

**TCP/11/16(334)****Planning Application 14/01280/FLL – Erection of 2  
dwellinghouses, land 150 metres south west of Merklands  
House, Ballintuim**

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**TCP/11/16(334)**  
**Planning Application 14/01280/FLL – Erection of 2**  
**dwellinghouses, land 150 metres south west of Merklands**  
**House, Ballintuim**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# 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 2013

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

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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

14 / 01280

Site address

LAND 150 METERS, SOUTH WEST OF MERLANDS  
HOUSE - BALINTHORN.

Description of proposed  
development

EREGION OF TWO DWELLING HOUSES.

Date of application

11<sup>th</sup> Aug, 2014.

Date of decision (if any)

3<sup>rd</sup> Oct, 2014.

**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:

*See attached documentation.*

**Site inspection**

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

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

**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 cover letter 22 12 2014.

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.

— See list of supporting documents.

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

22 Feb 2014

Date:- 22 Dec, 2014

Dear Sir ./ Madam,

**Planning Application Merklands**

Ref :- 14/01280/FUL

In connection with the reasons for refusal we do not think either the Design Statement and the accompanying document by Stuart Eydmann had been properly considered and as a result have decided to appeal.

Despite development plan policy conflicts the proposal should be supported on account of its exceptional and appropriate design and siting. The development is modest in scale and will make a positive contribution to the locality rather than detract from its existing setting and character, thus demonstrating the qualities of effective 'placemaking' as promoted by government policy and guidance. The resulting buildings, which have clearly defined local and national design precedents, will be unique and of such integrity and quality that there is little prospect of imitation or precedent. Retention and recent reinforcement of existing planting will ensure the successful visual integration of the development with its landscape setting.

With regard to the insufficient information being provided on detrimental impact on the Ancient Woodland, can I restate, the only trees that are intended to be removed, are the ones indicated in red at the front by the road. These trees were recommended to be removed due to safety, prior to any design proposals being suggested.

Due to the two buildings **no** trees are to be removed, can I also draw attention to the fact the client, with the advice of the Royal Botanic Gardens in Edinburgh, has done a considerable amount of new planting of indigenous hardwood trees and extended the area of woodland over the last ten years, to the noticeable effect of a dramatic increase in the local population of red squirrels and other native plants and wildlife.

With reference to my own work, in my own opinion, the design at Merklands is more architecturally resolved than the tower house I designed at Macbie Hill, which although not permitted by the client to be submitted for any awards, was included in the Buildings of Scotland ( Borders ) by Yale University Press, written by John Dunbar and Kitty Cruft ( see **Buildings of Scotland, cover & Building of Scotland , article** )

Can also note the White Cottage at Merklands ( White Cottage cover ) designed by myself was highly recommended by the Saltire Society and has been influential in various planning guides consider Planning Design Guide by Aberdeenshire council, article by Kenyon Architects ( see **Aberdeenshire local Authority design guide** )

Yours sincerely

Crichton Wood

Crichton Wood Architects

**Planning Merklands**

Ref :- 14/01280/FUL

**List of Supporting Documentation**

**Planning Drawings:-** 205 P05a, 205 P10a, 205P20a, 205P21a, 206 P10a,  
206 P20a, Location Plan Final, Large Location Plan

**Letters and Documents:-** Cover Letter, Design Statement, List of Supporting Documentation,  
Design Statement Appendix A, Notice of Review Form.

**Images:-**

- Aberdeenshire Local Authority Design Guide
- Adam 1 –8
- Adam Sk 1-5
- Airthrey Castle
- Ardblair 1 –3
- Ardkinglas
- Balcarres 1 –7
- Birkhill
- Bothwell Castle
- Buildings of Scotland, Article
- Buildings of Scotland, Cover
- Claypotts
- Cluny 1-6
- Cullen House
- Culzean Approach, Culzean Castle
- Dunderave
- Gatehoue of Merklands 1-6
- Greenan 1-2
- Hillhouse
- Kiltarity
- Kirkmichael 1-2
- Newton 1-2
- Ormiston
- Rosebank
- Seton Castle
- Toor o’ Merklands 1-8
- White Cottage cover, White Cottage Interior

## **Gatehouse of Merklands & Toor o'Merklands**

Further to my talk "**Robert Adam and the strange death of Scottish architecture**," I gave to the planners at Perth and Kinross Council on February the 7<sup>th</sup> this year, I am delighted to inform you I have been instructed by my client to submit the two above projects to planning for consideration.

As the talk explained the design context behind the proposed projects, thought it best to summarise the main points of the talk

### **Tales from my Grandfather**

In 2011, I was very lucky to have lunch with David Walker, the retired Head of Historic Scotland. David had just finished compiling some biographical notes about my grandfather, the Architect Frank Wood, we met so that he could clarify some facts.

However, during the meeting I discovered my grandfather had been responsible for listing many buildings in the towns and villages of Scotland. This was quite a surprise, but on reflection perhaps explains a little about the development of my own practice as an architect.

Prior to running his own practice, Frank was the last apprentice of Sir George Washington Browne, himself a colleague of Peddie and Kinnear. Charles Kinnear was an apprentice of David Bryce's, so it is not surprising that my grandfather, being part of this tradition, kept encouraging me to study the "Scots style".

Throughout my architectural career it has been very exciting to discover and explore this indigenous architectural language and to find ways of transforming it into a relevant contemporary style.

### **The Evolution of a Scots Style**

By 1620 Scotland had developed its own unique style of architecture. This has been a rich source of inspiration for generations of Scottish Architects. Consider for example the work of David Bryce ( [Birkhill](#), [Ormiston](#) ), Charles Rennie MacIntosh ( [Hillhouse](#) ) and Sir Robert Lorimer ( [Balcarres](#), [Ardkinglas](#), [Dunderave](#). )

To me the great legacy of this fabulous architectural style is the stunning way the architects of this period were able to play with function in an expressive formal way, creating a harmonious design duality of both function and the picturesque. The very best of examples show a minimalist, elegant restraint.

Sophisticated design ideas were developed here in Scotland three hundred years before the European avant-garde began experimenting with similar architectural forms of expression. One thinks of the work of the Russian Constructivists, German Expressionists and the De-Stijl movement in the 1930's, for instance.

My aim has therefore always been to continue to develop this language, creating a modern architectural style that has a definite and evident sense of place and identity.

## The twist of Robert Adam

In summary, Robert Adam's father William had the most important architectural and building firm in Scotland, his work came from his strong social and political connections, by 1730 he had been appointed as the main architect for the lucrative Board of Ordinance.

Robert continued to benefit from these substantial commissions, however it was essential The firm's political sympathies firmly aligned themselves with the unionist power elites of the Hanoverian government in London.

Perhaps supporting an individual Scots style would have been a little naive and deprived the firm of commissions required for the growing business

Robert was sent on the Grand tour to Rome to study the ancient remains, while there he not just made good social connections but did exhaustive sketches and measured drawings of the classical remains. These studies were to form the vocabulary for the evolution of his architectural style for the rest of his life

However while there he also continued to sketch medieval castles and farm buildings which he considered to have picturesque qualities.

When Robert returned to Scotland his interest in romantic landscape compositions never dimmed and we continually see his sketch books filled with great examples, consider his drawings of ( [Cullen House, Banff](#) ) and ( [Bothwell Castle, Lanarkshire](#). )

This led to a strange duality of expression in his architectural design, every building that he designed with three exceptions, as far as I am aware, was symmetrical, consider e.g ( [Airthrey Castle](#), [Seton Castle](#), [Rosebank](#), [Kiltartney](#) etc ) the exceptions being one wing of ( [Culzean Castle](#) ), which was partly hidden and two designs for deliberate ruins ( [Culzean Approach](#) ), consider work to Tulloch castle.

However in his spare time to relax he sketched 1000's of castle and landscape compositions from his imagination, most now in the possession of Sir John Soane's museum in London, but in these sketches all the buildings are asymmetric in composition, showing picturesque compositions firmly based in our indigenous Scots style, however he never used this asymmetric picturesque romantic language in one project for a real client. ( [Adam 1 – 8](#) )

Yet it was Robert who influenced the change of taste away from the Scots style to that of a Classical language.

These sensitive and complex qualities of 3D asymmetric massing and deliberate simplicity of detail were to be lost from Scottish architects' vocabulary till its rediscovery by Bryce and eventually in the masterworks of Sir Robert Lorimer.

## How do you draw a building ?

At the beginning of my talk, I asked all the planners present to sketch how they visualised an individual typical simple Scots house / building,

(Prior to reading on I would be grateful if you could take 10 seconds to do draw a quick image yourself

...if you manage to do it will help you understand the next stage, just 10 seconds)

How did you do ?

With regard to the planners, with one exception all present did a line elevation drawing of one façade in 2D, the exception was an attempt to do an axonometric projection. Nobody present did a perspective sketch. The importance of such an observation is that nobody expressed their thoughts in a visual language that expressed The 3d qualities of a building, as would be seen in reality.

In understanding the true beauty of Scottish Architecture, you must contemplate the work in 3 Dimensions and away from Facades.

The irony with Robert Adam is that he is fully aware of this language, consider his sketches for Cluny Castle in Aberdeenshire.

I originally saw images of cluny castle from sketches made by MacGibbon for his distinguished book on Scottish castles from original sketches by the French draughtsman Nattes. ( [Cluny 1 & 3](#) )

In the sketches, the castle, in my opinion one of Scotland's finest, looks like It could not have been physically possible to build, however with thanks to Robert Adams survey drawings and sketches ( [Cluny 4](#) ), it is possible to reconstruct In 3 dimensions what was there ( [Cluny 5 & 6](#) )

The picturesque deliberate 3d modelling a massing is deliberate and Is evident in the very best of Scottish castles from the period 1585 –1620

Cluny is a great example where Robert Adam, ignored the picturesque qualities of this unique castle and his own playful imagination of watercolour compositions and tried to make this building symmetrical

Alas although Robert Adam did not manage, the architect John Smith was to make this stunning example of our Golden age..... symmetrical !

The importance of such a complex design, you can only conceive the form, not from one single view point but a memory of multiple view points, with out trying to sound too grand, you must bring the element of time into the appreciation and perception of the building and that is the fourth dimension.

Of course Cluny is at the high end of composition, however by observation subtle picturesque Lessons can be learnt from existing castles and towers, that have no complex Aesthetic design features consider Greenan castle in Ayrshire.

If you consider the front elevation of Greenan castle ( [Greenan 1](#) ), the response is less than complementary, however if you control the approach from another angle, the same building takes becomes dramatic and exciting. ( [Greenan 2](#) )

This is an extreme example how it is possible to use the approach and the Building's setting in the landscape to heighten a dramatic response.

Although Greenan was not placed there for aesthetics, it was from castles such as these that Robert Adam, learnt valuable compositional lessons,

Consider the approaches to both Culzean ( [Culzean Approach](#) ) and Oxenford, both the first initial view is framed at an oblique angle, you are then drawn on a gentle curved road, with on both occasions the journey is further enhanced by the crossing a bridge, yet the big design issues Adam did not explore was the actual modification of forms and function within the building to relate to the approach

It was not until in a limited sense David Bryce consider ( [Birkhill](#) ) and finally in the mature work of Sir Robert Lorimer consider building such as ( [Arddinglas](#) ) and ( [Dunderave](#) ) that this unique Scottish design language was understood and used in a competent way.

Yet there is one fundamental difference however between the work of Bryce and Lorimer,

Bryce in the majority of his buildings are over complicated, the grace and elegance of restraint is missing, but adding excessive features and in some cases features that are purely decorative with no functionality behind the form Bryce in fact reduces the visual impact, consider ( [Ormiston](#) ) near Kirknewton.

In my opinion, Lorimer's finest work combines the three dimensional function shape shifting with a restrained grace were all non-essential elements are edited out the composition

This leaves a simplicity of form that is carefully considered in both a 3D but also elegance of detail and beauty in proportion perhaps an interesting analogy which might make an interesting comparison is the work of internationally famous dress designer Jean Muir.

She was known for her dresses responding to the form of the model, the dress would compliment the form not compete, the lines were deliberately simple and at a few restrained critical points there was exquisite detail.

Personally think one could be explained the very finest of early 17C Scots Architecture

### **Ardblair, Newton and Kirkmichael**

You might already be aware of some fine local examples of this Scots style, Consider Ardblair ( [Ardblair 1](#) ) and Newton both on the fringes of Blairgowrie Ardblair however hides its wonderful form, it is approached on the axis, so looks quite austere ( [Ardblair 2](#) ), in elevation would look quite bland, however if the approach was changed via a curved road on the angle, the expressive nature of the re-entrant stair would become dramatically evident ( [Ardblair 3](#) )

It is interesting to note this specific architectural composition was re-used

by James Marchbank Maclaren in his design for charming cottages at Fortingall stair being replaced by a chimney

Newton is a modified Z type plan ( [Newton 1](#) ), however note the interesting change of shape on the top floor of the West wing, moving from round to square. ( [Newton 2](#) )

A cap house feature that was common, but does create an exciting 3d visual feature, especially as at ( [Claypotts](#) ) in Dundee the top floor is slightly rotated to the perpendicular angle

In both examples reflect on how the limited use of dressed stone and harling actually enhances the visual impact of the dressed stone being used.

One further local example I would like to comment on a couple of local vernacular buildings with their backs hard against the main road of the village of Kirkmichael, the first village to the West of the proposed site.

Note part of the visual experience is the closeness of the building to the street, ( [Kirkmichael 1](#) ) note part of the dynamism of this simple structure is the way the building is cranked at an angle, note only a small window facing the road. ( [Kirkmichael 2](#) )

The building creates an important memory for the traveller along the A924 and a key for my design

Finally prior to explaining my design I would like to introduce the reader to Sir Robert Lorimer's design for his gate lodge at Balcarres.

This beautiful little building is a great example to show Lorimer's masterly understanding of Scots style, a building that would look odd in elevation but becomes alive in perspective

First note how the building has been designed in three dimensions and is orientated to have a visual dialogue with the entrance. On approach the entrance door is perpendicular to you, nothing else. ( [Balcarres 1 & 2](#) )

The main dormer on the small drum tower rudely ignores your presence, it's not until you pass along the road and past the building it grudgingly acknowledges your presence as the road runs parallel to the dormer and you pass by, subserviently underneath. ( [Balcarres 4](#) )

Note the eye is drawn to limited but specific items of exquisite detail consider the door and the dormer, both carefully embellished with a beautiful layering of exquisite detail, the harling on the building unifies the building and creates a backdrop for the form and the specific details to shine. ( [Balcarres 3 & 7](#) )

## **The Gatehouse**

The first solution to resolve the gatehouse is to exploit the view, the best view faces North East up a beautiful natural burn. The South / South West faces directly onto the A924, similarly to the houses in Kirkmichael, ( [Kirkmichael 1 & 2](#) ) the main façade was to be deliberately solid with few openings, creating a visual relationship to the houses in the first village up the glen, that of Kirkmichael however the main room was to face directly up the burn turning its back on the Road. The living room would then face directly up the burn. ( [Gatehouse of Merklands Per 1](#) )

The living room is suggested to be light be a large clerestory, similar to the effective one I designed for the white cottage. ( [White Cottage, interior](#) ) Such a feature allows sunshine and daylight to flood deep into the heart of the building.

The next challenge was how to mark the entrance to Merklands, this was to be done in two stages. The first like Balcarres, was to use the feature of a dormer/turret, however instead of using stone, the dormer was to be designed in glass and steel. This allows for a slim line section and an opportunity to refine the details to one on minimalism and hopeful elegance. ( [Gatehouse of Merklands 2 – 6](#) )

Note the composition placement of the dormer / turret similarly to that of Balcarres further at the corner the spiral stair is placed to unity the composition and provide access to the rooms above, note small oriole to provide a specific point of interest for the eye ( [Gatehouse of Merklands 4](#) )

### **Merklands Tower**

The concept was to exploit the existing curved road, allowing multiply view points of the proposed tower. ( [Toor o' Merklands Per 1 – 5](#) )

To exploit this perspective two hierarchal interlocked towers were created with one to dominate the composition and have a distinct vertical composition to create a visual dialogue with the existing tall slender trees of the existing wood. ( [Toor o' Merklands Per 7](#) )

To augment the visual perspective and respond to the site and lines of sight the two towers were rotated, consider the work of Sir Robert Lormier at Dunderave. This design concept was further re-inforced by placing Glass and steel turrets at each corner of the tower and each turret in itself was further rotated ( [Toor o' Merklands 8](#) )

These turrets not just try and respond to external aesthetic considerations but also to the internal requirements for the main bedroom to gain morning sunshine and frame the view of the hills of the forest of Clunie and In the main living room to gain South and west light and to frame the view across the heather moors and the distant mountains of Ben Vuirich and Ben Earb.

While from underneath on approach create expressive visual lanterns, that sparkle through the dark forest.

No upper Windows have be placed facing North East, so there is no overlooking of the existing house of Merklands ( [Toor o' Merklands Per 6](#) )

From the above description, it is hoped to demonstrate how it is possible to be inspired by our indigenous architectural language and leave a legacy for the future without copy or pastiche.

Crichton Wood

Crichton Wood Architects

1<sup>st</sup> July, 2013 ( [Image references added 25<sup>th</sup> Feb, 2014](#) )

## Design Statement Appendix A

### Gatehouse of Merklands and Toor o'Merklands

This statement is submitted in connection with the planning application for the above development. It responds to the principal planning policy considerations and offers support for the proposal in the light of these.

All planning applications for housing in the countryside should take account of national planning policy and guidance.

#### 1 Scottish Planning Policy

This is a statement of Scottish Government policy on nationally important land use. Paragraph 95 states:

All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards...

The designs of the proposed buildings have been evolved with these considerations firmly in mind.

- The architectural concept is rooted in the massing, proportion and detail of the centuries old 'white house' tradition of rural building in the locality;
- Care has been taken to locate the buildings sensitively into the existing landscape including restricting their footprints and working with existing trees and landforms and the design; and
- While clearly based on precedent, the design draws on the architect's deep understanding of the evolution of Scottish architecture to develop a new work of high standard, evolving concepts already established by him at Merklands and employed with commendation elsewhere.

#### 2 Planning Advice Note 72: Housing in the Countryside

This advice note considers development opportunities in rural locations and matters relating to residential development in the countryside. It recognises that there has been a significant increase in demand for living and working in the countryside and that the main opportunities for housing include:

- Conversion and reuse of rural buildings;
- Small-scale infill;
- New groups of houses; and
- Single houses.

The note suggests there a number of key factors relating to **location**:

**Landscape:** Site selection, locational aspects, landscape and the visual character of the area.

**Layout:** Matters of topography, orientation shelter, views, accessibility etc.

**Access:** Relates to ease of access and road solutions appropriate to the rural setting and character.

The note also suggests three key factors relate to **design** and that high quality must be integral to the new development:

**Scale:** Buildings should adapt best local elements and traditions into a modern context.

**Materials:** This suggests a limited and simple range of building materials appropriate to the location

**Details:** The careful and appropriate use, design and siting of the principal building elements

This is an example of the type of development and land use which is acceptable in the countryside as suggested in the advice note on account of the quality of its design and due consideration of the site characteristics and local character.

The sites of the proposed buildings have been carefully selected and the buildings scaled and orientated to fit with the landform and landscape. Footprints have been kept to a minimum and the creation of unsympathetic long access routes and junctions avoided. The buildings will be seen but they will make a contribution to the locality, adding interest. The fact that they are based on local traditions and appropriate materials, shapes, massing and colour adds to their sympathetic contribution while interest and value is gained from their progressive design and detailing. The designs are simple and appropriate. They reflect and continue the theme established in existing property on the site the design of which has been commended. They are unique outputs from a distinguished architect noted for his sympathetic designs in Scottish rural settings. They are clearly from his hand and would not lend themselves to replication or copying by others in manner that would set a precedent.

The houses would be a positive change, as demanded by Pan 72, which requires “it is well planned. The location and appearance of each new house must be determined with care and thought, as short-term thinking can have a long-term impact on the landscape” and they would contribute to and reinforce the areas own distinctive identity that is “determined in part by the local characteristics of the area’s architectural style of individual buildings and the relationship of these buildings to each other”.

It is suggested that these houses, as designed, are of such design quality and reflective of their time and place that they would have the potential to be recognised as being of special architectural and historic interest by generations to come. It is the applicant’s and designer’s intention to submit the plans to design competitions and national exhibitions as exemplars of 21<sup>st</sup> century Scottish rural housing design.

### 3 Perth and Kinross Esatern Area Local Plan 1998 : Housing in the Countryside Policy Annex 1

This sets out the council policy on housing in the countryside against which planning applications will be considered. It is built on the principles of NPPG3:

- Development should be encouraged on suitable sites in existing settlements;
- The coalescence of settlements and ribbon development should be avoided; and
- Isolated development should be discouraged in the open countryside unless particular circumstances are clearly identified in development plans or there are special needs.

Consent will normally only be given to the erection of individual houses in the countryside which fall into at least one of the following categories:

- Development Zones identified in the Local Plan
- Building groups
  - Within small existing groups where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group
  - Development within or adjacent to established groups that have compact nucleated shapes... provided the do not detract from the amenity of the group etc.
- Renovation of abandoned houses
- Replacement of houses
- Conversion of non-domestic buildings
- Exceptionally, where there is operational need

In all applications for housing in the countryside there is a requirement for high standards of siting, design and finish in accordance with council guidance on siting and design and government policy and advice.

In this case the proposal falls into the category of the building group on account of the fact that the proposal is for new development within the curtilage of existing buildings. It is suggested that the proposed houses would not detract from the amenity of those that exist. Indeed through their sensitive design which reflects property already present and their careful siting they create an ensemble not

untypical of the building pattern in this part of the countryside where it would not be unusual to find together a grouping of original tower house, Georgian or Victorian 'modern' house, estate worker's or grieve's accommodation and a gate lodge. The new buildings would add sensitively to the 'sense of place' of the existing building. These are unique and sophisticated bespoke solutions to the site designed specifically for this location that would not be appropriate elsewhere. They can therefore be supported without fear of setting a planning precedent.

Questions of design quality and relationship to government policy and advice have been covered above.

