

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 24 April 2023 at 1:00pm.

Present: Councillors B Brawn, H Anderson and G Stewart.

In Attendance: R Burton (Planning Adviser), C Elliott, (Legal Adviser) and J Guild (Committee Officer) (all Corporate and Democratic Services).

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

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

No declarations were made in terms of the Councillors' Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 13 March 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-05**
Planning Application – 22/01406/FLL – Change of use and alterations to store and associated attic to form a dwellinghouse, 208B High Street, Perth PH1 5PA – The Bathroom Company

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use and alterations to store and associated attic to form a dwellinghouse, 208B High Street, Perth PH1 5PA.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for change of use and alterations to store and associated attic to form a dwellinghouse, 208B High Street, Perth PH1 5PA, be refused for the following reasons:

- 1. The proposed dwellinghouse, by virtue of its constrained back-land location and poor internal design, would fail to contribute positively to the quality of the surrounding built environment. It would fail to create a coherent structure of spaces and buildings, or a safe, accessible and easily navigable place for future occupiers and visitors.

Approval would therefore be contrary to Policies 1A and 1B(a)(d)(e) of the Perth and Kinross Local Development Plan 2 (2019) and Placemaking Supplementary Guidance (2020).

Justification

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

(ii) **LRB-2023-06**
Planning Application – 22/01046/FLL – Erection of a dwellinghouse, land 360 metres South East of 4 Middlebank Holding, Errol – Mrs Tessa Sands

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 360 metres South East of 4 Middlebank Holding, Errol.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by majority decision that:

- (ii) the review application for erection of a dwellinghouse land 360 metres South East of 4 Middlebank Holding, Errol, be refused for the following reasons:
 - 1. It has not been demonstrated that the existing farm Business is both financially sound and economically viable, and that it can self-fund the equivalent of one full-time employee wage/salary. Accordingly, the proposal is contrary to Policy 17(a)(v): Rural Homes of National Planning Framework 4, Perth and Kinross Council's

Supplementary Planning Guidance on Housing in the Countryside 2020 (Section 3.3), and Policy 19 (Housing in the Countryside) of the Perth and Kinross Local Development Plan 2 (2019), all of which only allow new farm dwellings in the countryside on the basis of economic activity when the existing business is financially sound and economically viable.

2. The proposal is contrary to Policy 17(a): Rural Homes of National Planning Framework 4, Perth and Kinross Local Development Plan 2 (2019) Policy 19: Housing in the Countryside, and the Perth and Kinross Housing in the Countryside Supplementary Guidance 2020 (Section 3.3), as it has not been demonstrated that the scale of the proposed dwellinghouse is appropriate for the present scale of the farm.

Justification

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

Note

Councillor Anderson partially dissented from a unanimous decision in not agreeing with the second ground for refusal. He considered the size, design and requirements of the property to be at the discretion of the applicant.

**(iii) LRB-2023-07
Planning Application – 22/01650/IPL – Residential development (in principle) land 100 metres North West of Easter Drumatherty Farm, Spittalfield – Mr T Reid**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle) land 100 metres North West of Easter Drumatherty Farm, Spittalfield.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for residential development (in principle) land 100 metres North West of Easter Drumatherty Farm, Spittalfield, be refused for the following reasons:
1. The proposed development fails to respect the character and amenity of the place. The proposal would have a detrimental impact on the building pattern and landscape character of the area. The proposal does not satisfy the requirements of Policy 1A and 1B (b): Placemaking of the Perth and Kinross Local Development Plan 2 (2019).
 2. The proposal is contrary to Policy 17: Rural Homes of National Planning Framework 4, Policy 19: Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and associated Supplementary Guidance Housing in the Countryside 2020, as the proposal fails to satisfactorily comply with any of the categories in the Development Plan..
 3. The proposal is likely to have a significant adverse impact on the setting of a listed building, Easter Drumatherty. The proposal does not satisfy Policy 7(a): Historic Assets and Places of National Planning Framework 4 and Policy 27A: Listed Buildings of the Perth and Kinross Local Development Plan 2 (2019).
 4. The proposal for development on prime agricultural land does not satisfy Policy 5(b): Soils of National Planning Framework 4 and Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 (2019) by virtue of not being compatible with the respective policy framework.
 5. The proposal does not satisfy Policy 22: Flood Risk and Water Management of National Planning Framework 4 and Policy 52: New Development and Flooding of Perth and Kinross Local Development Plan 2 (2019) as the proposed development site is within the approximate extents of 200 year fluvial flood event from River Tay. A Flood Risk Assessment to determine exact 200 year and climate change flood water levels is required and has not been submitted.

