

**LRB-2022-54**  
**22/00032/FLL - Erection of a dwellinghouse,**  
**agricultural/forestry storage building, stables and**  
**associated works, land 180 metres east of Garden Cottage,**  
**Auchterarder, PH3 1PP**

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agricultural/forestry storage building, stables and  
associated works, land 180 metres east of Garden Cottage,  
Auchterarder, PH3 1PP**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100601310-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:	07717 512203	Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="I"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Pirie"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Coul, Duchally, Auchterarder"/>
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Northing	<input type="text" value="711555"/>	Easting	<input type="text" value="296489"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of a dwellinghouse, agricultural/forestry storage buildings, stables and associated works on Land 180 Metres East of Garden Cottage, Auchterarder

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to statement submitted in support of this appeal

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

A full list of the additional supporting documents are contained within our grounds of appeal statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00032/FLL

What date was the application submitted to the planning authority? \*

10/01/2022

What date was the decision issued by the planning authority? \*

18/07/2022

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A hearing session would allow ourselves and the applicants the opportunity to discuss or respond to any specific issues or queries that are raised by the LRB

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We consider that it would be beneficial for LRB to visit the site and assess the proposals in the context of their surroundings.

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

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark Myles

Declaration Date: 28/09/2022



**ERECTION OF FARM &  
FORESTRY BUILDING,  
STABLES & ERECTION  
OF HOUSE, AT LAND  
180 METRES EAST OF  
GARDEN COTTAGE,  
AUCHTERARDER  
NOTICE OF REVIEW  
STATEMENT**

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## 1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal submitted to Perth and Kinross Council on behalf of Mr & Mrs I Pirie.
- 1.2 The application site is located on land at Coul which is accessed from Duchally Road to the south of Auchterarder.
- 1.3 The appeal relates to the refusal of planning permission to erect house, agricultural/forestry building, stables and associated works on 18<sup>th</sup> July 2022 (22/00032/FLL).
- 1.4 Emails were received from the planning officer on 4<sup>th</sup> March and 8<sup>th</sup> April advising of some policy concerns with the proposal in terms of its compliance with the housing in the countryside policy (Policy 19). Despite only being advised of this single policy issue (Policy 19) during the consideration of the application, the council then issued a decision notice containing 4 reasons for refusal i.e. no previous mention of landscape or visual impact concerns or the need for a tree survey. All of these reasons are addressed further below.
- 1.5 Responses and further information from the applicant were submitted by us to the planning officer on 15<sup>th</sup> March, 14<sup>th</sup> April, 28<sup>th</sup> April and 25<sup>th</sup> May. Each of our responses also requested a site meeting be arranged to discuss the application further but this was declined by the planning officer.
- 1.6 No representations were received from any interested third parties against the proposal. We understand that the local Community Council are in support of the proposal as well as the local councillors who are also supportive.

## 2.0 Background to the Proposal

- 2.1 The applicants Mr & Mrs Ian Pirie own a 200-acre estate at Coul, Duchally (most of which was formerly part of the Cloan Estate and which they purchased in 2018) as highlighted on the overview map of the land parcel ownership which accompanied the application. As part of the ongoing development and management of the agricultural and woodland estate at Coul, our clients are seeking to develop new forestry and agricultural buildings alongside a house, all at a central location within the wider estate.
- 2.2 The applicants currently reside at Thornton House which sits within the original 16 acres of land on the estate, but where the existing sheds and outbuildings sit within a tight courtyard where the potential for further expansion of these buildings is severely constrained due to their location and setting within the boundaries of the yard and adjacent railway line.
- 2.3 The proposal involves the erection of a farm/forestry building and a storage shed/stables building to supplement an existing storage shed that is already located immediately adjacent to the application site. A dwellinghouse to support the existing agriculture and forestry business also forms part of the detailed planning application. The accompanying SAC Consulting Report (June

2021) sets out the reasoned justification and economic need for a dwelling to be located on the farm estate to support the existing business.

- 2.4 A pre-application enquiry (21/00520/PREAPP) had been submitted to PKC and the response from PKC dated 30 September 2021 confirmed that further information would be required to support a future planning application as the council were unconvinced that the proposal complied with policy 19.
- 2.5 In terms of siting and design criteria, the pre-app response stated that it would be helpful to show what sites have been considered and although it stated that *'the site lacked boundaries on the northeast corner where the farm building is proposed, **there does seem to be a degree of containment but it still must be shown that this is the best site to meet the criteria.*** It should be noted that information on the assessment of alternative sites was submitted in support of the application to show that this was the best site in terms of being an identifiable site with long established boundaries (as subsequently recognised by the Policy Team in their consultation response dated 15<sup>th</sup> February 2022) which actually says that ***the site selected would appear to be the best option in terms of how well it complies with the siting criteria set out under category 3.*** (see also para 5.12 below).
- 2.6 The applicants with the help of their daughters are responsible for the care of the horses, the cattle that graze the land during the summer months and the lambs that graze the land during the winter months. The applicant is also directly responsible for shed and field maintenance and repairs and management of the 39 hectares of woodland, aided by casual staff. Since acquiring the land in 2018 the applicants have been bringing neglected woodland back into sustainable management. They have cleared two areas of damaged and windblown woodland and have replanted these in a much more aesthetic and environmentally sensitive manner. The applicants have already planted many native hardwood trees to enhance the existing woods, also resulting in biodiversity net gain. Improvements to public access on the Core Path that runs through Cloan Glen have also been made and there are ongoing safety concerns there with diseased Ash which takes careful management. In addition, a network of new paths to enable public access have also been created by the applicants through the woodland, linking with the Core Path. The applicants have also facilitated the business of Do It Outdoors in providing a woodland setting for their outdoor classes, providing an introduction to outdoor crafts for mainly youngsters.
- 2.7 As noted in para. 2.2, the applicants reside at Thornton House which as shown on the location plan and the alternative sites assessment plan is situated some distance to the north and separated from the majority of the land ownership. There are clear constraints to developing any further agricultural or forestry sheds at this location and it is far from ideal as it is also not central to the business and estate hub and some distance from where the livestock graze.
- 2.8 For animal welfare, health and safety, security, day to day management and environmental reasons, managing an estate and in particular animal welfare is not a normal 9 to 5 job. It is therefore vital that the applicants are located within the main block of estate land and preferably at a central location within that ownership adjacent to where the livestock are situated 24 hours a day.
- 2.9 As noted in the SAC Consulting Report the site of the proposed sheds and house is not on prime agricultural land. The site has been selected on the basis that it is located at a central location within the overall estate, has a good fit within the landform and surrounding topography being set against the rising ground to the south, and is well screened by existing mature trees to the north



