross-shire

### **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 is on land SW of Liathach, Leslie, and forms part of the Loch Leven and Lomond Hills Special Landscape Area. The application seeks detailed planning permission for the erection of 2 camping pods, the formation of hardstanding and vehicular access, and associated works.
- 2 The site is currently utilised as agricultural land. The existing access track to Liathach is proposed to be extended to lead to the proposed site at a width of approximately 3.5m.
- 3 The proposed camping pods will each measure approximately 5.4m in length and approximately 3m in width. Each pod will have timber horizontal weatherboarding for the walls with metal tile roofing. The windows and doors will be timber double glazed units. Each pod will accommodate a bed area and a small bathroom.
- 4 The application forms the resubmission of application 18/01477/FLL which was refused as the previously proposed site was considered to have little landscape containment and there was a lack of justification for the proposed development. This current application seeks to address the previous reasons for refusal.

### **PRE-APPLICATION CONSULTATION**

- 5 Pre-application Reference: 19/00019/PREAPP



- 6 A formal pre-application consultation was undertaken following the refusal of application 18/01477/FLL. The pre-application consultation identified that the amended proposed development was more acceptable, subject to satisfactory site specific justification.

## **NATIONAL POLICY AND GUIDANCE**

- 7 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.

### **National Planning Framework**

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Paragraphs Sustainability : 24 – 35
- Placemaking : paragraphs 36 – 57

### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements



### **Creating Places 2013**

- 12 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **National Roads Development Guide 2014**

- 13 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

### **DEVELOPMENT PLAN**

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016-2036**

- 15 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."*

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Location Priorities
- Policy 2: Shaping Better Quality Places
- Policy 9: Managing TAYplan's Assets

### **Perth and Kinross Local Development Plan 2014**

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.

- 18 The principal relevant policies are, in summary;



Policy PM1A & B- Placemaking  
Policy PM3 - Infrastructure Contributions  
Policy ED3 – Rural Business and Diversification  
Policy ER5 – Prime Agricultural Land  
Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes  
Policy EP8 – Noise Pollution  
Policy TA1B - Transport Standards and Accessibility Requirements  
Policy NE2B – Forestry, Woodland and Trees

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 19 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 20 [18/01477/FLL](#) - Erection of 2. camping pods, formation of hardstanding and vehicular access and associated works Decision Issued 4 October 2018: Application Refused

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 22 No objection to the proposed development as there is currently sufficient capacity in the Glenfarg Water Treatment Works to service the development. There is however no public Waste Water Infrastructure available.



## **Internal**

### **Environmental Health (Noise Odour)**

- 23 No objection to the proposed development, subject to conditional control regarding a noise management plan and plant equipment noise. An informative should also be added in relation to caravan licensing.

### **Environmental Health (Private Water)**

- 24 No objection to the proposed development, subject to informatives being added to any permission granted in relation to private water supplies.

### **Strategy & Policy**

- 25 No objection to the proposed development.

### **Transport Planning**

- 26 No objection to the proposed development subject to conditional control regarding car parking and turning facilities.

## **REPRESENTATIONS**

- 27 6 letters of representation were received objecting to the proposed development. In summary, the letters highlighted the following concerns:

- Overdevelopment of the area
- Inaccuracies & suitability of the submitted justification statement
- Out of character with the area
- Loss of amenity
- Road and access implications
- Contrary to adopted Local Development Plan
- Lack of footpath links
- Proposal sets a precedent for future development

- 28 These issues are addressed in the Appraisal section of the report.

## **ADDITIONAL STATEMENTS**

29

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required



Design Statement / Design and Access Statement	Submitted (Site Justification Statement)
Reports on Impact or Potential Impact	Not Required

## **APPRAISAL**

- 30 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 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Guide.

### **Principle**

- 31 As the proposal is for holiday accommodation units, Policy ED3 'Rural Business and Diversification', is directly applicable. This policy gives favourable consideration to the expansion of existing businesses and the creation of new businesses. There is a preference that this will generally be within or adjacent to existing settlements. Out with 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.
- 32 In this instance, a strong case would need to be made to demonstrate that the proposal meets a specific need (by virtue of its quality or location) in relation to an existing business or tourist facilities, in order to be compliant with the relevant provisions of the adopted Local Development Plan. A site justification statement and plan was submitted with the application following the refusal of the previous scheme.
- 33 The submitted justification statement highlights the site's location in relation to a number of nearby tourist attractions and facilities and the submitted plan identifies the alternative options which were considered for the siting of the camping pods.
- 34 In the assessment of the previous application, it was agreed that the site is in close proximity to a number of tourist and visitor attractions, however further justification was required. Evidence has now been submitted in support of the applicant's argument that there is a lack of self-catering accommodation in the local area, and in Kinross-shire as a whole. It is also noted that the applicant's own established farm business of rare sheep breeding also attracts visitors. This latter point in particular adds weight to the argument for the camping pods



to be located on the proposed site. Furthermore, support has also been expressed from local tourist attractions such as RSPB Loch Leven and Portmoak Gliding Club.