Stuart Eydmann, PhD Dip TP MRTPI IHBC FSA(Scot)  
30 September 2013



[illegible]

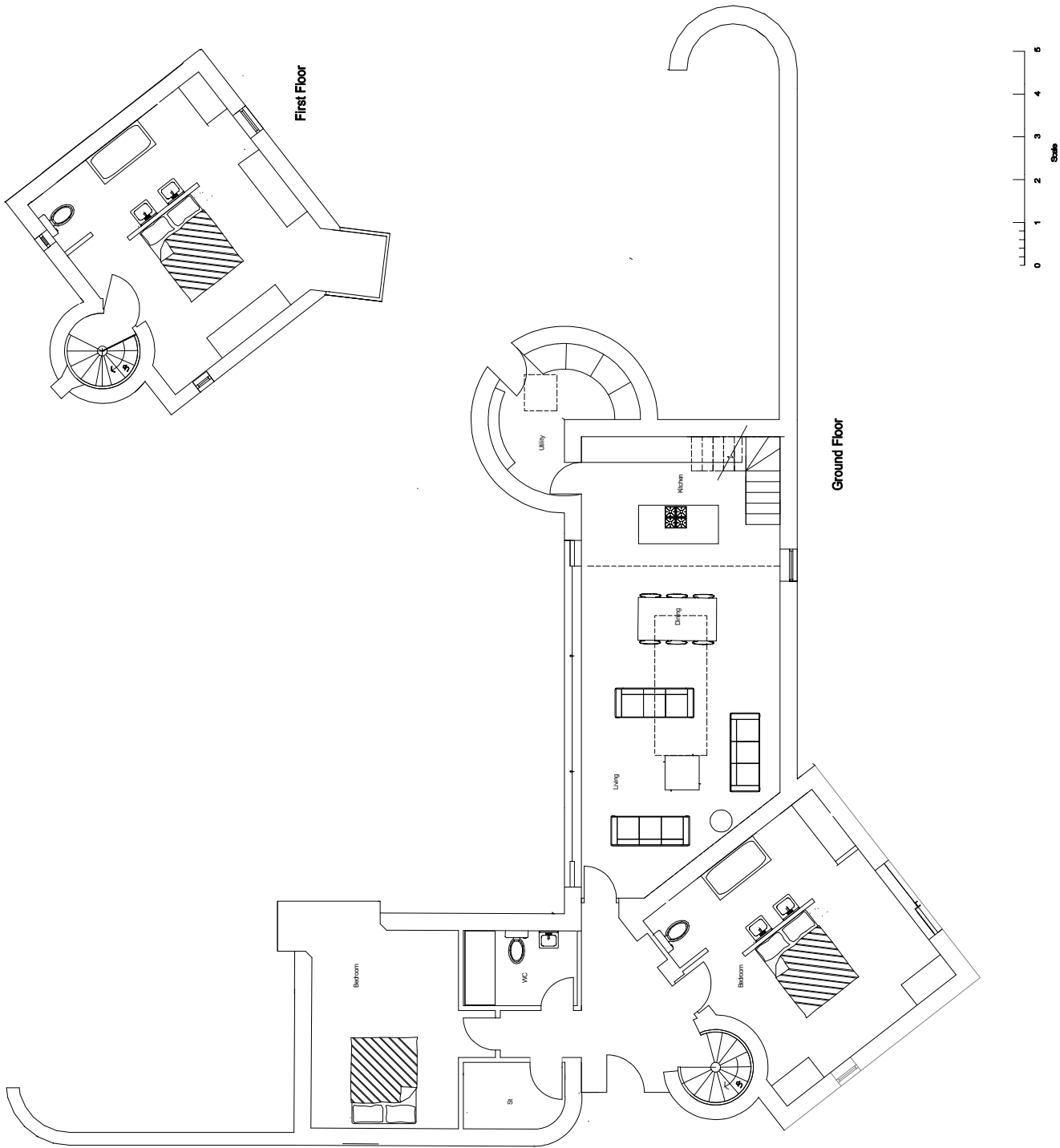
GENERAL NOTES

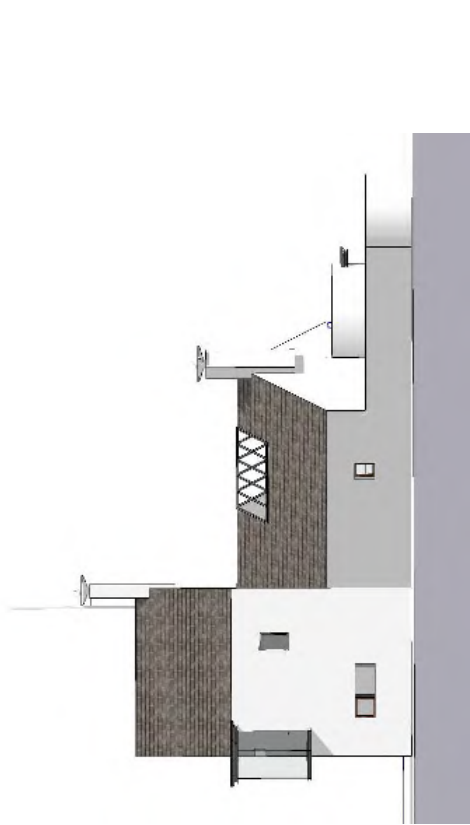
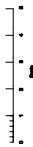
REV	DATE	DESCRIPTION
1	2017.08	Initial Design
2	2017.09	Revised Design
3	2017.10	Final Design

NO.	DESCRIPTION	DATE
1	Overall Dimensions	2017.08
2	Room Dimensions	2017.09
3	Material Schedule	2017.10

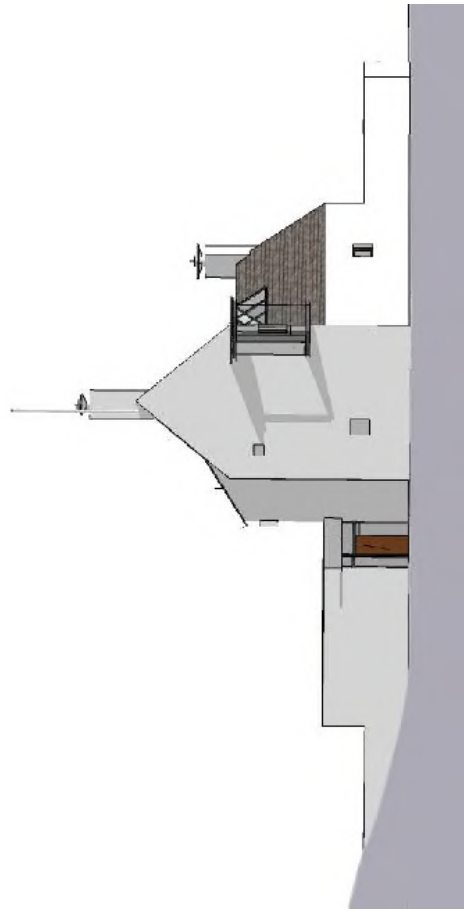
F. CRICHTON  
WOOD  
ARCHITECTS

Project: 205  
Drawing: 2017.08  
Scale: 1:50  
Date: 2017.09  
Drawn: C.W.M.





South West Elevation



North West Elevation

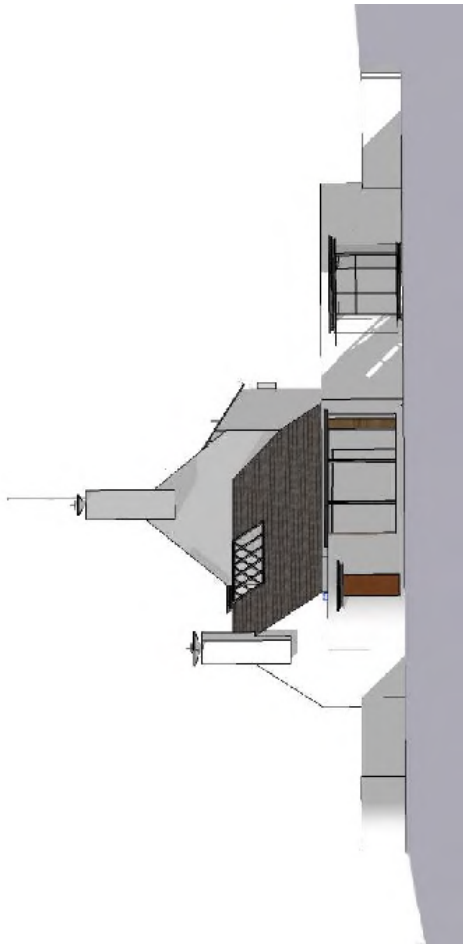
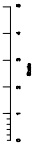
GENERAL NOTES

REV	DATE	DESCRIPTION
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2	02/15/13	REVISED TO ADD DETAIL
3	03/15/13	REVISED TO ADD DETAIL
4	04/15/13	REVISED TO ADD DETAIL
5	05/15/13	REVISED TO ADD DETAIL
6	06/15/13	REVISED TO ADD DETAIL
7	07/15/13	REVISED TO ADD DETAIL
8	08/15/13	REVISED TO ADD DETAIL
9	09/15/13	REVISED TO ADD DETAIL
10	10/15/13	REVISED TO ADD DETAIL
11	11/15/13	REVISED TO ADD DETAIL
12	12/15/13	REVISED TO ADD DETAIL

REV	DATE	DESCRIPTION
1	01/15/13	ISSUED FOR PERMIT
2	02/15/13	REVISED TO ADD DETAIL
3	03/15/13	REVISED TO ADD DETAIL
4	04/15/13	REVISED TO ADD DETAIL
5	05/15/13	REVISED TO ADD DETAIL
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7	07/15/13	REVISED TO ADD DETAIL
8	08/15/13	REVISED TO ADD DETAIL
9	09/15/13	REVISED TO ADD DETAIL
10	10/15/13	REVISED TO ADD DETAIL
11	11/15/13	REVISED TO ADD DETAIL
12	12/15/13	REVISED TO ADD DETAIL

F. CRICHTON  
WOOD  
ARCHITECTS

Project	205	Colony of America
Location	205	South West & North West Elevations
Scale	1/4" = 1'-0"	
Date	01/15/13	
Drawn by	CRICHTON	



South East Elevation



North East Elevation

GENERAL NOTES

REV	DATE	DESCRIPTION
1	01/15/2018	ISSUED FOR PERMIT
2	01/15/2018	ISSUED FOR PERMIT
3	01/15/2018	ISSUED FOR PERMIT
4	01/15/2018	ISSUED FOR PERMIT
5	01/15/2018	ISSUED FOR PERMIT
6	01/15/2018	ISSUED FOR PERMIT
7	01/15/2018	ISSUED FOR PERMIT
8	01/15/2018	ISSUED FOR PERMIT
9	01/15/2018	ISSUED FOR PERMIT
10	01/15/2018	ISSUED FOR PERMIT

NO.	DESCRIPTION	DATE
1	1	01/15/2018
2	2	01/15/2018
3	3	01/15/2018
4	4	01/15/2018
5	5	01/15/2018
6	6	01/15/2018
7	7	01/15/2018
8	8	01/15/2018
9	9	01/15/2018
10	10	01/15/2018

F. CRICHTON  
WOOD  
ARCHITECTS

Project	205	Oldwood Marina
Drawing	205	205
Scale	1/4" = 1'-0"	1/4" = 1'-0"
Date	01/15/2018	01/15/2018
Drawn by	000000	000000

South East & North  
East Elevations



Section A-A



Section B-B

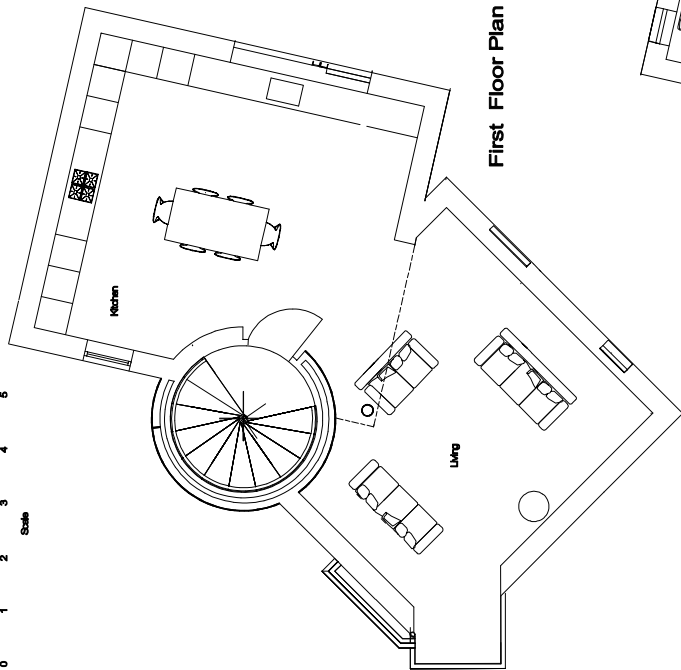
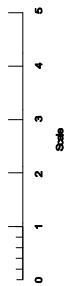
GENERAL NOTES

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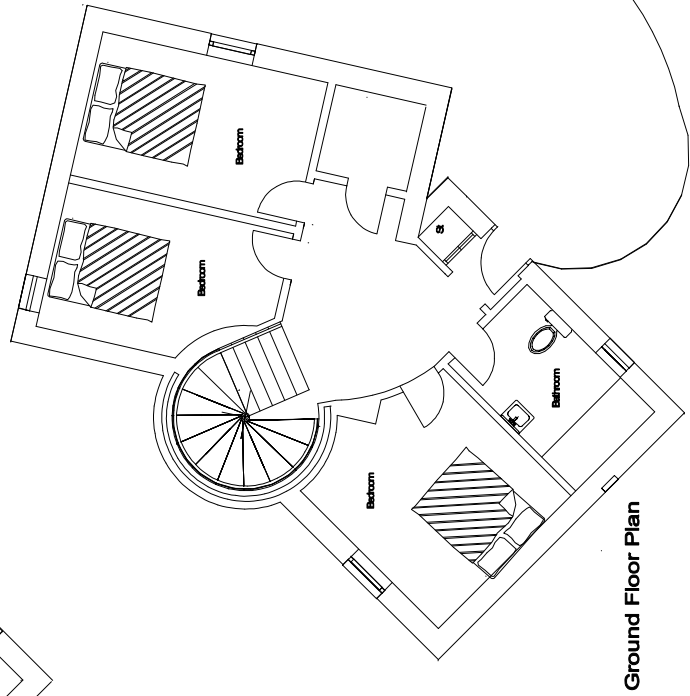
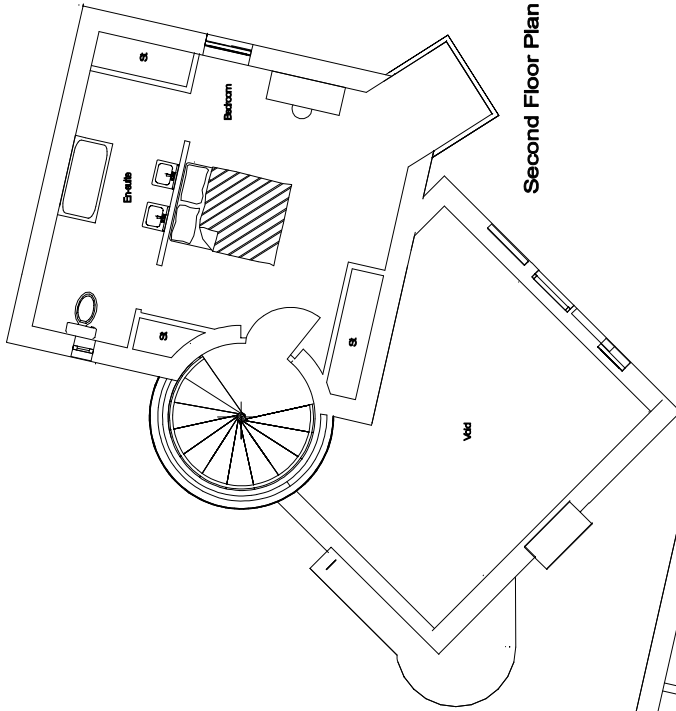
Key
Proposed
Existing
Survey
Top of Bank

F. CRICHTON  
WOOD  
ARCHITECTS

Project	20	Year of
Drawing	20	Month
Section	AA - BB	
Scale	-1:500	
Date	08/19/23	
Drawn	CW/MS	



Second Floor Plan



GENERAL NOTES

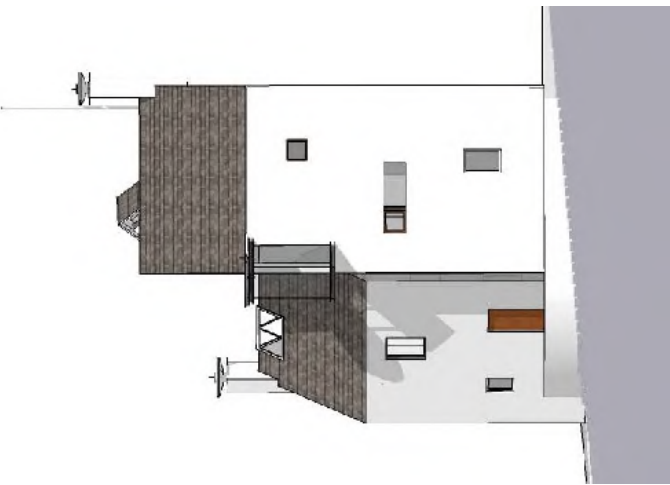
REV. NO. DATE

F. CRICHTON  
WOOD  
ARCHITECTS

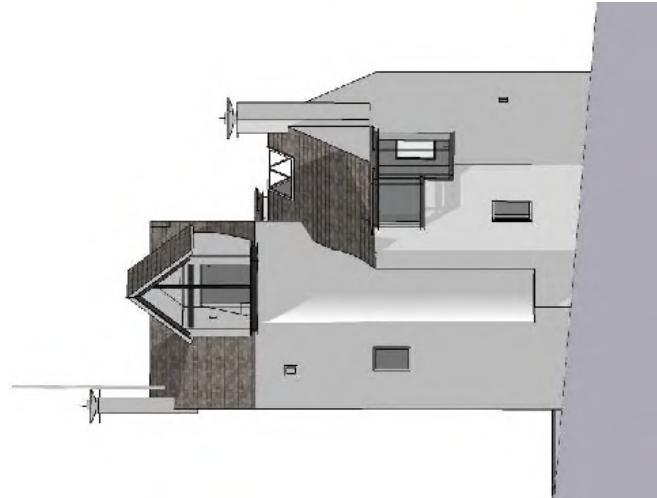
Project  
200  
Town of  
Merrill

Planning  
Floor Plans

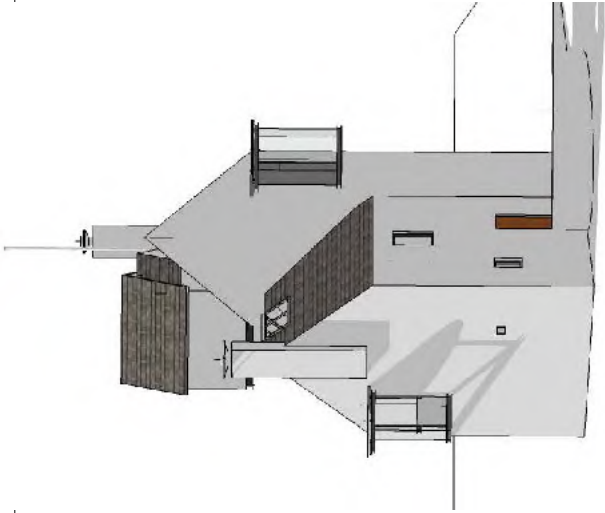
Scale  
1" = 1'-0"  
Date  
06/03/13  
Drawn  
CWB



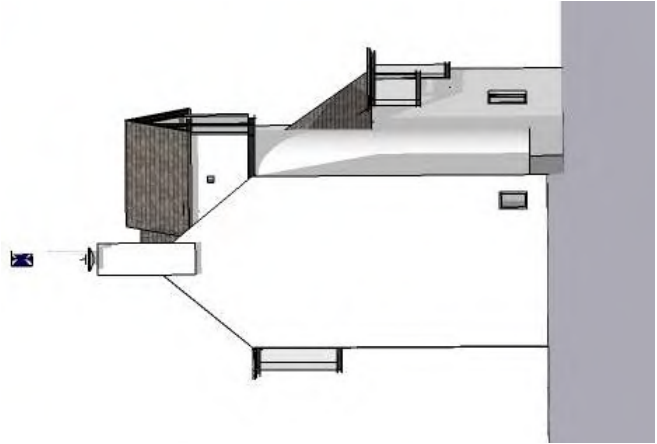
South East Elevation



North West Elevation



South West Elevation

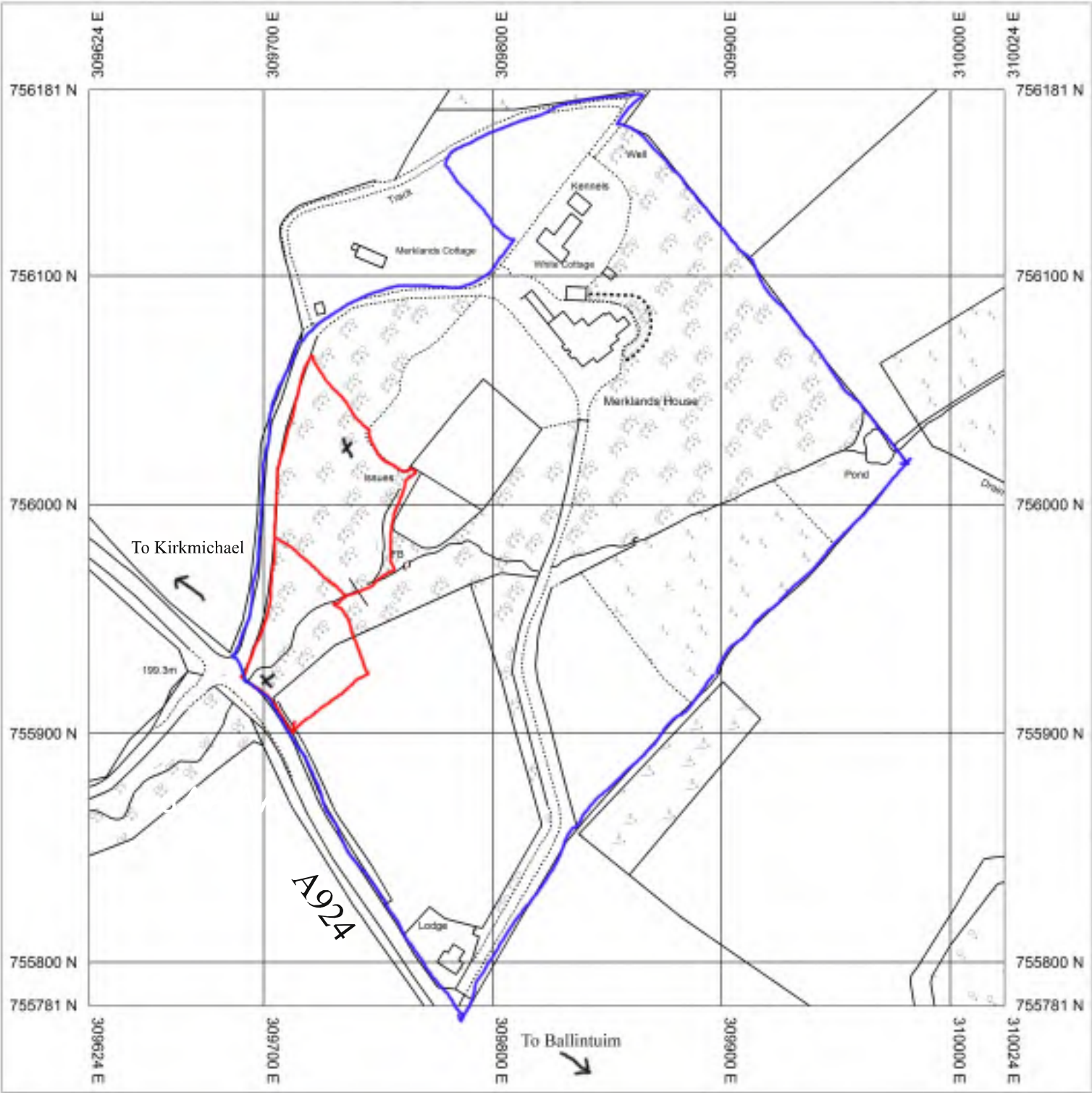


North East Elevation

GENERAL NOTES	
REV	DATE

F. CRICHTON  
WOOD  
ARCHITECTS

Project	Tower of Marklands
Drawing	Planning Elevations
Scale	- 1:20
Date	- 2018.13
Revision	-
CAD File	-



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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Supplied By: **Crichton Wood Architects**  
 Serial number: 001113538  
 Plot Centre Coordinates: 309824, 755981



# Design Solution

stage 5

## Function

### C(i) - Basic Functions

1. How does the design provide for a reasonable level of security?
2. How does the design provide for a reasonable level of privacy?
3. How does the design provide a reasonable level of comfort?
4. How well do the design of the gardens integrate with the houses?
5. How does the design provide places for children to play?
6. How does the design provide easy & safe routes between services?

### C(ii) - Support Systems

1. How will the energy requirements of the houses be minimised?
2. How renewable are the energy sources proposed?
3. How has light pollution been minimised?
4. How has recycling of water been maximised?
5. Is the drainage system proposed the most successful for the site?
6. How efficiently will waste be managed?

### C(iii) - Connectivity

1. How will pedestrian movements be given priority over vehicles
2. Is road access for key services most appropriate?

### C(iv) - Flexibility

1. How is access provided for those who are less able?
2. How adaptable are the buildings to changing circumstances?
3. How adaptable is the design to different uses?



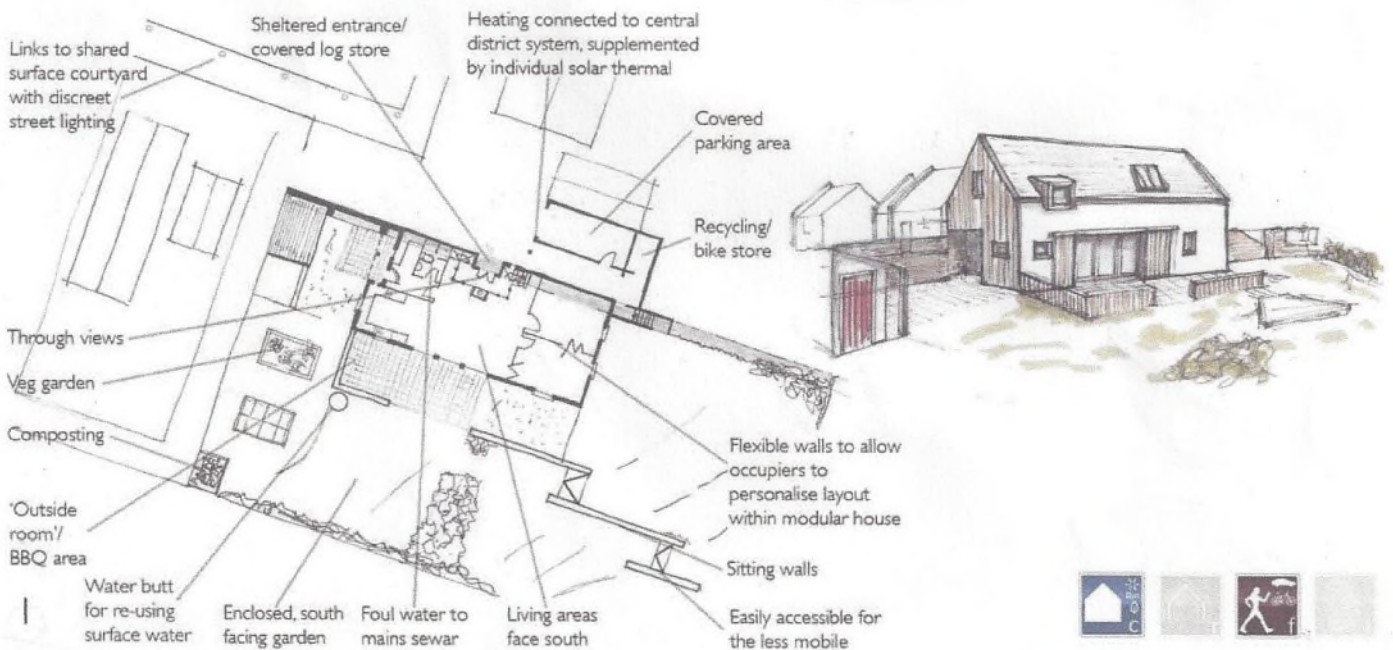
## Security/ Privacy

The scheme has been developed to ensure security and privacy is provided to all residents. Buildings overlook all streets, public spaces and routes through the site to ensure a safe and secure environment. Privacy in each house has also been considered by careful arrangement of the floor plans.