Justification

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

(iv) LRB-2023-08
Planning Application – 22/02034/FLL – Erection of dwellinghouse, land 180 metres North West of Spoutwells Farm, Meikleour – Mr G Roy

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 180 metres North West of Spoutwells Farm, Meikleour.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter resolved by unanimous decision that:

- (ii) the review application for erection of a dwellinghouse, land 180 metres North West of Spoutwells Farm, Meikleour, be refused for the following reasons:
 - 1. The site is not part of an existing building group which comprises 3 or more existing buildings, does not have natural and defined site boundaries which are capable of absorbing the development proposed and would not have a close relationship with the existing buildings by virtue of its physically divorced location. The proposal is therefore contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 19: Housing in the Countryside and the Council's Housing in the Countryside Guide 2020 Supplementary Guidance, which firstly define a building group as being 3 or more existing properties and secondly seeks to ensure that new development which extends building groups to do so into established and natural sites which have a close relationship to the existing grouping.
 - 2. The proposal would result in a new dwelling being located in an open corner of a wider agricultural field, with no existing landscape features or site containment to the north and east. This would result in visually incongruous development within the rural countryside. The proposal is therefore contrary to Policy 17 of the approved National Planning Framework 4 (2023) which requires all new rural homes to be appropriately sited.
 - 3. The proposal would result in a new dwelling being located in an open corner of a wider agricultural field, with no existing landscape features or site containment to the north and east. This would result in a visually

incongruous development within the rural countryside. The proposal is therefore contrary to Policy 1A of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all new developments do not have an adverse impact on the environment in what they are located.

Justification

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

**(v) LRB-2023-09
Planning Application – 22/01707/FLL – Erection of 4
dwellinghouses and 3 garages, land 50 metres South East of
Craigton Gardens, Cleish – Mr R Black**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of 4 dwellinghouses and 3 garages, land 50 metres South East of Craigton Gardens, Cleish.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter resolved by unanimous decision that:

- (ii) the review application for erection of 4 dwellinghouses and 3 garages, land 50 metres South East of Craigton Gardens, Cleish, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 19: Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. The proposal is adjacent to an existing building group but results in a development which extends the building group into an area of land which is not defined as required by policy. Furthermore, the layout and location of Plots 3 and 4 at the southern end of

the site fail to respect the character and building pattern of the existing roadside layout of the grouping. The scale and height of Plot 3 is also significantly out of scale with the established single storey character of the existing group.

2. The proposal is contrary to Policy 1A and 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019). The proposed development and in particular plots 3 and 4 at the southern side of the site would not contribute positively to the built and natural environment or the character and building pattern of the existing small grouping due to its scale, design, layout and lack of a landscape framework.
3. The proposal is contrary to Policy 46B “Loch Leven Catchment Area” of the Perth and Kinross Local Development Plan 2 (2019) as the phosphorous calculations which have been submitted do not reflect the scale and nature of the development which is proposed.
4. The proposal is contrary to Policy 52: New Development and Flooding. The Flood Risk Assessment considers a culvert to the immediate west of the site but fails to consider the impact which the blocking or overwhelming of the existing culvert to the north west of the site at the B9097 on the Colonel Burn may have on flood risk on the application site. Therefore, the submitted Flood Risk Assessment fails to provide complete clarity on the suitability of the development of the site from a flood risk perspective.
5. The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals” of the adopted Perth and Kinross Local Development Plan 2 (2019) as the plans do not demonstrate that delivery/septic tank service vehicles would be able to turn within the site. Furthermore, there is a lack of clarity on footway provision both within the site and along the boundaries of the site with the public road.
6. The proposal is contrary to National Planning Framework 4 Policy 17: Rural Homes, as the layout and location of plots 3 and 4 are not in keeping with the character of the area.

Justification

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

(vi) **LRB-2023-10**
Planning Application – 22/01789/FLL – Alterations and extension to dwellinghouse, Strawberrybank, Golf Course Road, Blairgowrie PH10 6LF – Mr P Boyle

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, Strawberrybank, Golf Course Road, Blairgowrie PH10 6LF.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter resolved by unanimous decision that:

- (ii) the review application for alterations and extension to dwellinghouse, Strawberrybank, Golf Course Road, Blairgowrie PH10 6LF, be granted subject to relevant conditions and informatives.

Justification

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