of the proposed access road and other adjacent landscaping. The site selection also takes full account of previous negative planning history on land further to the east where permission was refused for a previous owner, to erect a zero carbon living and sustainable living proposal, in part due to concerns about the impact on the visual and scenic qualities of the landscape (17/00329/FLL & 17/01524/FLL). A previous application to erect a house on the site of the existing shed located to the north of the appeal site (16/01275/IPL) also had nothing to do with the current appellants and predated their acquisition of the land in 2018. The appellants are proposing to retain this shed which will form part of the hub of estate buildings at this location.

- 2.10 This proposal would provide the family with the opportunity to be located at Coul to directly manage and oversee the day to day business activities, manage the livestock to help consolidate the diversification and growth of the farm business, increase the overall security of the estate and also provide the opportunity to expand the business further in the future, continuing to offer additional local employment opportunities.

## 3.0 Development Plan Policy

- 3.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 3.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2 2019 (adopted in November 2019).
- 3.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy – adopted in March 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this appeal and these documents are referred to in more detail within our original supporting planning statement.
- 3.4 Perth & Kinross Council adopted its Local Development Plan 2 (LDP2) in November 2019. The principle of erecting a house on this site is required to be considered under the terms of Policy 19 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan 2. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.
- 3.5 This proposal requires to be considered under the terms of 'new houses in the open countryside' on defined categories of sites as set out in Section 3 of Policy 19 of LDP2 and the council's associated Supplementary Guidance.
- 3.6 Section 3 in the associated supplementary guidance lists the following subcategories; existing gardens, houses in areas of flood risk, economic activity, houses for local people and houses for sustainable living. This proposal can be assessed against the economic activity subcategory 3.3.

- 3.7 Policy 1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and respect the character and amenity of the place through careful design and siting. This policy applies equally to the proposed sheds as well as the proposed house.
- 3.8 In terms of impact on the landscape and the general character and visual amenity of the area, Policy 1A – Placemaking states that *'Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.'*
- 3.9 Policy 1B also states that all proposals should meet all the following placemaking criteria:
- (a) *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
  - (b) *Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
  - (c) *The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
  - (d) *Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
  - (e) *All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle, and public transport.*
  - (f) *Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*
  - (g) *Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
- 3.10 In all cases, applicants are required to demonstrate that the site chosen is the best possible option in terms of fit within the landscape and reflecting the traditional pattern and character of the area. When taking these criteria into account the site chosen for the new sheds and the associated new house is centrally located on the estate and set against a wooded landscape framework. The location for the buildings is not on prime agricultural land and is considered the best possible option in terms of fit within the overall landscape and at the same time reflecting the traditional pattern and character of rural buildings and farms/estates in the area. The proposed buildings would also relate well to the existing shed that is already located on the northern side of the access track and the site is easily accessible to the public road which is only a short distance to the southwest. Our clients are looking to create a proposal of outstanding design and landscape quality that respects the relevant criteria set out under Policy 1 on Placemaking.



- 3.11 The site selection and location map that accompanies the planning application provides further details of the alternative locations that were considered for siting the proposed sheds and house. As can be seen the lack of a landscape structure or established site boundary containment, impact and poor fit on the landscape setting as well as distance from the public road were all reasons why the alternative locations were discounted. The proposed site also has the best relationship with the existing storage shed that would be utilised. For these reasons it is therefore considered that the site chosen is the most suitable site on which to locate the buildings and on that point the council's Planning Policy Team agreed.
- 3.12 By incorporating a traditional approach to the proposed house design and the creation of a courtyard layout for the farm and forestry buildings, the detailed design, siting and layout of the development is of a high quality. Traditional high-quality finishing materials (stone, slate and timber) are also proposed. The protection given to the character and amenity of the wider surroundings and the nearest properties alongside the definition of a proper setting and curtilage for the proposed new sheds and residential property, contributes positively to the quality of the surrounding built and natural environment and in doing so achieves compliance with all of the relevant criteria of Policy 1.
- 3.13 In terms of potential developer contributions (Policy 5 Infrastructure Contributions from the LDP2) and the associated Supplementary Guidance (July 2020), it has been confirmed that there would be an education contribution requirement which amounts to £5,164.
- 3.14 In addition, the site is located within the defined A9 Junction Policy area (as shown in Appendix 2 of the Supplementary Guidance), and therefore any approval would require a transportation contribution towards the A9 Junction upgrades totalling £3,450.
- 3.15 The appellant previously advised the planning officer that they would agree to make an upfront payment to allow the release of any planning consent thus avoiding the need for a planning obligation to secure these contributions.

## 4.0 Other Material Considerations

- 4.1 In addition to the policy framework set out in Section 3 above, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;

### **Perth & Kinross Council Housing in the Countryside Supplementary Guidance – March 2020**

- 4.2 This supplementary guidance contains detailed criteria for assessing this type of proposal. The guidance lists the following categories where housing in the countryside proposals may be considered acceptable (building group, infill sites, new houses in the open countryside, replacement houses, conversion or replacement of non-domestic buildings, rural brownfield land).
- 4.3 Of these categories the proposal requires to be assessed further under the terms of category 3 - new houses in the open countryside.