## House Design

The houses and gardens have been designed simultaneously to provide a good connection between the house and the surrounding landscapes. Flexibility has been built into the plan. An inhabited north facing wall is incorporated into the plan to house all the services and circulation. Openings to the north are minimal with the plan opening to the southern aspects.















Continued from previous page: The building is the main building of the University of the Pacific, San Francisco, California.







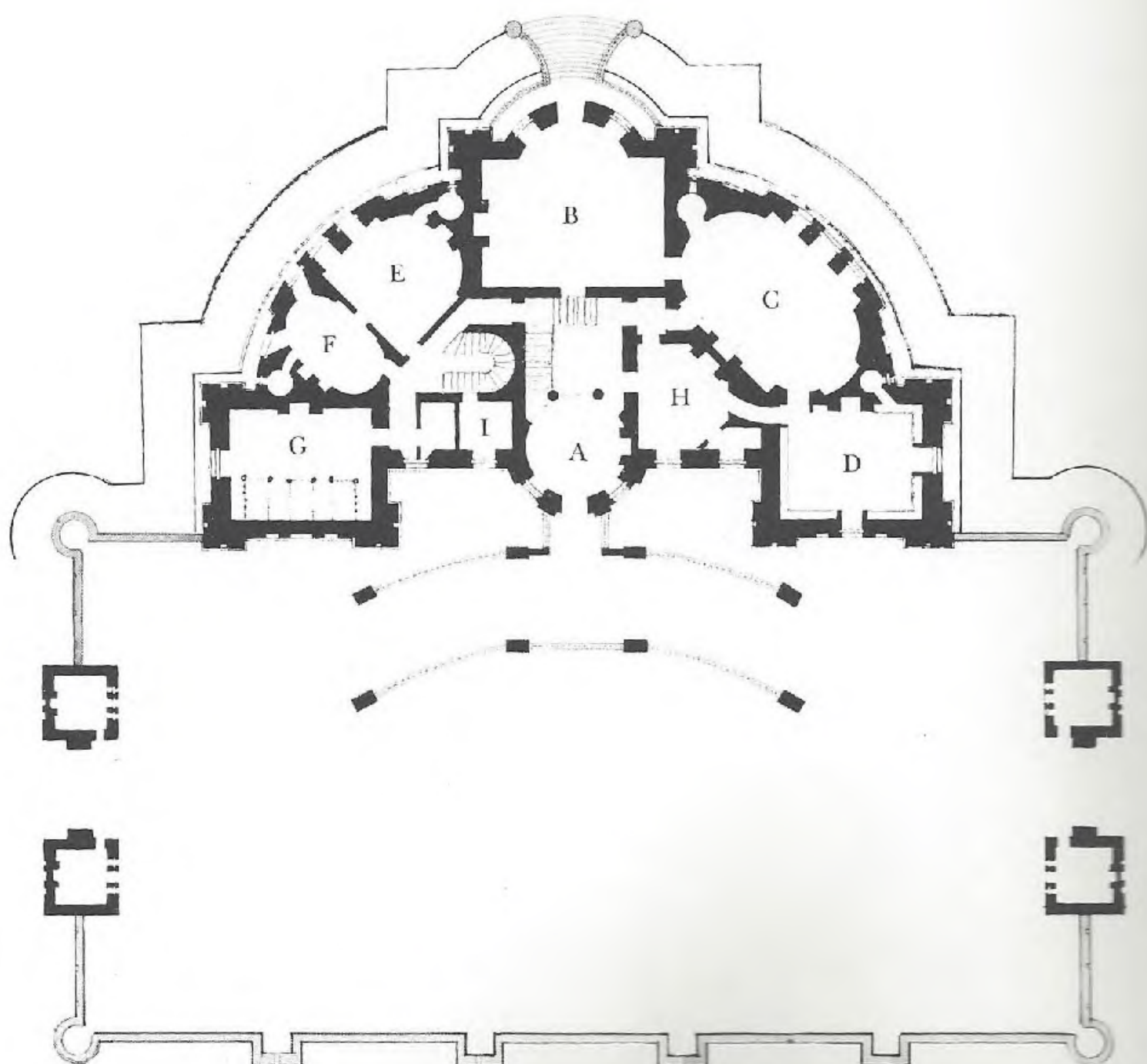
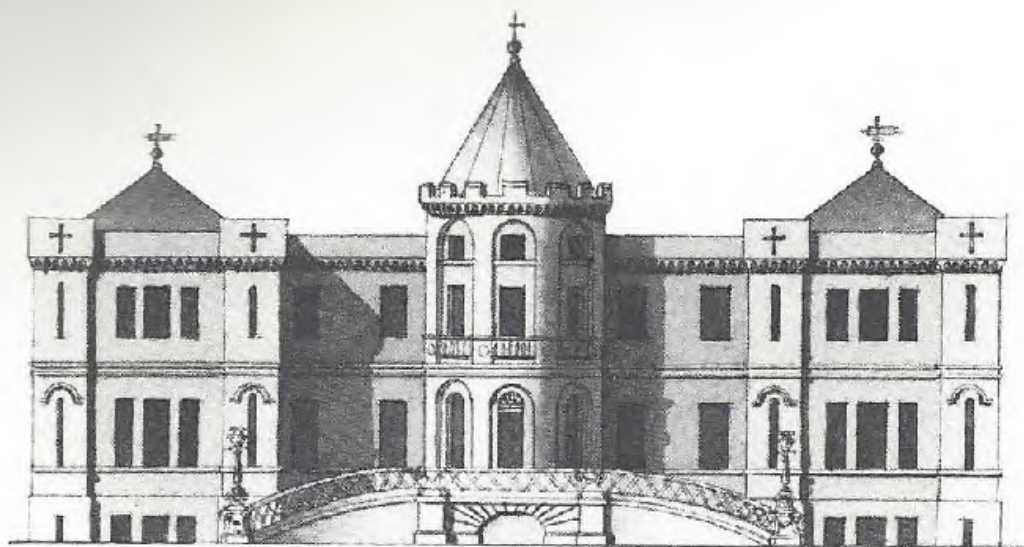


*Wood*









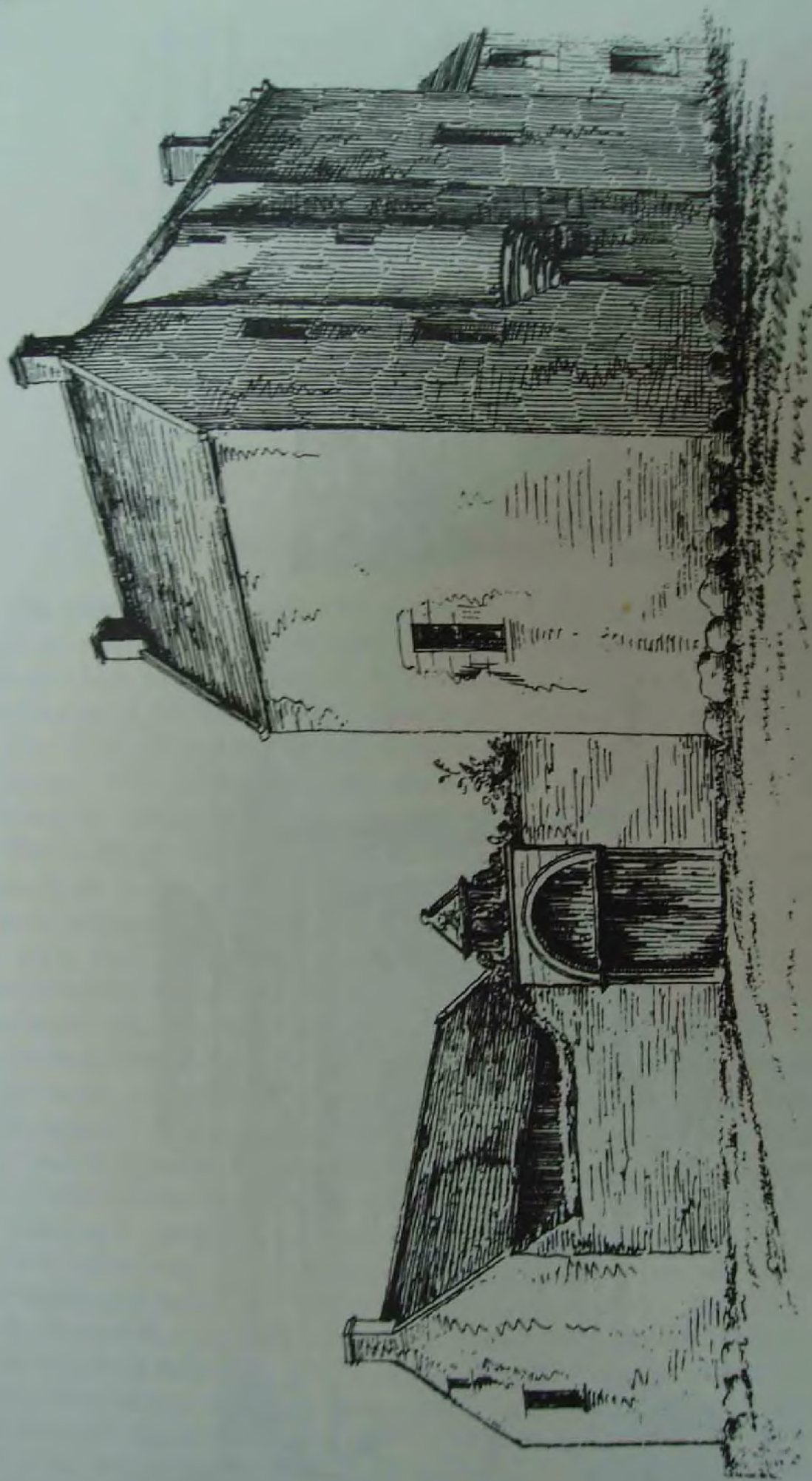


FIG. 861.—Ardblair Castle. View from North-West.























An eye-catching tower house by *Crichton Wood*, 1998–2000. Strictly contemporary design, relying for its effect upon form and massing rather than the replication of medieval detail. Three main storeys and a stepped L-plan, each element slightly angled to make the simple juxtaposition of boxes more dynamic. A circular stair-turret in the main (w) re-entrant angle, with the principal entrance alongside it, and a low w wing. Rendered breeze block and brick, with gabled slate-covered roofs. The stair-turret rises to a glazed caphouse, and two of the salient angles of the main tower sprout metal-framed glass turrets to capture the magnificent views to S and E.

Behind the site of the former house (of c. 1600, remodelled, 1835 and dem. c. 1950), 0.2 km. SE is the STEADING, now adapted for residential use. Single-storey courtyard plan, of c19 and earlier date; local rubble masonry with slate roofs. – The outlet from Macbiehill Loch is crossed by a single-arched stone BRIDGE dated 1838. – At the entrance to the drive leading to the tower house is an early c19 Gothic LODGE with earlier gatepiers. Across the road a wooded knoll with a MAUSOLEUM (*Robert Somerville*, mason, 1769) on its summit. Square on plan with pyramidal, vaulted roof covered with stone slabs. Excellent masonry of dressed sandstone rising to an ogee-moulded eaves cornice. Plinths for stone urns at the corners and apex, but the urns themselves are now stacked below. A pointed-arch window in the s wall. Within are the memorials of the Montgomery and Beresford families, the earliest a recumbent slab commemorating William Montgomery, second of Macbiehill (†1768). Beside the entrance gates a panel inscribed: THE VAULTS OF MACBIEHILL BUILT 1769 RESTORED 1974.

## MAKERSTOUN

6030

PARISH CHURCH, 0.5 km. N of the village. Rebuilt here in 1807–8 for Sir Henry Hay Makdougall. Of rectangular plan, with a two-storeyed entrance block added at the E end. The main s front is of red stugged masonry with raised margins at the quoins, the other walls of harled rubble. At the centre of the s wall is a small square turret (dated 1808) topped by an arched bellcote with a spirelet cap and cross finial. Two pointed windows on each side of the turret; that at the W end of the

THE BUILDINGS OF SCOTLAND

# BORDERS

Kitty Cruft, John Dunbar and Richard Fawcett

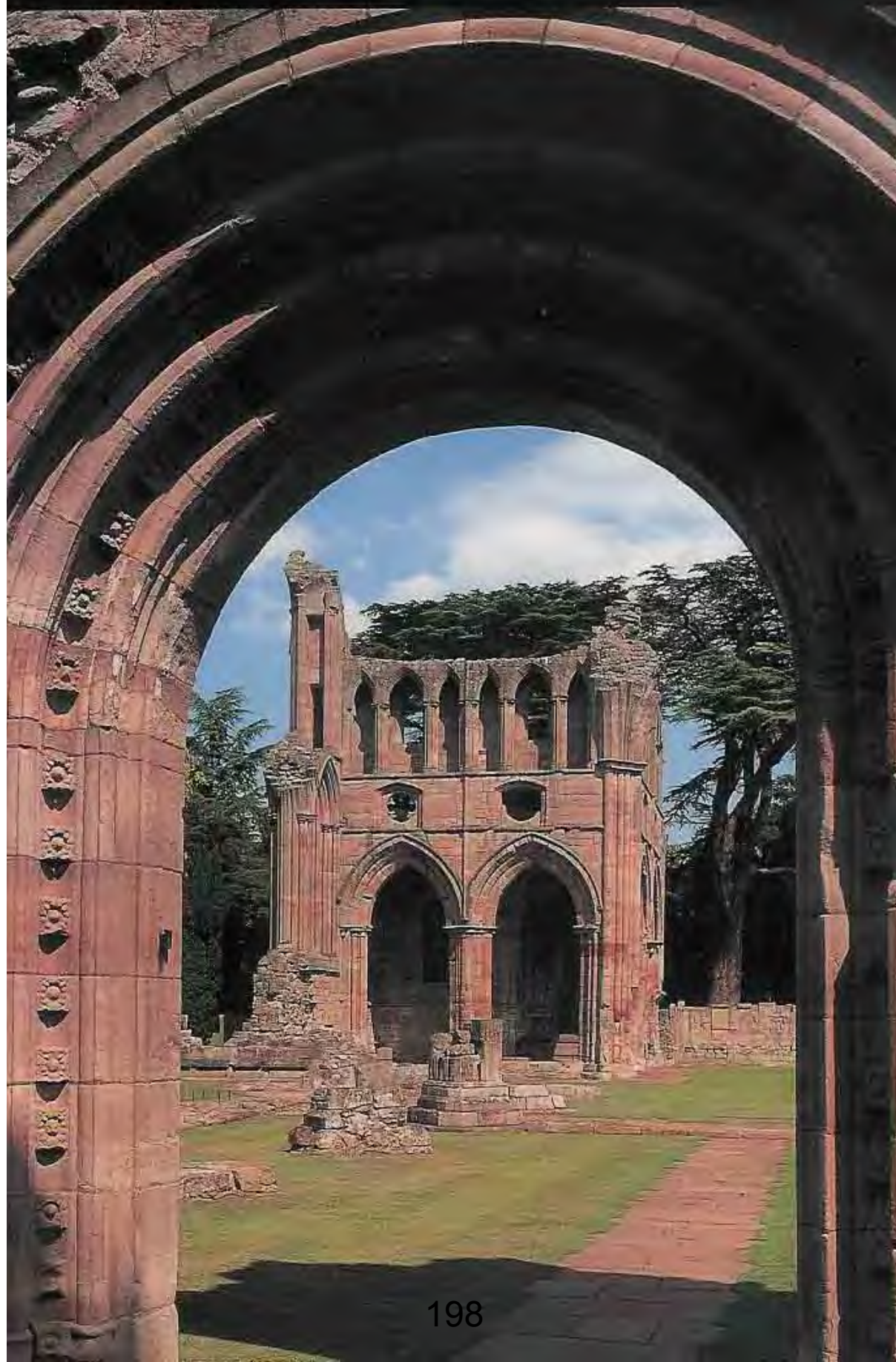






FIG. 688.—Cluny Castle.



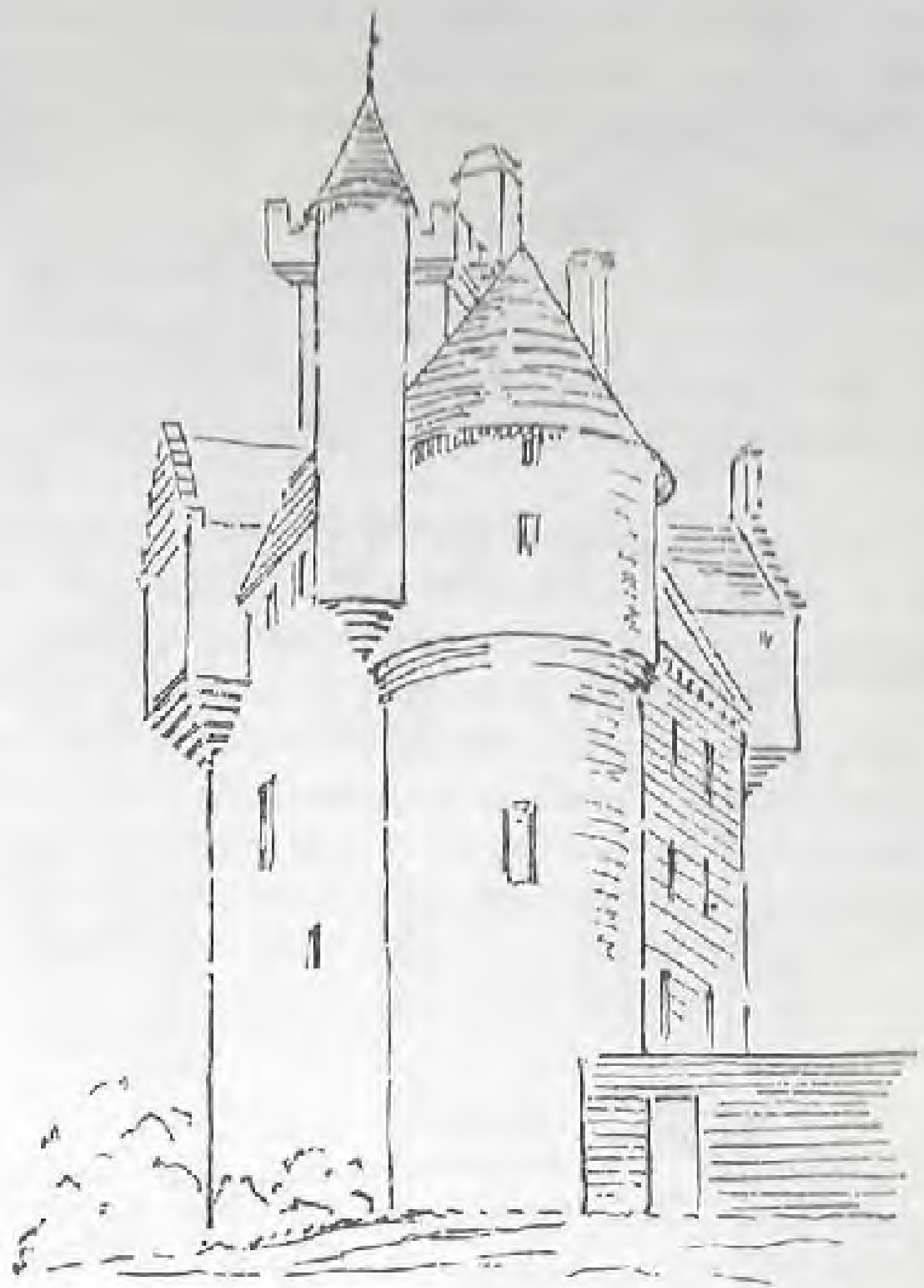


FIG. 689.—Clong Castle.

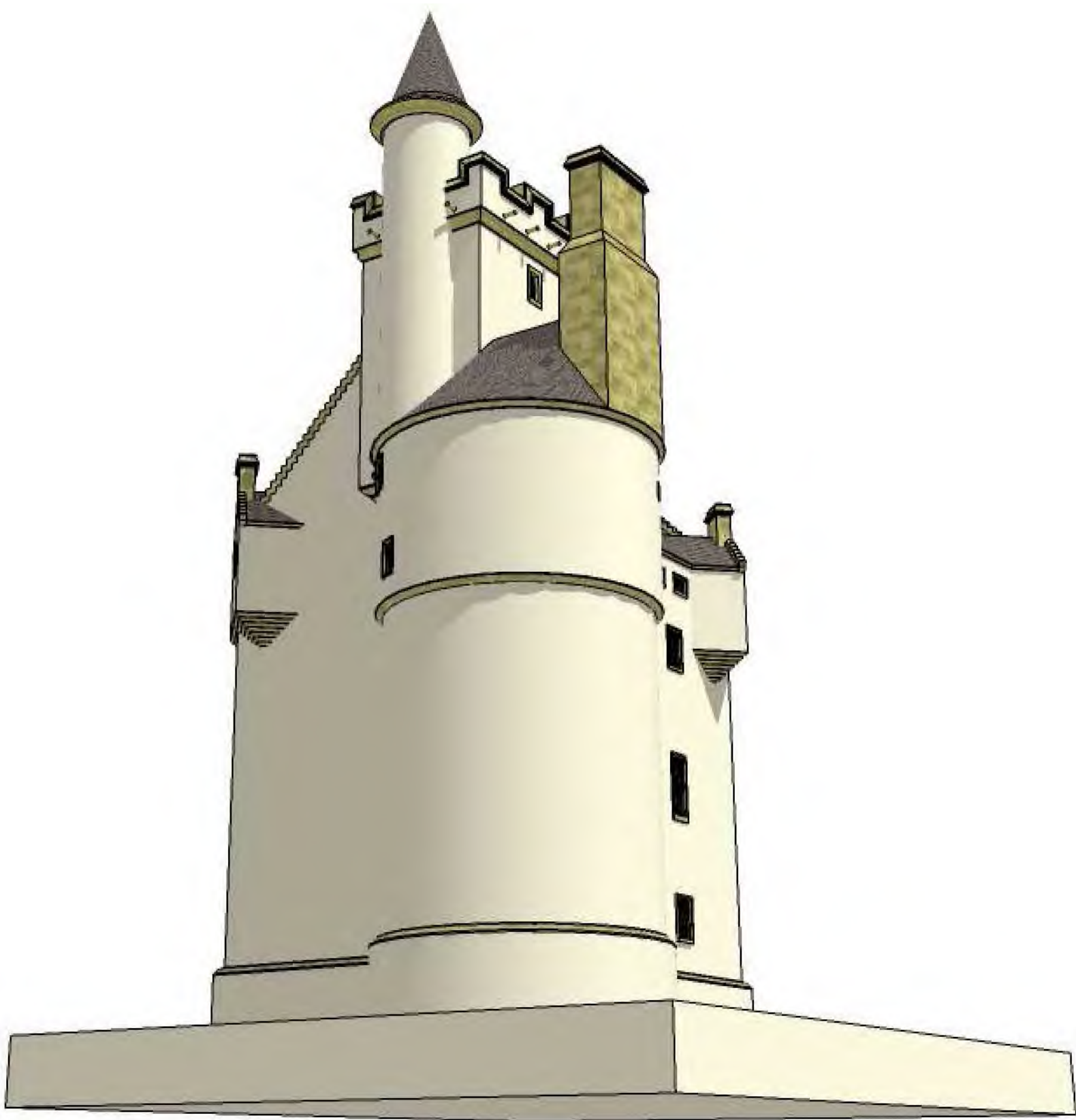


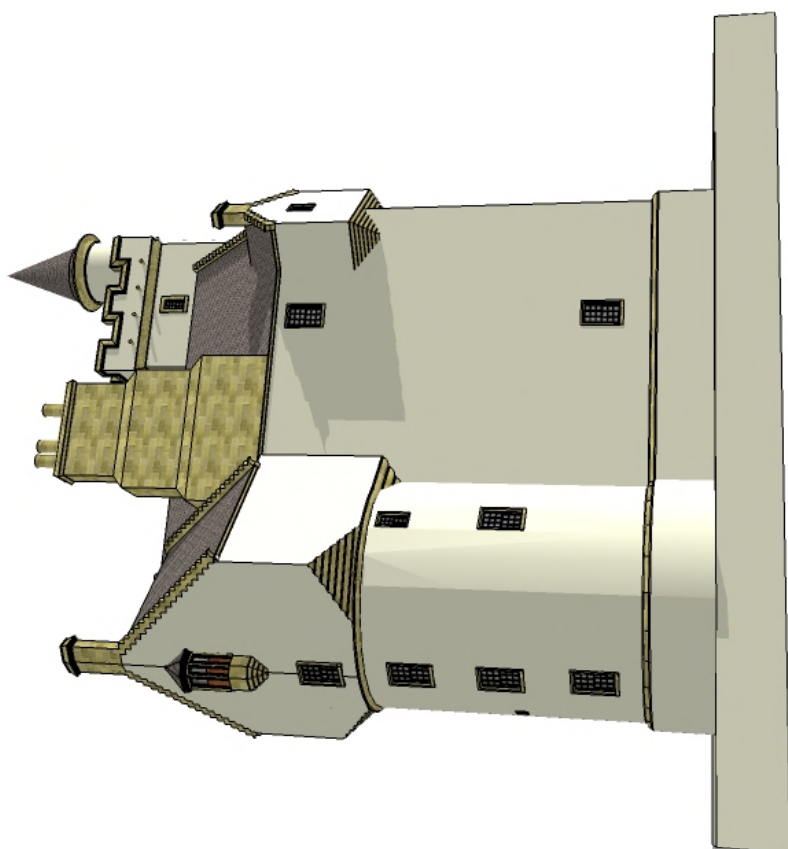
a Cluny Castle: from SW c 1789 (Soane Museum)



b Cluny Castle: from SE c 1789 (Soane Museum)

