

<p>TCP/11/16(15) Planning Application 09/00436/FLL – Erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder</p>

COVERING REPORT

NOTICE OF REVIEW FORM

EXTRACT FROM MINUTE OF 11 MAY 2010

REPORT FOR LOCAL REVIEW BODY – 10 JULY 2012

TCP/11/16(15) **Planning Application Ref: 09/00436/FLL**
Erection of Dwellinghouse at Workshop and Yard, Abbey
Road, Auchterarder
Mr and Mrs A MacPherson

BACKGROUND:

- 1.1 In February 2010, the Local Review Body received and registered a notice to review the decision by the Appointed Officer to refuse planning permission for the above proposal.
- 1.2 At its meeting on Tuesday 6 April 2010, the PKLRB agreed that this case be continued for a site visit. The site visit duly took place on 10 May 2010.
- 1.3 At its meeting on 11 May 2010, the PKLRB reviewed the decision in the context of the Development Plan and other developments in the locality and determined to overturn the decision by the Appointed Officer and approve the application subject to:
 - (a) appropriate planning conditions; and
 - (b) the payment of a contribution towards meeting education provision by prior arrangement, or through a Section 75 Agreement, as a prerequisite of issuing planning permission.
- 1.4 Following exchanges of correspondence, the applicant has indicated that they do not wish to proceed further with discussions regarding the education contribution arrangements. They have indicated that this cost, together with the cost of making drainage provision, is too expensive to allow them to proceed.
 - 1.4.1 Consequently, the application is accordingly remitted back to the Local Review Body for further consideration.

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name MR & MRS A. MACPHERSON

Address 19 ABBEY PARK
AUCHTERARDE
PERTSHIRE
Postcode PH3 1EN

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name MRS ANN GAUNT

Address LAURELBANK
MORAY STREET
BLACKFORD
Postcode PH4 1QP

Contact Telephone 1 01764 682325
Contact Telephone 2 01738 475311
Fax No [REDACTED]

E-mail* AGAUNT@PRC.GOV.UK

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority PERTH & KINROSS COUNCIL

Planning authority's application reference number 09/00436/FLL

Site address WORKSHOP & YARD
ABBAY ROAD - AUCHTERARDE

Description of proposed development ERECTION OF A DWELLINGHOUSE

Date of application 16/03/2009

Date of decision (if any) 04/12/2009

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☒
3. Conditions imposed on consent by appointed officer ☒

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.

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

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

TO EXPLAIN TO THE REVIEW BODY WHY THE SITE HAS BECOME AVAILABLE FOR A HOUSE & (2) WHY THE SITE IS APPROPRIATE

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☐ Yes ☒ No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

SITE IS AVAILABLE TO VIEW FROM THE ROAD (ABBEY ROAD) BUT ENTRY TO YARD REQUIRES A KEY/LOCKED ENCLOSURE

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED DOCUMENTS & PHOTOGRAPHS

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

COPY OF APPLICATION DETAILS - EX PUBLIC ACCESS WEB SITE
 COPY OF SITE LOCATION PLAN
 PAGE OF 4 PHOTOGRAPHS
 COPY OF LETTER OF COMPLAINT TO HEAD OF PLANNING.
 COPY OF AGENT'S LETTER SENT WITH APPLICATION.
 COVERING LETTER FROM APPLICANT.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

9-02-2010

PERTH AND KINROSS LOCAL REVIEW BODY

Extract from Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 11 May 2010 at 10.00am.

Present: Councillors B Band, W Lumsden (substituting for Councillor A Jack) and M Lyle.

In Attendance: M Stewart (Planning Adviser); C Elliott (Legal Adviser), A Wilson and Y Oliver (all Chief Executive's Service).

Also Attending: D Niven, The Environment Service; 4 members of the public, including applicants and their agents.

Councillor B Band, Convener, Presiding.

243. APPLICATIONS FOR REVIEW

- (vi) **TCP/11/16(15)**
Planning Application 09/00436/FLL – Erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder – Mr and Mrs A MacPherson (Art. 199(ii)/10)

There was considered a Notice of Review submitted by the applicant's agent, Mrs A Gaunt, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder.

Mr M Stewart displayed photographs of the site in question, and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

It was noted that, at its meeting on Tuesday 6 April 2010, the Local Review Body agreed that a site visit, to be attended by the three members (plus reserve) constituting the meeting of the Local Review Body due to take place on 11 May 2010, should be arranged. It was noted that this site visit had taken place.

Decision:

Resolved that:

- (i) by unanimous decision, the Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder be approved, subject to conditions to be drafted by the Planning Adviser, incorporating Perth and Kinross Council's standard conditions for this form of development, and including a condition requiring that the house and workshop should not be sold separately. A Section 75 Agreement on an education contribution was required.