- 4.4 This proposal can be considered under the economic activity subcategory (3.3) of the policy which states that *'In the past conditions have been used to restrict the occupancy of houses in the open countryside to agriculture workers or others associated with a rural business. In some cases this has allowed a proposal to go ahead which may otherwise have not fully complied with the Siting Criteria on page 12. Scottish Planning Policy now directs against the use of occupancy restrictions.* As a result, more emphasis is now placed on the siting and design of houses in the open countryside; if a proposed house is in a good location and of a high quality design appropriate to that location, there will not normally be a need to restrict who occupies the house. Despite planning policy now advising against the use of occupancy conditions, the applicants would have no issue with such a condition being attached to any approval should it be considered necessary by the Local Review Body.
- 4.5 In all cases applicants must demonstrate that the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. It must also be demonstrated that every possible effort has been made to meet the Siting Criteria and For All Proposals criteria. Applicants must provide evidence that a new house is essential to the continued operation of the farm for animal welfare reasons. Evidence should be in the form of a business appraisal, prepared by an independent expert (e.g. SAC Report), which demonstrates that the farm/estate is financially sound and economically viable. The appraisal should be based on labour hours for the existing farming operation and must clearly set out the proportion of labour hours and the types of operations which require a full-time worker or workers to be on-site for the majority of the time.
- 4.6 In terms of siting criteria, the guidance further adds that;  
*'Proposals for a new house falling within category 3 will require to demonstrate that it meets all of the following criteria when viewed from surrounding vantage points:*
- a) *it blends sympathetically with landform;*
  - b) *it uses existing trees, buildings, slopes or other natural features to provide a backdrop;*
  - c) *it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which separates the site naturally from the surrounding ground (e.g. a dry stone dyke, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site. The sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically in order to create the site, will not be acceptable;*
  - d) *it does not have a detrimental impact on the surrounding landscape.'*

## **Scottish Government Advice – Creating Places and Planning Advice Note 72 – Housing in the Countryside**

- 4.7 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'* The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if 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.'*



- 4.8 The council's supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

## 5.0 Planning Assessment & Conclusions

- 5.1 This Notice of Review appeal seeks detailed planning permission to erect a new farm and forestry building, a storage shed with stables, and a dwellinghouse on land at Coul, Duchally on the basis of the existing and continued growth of the economic activity associated with the farm and wider estate, which has been established since 2018 when the applicants purchased the land.
- 5.2 When assessing the relevant planning policies, the policy that deals with the principle of the house development (Policy 19 of LDP2) allows for new dwellings in the countryside where they fall into certain categories.
- 5.3 In terms of new dwellings, Policy 19 (3) from LDP2 and category 3 of the supplementary guidance, the council's position is that favourable consideration can be given to proposals for the construction of new houses in the open countryside where they meet an identified economic activity.
- 5.4 This proposal can be considered favourably under the 'economic activity' sub category (3.3) of the policy which supports proposals for a house either on site, or in the locality, for a key worker associated with an established economic activity, where it has been demonstrated that there is a need for the house. As well as paying careful attention to siting and design for the new sheds and house, evidence to support the justification and the need for the house must be provided with any planning application. SAC Consulting have therefore provided the applicants with a labour justification report that sets out the need for a new estate house on the wider landholding. The SAC report provides confirmation that the management of the existing farm and estate equates to a total of 2.04 labour units thereby justifying the need for an additional house on the estate. The SAC report is a fair reflection of the hours worked on the estate but it is impossible to accurately quantify each and every hour to a specific task.
- 5.5 The Report of Handling states that 1410 hours are included in the SAC Report for grass and woodland management but that any new house must be essential for animal welfare reasons. The appellant would argue that grassland management is for animal welfare reasons e.g. hours spent digging out ragwort, but more importantly they are always on hand to keep an eye on the livestock whilst doing other jobs.
- 5.6 The Report of Handling fails to recognise that this proposal involves the ongoing long term management and growth of a rural farm and estate business. Following the issuing of the council's decision, the applicant wrote to David Littlejohn and included detailed comments in response to the statements that are set out in the Report on Handling (copies included with appeal). None of the points raised were answered either in David Littlejohn's letter of response (also included in appeal submission) or in two subsequent telephone calls with Kristian Smith. Indeed, the applicant considered the latter only made matters worse by the council contradicting statements made in earlier emails in an effort to justify their stance.