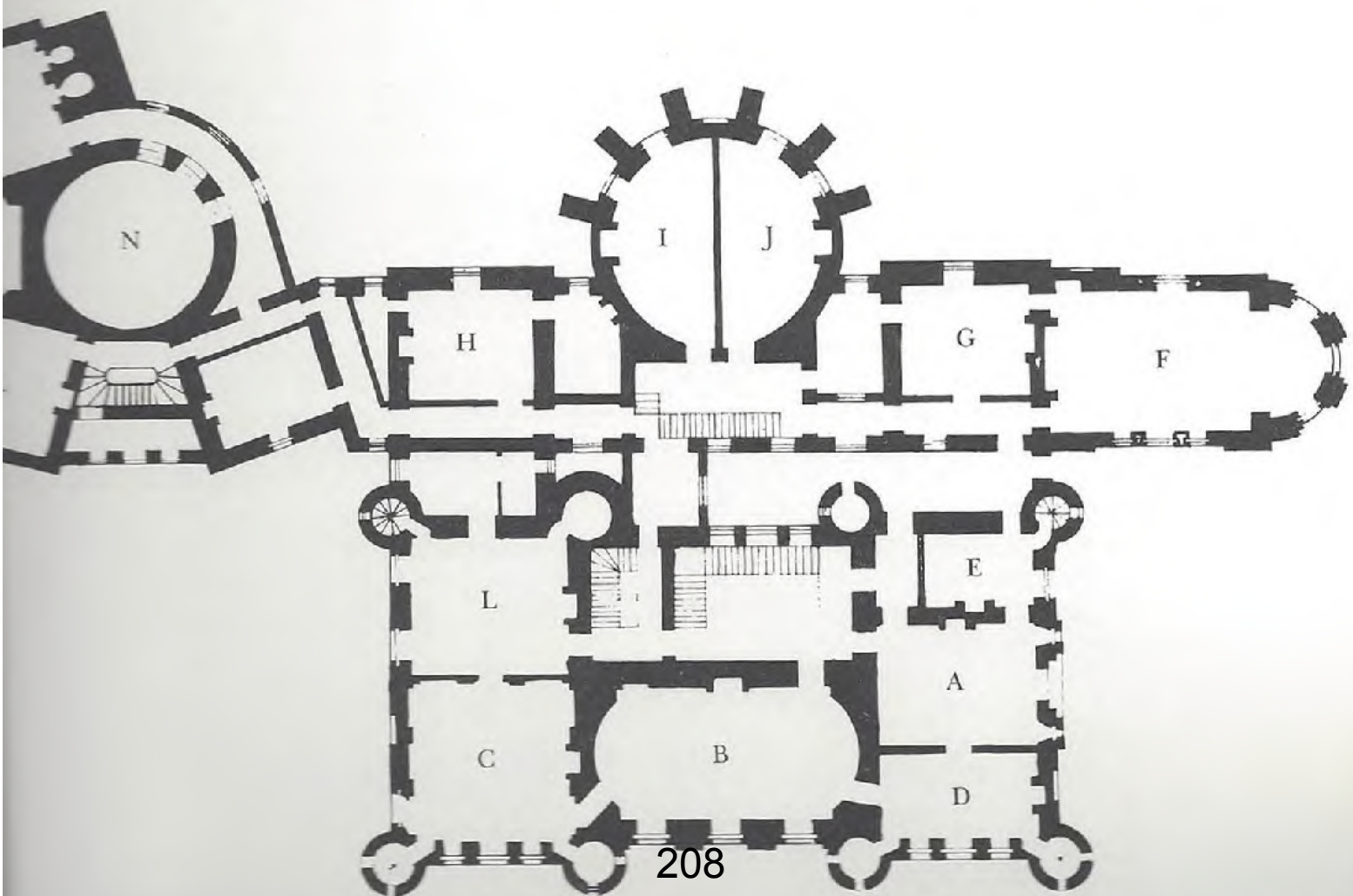
Cluny | SLADE





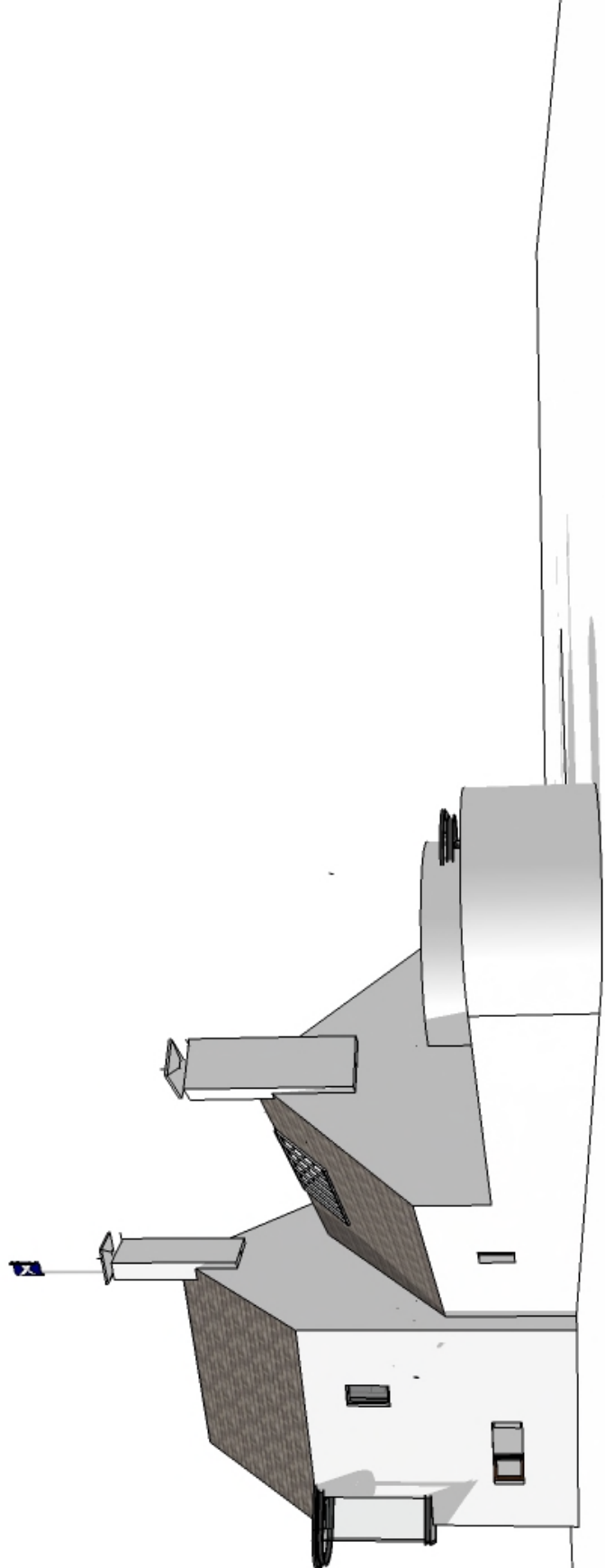


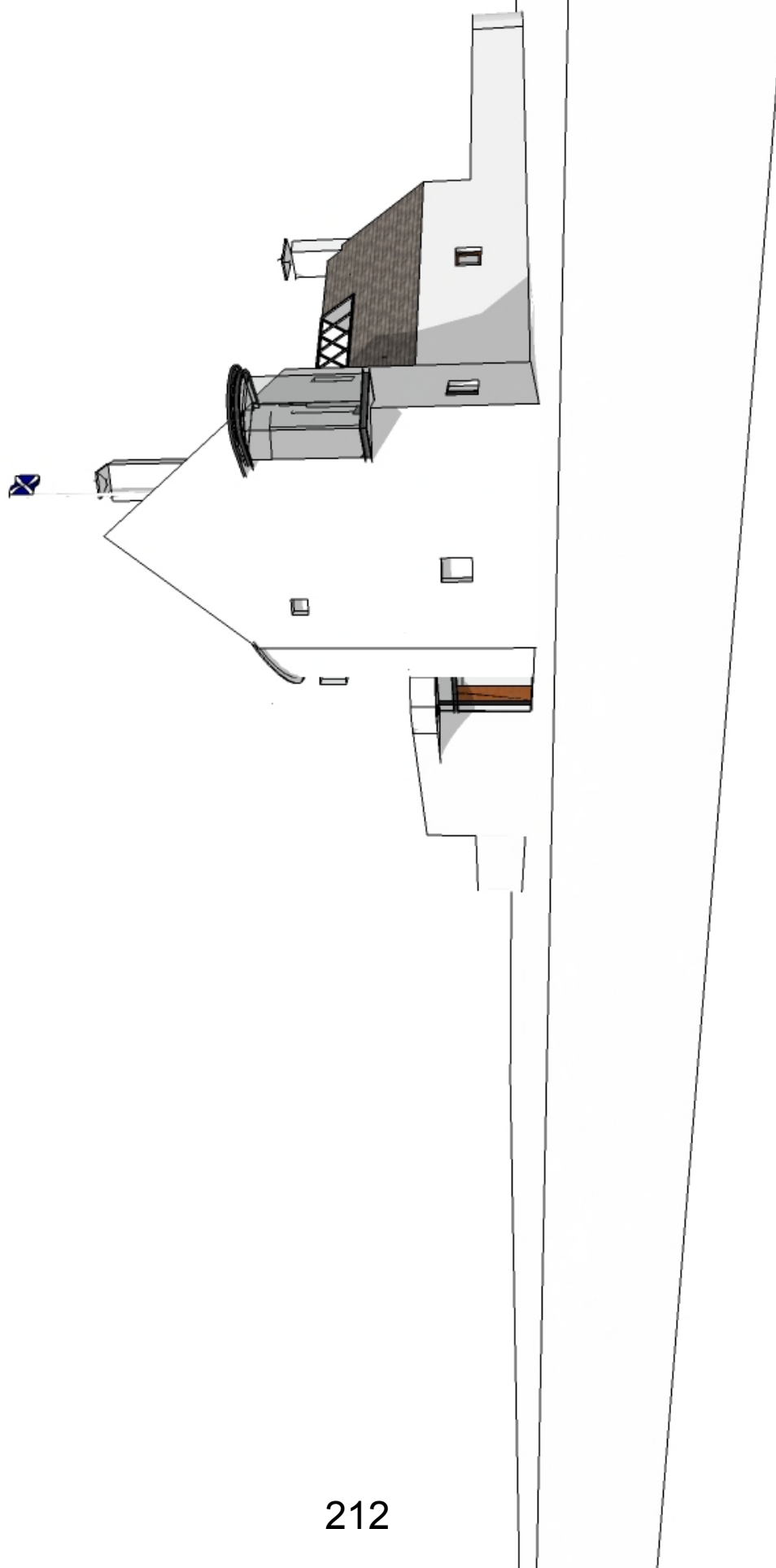


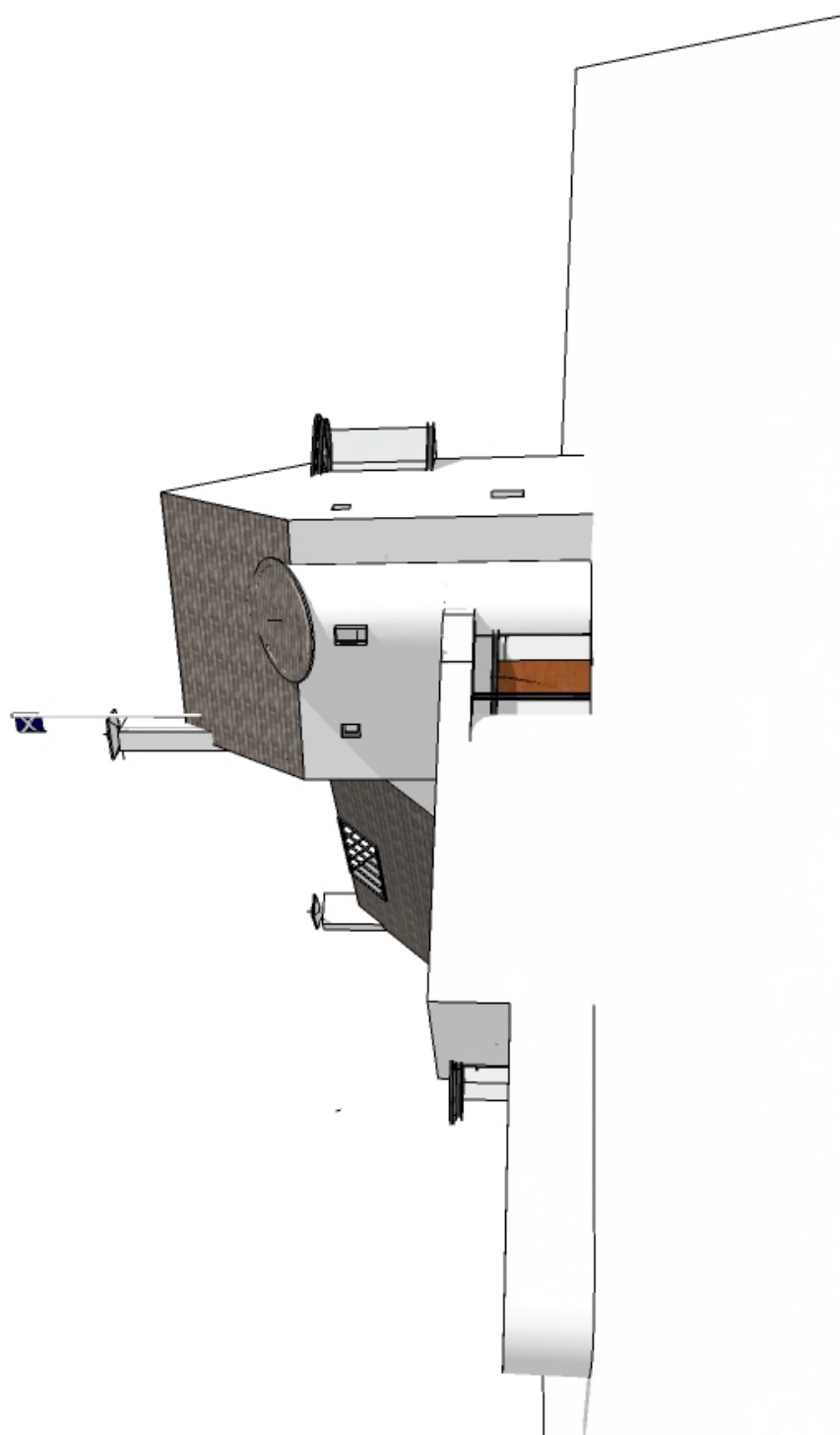


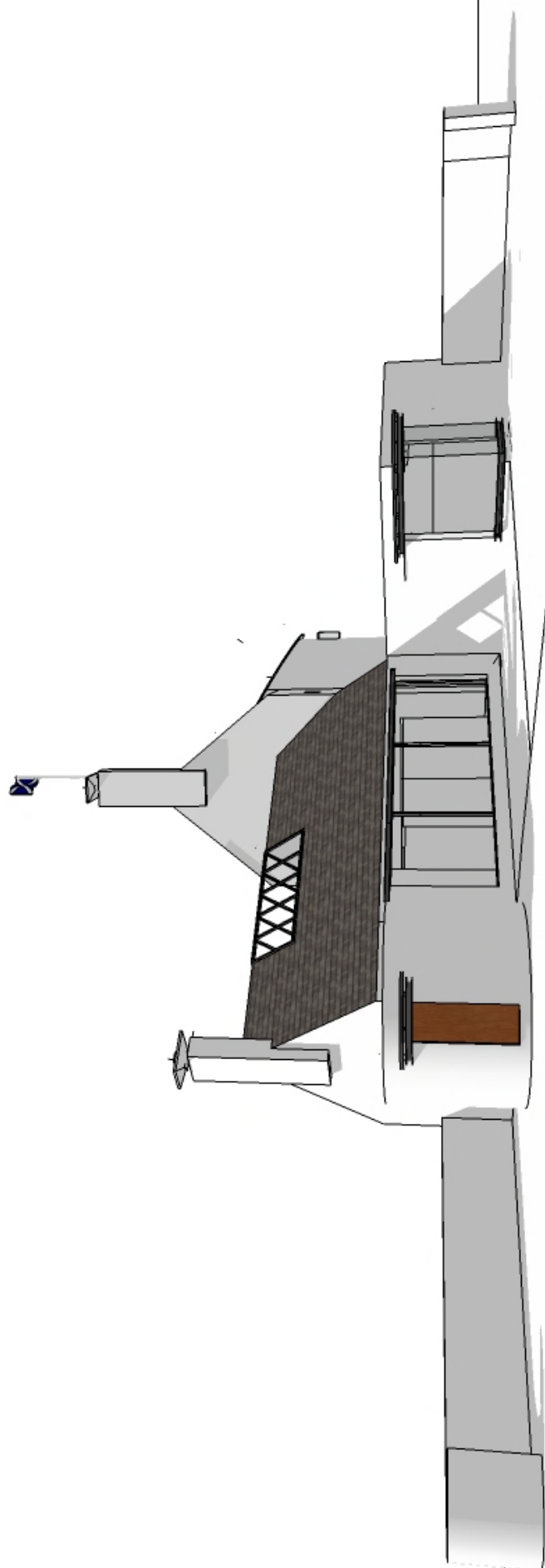










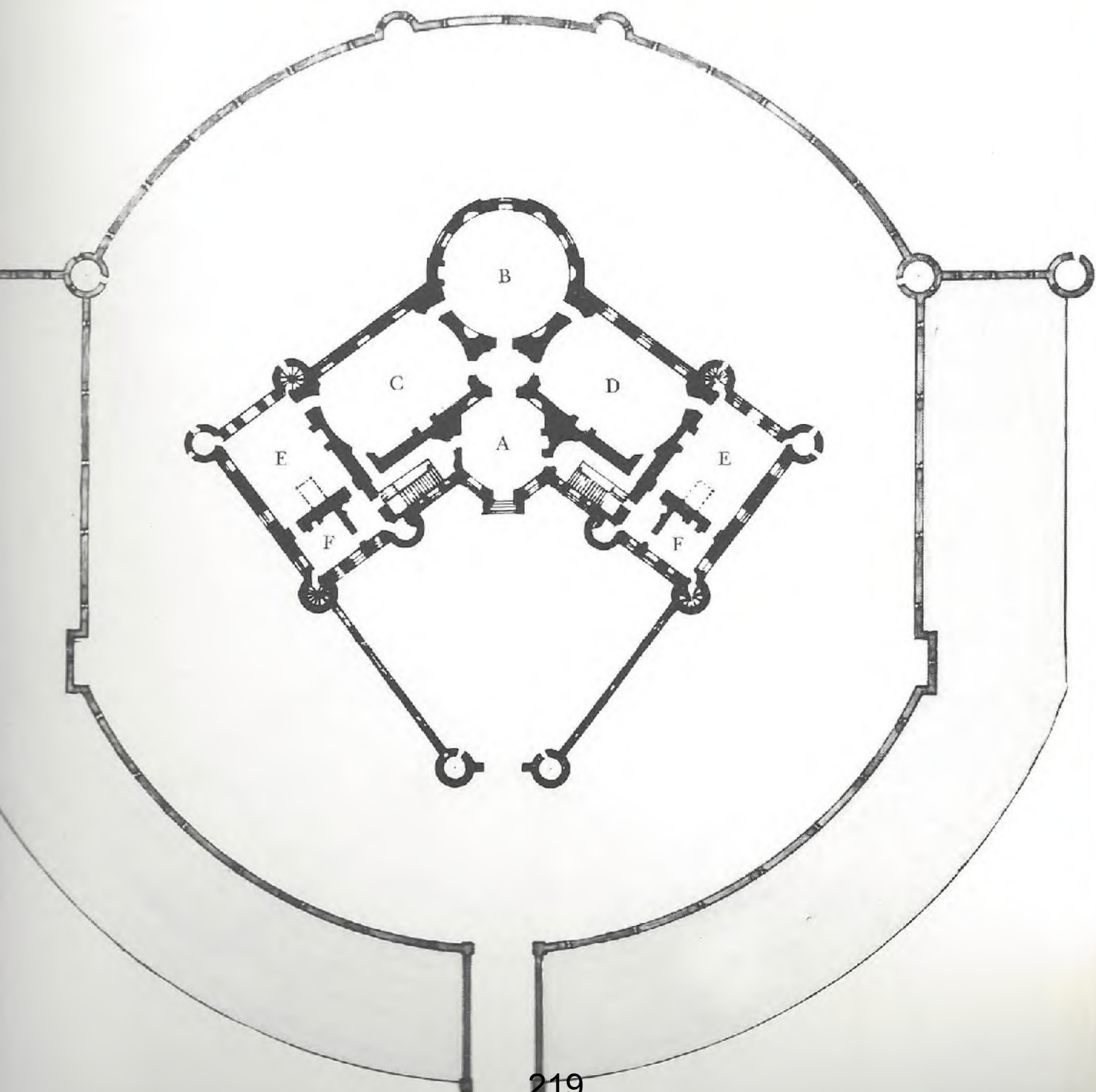
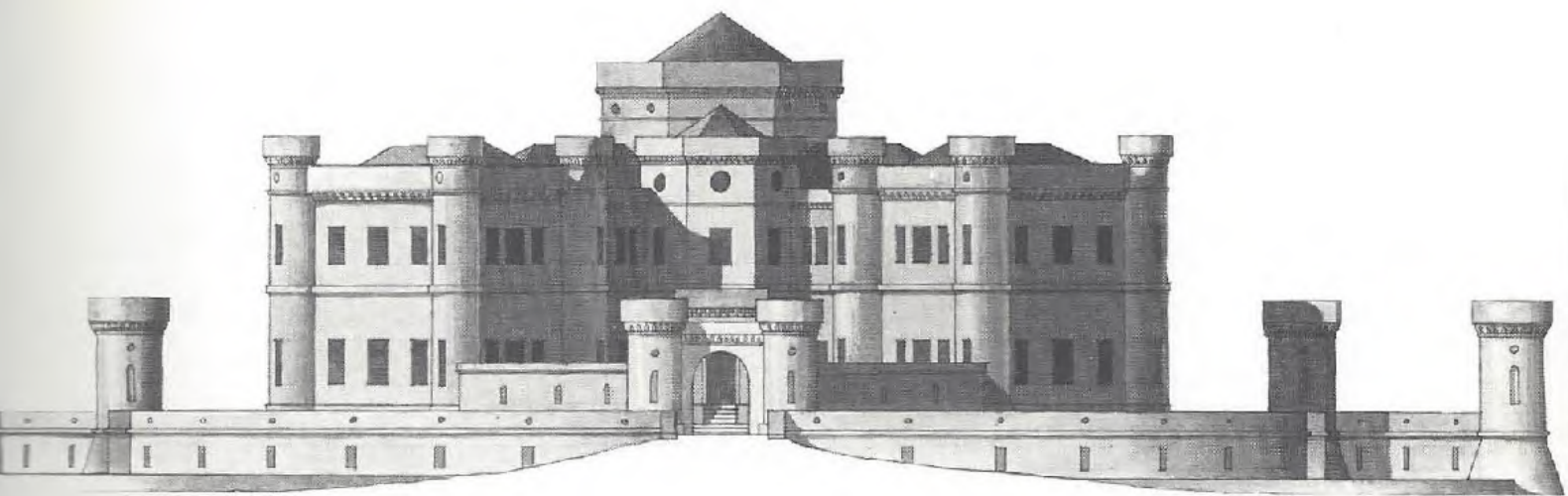