- 35 The Council's Strategy and Policy Team were consulted as part of this application and identified that the applicant has considered the reasonable alternative locations within their land ownership. Six alternative sites were identified on the applicant's land and a justification was put forward to show that the current site is the optimum location. It is therefore accepted that the site chosen is indeed likely to be the most appropriate location within the applicant's ownership for the two camping pods and I agree with my policy colleagues who raise no objection to the proposed development.
- 36 It is therefore considered that the supporting information is sufficient to satisfy the requirements of Policy ED3 and Policy 8 of the new Proposed LDP in terms of providing a site specific justification.

### **Design and Layout**

- 37 The design of the pods is considered to be acceptable as they are of a suitable scale whilst being constructed of sensitive materials to match the rural environment in which they are located. In general, they are considered to be designed to a relatively high standard for this nature of development and are unobtrusive.
- 38 The proposed scheme is now located within a well contained site to the South West of Liathach, which reduces the landscape concerns that were highlighted within the previous application. The new site no longer occupies a large area of prime agricultural land as per the previous scheme. Due to the containment of the site, a suitable layout has been achieved which will help to prevent large scale future development whilst also providing suitable amenity space for each pod.

### **Landscape and Visual Amenity**

- 39 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, as mentioned above, the newly proposed site is well contained to the South West of Liathach and is not considered to erode the visual amenity of the area, or the local distinctiveness, diversity and quality of the landscape due to the scale of the development. It is also not considered to be highly intrusive to the qualities of the Loch Leven and Lomond Hills Special Landscape Area. Whilst the newly planted trees are still at a very immature stage, once matured they will further help to contain the site.



## **Residential Amenity**

- 40 The impact from the proposed development upon the amenity of neighbouring properties was raised as a concern within the majority of representations received. Environmental Health were consulted as part of this application and consider that due to the nearest residential receptor being approximately 170m away, there will be minimal impact upon residential amenity due to the small scale nature of the development. Environmental Health did however request conditional control to be added to any permission regarding the submission of a noise management plan. This will allow the Council as Planning Authority to control the noise level from the units. My colleagues also recommended a further condition in relation to noise from plant equipment. Whilst noting the letters of representation in this regard, it is considered that neighbouring residential amenity can be protected through conditional control on any planning permission and no loss of privacy will be created.

## **Roads and Access**

- 41 Within the letters of representations received, the impacts from traffic and road safety were raised as a concern. However, it is considered that the traffic generation of 2 camping pods (containing 1 bed each) for a leisure/tourism use is likely to be in the region of 2 vehicles (4-6 vehicle movements per day) during off peak times and will therefore have a negligible impact on traffic flow. It is therefore considered that the proposed arrangements are considered sufficient to safely accommodate this level of traffic.
- 42 Transport Planning were consulted as part of this application and have no objection to the proposal subject to conditional control regarding parking and turning facilities. During the assessment of the previous application, it was considered that the existing junction which would be utilised by the proposal has suitable visibility onto the A911. No collisions have been reported in relation to this access, proposed to be used as part of this application. It is therefore considered that there are no adverse concerns in relation to roads and access.
- 43 The sustainability of the site was also raised as a concern within some of the letters of representations received due to the lack of a footpath. However, there are a number of bus services which use the A911 which can be utilised.

## **Drainage and Flooding**

- 44 The site is not in an area of known flood risk and the proposals are not considered to create any drainage or flooding implications. A soakaway has been provided to the south east of the site which is considered to be of an acceptable scale for the development.



## **Waste Collection**

- 45 It is indicated that there will be bins at each pod which will be managed by the applicant and transported to the communal bin store at the junction with the A911. This arrangement is considered sufficient for the scale of the development. An informative is recommended to highlight the Council's waste requirements to the applicant (Informative 8).

## **Conservation Considerations**

- 46 The site is not in a designated Conservation Area or in close proximity to a listed building or any other designated site. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

## **Natural Heritage and Biodiversity**

- 47 The area to be developed is currently utilised as a field and thus does not have a high biodiversity value. There are no trees or shrubbery to be cleared to accommodate the development therefore the impact upon biodiversity is expected to be minimal. The newly planted trees will however mature to provide further habitat opportunities and will help to enhance the natural heritage of the area.

## **Developer Contributions**

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

## **Economic Impact**

- 49 The proposal would likely have a positive economic impact upon the local tourism industry. There will also be some economic gain from the construction phase of the proposed development.

## **LEGAL AGREEMENTS**

- 50 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 51 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**

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 53 Accordingly the proposal is recommended for approval subject to the following conditions.

## **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 commencement of the development hereby approved, a noise management plan shall be submitted to the Council as Planning Authority for written approval. Thereafter, the plan as agreed shall be implemented in full for the life of the development to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 3 Prior to the development hereby approved being completed or brought into use, the car parking and turning facilities shown on the approved drawings shall be implemented and thereafter retained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure the provision of adequate turning facilities and off-street car parking facilities.

- 4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.



- 5 The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to control and restrict the use of the pods.

## **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.

## **D INFORMATIVES**

- 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.
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 6 The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and



the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

- 7 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
- 8 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 11 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 12 The site will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It is therefore necessary for a caravan site licence to be obtained for the site before the pods were first brought into use and the site would need to comply with the caravan model standards for holiday use.

Background Papers: 6 letters of representation  
Contact Officer: Sean Panton  
Date: 12 September 2019

**DAVID LITTLEJOHN**



## HEAD OF PLANNING & DEVELOPMENT

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