- 5.7 The Report of Handling states that the largest element of the labour requirement is in caring for the 4 Clydesdale horses which are on site all year. In our email to the planning officer of 15 March 2022 we volunteered the information that a horse had been sold but the numbers will go back to 4 as one mare is in foal again. The appellants do not run an equestrian business but there are 3 / 4 horses being looked after by them all year round as part of their farming enterprise. This has been made clear to PKC in various communications subsequent to the SAC report so the labour requirement is accurate and is as stated in the SAC report and therefore not what is set out in the Report of Handling. The Clydesdale Horse is currently categorised as an 'at risk' breed under the definitions set out by the Rare Breed Survival Trust and an email from the Secretary/Administrator of The Clydesdale Horse Society dated 20<sup>th</sup> September 2022 is attached as an additional supporting document.
- 5.8 The cattle and lambs belong to two local farmers, but the arrangements are for the appellants to look after them whilst on their grazing. This suits both parties. The numbers do fluctuate depending on various factors such as quantity of grass and at what stage lambs go to market.
- 5.9 In terms of the principle of the development the proposal is therefore considered to meet the terms of Policy 19 (3) and also category, 3.3 of the supplementary guidance in that a new house is justified and supported by the SAC Report and the detailed criteria set out in the policy, and there are no uses in the vicinity of the site that would prevent an adequate standard of amenity for the proposed house.
- 5.10 When assessing the criteria listed in Policy 1 of LDP2, in combination with the siting criteria set out in the supplementary guidance, the proposed site for the new sheds and house is considered to be the best option considering that the proposed site boundaries are framed by the mature trees to the north, the proposed central location within the estate, the ease of access from the public road, relationship to the existing storage shed that is already located adjacent to the site and the proposal does not involve the loss of prime agricultural land. Account has also been taken of the previous planning history of a refusal for development on land further to the east. The proposed site will therefore blend sympathetically with the landform and the surrounding natural features and would not have a detrimental impact on the surrounding landscape. The site selected is discrete with no visual or amenity impacts being created on any other existing nearby properties or on the wider landscape setting.
- 5.11 At the same time the proposed site is located adjacent to the grazing land for ease of livestock management as the farm business continues to grow and diversify. It would also be illogical to locate the new sheds at Thornton, some distance from where the cattle and sheep graze and where there are clear constraints to further development anyway.
- 5.12 None of the above factors have been properly considered by the planning officer. At no time throughout the 6 months that it took for PKC to issue their decision notice did the planning officer ever suggest that the scale, siting and design of the development would not contribute positively to the quality of the surrounding environment and at no time was any additional landscape or visual information ever requested to address the potential impacts on the wider landscape. Indeed the 2<sup>nd</sup> and 3<sup>rd</sup> reasons for refusal directly contradict the consultation response that had been received from the council's own Planning Policy Team dated 15<sup>th</sup> February which actually says **that the site selected would appear to be the best option in terms of how well it complies with the siting criteria set out under category 3**. These reasons for refusal also directly contradict the advice that was provided by the council within the original pre-application enquiry response (21/00520/PREAPP) (see para. 2.5 above).



- 5.13 For the planning officer to then also add a 4<sup>th</sup> reason for refusal about the lack of a tree survey when no survey is considered necessary or was ever requested is also extremely frustrating.
- 5.14 All woodland on the estate is already covered by a UK Woodland Assurance Scheme and a Forestry Management Plan that's been approved by Forestry Land Scotland, and the applicants continue to plant and replant native hardwood at the expense of commercial softwood.
- 5.15 From the point when the initial email advising of concerns in respect of compliance with Policy 19 was issued by the planning officer on 4<sup>th</sup> March, to the application determination date on 18<sup>th</sup> July, the council had ample opportunity (over 4 months) to request any additional supporting information or surveys that could have easily addressed reasons for refusal 2, 3 and 4 but they never did.
- 5.16 The proposed siting has taken account of the existing woodland belt with the new house positioned within a clearing in the woodland which had taken place prior to the appellants ownership in 2018. Contrary to the statement in the Report of Handling, the area is not starting to re-grow but that aside it is young trees which are located around the boundaries which have been badly neglected and require thinning and bringing back under proper management. There would be some cut and fill in order to site the sheds, but this is to the benefit of the surrounding landscape by reducing the overall height of the buildings.
- 5.17 No mature trees will be affected by this development and a tree survey is not considered necessary. If a tree survey had been required, then it should have been requested by the council during the consideration of the application. All of the woodlands on the estate are subject to a management plan under the auspices of the UK Woodland Assurance Scheme which has been accepted and approved by Forestry and Land Scotland. The appellants have already done more on the estate than would ever be required in the way of tree management and native hardwood planting with particular emphasis on the landscape and biodiversity.
- 5.18 There are no issues raised with regards to transportation, access or servicing of the proposed site and further information on visibility splays at the road end can be covered by suitably worded planning condition. There would also be sufficient space within the site to accommodate the required parking and turning areas within a central courtyard area that also relates to the existing adjacent building. The proposed design, layout and finishing materials are all of a high quality and satisfy each of the criteria set out in Policy 1 of LDP2 and the siting criteria set out in the Supplementary Guidance.
- 5.19 As the planning application includes both of the proposed new sheds as well as the house, the LRB have the ability to control the phasing and timing of the development i.e. the applicants would have no issue with the LRB requiring the new sheds to be erected in advance of any work starting on the new house.
- 5.20 For the reasons set out above the proposals are considered to be fully compliant with the relevant policies contained within the Local Development Plan 2.
- 5.21 The Report on Handling notes the economic impact of the proposal is likely to be minimal and limited to the construction phase of the development. However the reality is that there will be a negative economic impact if permission is not granted on the land in so far as the appellants will be unable to continue working this estate without the erection of a farm/forestry building and a

storage shed/stables building to supplement their existing storage shed that is already located immediately adjacent to the application site.

- 5.22 Accordingly, for the reasons set out in this statement and all of the information provided in support of the Notice of Review (see full list of documents below), the LRB are requested to approve this appeal subject to the payment of the required developer contribution and any conditions that may be considered necessary and appropriate.

## ADDITIONAL SUPPORTING DOCUMENTS

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- Planning Application forms (PKC ref 22/00032/FLL)
- Planning Application supporting statement (Bidwells) dated January 2022
- Labour Requirement Justification Report (SAC) dated June 2021
- Location Plan, Existing and proposed Site Plans, Elevations and Floor Plans (Denholm Partnership)
- Estate Land Ownership Overview Map
- Site Selection & Location Map (Denholm Partnership)
- Aerial Map and context photographs of site and surroundings showing limited visual and landscape impact (Denholm Partnership)
- PKC decision notice (PKC ref 22/00032/FLL) dated 18 July 2022
- Report on Handling (PKC ref 22/00032/FLL) dated 28 June 2022 with applicant's comments in red and covering letter to David Littlejohn 9/8/22
- Copy of email response from David Littlejohn dated 12/8/22
- Copy of Bidwells emails to Planning Officer dated 15/3/22, 14/4/22, 28/4/22, 25/5/22
- Email from the Secretary/Administrator of The Clydesdale Horse Society dated 20<sup>th</sup> September 2022





Mr And Mrs I Pirie  
c/o Bidwells  
Mark Myles  
Broxden House  
Lamberkine Drive  
Perth  
PH1 1RA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **18th July 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/00032/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 10th January 2022 for Planning Permission for **Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage Auchterarder**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within 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 and 6) Development on rural brownfield land.