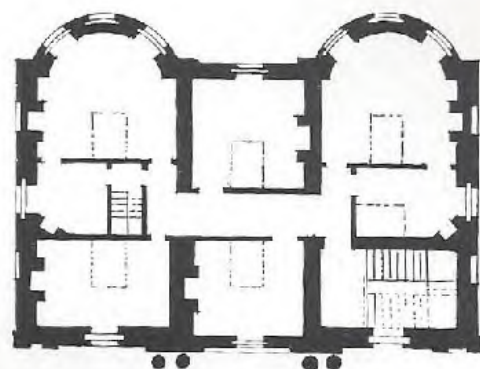
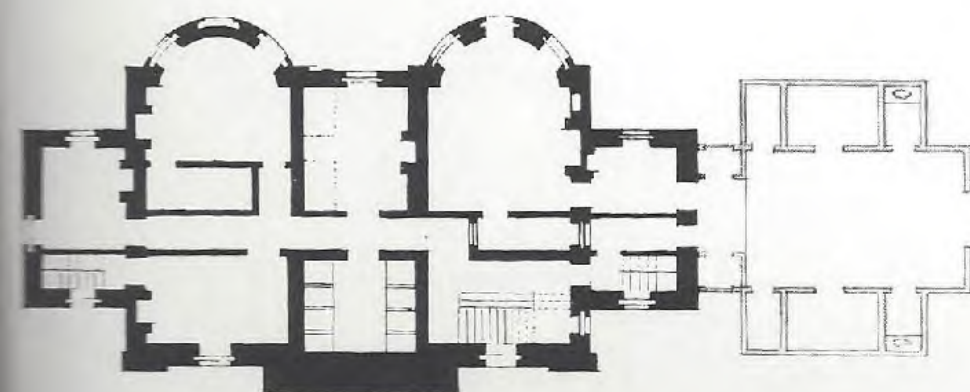
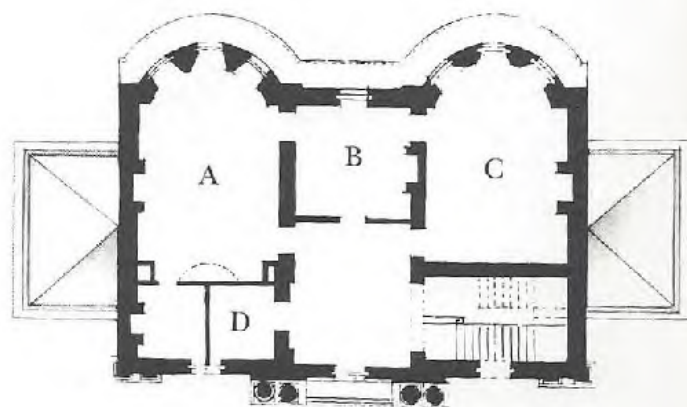
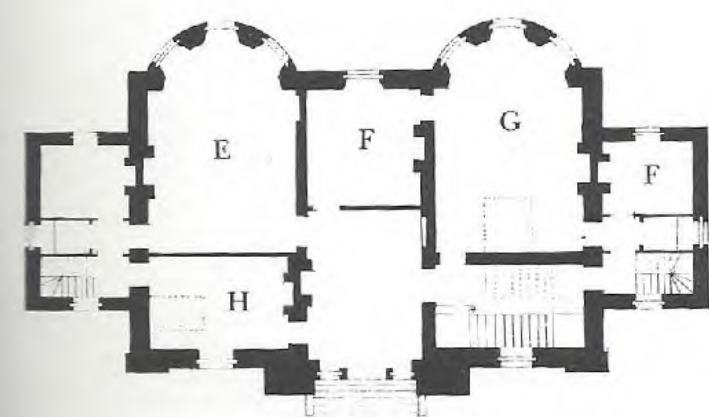
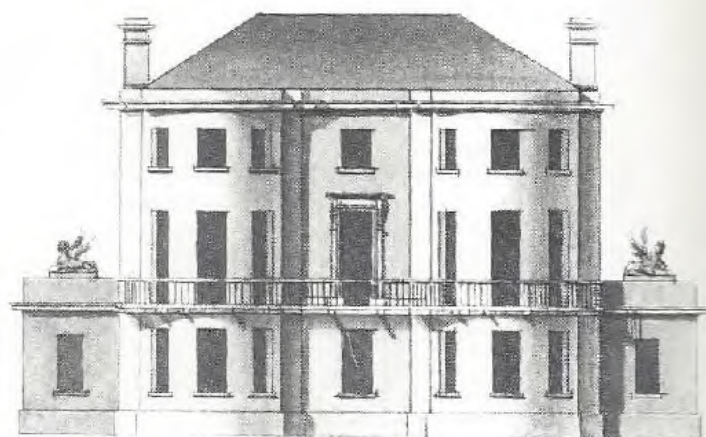
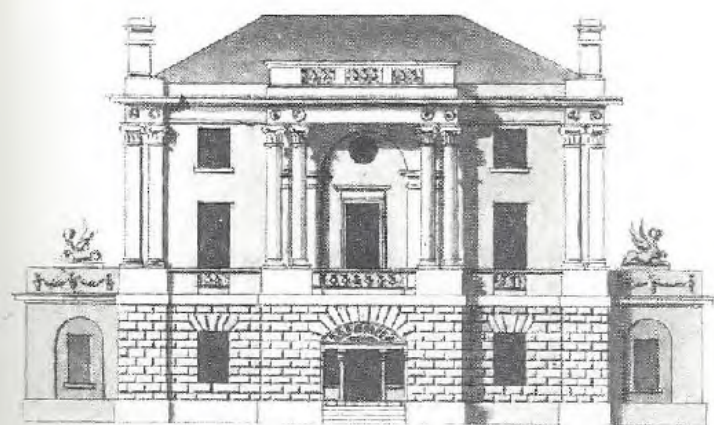


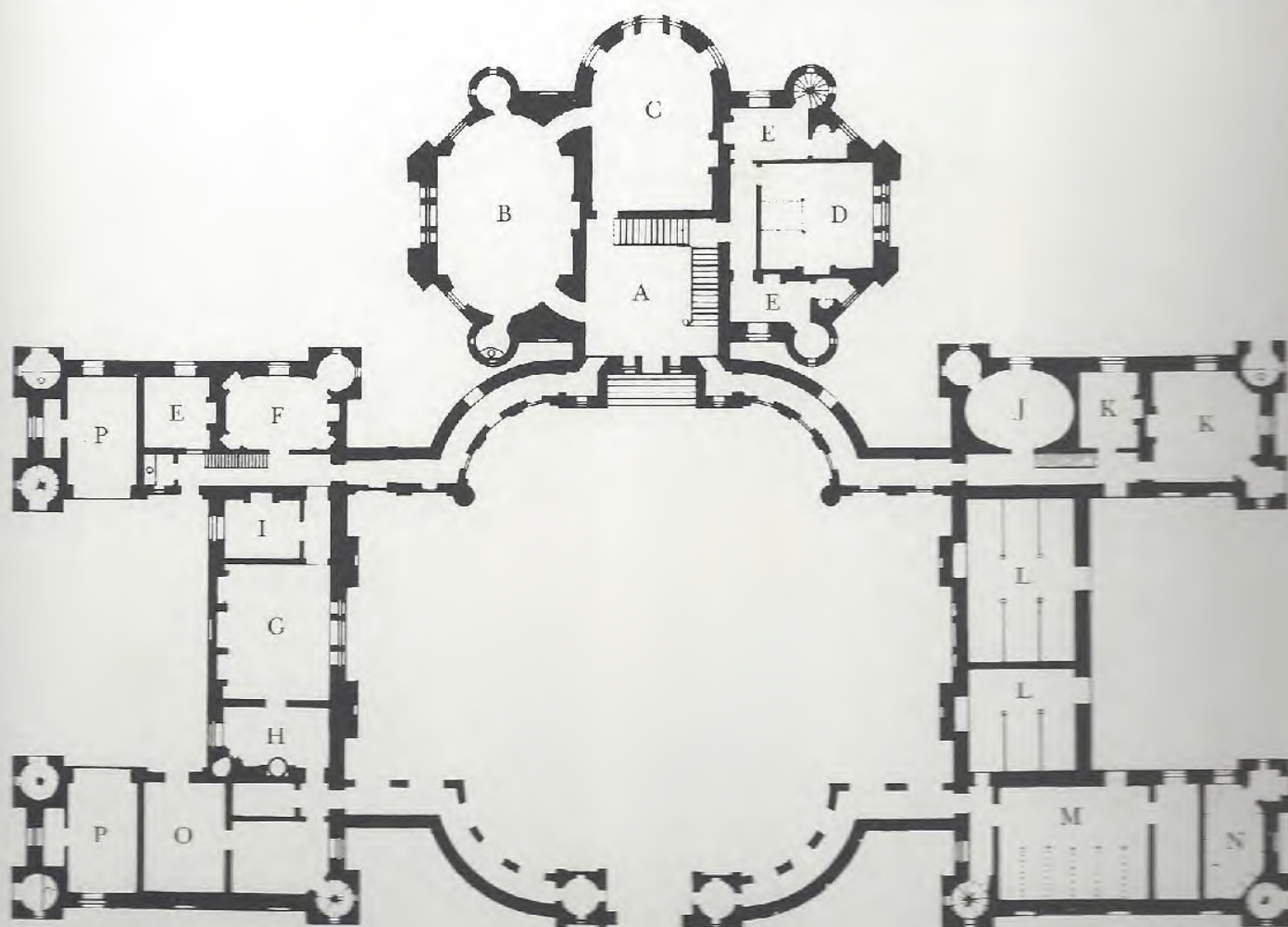
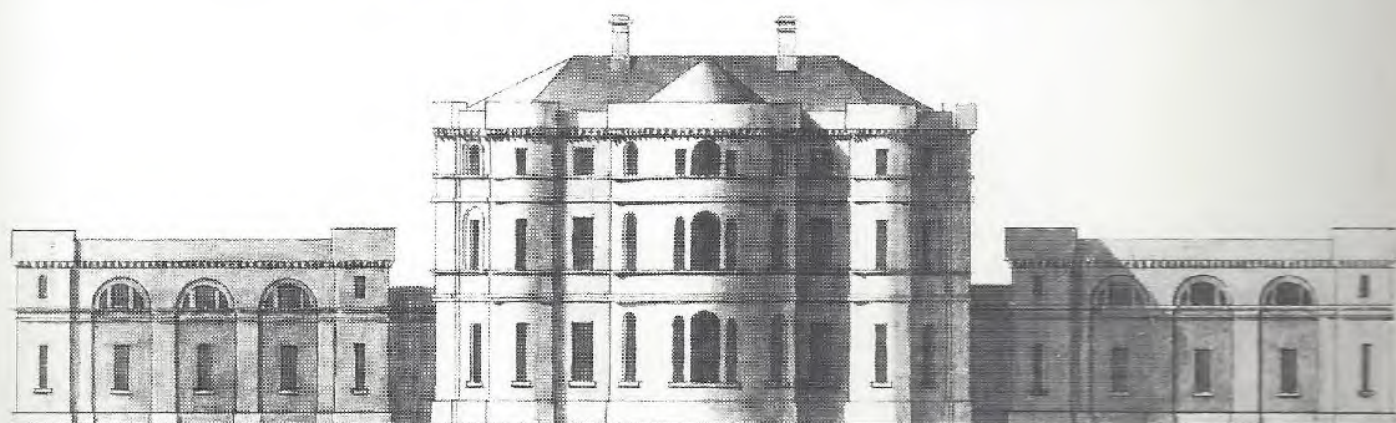
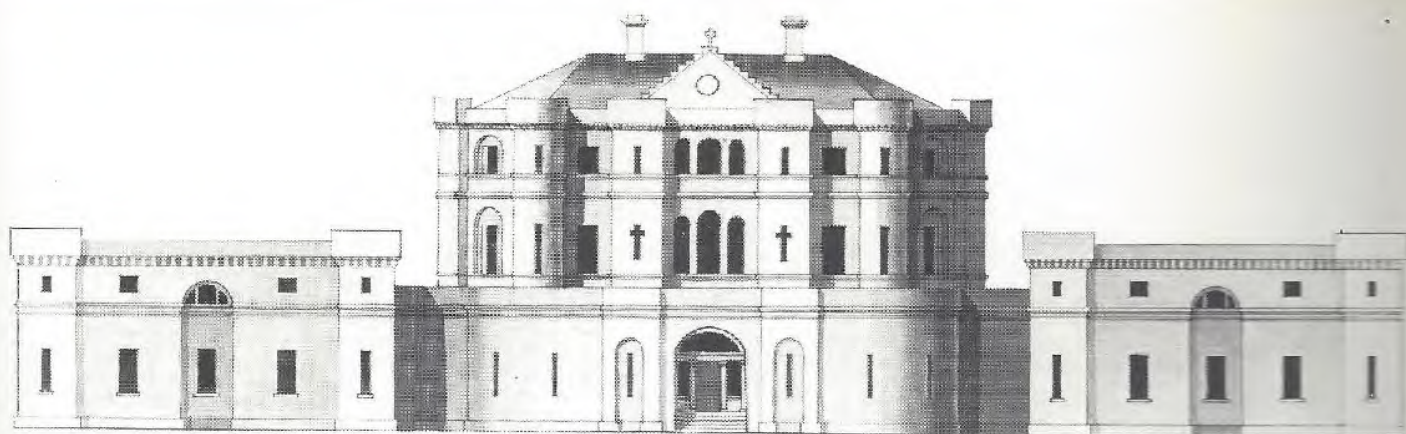


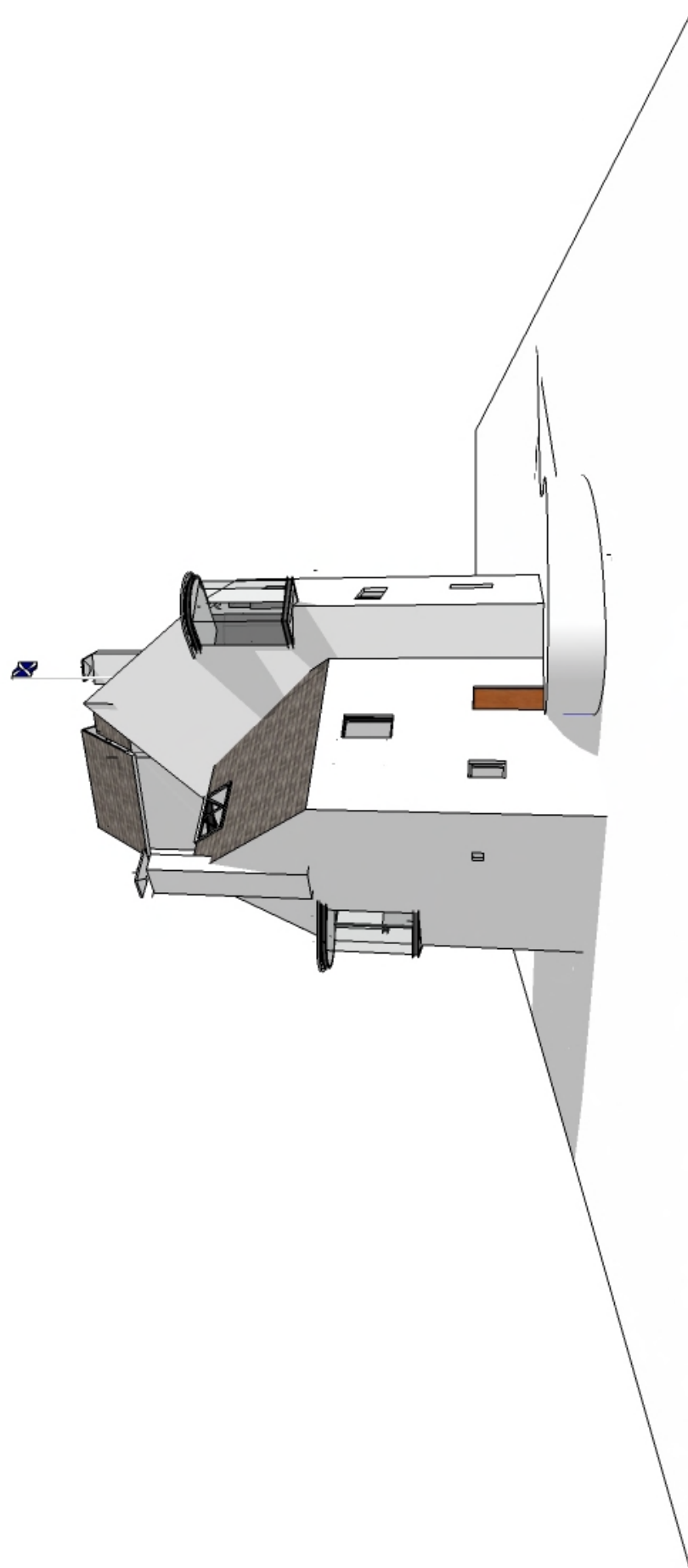


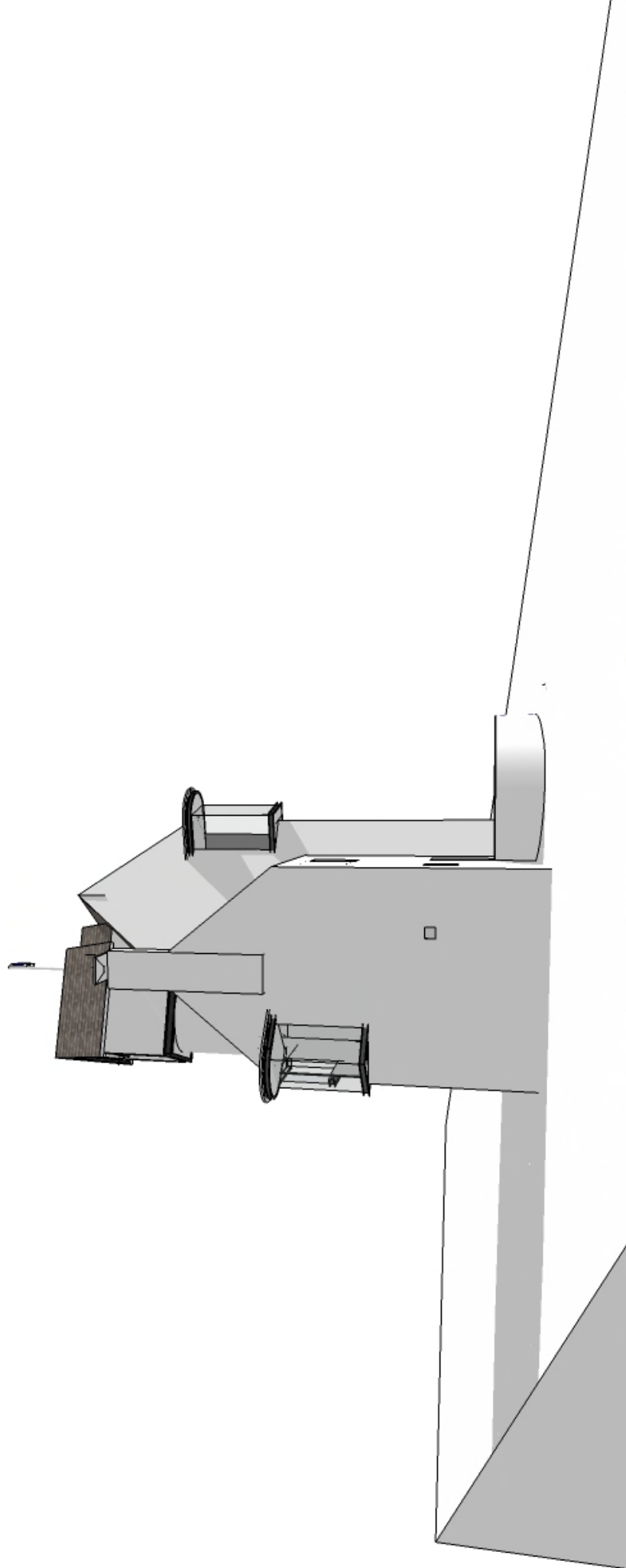


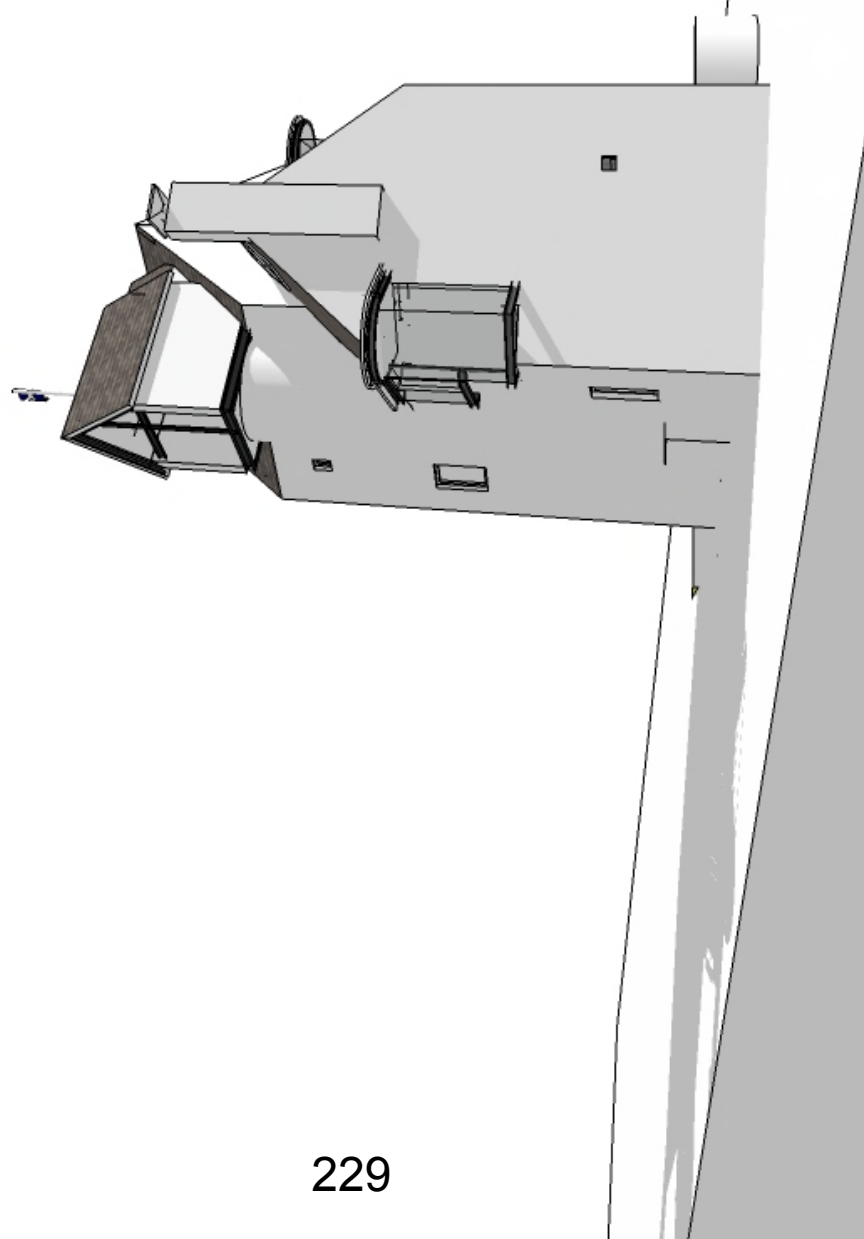


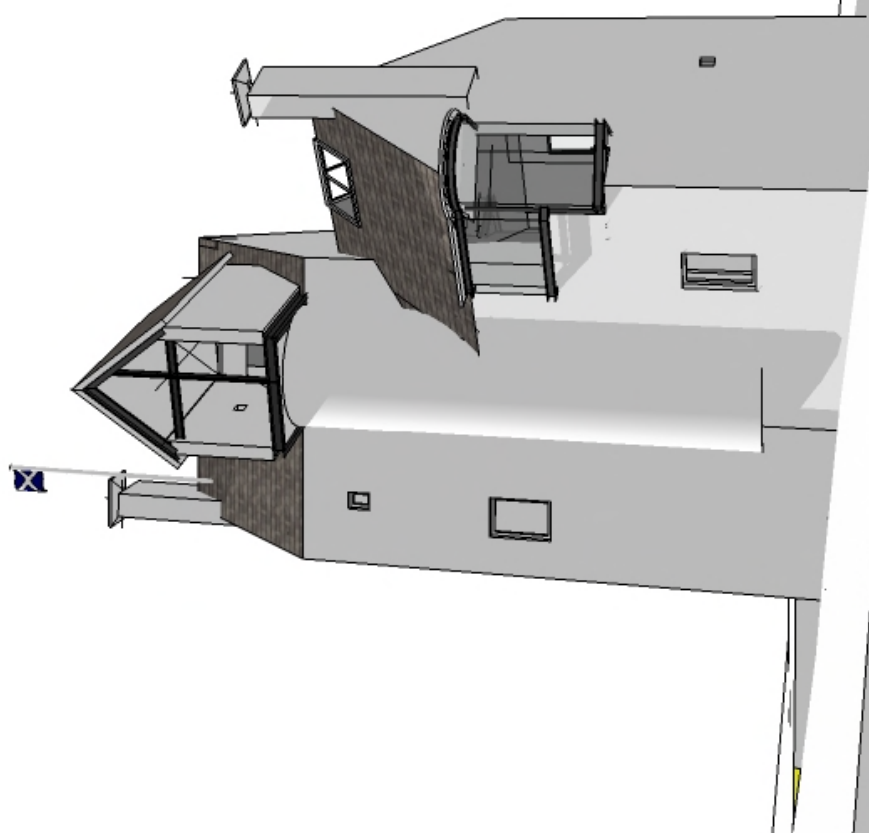


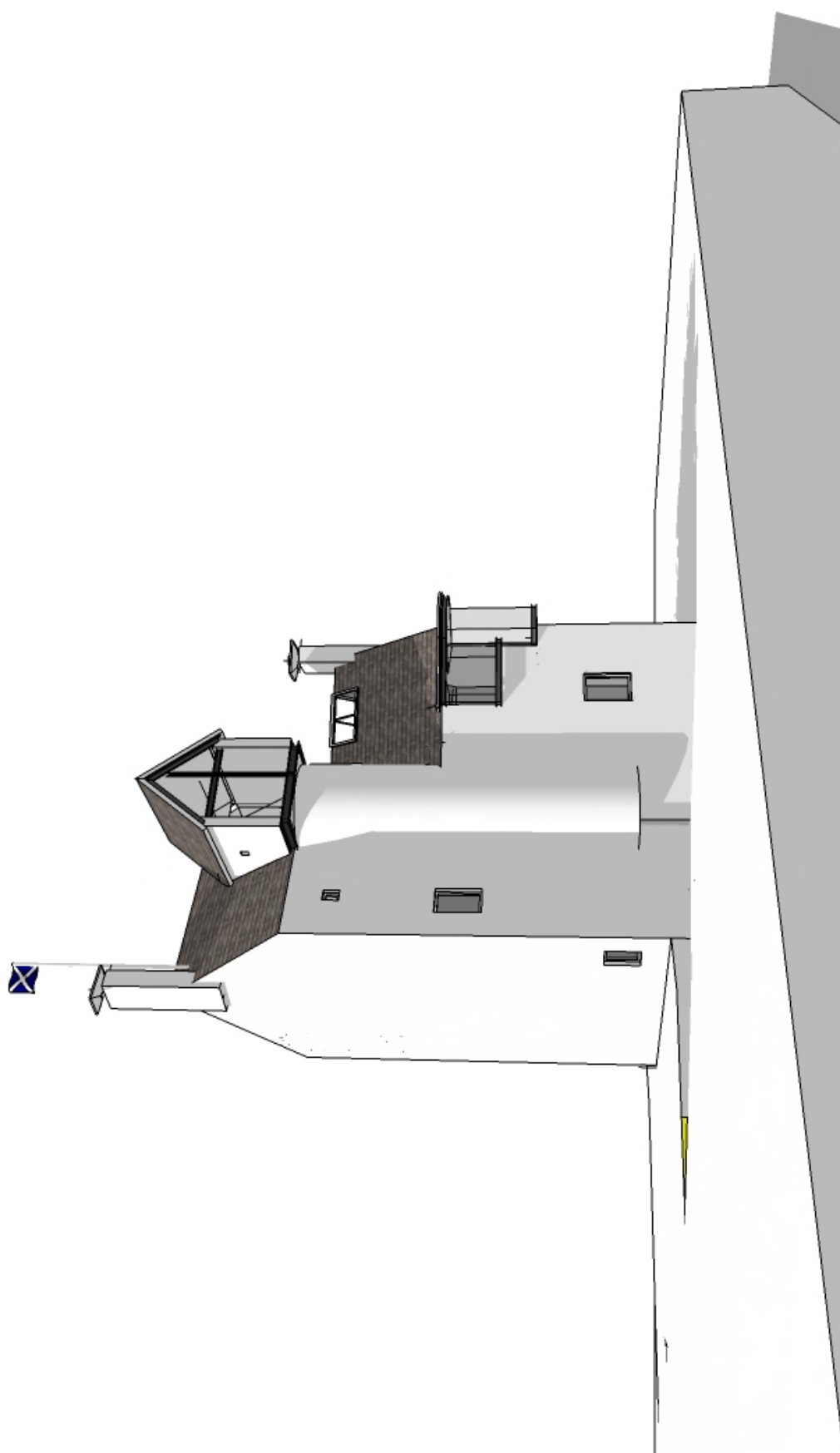


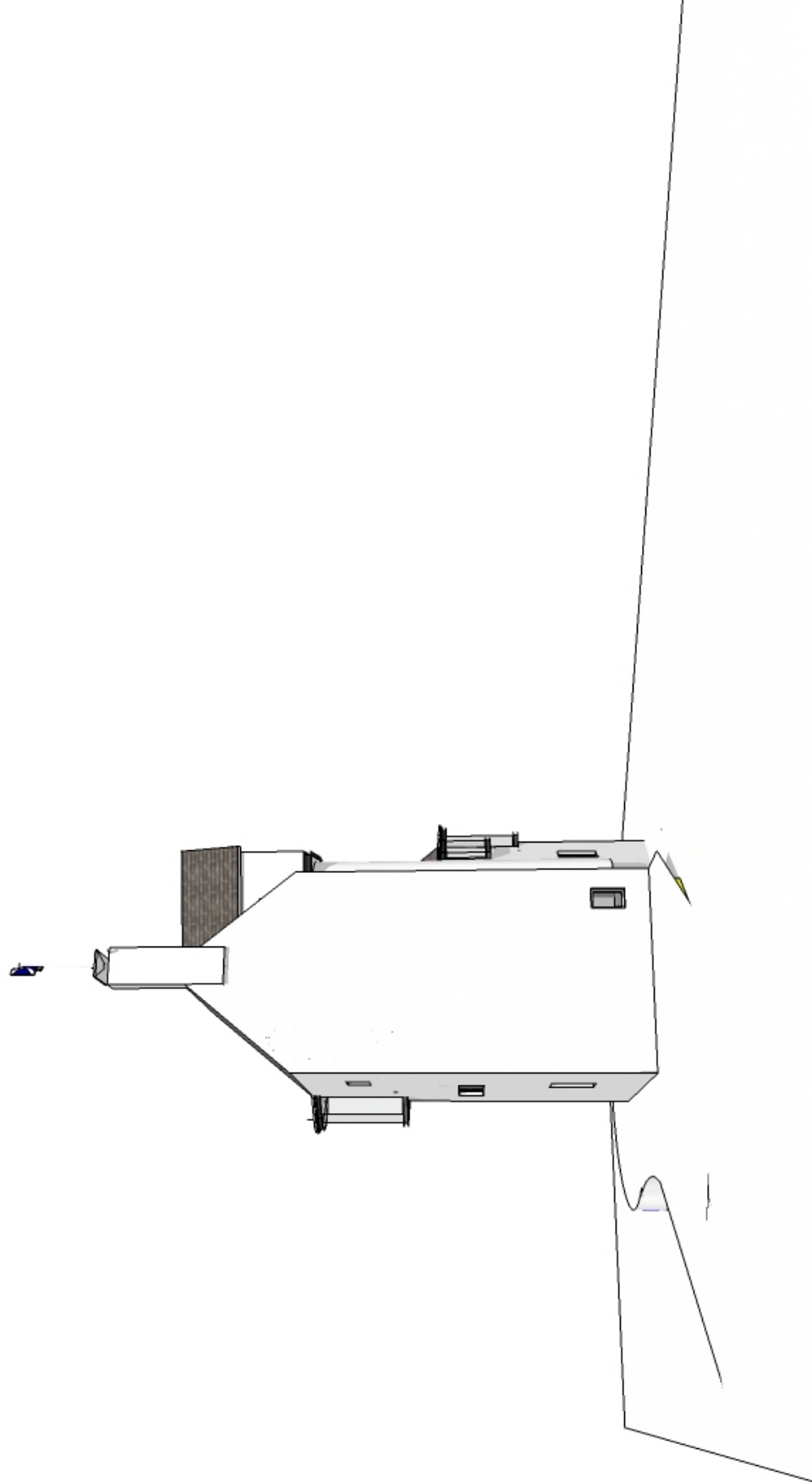










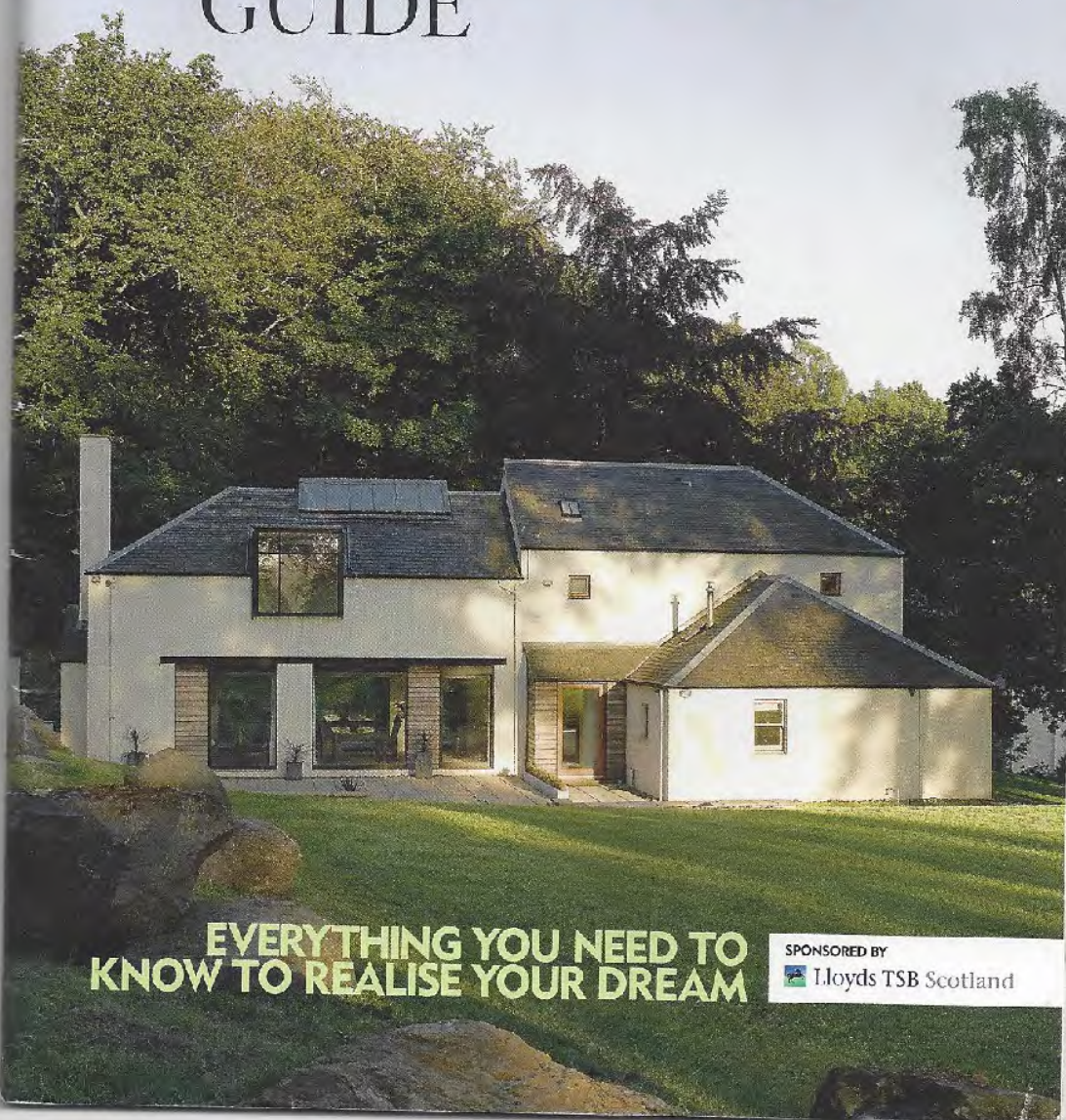







# SCOTTISH SELF BUILD & RENOVATING GUIDE

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**TCP/11/16(334)**  
**Planning Application 14/01280/FLL – Erection of 2**  
**dwellinghouses, land 150 metres south west of Merklands**  
**House, Ballintuim**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 161-169)*



# PERTH AND KINROSS COUNCIL

Ms Shelia Bennett  
c/o Crichton Wood Architects  
2 The Courtyard  
Binny House, Ecclesmachan  
Broxburn  
West Lothian  
EH52 6NL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 3rd October 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01280/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th August 2014 for permission for **Erection of 2 dwellinghouses Land 150 Metres South West Of Merklands House Ballintuim** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan
2. The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the supplementary Housing in the Countryside Guide 2012 as proposal fails to comply with any of the categories for development outlined in the policy.
3. The proposal is contrary to Policies NE2 A, NE2 B and NE3 of the Local Development Plan 2014 as insufficient information has been submitted to demonstrate that the proposal would not have a detrimental impact on the Ancient Woodland and protected species.

## **Justification**

The proposdsal 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](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

14/01280/11

14/01280/12

14/01280/1

14/01280/2

14/01280/3

14/01280/4

14/01280/5

14/01280/6

14/01280/7

14/01280/8

14/01280/9

14/01280/10

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	14/01280/FLL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	10.10.2014	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of 2 dwellinghouses

**LOCATION:** Land 150 Metres South West Of Merklands House  
Ballintuim

#### **SUMMARY:**

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 2 August 2013

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is for erection of two dwellings at Land 150 Metres South West Of Merklands House Ballintuim.

The site is located to the north of Ballintuim outwith the settlement boundary. The site is bound by the main road and an access drive with no clearly defined boundaries to the northeast and southeast.

This application is a resubmission of application 13/01255/FLL which was refused under delegated powers. It is my understanding that the agent missed the opportunity to appeal the previous refusal and hence the resubmission of this application.

## **SITE HISTORY**

13/01255/FLL Erection of two dwellinghouses 28 November 2013 Application Refused under delegated powers

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### Policy NE2A - Forestry, Woodland and Trees

Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

#### Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **OTHER POLICIES**

None specific to this scale of development

### **CONSULTATION RESPONSES**

Community Waste Advisor - Environment Service

Advisory on bin requirements

Environmental Health

No objection, private water condition and informative to be added.

Education And Children's Services

Capacity issue highlighted

Scottish Water

No objection

### **REPRESENTATIONS**

The following points were raised in the 9 representations received:

Contrary to Policy - covered in Policy section of report

Access to site from drive and main road, rights of access/ownership - covered in access section of report

Damage to ancient woodlands impact on bats/squirrels - covered in Ancient Woodland/Biodiversity section of report

Inappropriate design, height and siting, no division of plots etc - covered in Design and Layout section of report

Flooding from stream - covered in flooding section of report

#### **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	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

#### **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

#### **Policy Appraisal**

The site is located outwith a settlement boundary and is therefore considered primarily under the Housing in the Countryside Policy in the LDP and the corresponding supplementary guidance.

The most up to date policy on development outwith settlements is the Housing in the Countryside Policy and Guide (HICP/G). The guide outlines support for the erection of single houses and groups in the countryside where they fall into at least one of the categories. The proposal is contrary as the proposal does not comply with any of the categories as the site is not considered part of a building group, the site does not form an infill site, it does not meet the categories for new houses in open countryside, it does not involve the replacement/renovation of existing houses, is not the conversion or replacement of redundant non-domestic buildings and the site is not Brownfield land.

## **Supporting Statement Consideration**

The agent has supplied a statement in support however this statement does not fully address the fundamental policy issues. It considers the site is within a building group but this is a loose interpretation and in addition it picks up on wider planning policies with reference to location, design, materials etc.

The statement considers that this site is part of a building group as it forms part of the curtilage of the existing buildings and that the proposed houses would be acceptable as they would not detract from the amenity of the group. It is also argued that the proposed dwellings are unique and sophisticated bespoke solutions to the site designed specifically for this location that this type of development would not be appropriate elsewhere. They can therefore be supported without fear of setting a planning precedent.

Furthermore it is considered that these dwellings could also be considered under Category 3.1 of HICG where they are located in established gardens once associated with a country estate but where development would not fundamentally affect the qualities and integrity of the site.

To the northeast of the application site there is a grouping of three existing dwellings in addition a single gatehouse lodge exists to the southeast at the end of the drive. HICG states that development adjacent to established building groups should be contained so as to constrain the continued spread of the group. In terms of Category 1 of the HICG consent will be granted for houses which extend the group into definable sites respecting the character, layout and building pattern of the group.

Primarily I consider that this site is not adjacent to the existing grouping it is remote from the group. The development of this site would also not reflect the layout and building pattern of the group as it would draw the grouping down towards the road and is not a natural rounding off of the group but a considerable extension. The statement also outlines this as a unique site the development of which would not set a precedent however this is not justification for setting aside policy.

Secondly with reference to Category 3 New Houses in Open Countryside I do not consider the site to meet the criteria of 3.1 a) as the site is a wooded area which I don't consider to be established gardens once associated with the house as required under this part of the policy.

The proposal is therefore considered to be contrary to the development plan and that there is no justification to set aside policy.

## **Design and layout**

The proposal is for two dwellings to be located naturally within the existing landscape devoid of defined plot boundaries, access and parking etc. The agent has submitted a design statement and photographs of local architecture to inform the concept.

The dwelling to the north is proposed as a tower house with vertical emphasis comprising of accommodation on three floors. Glass and steel turrets are proposed and the finish materials have not been detailed but could be agreed by condition.

The dwelling to the south is bound by the private access to Merklands and the A924 the form of this dwelling is a gatehouse to mark the entrance. This dwelling has an L shaped floor plan, comprising of single and two storey elements, this dwelling has the same detailing as the tower although again the materials have not been confirmed.

The proposed design in terms of the height, mass and finish is acceptable.

### **Roads and Access**

The sites are proposed to be accessed from the private road which leads to Merklands House. It has been noted that a property located to the north outwith the applicant's ownership was not notified as a landowner in relation to the access drive. The agent has confirmed that there is a right of access for this property but no ownership and therefore no requirement for a notification. This property was neighbour notified.

Issues regarding access and maintenance of private roads would need to be agreed with interested parties and would not form part of the consideration of this application as it is not a material consideration. Disruption caused by Construction traffic which is a temporary consequence of development is also not a material planning consideration.

The agent has submitted a plan to show the access points from the private road further information would be required regarding the exact details (levels etc.) but as there are fundamental policy issues it was not considered necessary to investigate this issue any further.

Transport Planning have been consulted regarding the access to the A924 and they have no objection to the proposal and request standard conditions regarding parking and turning. It is considered that as this is an existing access serving three properties could accommodate the vehicle generation from a further two properties.

### **River Tay SAC**

The two proposed house sites are within a wooded area just off the A924 roadside. The River Ardle is some 320 m downhill separated by the road.

SNH consider that in most cases SEPA's regulations (general binding rules) that cover construction and pollution prevention and the drainage issues addressed through Building Regulations are ordinarily sufficient to enable a development such as this to proceed without risk of deterioration in water quality within adjacent watercourses.

SNH therefore advise that the proposal will have no likely significant effect on the SAC's interests.

### **Ancient woodland/Biodiversity**

It's unclear from the application how much tree felling would be required to accommodate the dwellings, the agent has been queried on this point and it has been confirmed that two trees would need to be removed. SNH have given their advice on the assumption that there will be the requirement for 'woodland removal' before this confirmation was received.

The woodland at Merklands is included on the Ancient Woodland Inventory (AWI) as being 'long established of plantation origin'. The Scottish Government's policy on the 'Control of Woodland Removal' is applicable in this case. These documents place a strong presumption against loss of such woodland. Only in exceptional circumstances should loss be considered, with a high level of supporting evidence, and compensatory planting as mandatory.

SNH consider that Perth and Kinross Council are best placed to assess the significance locally and regionally of the loss of AWI woodland and also any potential impacts on wildlife that may use the woodland.

The agent has advised that the client's tree surgeon has recommended that both trees proposed for removal should be done so due to their condition and proximity to the main road. I have requested information regarding the trees to be removed and root protection areas for remaining trees and I am not entirely convinced that the information submitted showing two trees for removal is accurate and no root protection areas for the trees to be retained have been shown.

To fully assess the proposals a full tree survey, showing those to be removed as a result of the proposals is required, and every tree to be removed or within 50m of construction works should be surveyed for wildlife, particularly breeding birds, Red Squirrels and Bats. It has been considered however that as there is a fundamental issue with the principle it would be unreasonable to put the applicant to this expense.

### **Drainage and Flooding**

A burn flows through the southern house plot and there is little reference to this in the application, the burn is culverted under the road and the burn is not noted on the SEPA flood map.

Should the burn required to be culverted or diverted a CAR licence maybe required. No further information has been requested on this issue as the principal of development is not accepted.

The development is in a rural area with private water supplies (including Merklands Lodge supply) known to serve properties in the vicinity. The applicant has indicated that they will connect to the public mains supply for

this development. To ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance an informative could be added.

### **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increase primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Kirkmichael Primary School where a capacity issue has been identified and the contribution would be required.

### **Economic Impact**

The proposal would generate local benefits in the construction process and laterally in the local spending on goods and services from the future occupants.

### **Conclusion**

I consider that the proposed design of the dwellings is unique and would work well within the landscape setting however the fundamental concerns regarding the principle of development cannot be addressed and with the lack of information on tree removal and protected species.

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

## **Refuse the application**

### **Reasons for Recommendation**

1 The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the supplementary Housing in the Countryside Guide 2012 as proposal fails to comply with any of the categories for development outlined in the policy.

2 The proposal is contrary to Policies NE2 A, NE2 B and NE3 of the Local Development Plan 2014 as insufficient information has been submitted to demonstrate that the proposal would not have a detrimental impact on the Ancient Woodland and protected species.

### **Justification**

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

### **Informatives**

Not Applicable

### **Procedural Notes**

Not Applicable

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

14/01280/1  
14/01280/2  
14/01280/3  
14/01280/4  
14/01280/5  
14/01280/6  
14/01280/7  
14/01280/8  
14/01280/9  
14/01280/10  
14/01280/11  
14/01280/12

**Date of Report 30.09.2014**



**TCP/11/16(334)**  
**Planning Application 14/01280/FLL – Erection of 2**  
**dwellinghouses, land 150 metres south west of Merklands**  
**House, Ballintuim**

## **REPRESENTATIONS**

- Objection from Neil Constable, dated 5 August 2014
- Representation from Education and Children's Services, dated 11 August 2014
- Representation from Regulatory Services Manager, dated 14 August 2014
- Representation from Development Negotiations Officer, dated 15 August 2014
- Objection from Sir Michael Nairn, dated 25 August 2014
- Representation from Transport Planning, dated 26 August 2014
- Representation from Community Waste, dated 27 August 2014
- Objection from Rose Pipes, dated 28 August 2014
- Objection from Geoffrey Thomson, dated 28 August 2014
- Objection from David Adams, dated 5 September 2014
- Objection from Alison Williams, dated 5 September 2014
- Objection from Peter Koenig, dated 5 September 2014
- Objection from Kath Davies, dated 5 September 2014
- Objection from Catherine Robins, dated 6 September 2014
- Representation from Peter Koenig, dated 21 January 2015
- Representation from Rose Pipes, dated 21 January 2015
- Agent's response to representations



GF

**Tomlea Farm**  
Ballintuim, Blairgowrie  
Perthshire. PH10 7NL



RECEIVED  
29 AUG 2014

Perth and Kinross Council  
Development Management  
Pullar House  
35 Kinnoull Street  
Perth PH1 5GD

5<sup>th</sup> August 2014

Dear Sirs

**Town and Country Planning (Scotland) Acts**  
**Application No: 14/01280/FLL**  
**Erection of 2 houses South West of Merklands, Ballintuim**

This is the second time this application has been applied for, but under the name of the previous applicants wife this time. Yet again the owners of the neighbouring agricultural land have not been notified although their land is marked on the notification of neighbours map. The plans are basically the same as the previous application which was refused.

I would like to oppose the application on the following grounds:

1. One of the proposed houses is located very close to the A924. We have a right of access up the road to the west which is used by tractors with front loaders on them, with the house so close to the road there would be no vision of traffic coming from the east. There have been many accidents on this stretch of the A924 over the years, this development is asking for more.
2. The development is contrary to the Local Development Plan. As you said in your refusal of planning the last time, there is no need for this type of house.
3. There is no mention of how many of these ancient trees are going to be felled in this ancient woodland.
4. The Gatehouse of Merklands is totally out of character with any of the houses in the glen. It has high walls and small windows along the roadside. If you drive up Strathardle all the Lodge houses are at least 10m back from the public road and not one is more than one storey high.

I hope Perth and Kinross Council will refuse planning consent on the above grounds.

Yours faithfully

Neil R Constable





# Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Asset Management Officer
Your ref	14/01280/FLL	Our ref	
Date	11 August 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Planning Application Ref No 14/01280/FLL

This development falls within the Kirkmichael Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	72
Highest projected 7 year roll	58
Potential additional children from this and previously approved/yet to be determined applications	4.59
Possible roll	62.59
Potential % capacity	86.9%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 14/01280/FLL

Our ref MA

Date 14 August Month 2014

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of 2 dwellinghouses Land 150 Metres South West Of Merklands House Ballintuim for Ms Shiela Bennett**

I refer to your letter dated 12 August 2014 in connection with the above application and have the following comments to make.

**Water** (assessment date – 14/8/14)

### Recommendation

**I have no objections to the application but recommend the undernoted informatives be included in any given consent.**

### Comments

The development is for two dwelling houses in a rural area with private water supplies (including Merklands House and Merklands Lodge) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informatives. No public objections relating to the water supply were noted at the date above.

### Informative 1

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.

### Informative 2

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. 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.



## **INTERNAL CONSULTATION ON PLANNING APPLICATION**



**To:** Development Management  
**From:** Euan McLaughlin  
**Date:** 15 August 2014  
**Planning Reference:** 14/01280/FLL

**Description of Proposal:** Erection of 2 dwellinghouses Land 150 Metres South West Of Merklands House Ballintuim for Ms Shiela Bennett

**NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.**

THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.

### **Primary Education**

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increase primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Kirkmichael Primary School.

### **Summarised as follows**

Education: £12,790 (2 x £6,395)

**Total: £12,790**

### **Phasing**

It is advised that the preferred method of payment would be upfront of release of planning permission.

Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.

If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days prior to occupation.

Payment for each open market unit will be £6,395 (£12,790/ 2 = £6,395).

### **Payment**

**Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.**

## **Methods of Payment**

On no account should cash be remitted.

### **Scheduled within a legal agreement**

This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.

**NB:** The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

### **Other methods of payment**

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

### **Remittance by Cheque**

The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH15GD

### **Bank Transfers**

All Bank Transfers should use the following account details;

**Sort Code:** 839125

**Account Number:** 61079504

### **Education Contributions**

For Education contributions please quote the following ledger code:  
1-30-0060-0001-859136

### **Direct Debit**

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

## **Indexation**

All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.

## **Accounting Procedures**

Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.