In particular in terms of category 3) it has not been satisfactorily demonstrated that the proposed house is essential for animal welfare reasons and that an additional house is essential for the continued operation of the business.

2. The proposal is contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as due to its scale, siting and design the development would not contribute positively to the quality of the surrounding built and natural environment.



3. The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019). The proposal would erode and dilute the local landscape character. Insufficient information has been submitted to demonstrate the impact of the development on the surrounding landscape and that this is an appropriate site in terms of landscape fit and impact.
4. The proposal is contrary to Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019). There are trees on the site and no tree survey has been submitted. A tree survey is required for planning applications where there are existing trees on the site.

**The plans and documents 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**

**01**

**02**

**03**

**04**

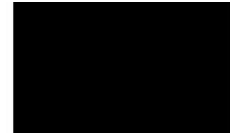
**05**

**06**

**07**

**08**

Mr David Littlejohn  
Head of Planning & Development & Chief Planning Officer  
Communities Service  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD



PH3 1PS

9/8/22

Dear Mr Littlejohn,

**RE: Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works at Land 180 Metres East Of Garden Cottage Auchterarder**

I am sorry to drop this on your desk but we really do feel as though we are banging our heads against a brick wall. Can I respectfully ask for an acknowledgement of receipt as our last letter was weeks and required a reminder before we received a response.

To say that we are aggrieved by your refusal would be an understatement and I would clearly state that I believe the Council has got this completely wrong. I note this refusal was issued the next working day after my email reminder that my letter of 21<sup>st</sup> June had not been replied to. Indeed, on that same day Kristian Smith sent a reply to the letter which only reiterated what had already been said and did not address the points in the letter and some of it did not make any sense at all. It feels as though there is a hidden agenda which we are not aware of and I can only ask for your help in taking this forward.

I don't believe we should go down the route of an appeal at this stage because the councils reasoning for refusal is so unjustified. I have attached my response to the Report of Handling (my comments in red) in the hope that you will agree with me. I am concerned that a snap decision was made on our application because of spurious applications on the same site in previous years. I would like to stress that these had nothing to do with us and indeed was at a time when the land was owned by Cloan Estate. It appears as if every possible reason has been thrown at this proposal as an afterthought in justification for not supporting it. Some of these are a direct contradiction to statements from the council on the pre-planning, particularly as regards the site.

I trust that my response brings clarity to the application and the sheer frustration we are experiencing at the un-just comments and slow progress we are making. I have not touched on the wider benefits we are bringing to the community and landscape but kept very much to the Report of Handling. If you would like to visit or call I would be happy to show you what we are doing or discuss anything that remains un-clear.

I await your response in due course.

Yours faithfully

Ian Pirie





## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	22/00032/FLL	
Ward No	P7- Strathallan	
Due Determination Date	9th March 2022 Extended to 9th May 2022	
Draft Report Date	20th June 2022	
Report Issued by	PB	Date 28 <sup>th</sup> June 2022

**It is noted that the determination date was 9<sup>th</sup> May 2022**

**PROPOSAL:** Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works

**LOCATION:** Land 180 Metres East Of Garden Cottage Auchterarder

#### 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.

#### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

**What interested parties and what photographs did they submit and why?**

In this instance, a physical visit to the site was considered necessary. The application site was visited on **28 April 2022**.

#### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works at site in a rural area around 3km to the south east of Auchterarder.

The site is reached off an existing track from a minor public road.

The proposal is for a detached dwellinghouse with four bedrooms and accommodation over two levels. The house proposed is around 22.5m in length and 16m in width at longest and widest points. It is to be sited in a partial clearing in a woodland. Two sheds are to be sited to the north east of the proposed house. One is a farm/forestry storage shed (18.4m x 12m x 5.8h) and the other a storage shed/stables (18.4m x 9m x 4.8h). The two proposed sheds would be located in an existing grazed field. Site area is 0.72ha. There is an existing open fronted storage shed adjacent to the site. Whilst the supporting statement notes that this building is incorporated into the applicant's plans this building is not within the application site boundary.

## **SITE HISTORY**

16/01275/IPL Erection of a dwellinghouse (in principle) Land 200 Metres North East Of Garden Cottage Auchterarder Refused 5<sup>th</sup> September 2016  
 We need to stress that this was nothing to do with us. The land was owned by Cloan Estate from whom we bought the farmland and forestry at the end of 2018. We were not even aware there had been a planning application.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 21/00520/PREAPP

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking  
Policy 1B: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 15: Public Access  
Policy 19: Housing in the Countryside  
Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments  
Policy 39: Landscape  
Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy  
Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development  
Policy 41: Biodiversity  
Policy 53A: Water Environment and Drainage: Water Environment  
Policy 53B: Water Environment and Drainage: Foul Drainage  
Policy 53C: Water Environment and Drainage: Surface Water Drainage  
Policy 53E: Water Environment and Drainage: Water Supply  
Policy 59: Digital Infrastructure  
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

Housing in the Countryside Supplementary Guidance  
Developer Contributions Supplementary Guidance

## CONSULTATION RESPONSES

Planning And Housing Strategy  
Contrary to housing in the countryside policy.

Environmental Health (Contaminated Land)  
No objection subject to condition with regard to contaminated land.

Environmental Health (Private Water)  
Informative note with regard to private water supply required.

Transport Planning  
Access from the property onto the public road network is via an existing private track, then onto the U25. Require detail as to how the track connects to the U25. Additional information is required for Transport Planning to support this application.

Development Contributions Officer  
Developer contributions required:

Education: 1 x £5,164  
A9 Junction: 1 x £3,450

Total: £8,614

## REPRESENTATIONS

No representations received.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted



Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting statement submitted
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## 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 and the adopted LDP2.

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 proposal is for a new house and associated storage buildings. The main policy consideration in this case is Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2019. This supports proposals for the erection, or creation through conversion, of single houses and groups of houses subject to them falling into at least one of the following categories:

- a) Building Groups
- b) Infill sites
- c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings.
- f) Development on rural brownfield land.

In this case, the only category to consider this proposal under is category 3.3 where a new house is required to support an existing business. Specifically in relation to houses for farm workers, a new house can be supported where this is essential to the continued operation of the farm for animal welfare reasons. A SAC report has been submitted in support of the application which suggests an overall labour requirement equating to over 2 workers. The business currently only has 1 house and therefore permission is being sought for a second. It is noted that the existing house, in which the applicants reside is a approximately 1.1km to the north west of the dwelling proposed through this application.

Advice was sought from the Development Plan Team and it is noted that there are a number of elements which have been included in the calculation of the labour requirement which it is considered should not have been taken into account in the assessment of whether an additional house is justified.

1,410 hours are included for grass and woodland management. As above-mentioned, the new house must be essential for animal welfare reasons. This

element cannot, therefore, be included in the justification for a new house for a farm worker.

The SAC report is a fair reflection of the hours worked on the land but it is impossible to accurately quantify each and every hour to a specific task. I would argue that grassland management is for animal welfare reasons, having spent 4 hours today digging out ragwort, but more importantly you are on hand to keep an eye on the livestock albeit you are doing other jobs.

Secondly, the largest element of the labour requirement is in caring for the 4 horses which are on site all year, at 1980 hours. Clarification was sought on this point and it was confirmed that there are currently 3 horses on site and that these are not owned by the applicant. No clarification was sought! We volunteered the information that a horse had been sold in Bidwells email 15 March 22. It will go back to 4 as one mare is in foal again. No information was submitted as to the involvement of the applicants in any equestrian business on the site although there appears a wish to expand equestrian activity at the site. However, category 3.3 only applies to houses associated with an economic activity so, without any information to demonstrate that there is an equestrian business being run as part of the farm the care of the horses cannot be included in the justification for a new house either.

This is where it gets ridiculous, we do not specifically run an equestrian business but there are 3/4 horses being looked after by us all year round as part of our farming enterprise. I have made this clear in various communications subsequent to the SAC report. I have mentioned the planning officer's disbelief to the owner of the horses and he has advised that they are all registered in his name and he would willingly give us copies to prove ownership. We could increase the number to probably a maximum of 6. I would not wish to keep more than that because of the amount of work and the damage they do to grazing.

This leaves the cattle and lambs. The SAC report states that the animals must be inspected daily for illness and injury. This is not disputed however it is not clear whether these animals belong to applicant, rather that the grazing is rented out to a third party. If this is the case it would be likely that the responsibility for the care of the animals would have remained with the owner. Even if any rental agreement did include a duty of care, the SAC report also states that the labour demand has been reduced to take account of the fact that cattle / lambs are only on site for 5.5 months. It is stated elsewhere in the supporting information, however, that they are not on the farm at the same time – the cattle is only there during the summer months and the lambs only during the winter. On this basis the total summer hours would appear to be 368.6 and the winter hours only 133 either of which falls short of the standard labour unit of 1,900 in order to justify an additional house for the business.

The cattle and lambs belong to two farmers but the arrangements are for me to look after them whilst on our grazing. This suits both parties and my interest in livestock. The numbers vary slightly depending on various factors such as quantity of grass and at what stage lambs go to market.



Currently we have 32 cows all with calves and two bulls plus the 3 horses. This makes a total of 69 head today. Last winter we had between 100 and 150 lambs.

Overall, whilst the SAC report sets out the working hours for the operations undertaken at the farm the SG is clear in that for farm worker accommodation the new house must be essential to the continued operation of the farm for animal welfare reasons. The largest portion of hours is spent caring for the horses but unless evidence can be provided that the stables are being run as a business rather than for personal use then it is considered that this cannot be included within the justification for an additional house. I have made it clear time and again that the horses don't belong to us and they are not for our use. They are Clydesdales. I have offered proof of ownership, what more can I do? I can arrange for the owner to speak or write to you but I am assuming you are not accusing me of lying! Nor can the hours spent on grass and woodland management as these do not require someone to live on-site. The hours spent caring for the remaining livestock does not appear to be sufficient to justify an additional house.

I have studied Category 3 and nowhere does it specify a number of hours but that said, it could be argued the hours spent on other jobs round the estate with an eye on the livestock should qualify.

Even if this were to be treated as a non-farming business there is still a requirement for the applicants to satisfactorily demonstrate that the provision of an additional house is essential to the continued operation of the business. Whilst the applicants may wish to have a house closer to the centre of the bulk of their land ownership, no argument has been put forward to suggest that the business cannot continue to be operated from the existing property which is located a relatively short distance away.

I would not have expected to justify why the business can't continue from our existing property but the fact is we need a house with downstairs facilities which are not available in Thornton House.

The proposal is therefore contrary to the housing in the countryside policy as it does not meet the criterion 3.3 for new houses in the open countryside.

Other policy areas concerned with the detail of the proposal are considered in the sections of the report below.

## **Design and Layout**

The housing in the countryside policy requires that the scale, layout and design of all housing proposals (iii) are appropriate to, and have a good fit with, the landscape character of the area in which it is located. It must demonstrate a specific design approach that not only integrates the development within its setting but also enhances the surrounding environment.