## **Contacts**

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin  
Tel: 01738 475381  
Email: [emclaughlin@pkc.gov.uk](mailto:emclaughlin@pkc.gov.uk)

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren  
Tel: 01738 476405  
Email: [sjmclaren@pkc.gov.uk](mailto:sjmclaren@pkc.gov.uk)



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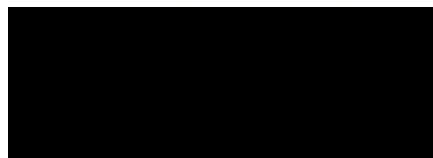
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27 AUG 2014

PITCARMICK

BRIDGE OF CALLY

BLAIRGOWRIE PH10 7NW



Perth and Kinross Council  
Development Management  
Pullar House  
35 Kinnoull Street  
PERTH PH1 5GD

25 August 2014

Dear Sirs

**Town and Country Planning (Scotland) Acts**  
**Application No. 14/01280/FLL**  
**Construction of two Houses at Merklands, Ballintuim**



As owner of the neighbouring agricultural fields and the adjacent private access road to Dalnabreck, I wish to lodge a formal objection to the above planning application on the following grounds:

1. One of the two proposed houses is to be positioned very close to the public road A924 and at a bend where this public road intersects with two private farm roads. Visibility is already restricted and will be further restricted by the new house, particularly from the farm road leading from the east of the A924.
2. The design of the houses and particularly the design of the house at the roadside is startling and unlike any other house in Strathardle. Not only is the appearance out of keeping with the area, but would be likely to distract drivers on the A924, thus increasing the risk of accidents at the adjacent road crossing.
3. Noting that the applicant envisages outlets from two new private septic tanks flowing into a neighbouring water course, that same water course provides stock watering to two fields to the west of the road and includes a 680 meter long slow-flowing length on flat ground to the river Arde. I have a serious concern about contamination of this water course caused by the proposed development.
4. No need for these houses has been put forward by the applicant. The proposed development would be contrary to the Local Plan 1998 (Eastern Area) Annex 1.

Perth and Kinross Council  
Development Management  
Pullar House  
35 Kinnoull Street  
PERTH PH1 5GD

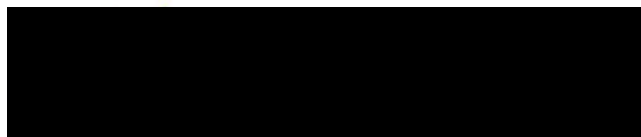
25 August 2014

**Town and Country Planning (Scotland) Acts**  
**Application No. 14/01280/FLL**  
**Construction of two Houses at Merklands, Ballintuim**

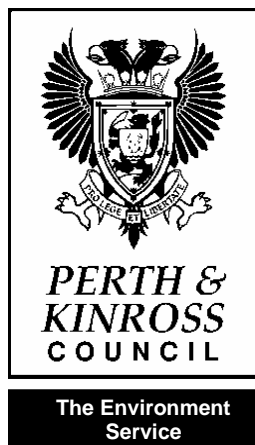
On the above grounds, I sincerely hope that Perth & Kinross Council will refuse planning consent.

It should be noted that the above application appears almost identical to the application no. 13/01255/FLL submitted last year and subsequently refused by the Council. I am enclosing a copy of your letter to me of 29<sup>th</sup> November 2013 advising me of that decision.

Yours faithfully

A large black rectangular box redacting the signature of Sir Michael Nairn.

Sir Michael Nairn



# MEMORANDUM

To	Joanne Ferguson Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	14/01280/FLL	Date	26 August 2014

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 14/01280/FLL for planning consent for:- **Erection of 2 dwellinghouses Land 150 Metres South West of Merklands House Ballintuim for Ms Shiela Bennett**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.



# Memorandum

To	Generic Email Account (DevelopmentManagement@pkc.gov.uk)	From	Head of Service Environment & Regulatory Services
cc	Joanne Ferguson	Our ref	LG/P9.3.2
Date	27/8/14	Tel No	01738 475262

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission: 14/01280/FLL**  
**RE: Erection of 2 dwellinghouses Land 150 Metres South West Of Merklands House**  
**Ballintuim for Ms Shiela Bennett**

I refer to the above planning application and would like to discuss with either yourself, the architect, the developer or a representative an amendment to the plans to incorporate appropriate provision for storage of waste and recycling facilities and access for service provision.

If discussions are not forthcoming I would recommend the following minimum specifications:

Waste and recycling bins will be collected from the road end (A924). It is recommended that the developer install a bin storage area where residents can present their bins for uplift. This area should have a slabbed or tarmac base, preferably with fencing to contain bins and prevent them from being blown over. The area should be no more than 10 metres from the road.

If the developer does not adhere to these specifications, the Council may be unable to provide waste and recycling services to this development based on inadequate storage, access and/or infrastructure.

Upon adoption of these specifications, please forward a copy of the amended drawings to Lucy Garthwaite. During construction of the development, we may require to visit the site.



RECEIVED JF

29 AUG 2014

Joanne Ferguson  
Planning Dept, P and K Council  
Pullar House  
35 Kinnoull St  
Perth PH1 5GD

15 Avondale Place  
Edinburgh EH3 5HX

28 August 2014



Dear Joanne,

**Planning application for the erection of two dwellinghouses – on land 150m South West of Merklands House, Ballintuim. Ref. 14/01280/FLL**

With regard to the above planning application, I am writing on behalf of the estate of the late Carolyn Proctor, owner of Merklands Cottage (i.e. one of the neighbouring properties to the proposed new houses), to make a number of objections to the proposal.

It should be noted that the site plan provided does not include details of any vehicular or pedestrian access to the proposed two new houses, i.e. driveways and entrances. If it is intended that access to either or both of the houses will be from the drive leading to Merklands Cottage and other existing properties, then all parties who currently have access rights to and/or maintenance obligations relating to the drive will need to be consulted and, if appropriate, new arrangements agreed between them. None has been consulted as far as I am aware.

Also, the plans supplied show no details of how boundaries between the two properties would be defined (e.g. if fences or hedges, and of what height) or how the ground surfaces (e.g. parking areas, garden ground) within the woodland would be treated. This has a bearing on point 1 below.

If the applicant is able to supply information regarding the above, then I would be grateful if you could inform me.

Objections

1. The proposed site for the two new houses is within an area which is included on the Ancient Woodland Inventory (AWI) as being 'long established of plantation origin'.

The construction of the two houses would inevitably involve felling a number of mature trees and so would radically affect the character of the woodland. In addition, the loss of the trees would mean a change to the habitat for a wide variety of plants and animals. Of particular importance are bats and red squirrels, both of which are regularly seen in this woodland and the surrounding area.

Loss of these mature trees would seriously affect the character of the woodland, as would the erection of the dwellings and associated boundaries, gardens and parking areas, etc.

2. The proposal does not accord with the recommendations set out in the Council's 'Guidance on the Siting and Design of Houses in Rural Areas', namely:

- Central and local government guidance prefers housing to be directed to rural towns and villages where services and facilities exist.
- Encouragement will be given to the erection of houses within, or adjacent to, established building groups which have compact nucleated shapes.
- In exceptional cases, the erection of a house will be permitted where it is accepted that there is operational need for that house in connection with some rural activity, such as the practical running of a farm. Such houses should be located at the steading, and preferably be modest in scale, as was traditionally the case.

The houses being proposed are not part of an existing farm or of an existing settlement, nor would they occupy the footprint of an existing building or be connected with 'some rural activity'.

3. The proposal would be in contravention of the requirements set out in the Council's 'Housing in the Countryside Guide', namely:

- Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents. (Paragraph h)
- The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. (Paragraph l)

Regarding para h, the proposed dwellings will both be within close proximity to land which is farmed, and to a drive (off which I assume they will require access) which is in constant use by the farmer who owns the land adjacent to it. They will also affect the amenity of the residents of adjacent houses, in particular Merklands Cottage.

Regarding para l, the area in which the proposed houses will be located is largely dominated by traditional stone-built houses of nineteenth-century date. Merklands Cottage is a traditional two-storey stone building, and Merkland House is a Victorian farmhouse.

In an area of outstanding beauty, characterised by scattered dwellings, most of which are set back from the main road, these two houses would be completely out of keeping. Furthermore, the proposed 'Gatehouse of Merklands' property is adjacent to a main road with no space for suitable planted screening between it and the road. Thus, the house would be clearly visible from the surrounding area,

The design of the Toor as a tall building, rather than a one- or two-storey house, will also mean that it may be more visible from Merklands Cottage if the intention is to fell any trees above the proposed dwelling.

4. The proposed dwellings are of a scale and style that would put them into a high-price bracket for purchase or rent, and thus put them beyond the reach of most locally employed people. In addition, they are sited at some distance from the nearest settlement to offer a range of services, and on a route with very little public transport provision.

5. The sight-line from the drive entrance along the main A924 road to the east will be seriously affected by the siting of a dwelling so close to this road, and to the entrance to the drive to Merklands Cottage. This will be a hazard to motorists using both the road and the drive, which in particular includes the farmer who has rights of access to the drive and makes constant use of it.

6. If the intention is to provide access to the proposed two houses off the drive leading to Merklands Cottage, then the load of traffic exiting onto the main road at this point will be significantly increased. Traffic from the properties to the south of the main road also exits at this point (from the drive directly opposite), so there will be additional pressure on what is in effect a road junction at this point.

7. The ground on which it is proposed to build the house close to the road was until recently crossed by a burn. The water in the burn has since been channeled into a drainage pipe which would lie directly below the proposed dwelling. This may have implications for the foundations of the dwelling, which need to be taken into consideration.

In summary, for the reasons set out above, I wish to register a serious objection to the proposal.

Yours sincerely

A black rectangular box redacting the signature of Rose Pipes.

Rose Pipes  
([rosepipes@ednet.co.uk](mailto:rosepipes@ednet.co.uk))



**Mr Geoffrey Thomson (Objects)**

**Comment submitted date: Thu 28 Aug 2014**

1. One of the houses is very close to the road where visibility is already restricted. This building would restrict visibility further and be a danger to drivers.
2. The design of the houses is unusual and not in keeping with others in Strathardle. This is likely to further distract drivers using the road.
3. Effluent will flow into the River Ardlie.
4. The proposed development is contrary to the local plan.
5. The application seems extremely similar to an application made last year (13/01255/FLL) which was refused.



OF

**Tracy McManamon**

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**From:** David Adams (gmail) [REDACTED]  
**Sent:** 05 September 2014 19:08  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to Planning Application 14/01280/FLL

9/1 Montgomery Street  
Edinburgh EH3 5JU

5<sup>th</sup> September 2014

Ms Joanne Ferguson  
Planning Case Officer  
Planning Dept, Perth & Kinross Council  
Pullar House  
35 Kinnoull St  
Perth PH1 5GD



Dear Ms Ferguson,,

**Planning application Ref. 14/01280/FLL**  
**Erection of two dwelling houses on land 150m South West of Merklands House, Ballintuim.**

I wish to object to the above application. I was a friend of the late Caroline Proctor and am able to visit Merklands Cottage regularly.

My first big objection is to the prospective loss of beautiful and mature trees, which damages environment, scenery and amenity, with any number of knock-on disturbances. We have to protect ancient woodland habitats, and the flora and fauna that go with them, which are under relentless and continuous threat from developments such as these. They are part of the unique local amenity and inheritance, which planning rules are there to preserve.

Next, the proposed houses are both intrusive in the landscape, and oddly out of sympathy with their setting and with local styles of building. One seems located far too close to the main road, and both would dominate the shared driveway to Merklands Cottage and House, with no arrangement entered into with present users, so far as I am aware, about this. In fact they are both very dominating structures and would incur a distinct loss of amenity in this location.

And their effect upon local traffic could be to turn the present driveway access, and the one opposite, into a new road junction.

I understand that policy for new buildings requires that they be located close to services that are already available in existing villages and townships. There is no apparent logic in putting new houses in such a setting, nor any apparent social or operational need that they could satisfy, i.e. no contribution to farming or to rural development. Worse, these are commuter houses in style, pretension and appeal, far outwith the life styles and affordability for people living locally.

I trust that these representations will contribute to the application's rejection.

Yours sincerely,

David C W Adams



2nd representation from same household.

JF.

**Tracy McManamon**

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**From:** Alison Williams [REDACTED]  
**Sent:** 05 September 2014 16:59  
**To:** Development Management - Generic Email Account  
**Subject:** Ref. 14/01280/FLL: Planning application objections

Joanne Ferguson

9/1 Montgomery Street

Planning Dept, P and K Council

Edinburgh EH7 5JU

Pullar House

35 Kinnoull St

Perth PH1 5GD

5<sup>th</sup> September 2014



Dear Joanne,

**Ref. 14/01280/FLL: Planning application for the erection of two dwelling houses – on land 150m South West of Merklands House, Ballintuim**

I am writing to object to the planning application (above). I have several objections to make:

I cannot see any details on the plan about the proposed boundaries between the two new houses and whether there would be fences, hedges, walls etc. I am also unable to establish from the plans how the ground in the woodland would be treated (see point about woodland below).

The site plan does not give any details of access by car or for pedestrians to the proposed new houses (2). I am not aware of any consultation with Merklands Cottage on using the shared drive, or of any arrangement re upkeep.

The two new houses are being proposed within an Ancient Woodland noted as being 'long established of plantation origin'. I do not see how building two new houses in the woodland would avoid a number of

mature trees being cut down, hanging the woodland irrevocably. The woodland is home to many species of animals and plants, and particularly bats and red squirrels. These would inevitably be disturbed both by the building process, and by the gardens, car parking, loss of habitat etc.

The Council's 'Guidance on the siting and design of houses in rural areas states:

- Central and local government guidance prefers housing to be directed to rural towns and villages where services and facilities exist.
- Encouragement will be given to the erection of houses within, or adjacent to, established building groups which have compact nucleated shapes.
- In exceptional cases, the erection of a house will be permitted where it is accepted that there is operational need for that house in connection with some rural activity, such as the practical running of a farm. Such houses should be located at the steading, and preferably be modest in scale, as was traditionally the case.

The proposed houses are not part of any existing buildings or footprint of any previous building. They wouldn't have a 'compact nucleated shape'. Neither are they connected to a rural activity.

In addition, the new houses would contravene the Council's 'Housing in the Countryside Guide' requirements:

- Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents. (Paragraph h)
- The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. (Paragraph l)

☞ The new houses will be close to farm land and will also impact on the related activities and amenities of Merklands Cottage as well as of the farm land. They do not have 'a good fit with the landscape character of the area' nor do they integrate with the largely stone-built traditional houses of 19<sup>th</sup> century origin. Most of the local houses are set well back from the road, and the new houses would be right on the road. There appears to be no space for screening, so they would be clearly visible from the road.

I have serious concerns about access – the road is winding, and the traffic moves fast along it. Adding extra vehicles to the traffic load risks making the drive into more of a traffic junction than a drive, especially with the likelihood that there will be at least two cars per property.

The properties themselves are high-value, and well out of reach of local people for either buying or renting.

I therefore wish to register a strong objection to the proposed plans.

Yours sincerely,

Alison Williams

--

Dr Alison Williams



137 Avenell Road Highbury London N5 1BH

5 September 2014

Joanne Ferguson  
Planning Department P and K Council  
Pullar House  
35 Kinnoul Street  
Perth PH1 5GD

**Planning application for the erection of two residential houses on land 150m  
Southwest of Merklands House, Ballintuim. Ref. 14/01280/FLL**

Dear Ms. Ferguson,

I write as a regular user of Merklands House, the stone cottage neighbouring the houses which would be built if planning application Ref. 14/01280/FLL is approved.

I live in London but have come to know and love Merklands and its surroundings by virtue of being one of the parties looking after the cottage on behalf of the estate of the late Carolyn Proctor.

I object to the planning application on the grounds detailed below -- and would only point out in addition that my objection follows on from a similar objection I submitted when a very similar planning application for the construction of two residential houses on the same site was made not long ago.

Objections

1. The proposed site for the two new houses is within an area which is included on the Ancient Woodland Inventory (AWI) as being 'long established of plantation origin'.

The construction of the two houses would inevitably involve felling a number of mature trees and so would radically affect the character of the woodland. In addition, the loss of the trees would mean a change to the habitat for a wide variety of plants and animals. Of particular importance are bats and red squirrels, both of which are regularly seen in this woodland and the surrounding area.

Loss of these mature trees would seriously affect the character of the woodland, as would the erection of the dwellings and associated boundaries, gardens and parking areas, etc.

2. The proposal does not accord with the recommendations set out in the Council's 'Guidance on the Siting and Design of Houses in Rural Areas', namely:

- Central and local government guidance prefers housing to be directed to rural towns and villages where services and facilities exist.
- Encouragement will be given to the erection of houses within, or adjacent to, established building groups which have compact nucleated shapes.
- In exceptional cases, the erection of a house will be permitted where it is accepted that there is operational need for that house in connection with some rural activity, such as the practical running of a farm. Such houses should be located at the steading, and preferably be modest in scale, as was traditionally the case.

The houses being proposed are not part of an existing farm or of an existing settlement, nor would they occupy the footprint of an existing building or be connected with 'some rural activity'.

3. The proposal would be in contravention of the requirements set out in the Council's 'Housing in the Countryside Guide', namely:

- Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents. (Paragraph h)
- The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. (Paragraph l)

Regarding para h, the proposed dwellings will both be within close proximity to land which is farmed, and to a drive (off which I assume they will require access) which is in constant use by the farmer who owns the land adjacent to it. They will also affect the amenity of the residents of adjacent houses, in particular Merklands Cottage.

Regarding para l, the area in which the proposed houses will be located is largely dominated by traditional stone-built houses of nineteenth-century date. Merklands Cottage is a traditional two-storey stone building, and Merkland House is a Victorian farmhouse.

In an area of outstanding beauty, characterised by scattered dwellings, most of which are set back from the main road, these two houses would be completely out of keeping. Furthermore, the proposed 'Gatehouse of Merklands' property is adjacent to a main road

with no space for suitable planted screening between it and the road. Thus, the house would be clearly visible from the surrounding area,

The design of the Toor as a tall building, rather than a one- or two-storey house, will also mean that it may be more visible from Merklands Cottage if the intention is to fell any trees above the proposed dwelling.

4. The proposed dwellings are of a scale and style that would put them into a high-price bracket for purchase or rent, and thus put them beyond the reach of most locally employed people. In addition, they are sited at some distance from the nearest settlement to offer a range of services, and on a route with very little public transport provision.

5. The sight-line from the drive entrance along the main A924 road to the east will be seriously affected by the siting of a dwelling so close to this road, and to the entrance to the drive to Merklands Cottage. This will be a hazard to motorists using both the road and the drive, which in particular includes the farmer who has rights of access to the drive and makes constant use of it.

6. If the intention is to provide access to the proposed two houses off the drive leading to Merklands Cottage, then the load of traffic exiting onto the main road at this point will be significantly increased. Traffic from the properties to the south of the main road also exits at this point (from the drive directly opposite), so there will be additional pressure on what is in effect a road junction at this point.

7. The ground on which it is proposed to build the house close to the road was until recently crossed by a burn. The water in the burn has since been channeled into a drainage pipe which would lie directly below the proposed dwelling. This may have implications for the foundations of the dwelling, which need to be taken into consideration.

Yours sincerely,

Peter Koenig



2nd representation from same household.

DF

**Tracy McManamon**

**From:** Kath Davies [REDACTED]  
**Sent:** 05 September 2014 15:14  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application: Ref. 14/01280/FLL



Dear Ms Ferguson

**Planning application for the erection of two dwellinghouses – on land 150m South West of Merklands House, Ballintuim. Ref. 14/01280/FLL**

As a frequent visitor to Merklands Cottage, which is on land adjacent to the area referred to in the above planning application, I should like to register the following objections to the proposal. (I also note that this application, substantially the same as one previously submitted and rejected by Pert & Kinross Council, is now in the name of Ms S Bennett.)

1. The proposed site for the two new houses is within an area which appears on the Ancient Woodland Inventory (AWI) as being 'long established of plantation origin'. The woodland supports a variety of plant and wildlife including red squirrels and bats. The application states that there will be no removal of trees on the site. I cannot see how the proposed dwellings can possibly be erected without destruction of part of this Ancient Woodland.
2. The site plan shows no access points to either of the proposed two new houses. The terrain suggests that access might be from the driveway used by Merklands Cottage and several other existing properties. If so, those who currently hold access rights and obligations relating to the drive would need to be consulted and shown detailed proposals. It should be noted that the sight-line from the drive entrance along the main A924 road to the east will be seriously affected by the siting of one of the proposed dwellings. This will be a hazard to motorists using both the road and the drive, especially to the farmer who has rights of access to the drive and makes constant use of it. The junction with the main road is also used by several houses on the western side of the A924 and the siting of two large new houses with extra traffic generated would put additional pressure on the junction.
3. These proposals would appear to be against the Council's recommendations as set out in 'Guidance on Siting and Design of Houses in Rural Areas', in particular:
  - i) Central and local government guidance prefers housing to be directed to rural towns and villages where services and facilities exist.
  - ii) Encouragement will be given to the erection of houses within, or adjacent to, established building groups which have compact nucleated shapes.
  - iii) In exceptional cases, the erection of a house will be permitted where it is accepted that there is operational need for that house in connection with some rural activity, such as the practical running of a farm. Such houses should be located at the steading, and preferably be modest in scale, as was traditionally the case.
4. The overall size design of the two modern houses is completely out of character with those in the area, mostly 19th century houses and cottages. They do not accord with the Council's own Guidance on Housing in the countryside, '...The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. (Paragraph 1)



Late comment letter emailed 9/9/14.

DTF -

## Tracy McManamon

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**From:** Joanne Ferguson  
**Sent:** 08 September 2014 07:30  
**To:** Development Management - Generic Email Account  
**Subject:** FW: Planning application Ref. 14/01280/FLL

**From:** catherine robins [REDACTED]  
**Sent:** 06 September 2014 15:42  
**To:** Joanne Ferguson  
**Subject:** Planning application Ref. 14/01280/FLL

LATE COMMENTS

Dear Joanne Ferguson

Planning application Ref. 14/01280/FLL  
Erection of two dwellinghouses on land 150m South West of Merklands House, Ballintuim.

I have been a frequent visitor to Merklands Cottage over the past twenty five years, and know Strathardle well.

I see no difference between this proposal for the same site and the previous application (13/01255/FLL) which was rejected by the Council. Having examined both Perth and Kinross Council's Local Plan and the planning application for the two dwellings, I can see no correlation between the Council's stated aims and plans for building development in the Strath and this application.

Ballintuim is not identified for development and Merklands is over one mile from Ballintuim. It is two miles from Kirkmichael where some specific development is described in the Local Plan. The two proposed dwellings are therefore well outside existing settlements. The proposed position of the houses within the Merklands estate are well away from Merklands House and its buildings, and, therefore, these dwellings cannot be described as part of a building group.

The woodland of the location is identified as "a long established plantation" in the Ancient Woodland Inventory and is visible from many locations in the Strath. The proposed dwellings would spoil the view across the valley from the Cateran Way from which, having often walked the section between Ballintuim and Kirkmichael, the woodland of the Merklands estate is an important feature of the landscape. Not only would the new houses be very visible, but the landscaping surrounding them would leave a scar, changing the nature of the long established landscape.

There is a submission from the architects saying that few trees would be lost by building these large houses. However, I note there is still no indication on the plans of where the access off the driveway or road to the houses would be, and without that it is not possible to assess the impact of construction vehicles, building works or finally daily usage would have on the woodland.

The A924 is a busy road, a bus route and used by tourist coaches as well as delivery lorries and local and agricultural traffic. This particular stretch of the road is an opportunity for drivers to put on a bit of speed up to the limit of 60 mph, and therefore exiting onto the A924 needs care. Currently the view from the drive to the east, towards Ballintuim is clear. From the proposed plans the lower house's position would interfere with the sight-lines and therefore increase the potential for accidents.

I therefore wish to register the strongest objections to the above planing application

Yours sincerely,

Catherine Robins  
9/1 Bellevue Terrace, EH7 4 DT



## CHX Planning Local Review Body - Generic Email Account

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**From:** Peter Koenig [REDACTED]  
**Sent:** 21 January 2015 11:55  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Appliation Ref: 14/01280/FLL -- Case TCP1116334

Dear Sirs:

I write in response to the letter sent you by F Crichton Wood Architects dated 22 December 2014.

May I please state once again that, as a regular if occasional resident of Merkland Cottage, the property adjoining Merklands Estate, I oppose the construction of two houses on land owned by the Estate down by the road in front.

The letter from Crichton Wood Architects says the planning proposal should be "supported on account of its exceptional and appropriate design and siting."

There is nothing in letter explaining how or why the buildings proposed meet this description -- or back up the further assertion that the buildings proposed "will be unique and of such integrity and quality that there is little prospect of imitation or precedent."

All this is pure assertion. And, whatever the architect may say, his application is in reality a request for permission to build two expensive, upmarket houses aimed at the second home market in such a way as to offer modern luxury in the traditional Ballintuim/Bridge of Cally setting, where planning policy calls for new construction to blend in with the traditional, modest homes already there.

The architect makes the point that few if any trees will be knocked down during the construction of the two buildings. Is this possible? I doubt workers on a construction site, with orders to get the two buildings done as quickly and cheaply as possible, will in the end leave the trees around the construction site as they found them.

It is, of course, the right of the agent of Merklands Estate to exhaust all avenues to win approval for his planning application. But two virtually identical applications for the same buildings have already been submitted in a short time. Both were rejected. Given that the council's finances are strained by cuts and austerity, I wonder if the money spent on this third application might not have gone on something more useful to the community.