The proposed house is sited within an existing woodland belt that appears to have been partially cleared some time ago but is beginning to re-grow. The



positioning of the house within the woodland would not enhance the surrounding environment. Placemaking policy 1A also requires development to contribute positively to the quality of the surrounding built and natural environment. The two agricultural sheds to the north east would be located partially in an existing sloping grazed field where substantial cut and fill would be required. Together with the proposed house the extent of proposed development fails to respect the character and amenity of the place and would not contribute positively to the built and natural environment. The siting and design would therefore be contrary to placemaking policies.

This is not right at all! The area of woodland that had been cleared before our ownership is NOT starting to re-grow but that aside, it is young trees which have been badly neglected and require thinning and bringing back under proper management. They were originally planted to improve the shooting. The position of the house and sheds would do absolutely nothing detrimental to the surrounding built and natural environment. There would be some cut and fill to site the sheds but this is to the benefit of the surrounding landscape by reducing the overall height.

### **Landscape and visual impact**

Policy 39 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded. The position of the house within a wooded area seems to be an unnatural addition to the landscape in this area which is characterised by blocks and strips of woodland. Further information is required to understand how the proposed building will fit successfully into the landscape and also how the construction of the buildings will impact on the surrounding woodland. The drawings indicate that trees and landscaping will be maintained but further clarity with regard to this would be required if the principle of a house is accepted and an application is to be approved. The associated agricultural buildings are primarily sited into an open grassed field and would involve substantial earth moving. This would impact on landscape character and quality.

Again, this is simply not true. The design and position has been carefully thought through to minimise any impact to the point the development will be almost invisible from anyone other than ourselves. The brief to our architect, which I believe was achieved, was to get something that would fit particularly well with the surrounding landscape. The earth-moving for the sheds, as I've already said, is to the benefit of the surrounding landscape by reducing the overall height and giving the backdrop against the hill.

### **Residential Amenity**

The proposed house is remote from other residential properties and as such would not impact on existing residential amenity in terms of overlooking or overshadowing. The occupants of the house will benefit from some private amenity area although this has not been defined on the submitted drawings and the presence of significant woodland and trees in close proximity to the house will impact on daylight and sunlight with the house.



## **Roads and Access**

Access from the property onto the public road network is via an existing private track, then onto the U25. There is no detail in the submitted plans to show how this existing private track connects to the U25. Given the proposed increased use of this private track for farm machinery, and in the interest of road safety, visibility splays are requested to confirm the private track is suitable. This application is being refused for other reasons however additional information with regard to the proposed access would be required for this application to be supported by Transport Planning.

There would be suitable splays at the road end for visibility although it should be noted there will be very little increase in traffic, in fact it might be less.

Drawings can be provided if required.

Though not marked on the plans, the layout of the site suggests sufficient space for parking and turning areas. The level of car parking proposed within the plot (10 spaces as stated in the application) is in line with requirements of the National Roads Development Guide.

## **Drainage and Flooding**

The site is not in an area at risk of river flooding. It is noted that a private foul drainage system would be provided and that this would be within the site boundaries. No information as to the siting of this or provision of surface water drainage has been included. Further, more detailed information would be required if this application is to be supported. Policy 53C requires all new development to employ Sustainable Urban Drainage systems (SUDS).

## **Water supply**

The development is for a dwelling house in a rural area with private water supplies believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water Environmental Health has requested that an informative note be added to any planning permission to highlight the applicant's responsibilities in terms of the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

## **Conservation Considerations**

The site is not close to any listed buildings and not within a conservation area. There would not be any impact on built heritage assets from this development.

The site is around 350m from Ogle Hill Fort, Scheduled Ancient Monument. Whilst the development is unlikely to impact on this it will alter the character of the landscape in the area which is largely devoid of buildings between the minor road and the hill fort.

The Ogle Hill Fort will not be affected by this development and worth noting there has been no-one at the site for a very long time. The access to it is completely overgrown with broom and I believe we are the only people who ever venture up there.

## **Natural Heritage and Biodiversity**

Policy 40B, requires tree surveys to be submitted with applications where there are trees on the site. The site is a mix of grazed field and woodland. No tree survey has been submitted. There has also not been any information submitted as to the impact either positive or negative on biodiversity. Further information with regard to trees and biodiversity is required if an application on this site is to be approved.

I have already stated that no mature trees will be affected by this development and if a tree survey had been required it should have been requested by the council. All the woodlands on the estate are subject to a management plan under the auspices of the UK Woodland Assurance Scheme which has been accepted and approved by Forestry and Land Scotland. We have already done more on the estate than would ever be required in the way of tree management and planting with particular emphasis on the landscape and biodiversity. If you look at policy 40 parts a and b we tick every box.

## **Developer Contributions**

### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased 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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of the Community School of Auchterarder Primary School.

### **Auchterarder A9 Junction**

The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.

## **Summary of Requirements**



Education: 1 x £5,164

A9 Junction: 1 x £3,450

**Total: £8,614**

**We have already agreed to pay this before starting work but on receipt of full approval. Worth noting, current costs £20K and rising and add to this a further £8614 and it is making a large financial burden on a small business like ours before we start! Can I ask for clarity as far as these contributions are concerned and if the works, namely the school and A9 junction, are not started within a period are the moneys repaid?**

### **Zero carbon technologies**

Policy 32 of the Local Development Plan requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy the requirement of policy 32 will be required if the application is approved.

### **Contaminated Land**

The proposed development is on land that is believed to have been formerly occupied by a sawmill. This land use can result in ground contamination particularly if there has been timber treatment at the site, and therefore, consideration must be given to the suitability of the site for the proposed development.