Yours sincerely,  
Peter Koenig  
137 Avenell Road  
London N5 1BH



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** Rose Pipes [REDACTED]  
**Sent:** 21 January 2015 14:18  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: Application Ref: 14/01280/FLL

Dear Audrey Brown,

Thankyou for your letter of 14 January with regard to the application for review of the Council's decision regarding the above application.

I have read the applicant's agent's letter of 22 December 2014 and see nothing in it that provides any information that is significantly different from the original proposal which was refused on the grounds that it 'is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan' (see P&K Council Report of Handling 30/09/2014).

The agent claims that the proposal should be supported on the grounds of its 'exceptional and appropriate design and siting', yet this was not cited in the Report as grounds for refusal of the application. Indeed, the Report notes that 'the proposed design in terms of the height, mass and finish is acceptable'.

The agent also claims that the only trees to be removed would be beside the road, and that these are deemed unsafe. He says that 'due to the buildings' (sic) no other trees would need to be removed, yet given that neither access drives nor parking spaces for either dwelling are included in the submitted plans, it is surely impossible for the Council to judge the validity of this statement.

Being very familiar with the site of the proposed buildings, I suggest that it would be impossible to construct the Toor of Merkland, in particular, without removing some trees, both in order to provide space for machinery to reach the site, and to enable a drive and parking spaces to be made. Note also that both buildings will in themselves radically alter the habitat of the woodland, with the resulting impact on wildlife.

In summary, since the agent has presented no argument to contest the Report's main findings against the application, and has supplied no fresh information material to the case, I can see no valid grounds for this request for a review.

Yours sincerely  
Rose Pipes



CHIEF EXECUTIVES  
DEMOCRATIC SERVICES

25 FEB 2015

RECEIVED

F. CRICHTON  
**WOOD**  
ARCHITECTS

Yvonne Oliver  
Perth and Kinross Council  
The Atrium  
137 Glover St  
Perth  
PH2 0LQ

Dear Sir ./ Madam,

**Planning Application Merklands**

Ref:- 13/01255/PUL

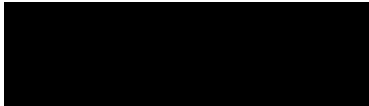
14/01280/FLL

Further to the forthcoming local review, would like to raise one point relating Joanne Ferguson's report, she highlighted the council's policy paper on Woodland can it be noted on page 5 this applies to "major and international," in my opinion Merklands is neither major or international further the policy paper lists a number of woodland types where woodland removal would be strongly opposed. The woodland at Merklands is not on the list.

However regardless my client will continue to improve the woodland with continued planting of native species for future generations

Please find attached one A1 copy of my drawing 206p05 as requested

Yours sincerely



Crichton Wood

Crichton Wood Architects



**TCP/11/16(334)****Planning Application 14/01280/FLL – Erection of 2 dwellinghouses, land 150 metres south west of Merklands House, Ballintuim**

## **FURTHER INFORMATION**

- Further information received from the Agent, dated 21 May 2015
- Comments on further information received from Woodland Trust Scotland, dated 9 June 2015
- Comments on further information received from Peter Koenig, dated 11 June 2015
- Comments on further information received from Rose Pipes, dated 11 June 2015
- Comments on further information received from Neil Constable, dated 14 June 2015
- Comments on further information received from Kath Davies, dated 15 June 2015
- Comments on further information received from Alison Williams, dated 16 June 2015
- Comments on further information received from David Adams, dated 17 June 2015





# RTS Ltd

## Woodland Managers & Consultants

Earnside House, Muthill Road, Crieff, Perthshire PH7 4DH  
Tel. 01764 652858 Fax. 01764 652946  
E-mail. [rtsadmin@rts.ltd.uk](mailto:rtsadmin@rts.ltd.uk)

Sir George and Lady Sheila Mathewson,

Merklands House

Planning Application 14/01280/FLL

Report on Tree Impacts

Application has been submitted to Perth and Kinross Council to construct two dwellings at the northern entrance to Merklands House, Kirkmichael.

The development sites are situated in an area of mixed woodland. Woodland and trees are afforded specific protection from development and there is strong presumption against the removal of native and ancient woodland.

The application has been submitted to the Perth and Kinross Local Review Body (PKLRB) who have requested specific information on the woodland:

*(ii) the applicant/agent be requested to provide further information to the Local Review Body in terms of an assessment of the site in terms of its qualities and value as an Ancient Woodland;*

An assessment has therefore been carried out by Harry Wilson, MICFor a Chartered Forester of some thirty years experience to address this request.

### 1. Definition of Ancient Woodland.

Ancient Woodland is a specific term which SNH define as “currently wooded, and continuously wooded since 1750”.

This is further Interpreted as “semi-natural woodland from maps of 1750 (1a) or 1860 (2a) and continuously wooded to the present day. If planted with non-native species during the 20th century they are referred to as Plantations on Ancient Woodland Sites (PAWS)”.

### 2. Existing Information.

SNH maintain the Ancient Woodland Inventory. The AWI is largely based on historical maps (from 1860 and 1750). Owing to the potential inaccuracies in these maps and the scarce information available – especially for rural areas – the AWI is described as provisional and is not definitive.

The AWI lists the woodland at Merklands as LEPO – Long Established of Plantation Origin. The earliest maps showing Merklands are from 1750 when it is shown as worked farmland. In 1863 it is shown as managed plantation and amenity woodland associated with a much developed Merklands House. The pattern of trees shown in 1863 strongly support the suggestion that this was introduced planting – and not natural/native.

### 3. Site Assessment.

Merklands was inspected on Friday 15<sup>th</sup> May. The woodlands surrounding Merklands – including the two proposed development sites are mature mixed amenity woodland. The present planting appears to date from the early 20<sup>th</sup> C to mid 20<sup>th</sup> C. Occasional large mature beech and redwoods may date from the late 19<sup>th</sup> C. It is unlikely that any trees are from the original 1863 maps. The principal species are beech, sycamore, lime, horse chestnut and silver fir – with occasional aged cherry. There are areas of younger trees and younger trees within gaps including beech, larch, Scots pine and birch. Oak and ash are notable in being largely absent.

The trees are generally in good health with few signs of decay, good annual growth and little deadwood in the canopy. Exceptions include most cherry and horse chestnut (both short-lived species) and a group of silver fir immediately above the “Toor” development site. There are a few small gaps in the planting – the single largest which “Toor” is intended to occupy.

The tree species, the ages and health are consistent with a plantation of introduced trees – perhaps replacing or following an earlier planting.

### 4. Impact of development.

4a. Gatehouse. The Gatehouse is intended to occupy a site immediately adjacent to the A924 from which it will extend back 17m. 7nr trees will be affected.

- 1- Oak at roadside. In failing health and discussed for removal due to road safety.
- 2- Large mature beech.
- 3- Roadside Copper beech. Poor form / spindly. Recent work is likely to have affected the rooting strength.
- 4- Lime. Moderate/medium. Healthy.
- 5- Beech. Small beech at the side of the watercourse.
- 6- Beech. Very small, suppressed, poor form.
- 7- Beech. Large.

4b. Toor House. Toor has been fitted into an existing gap in the plantation. There is cluster of silver fir to the south of the development site which are a notable landscape feature. The development will not impact on these trees. To the north and east of the Toor two groups of smaller (15metres) trees would be affected. To the north a small sycamore, small birch, a single Douglas fir and larch would be removed for parking. To the east a single larch, single small sycamore and 5 small birch would be affected. Other trees to the south and south-east may need to be crown reduced / pruned to manage future hazards.

Overall the development would not impact on the integrity of the woodland and there is potential for compensatory planting elsewhere within existing gaps in the tree cover at Merklands.

Harry Wilson MICFor

RTS Ltd, Earnside House, Muthill Road, CRIEFF. PH7 4DH

21<sup>st</sup> May 2015.

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## 9 Change transparency of overlay:







Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

9<sup>th</sup> June 2015

Dear Sir/Madam

**Planning application: 14/01280/FLL**

**Proposal: Erection of 2 dwelling houses | Land 150 Metres South West Of Merklands House Ballintuim**

The Woodland Trust is the UK's leading woodland conservation charity. We have four main aims: no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland and increasing people's understanding and enjoyment of woodland. We own over 1,250 sites across the UK covering around 23,000 hectares (57,000) acres. In Scotland we own and manage over 80 sites across 8,750ha which include the 5,000ha Glen Finglas estate and significant urban holdings in Glenrothes and Livingston. We combine the promotion of public access with forestry, farming and conservation of the natural and cultural heritage. The Woodland Trust has 500,000 members and supporters.

The Woodland Trust considers that any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory (or AWI), which is present on historical maps or which exhibits a significant number of ancient woodland indicators can be considered as ancient and is therefore worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. As such, the Woodland Trust aims to prevent the damage, fragmentation and loss of these irreplaceable sites from any form of disruptive development.

Ancient woodland is one of the country's richest terrestrial wildlife habitats, home to 256 species of conservation concern as listed on the UK Biodiversity Action Plan. It has evolved over hundreds, if not thousands of years and cannot be recreated or its loss compensated for. Furthermore, it also holds a unique, immeasurable value for all those who visit or have an association with it. As Scotland only has 2% of its land area covered by ancient woodland and as much of this is highly fragmented, remaining ancient woodland is of huge local and national importance

Removal of woodland is contrary to two important pieces of Scottish Government policy; the Scottish Planning Policy (SPP) which has now superseded NPPG 14 and the Control of Woodland Removal Policy.

The Woodland Trust  
Scotland  
  
South Inch Business Centre  
Shore Rd  
Perth  
PH2 8BW  
  
Telephone  
01738 635829  
Facsimile  
01738 629391  
Website  
[www.woodlandtrust.org.uk](http://www.woodlandtrust.org.uk)

The SPP states:

"146. Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement. Planning authorities should consider preparing woodland strategies as supplementary guidance to inform the future development of woodland and forestry in their area.

147. Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks. Where appropriate planning authorities should seek opportunities for new woodland creation and planting of native species in connection with development schemes. Tree Preservation Orders can be used to protect individual and groups of trees considered important for amenity or because of their cultural or historic interest.

148. The Scottish Government's control of woodland removal policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy"

Forestry Commission Policy on Control of Woodland Removal Policy states:

"There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks."

We are concerned about loss and damage to an area of ancient woodland at Merklands House (grid ref: NO098561) designated as 2b Long-established (of plantation origin) (LEPO) on the Scottish Ancient Woodland Inventory (AWI).

Following information that has been provided regarding the ecological impacts of the site it is evident that the woodland at Merklands will be subject to damage and loss. The Woodland Trust believes that any such harm to ancient woodland, whether LEPO or not, is entirely inappropriate and any planning application resulting in such should not be granted. Although the trees likely to be removed are not ancient they should be considered in a wider context rather than simply their individual values. The information provided does not demonstrate that no damage or loss will occur to the trees/woods and wildlife occupying the site.

Therefore the Woodland Trust **objects** to this planning application. We believe, based on the information provided, that woods and wildlife will not be safeguarded from the proposed development and that loss of ancient woodland is inappropriate.

We hope that you find our comments of use. If you require any further information please do not hesitate to get in contact with us.

Yours sincerely,

Jack Taylor  
Campaigner - Ancient Woodland



## CHX Planning Local Review Body - Generic Email Account

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**From:** Peter Koenig [REDACTED]  
**Sent:** 11 June 2015 17:29  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(334)

Hello, Ms. Brown -- below my response to the latest evolution in the application to build two houses at Merklands.  
All best, Peter Koenig

137 Avenell Road Highbury London N5 1BH 020 7359 3838  
[peter@pkoenig.co.uk](mailto:peter@pkoenig.co.uk)

June 12, 2015

Audrey Brown  
Committee Support Officer  
Local Review Body  
Perth & Kinross Council  
The Atrium  
137 Glover Street  
Perth  
PH2 0LQ

Planning application: 14/01280/FLL  
Proposal: Erection of two dwellinghouses, land 150 metres south west of Merklands House, Ballintuim

Dear Ms Brown,

Thank you for your email of 3 June with the RTS Ltd report on the impact of building two houses on the woodland in front of Merklands House in Strathardle.

The RTS report concludes that "the overall development would not impact on the integrity of the woodland and there is potential for compensatory planting elsewhere."

This conclusion is faulty and should not serve as an argument for any reconsideration of the Council's decision, taken twice in recent times, to reject planning approval for building two houses at Merklands.

RTS argues protection of the woodland should not stand in the way of construction because the woods in question are not ancient. But the information RTS itself supplies shows the woods do indeed meet the definition of ancient.

RTS acknowledges there was a woodland on the site in 1863. It says, however, "the pattern of trees shown in 1863 strongly support the suggestion that this was introduced planting – and not natural/native."

Leaving aside the fact RTS makes no mention of why such a pattern would support what it says it supports, the consultants fail to distinguish between trees and woodlands.

A woodland is made up of trees -- and other elements, beginning with trees that used to grow on the site which have decayed and are now part of the soil.

RTS may (or may not) accurately specify the age of the specific trees in question. It says nothing to argue against the fact that there was a woodland on the site well before 1860, and thus the present woodland does meet the definition which means it should legally be protected.

This perhaps is all a bit technical. But the RTS report highlights the careless use of the facts in the planning applications overall.

For example, the original planning application (22/12/14) stated two trees would need to be felled to build the houses.

Now RTS informs the Council that nearly ten times as many trees will have to come down to make room for the houses, and other trees may have to be felled as well to make space for parking and "to manage future hazards".

The Council's Development Plan balances the need to conserve the integrity of Strathardle with the need to allow Strathardle to develop by limiting new construction to existing settlements.

Merklands is not by any definition a settlement in the sense that Kirkmichael and Ballintuim are settlements. Thus, new construction on Merklands would undermine the Council's own plan.

Since it is difficult to conceive of a reason for deviating from the Council's own plan, I continue to object to the application to build two houses in front of Merklands, and hope and trust the reviewers of the two rejected planning applications will not reverse those decisions now.

Yours sincerely,

Peter Koenig

Audrey Brown  
Committee Support Officer  
Local Review Body  
Perth and Kinross Council  
The Atrium  
137 Glover Street  
Perth  
PH2 0LQ

15 Avondale Place  
Edinburgh

EH3 5HX

11 June 2015

Dear Ms Brown,

**Planning Application Ref: 14/01280/FLL**

Thank you for your e-mail of 3 June, attaching a copy of a tree impact report requested by the Local Review Body on 31 March 2015 and submitted to them by the agent in connection with the above planning application.

Your e-mail and the contents of the attached report raise a number of concerns:

First, in relation to the tree impact survey attached to your e-mail, I wonder why the LRB felt that such a survey was necessary at all, when the planning officer had made such a clear and robust case for refusal of the application on the grounds that the proposed development would be 'contrary to the relevant provisions of the Development Plan, and there are no material considerations apparent which justify setting aside the Development Plan.'

Further, when referring to the Ancient Woodland in her report of 30/09/2014, the planning officer specifically stated that 'as there is a fundamental issue with the principle [of the application] it would be unreasonable to put the applicant to the expense [of providing a full tree survey].'

Leaving that aside, as far as the submitted impact survey by RTS Ltd is concerned, I wish to make several points:

1. In the original planning application, and again in the agent's letter to the Council of 22/12/2014, it was stated that only two trees would need to be felled to accommodate the proposed two houses, and that one of the two trees had already been declared unsafe. In my own letter of objection, I said that it was abundantly clear to anyone familiar with the site that it would be impossible for the two houses to be built without

a number of trees being removed. This observation has now been endorsed by the report from RTS Ltd, who note that at least 18 trees would need to be felled to make space for the houses and associated car parking, and that, in addition, other trees may need to be crown-reduced/pruned 'to manage future hazards'.

In other words, the original application and subsequent submission by the agent grossly underestimated the impact of the development on the woodland trees, and by association, on the woodland habitat as a whole. This in itself casts doubt on the integrity of the applicant's case.

2. In their report on tree impacts, RTS Ltd contest the description of the woodland at Merklands as 'Ancient Woodland', despite it being listed in the Ancient Woodland Inventory. RTS cannot establish the exact date of planting of some of the trees, but note that woodland is marked on maps of 1863, indicating that trees must have been planted there earlier than that date. The area has been wooded continuously since then, and now contains a wide mix of tree types. Some of these, such as beech and Douglas fir, have been present in Scotland for centuries and as such can be considered to be naturalized species with significant ecological value, as opposed to simply being non-native.

3. The main point at issue here is the threat posed by the proposed development to the nature of the woodland as a whole. This involves the soil and ground flora as well as the trees themselves, all of which would be seriously disturbed and possibly destroyed by the proposed buildings and associated work and development of the site (i.e. introduction of machinery and construction workers, creation of hard-standing for car parking, the houses themselves, and the presence of their occupants, etc.).

4. Fragmentation of adjacent habitats and the interruption of flight paths as a result of tree removal and erection of buildings are highly likely to result in faunal populations moving away from a woodland, including the red squirrels and bats that currently occupy this site. In his letter to the council of 22/12/2014, the applicant's agent notes that there has been a 'dramatic increase in local populations of red squirrels and other native plants and wildlife' as a result of new planting by the present owner of Merklands House. It would be ironic, therefore, if such wildlife was to be adversely affected by the destruction of the woodland habitat in the area of the proposed development.

In summary, I contend that the conclusion of RTS Ltd, that 'overall the development would not impact on the integrity of the woodland' is highly contestable. Indeed, I would suggest that the impact could be devastating and irreversible.

I conclude my case by reiterating the original point, namely that the grounds for refusal of this application, as cited so cogently and comprehensively by the planning

officer, are solidly based on the Council's own Development Plan. Thus, any reconsideration by the LRB in favour of the application would by definition call the integrity of that Plan into question, and thus invite public scrutiny of the reasons for such reconsideration.

Yours sincerely

Rose Pipes



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** [REDACTED]  
**Sent:** 14 June 2015 17:29  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(334)

Dear Miss Taylor

**Town & Country Planning (Scotland) Act 1997**  
**The Town & Country Planning (Schemes of Delegation & Local Review Procedure)**  
**(Scotland) Regulations 2008**  
**Application Ref: 14/01280/FLL – Erection of 2 dwellinghouses, land 150 metres south west**  
**of Merklands House, Ballintuim – Ms S Bennett**

In reply to your email I would like to make the following comments.

In the original planning application there was no assesment of the number of trees to be removed and it is still not that clear especially at the Toor house. There was no mention of crowning trees and it is very unclear how many and which ones are to be crowned.

The Toor house is being proposed to be built in a very small opening in the woodland. There will be no natural light for the house as the majority of the trees are over 60 feet high and the tree canopy will therefore block out any natural light. A considerable number of trees would require to be removed to let light in. It would completely destroy the beauty of the woodland if trees to the south and east are crowned, most would probably die and it would look a mess. It is said in the report that the Silver fir to the south would not be touched, this would therefore block out the sunlight and any view. It would be a great loss to the landscape of the glen if this application was approved.

The Gatehouse is proposed to be built on a site which was in filled with rubble in the previous three years and has a major watercourse and pipe running under the proposed development. The report states the Copper Beech could have rooting problems due to this work this is not correct as the ground level is six feet higher up the trunk after all the infilling, than it used to be. The glen has seen a lot of roadside trees removed in recent years and it would be a pity to remove these mature trees and degrade the landscape further..

I hope the Council stand by their decision to refuse these planning applications or they are setting a precedent for the destruction of the landscape by future applicants.

Yours

Neil Constable



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** Kath Davies [REDACTED]  
**Sent:** 15 June 2015 12:20  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Planning application 14/01280/FLL

**Town & Country Planning (Scotland) Act 1997  
The Town & Country Planning (Schemes of Delegation & Local Review  
Procedure) (Scotland) Regulations 2008  
Application Ref: 14/01280/FLL – Erection of 2 dwellinghouses, land 150 metres  
south west of Merklands House, Ballintuim – Ms S Bennett**

**Attention Ms Audrey Brown  
Community Support Officer, Local Review Body, Perth and Kinross Council  
The Atrium, 137 Glover Street, Perth PH2 0LQ**

Dear Ms Brown

Planning application 14/01280/FLL: development at Merklands House, Ballintuim

Thank you for your email of 3 June, attaching the Report from RTS Ltd requested by the Local Review Body at its meeting on 31 March 2015.

I was present at the meeting on 31 March, and was extremely surprised that the LRB requested this Report, since the over-arching reasons given by the Council Planning Officer for the refusal of the application precluded the necessity for such a Report. Those grounds for refusal were based on the Council's Development Plan for the area and were excellently summarised by the independent planning adviser at the meeting.

However, here are my comments on the RTS report:

1. The RTS report questions the designation of this area as Ancient Woodland, although it is so marked in the Ancient Woodland Inventory. Disruption of an area which has been wooded since before 1863 would result in permanent damage to the ecology of the area, affecting not only the vegetation but the plant and animal life which has developed over more than 150 years, and some of which, e.g. bats and red squirrels, are now protected species. The 'compensatory planting elsewhere' (mentioned in the report) would seem somewhat irrelevant to the argument.
2. There appear to be serious discrepancies between the original application's statement that only two trees in the Ancient Woodland would require felling as part of this building project, and the assessment contained in this report that at least eighteen trees would be removed, and that other trees would need crown reduction and/or pruning to 'manage future hazards'. The likelihood of felling on a scale much larger than the applicant's original assessment was pointed out in previous letters of objection, and would appear to be confirmed by this report.
3. The conclusion arrived at by RTS, that the proposed development would not 'impact on the integrity of the woodland', seems quite wrong. The report seems in fact to make a strong case for the view that it would have a highly destructive impact on the natural life of this ancient woodland in particular and on the area in general.

4. In the Planning department's previous refusals of the application it was stated that the proposal to build two large houses on this site did not comply with the Council Development Plan requirements. I can see no material reason why that decision should be reversed and trust that it will be upheld.

Yours sincerely

K M Davies OBE  
15 Avondale Place  
Edinburgh EH3 5HX

## **CHX Planning Local Review Body - Generic Email Account**

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**From:** Alison Williams [REDACTED]  
**Sent:** 16 June 2015 23:26  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Objection to Application Ref 14/01280/FLL

Dear Miss Taylor

### **Town & Country Planning (Scotland) Act 1997**

### **The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008**

### **Application Ref: 14/01280/FLL – Erection of 2 dwellinghouses, land 150 metres south west of Merklands House, Ballintuim – Ms S Bennett**

I would like to register my concerns about the reviewing of the planning applications above, particularly in respect to the woodland in which the proposed houses would be built.

The two new houses are being proposed within an Ancient Woodland noted as being ‘long established of plantation origin’. Building two new houses in the woodland will inevitably require a number of mature trees being cut down to give light to the houses, changing the woodland irrevocably. The woodland is home to many species of animals and plants, and particularly bats and red squirrels. These would inevitably be disturbed both by the building process, and by the gardens, car parking, and overall loss of habitat.

As I noted in my previous objection, the houses contravene the Council’s own ‘Guidance on the siting and design of houses in rural areas:

- Central and local government guidance prefers housing to be directed to rural towns and villages where services and facilities exist.
- Encouragement will be given to the erection of houses within, or adjacent to, established building groups which have compact nucleated shapes.
- In exceptional cases, the erection of a house will be permitted where it is accepted that there is operational need for that house in connection with some rural activity, such as the practical running of a farm. Such houses should be located at the steading, and preferably be modest in scale, as was traditionally the case.

The proposed houses are not part of any existing buildings or footprint of any previous building. They wouldn’t have a ‘compact nucleated shape’. Neither are they connected to a rural activity.

In addition, the new houses would contravene the Council’s ‘Housing in the Countryside Guide’ requirements that state that applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a

dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents. The new houses do not have 'a good fit with the landscape character of the area' nor do they integrate with the largely stone-built traditional houses of 19<sup>th</sup> century origin. Most of the local houses are set well back from the road, and the new houses would be right on the road. There appears to be no space for screening, so they would be clearly visible from the road.

I hope that the Council will hold to their previous decision to overturn this planning application. They risk otherwise setting a precedent for others to willfully destroy Ancient Woodland and long-established landscape.

Yours sincerely,

Alison Williams

16/06/2015 9/1 Montgomery Street, Edinburgh EH7 5JU

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Dr Alison Williams FRGS

<https://www.sensepublishers.com/catalogs/bookseries/other-books/bite/>

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(+44) 7719 603321

## **CHX Planning Local Review Body - Generic Email Account**

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**From:** David Adams [REDACTED]  
**Sent:** 17 June 2015 16:56  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Objection to Application Ref 14/01280/FLL

To Gillian A Taylor  
Clerk to the Local Review Body  
Perth & Kinross Council

Dear Miss Taylor

### **Town & Country Planning (Scotland) Act 1997**

### **The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008**

**Application Ref: 14/01280/FLL – Erection of 2 dwellinghouses, land 150 metres south west of Merklands House, Ballintuim – Ms S Bennett**

I wish to add my objections to the above planning application review.

The two new houses could only be built at the cost of permanent environmental damage and degradation. Destruction of and damage to mature trees, invasion and removal of established woodland, and permanent intrusion upon wildlife habitats replaced by human occupancy.

The proposed houses will also degrade an area of sublime natural beauty by their intrusion into the landscape and all the mess and destruction of the construction processes, and the continuity of occupation.

The addition of new buildings would create a settlement of a size at Merklands which would inevitably attract further building, leading to the creation of another village where none is intended.

This application should be turned down

Yours sincerely,  
David Adams

16/06/2015

9/1 Montgomery Street, Edinburgh EH7 5JU

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