**There has never been timber treatment on the site but if you believe this to have been a sawmill then surely we qualify as a brown field site!**

### **Economic Impact**

The house would be used in association with an existing business. However the economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

**This is true excepting that there will be a negative economic impact if we don't get a house and buildings on the land in so far as we will be unable to continue working as we do currently.**

### **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

**I trust I have clearly demonstrated that all of the foregoing is incorrect and needs to be reviewed in light of what has been stated. Please also see email from Mr Mark Myles, Bidwells Head of Planning which I believe adds the points and timelines I have missed.**

To conclude, 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 be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Reasons for Recommendation**

1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within 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 and 6) Development on rural brownfield land.

In particular in terms of category 3) it has not been satisfactorily demonstrated that the proposed house is essential for animal welfare reasons and that an additional house is essential for the continued operation of the business.

2 The proposal is contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as due to its scale, siting and design the development would not contribute positively to the quality of the surrounding built and natural environment.

3 The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019). The proposal would erode and dilute the local landscape character. Insufficient information has been submitted to demonstrate the impact of the development on the surrounding landscape and that this is an appropriate site in terms of landscape fit and impact.

4 The proposal is contrary to Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019). There are trees on the site and no tree survey has been submitted. A tree survey is required for planning applications where there are existing trees on the site.

### **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**

None.

### **Procedural Notes**

Not Applicable.

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

01

02

03

04

05

06

07

08





From: Ian Roy <[secretary@clydesdalehorsesociety.com](mailto:secretary@clydesdalehorsesociety.com)>

Date: 20 September 2022 at 09:46:29 BST

Good morning

I hope the following will help.

The Clydesdale Horse is currently categorised as an 'at risk' breed under the definitions set out by Rare Breed Survival Trust. A couple of years ago RBST changed their categorisations and the words they use to describe each category in their assessment of Rare Breeds. Consequently the Clydesdale Horse Breed moved from being categorised as being 'vulnerable' to being 'at risk'. In essence the profile of the breed has not changed in the last 10 years or so and our vulnerability or at risk status is borne out by the fact that we have less than 1000 breeding mares on our books. Indeed the figure at the moment is just over 950. There are currently 3,800 Clydesdales on our records.

The Clydesdale horse breed reached its peak numbers towards the end of the Second World War after which the onslaught of mechanisation caused our Breed numbers to plummet; so much so that in the late 1970s and early 1980s

numbers were critically low and extension could not be ruled out.

Since then things have improved and we are currently looking to register in the order of 200 falls each year. Interestingly the split between colt and filly is almost exactly 50-50 each year! Numbers last year were a little lower than 200 because of Brexit which made it illegal for UK breed societies to register horses based in EU and EEA countries. However when you add registrations in the UK to those of our new EU based daughter studbooks in excess of 200 horses registered in 2021.

The council members of the Clydesdale Horse Society are optimistic about the future of the breed and we believe that if we can continue to register foals each year of this order then this is satisfactory and allows for a little growth. But we are not complacent and the very fact that we have this 'at risk' category always reminds us of the need for growth. So much so that at present we are working with RBST on a Rare Breed Equine Conservation Project which will last for 3 years at the end of which it is envisaged that we will then embark on a Clydesdale Horse specific preservation project.



I think this best describes the situation we find ourselves in at the moment and if you would like to find a more about the breed that I would point you in the direction of our website -

[www.clydesdalehorsesociety.com](http://www.clydesdalehorsesociety.com).

I hope this is helpful.

Best wishes.

**Ian**

Ian A Roy, BA  
Secretary / Administrator  
The Clydesdale Horse Society

7 Turretbank Place  
CRIEFF, PH7 4LS

Telephone - 07720 895870

The Clydesdale Horse Society  
Company Reference: SC204832  
Scottish Charity Reference: SC011766





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100519612-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of farm/forestry building, storage shed/stables building and erection of house at Coul, Duchally

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:	07717 512203	Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	I	Building Number:	
Last Name: *	Pirie	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land at Coul, Duchally, Auchterarder

Northing

711555

Easting

296489

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Advised that additional information would be required to justify the requirement of the dwellinghouse. This is provided in support of the planning application.

Title:

Mrs

Other title:

First Name:

Joanne

Last Name:

Ferguson

Correspondence Reference  
Number:

21/00520/PREAPP

Date (dd/mm/yyyy):

30/09/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.72

Please state the measurement type used:



Hectares (ha)



Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*



Yes



No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*



Yes



No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

10

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*



Yes



No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*



Yes – connecting to public drainage network



No – proposing to make private drainage arrangements



Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*



New/Altered septic tank.



Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).



Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*



Discharge to land via soakaway.



Discharge to watercourse(s) (including partial soakaway).



Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

To be accommodated within the application site boundaries

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☐ Yes  
☒ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

If Yes or No, please provide further details: \* (Max 500 characters)

Domestic bin storage will be provided on site adjacent to public road

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;">1</div>
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.	
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>	
Does your proposal alter or create non-residential floorspace? * <span style="float: right;"> <input checked="" type="checkbox"/> Yes           <input type="checkbox"/> No         </span>	
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace Details</h2> <p style="font-size: small; margin-top: 5px;">For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.</p> <p style="font-size: small; margin-top: 5px;">Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px; min-height: 20px;">         Not in a Use Class       </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <p style="font-size: small; margin-bottom: 5px;">Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *</p> <p style="font-size: small; margin-bottom: 5px;">If Class 1, please give details of internal floorspace:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="font-size: small; margin-bottom: 5px;">Net trading spaces:</p> <div style="border: 1px solid black; height: 20px; width: 150px; margin-bottom: 5px;"></div> <p style="font-size: small; margin-bottom: 5px;">Total:</p> <div style="border: 1px solid black; height: 20px; width: 150px; margin-bottom: 5px;"></div> </div> <div style="width: 45%;"> <p style="font-size: small; margin-bottom: 5px;">Non-trading space:</p> <div style="border: 1px solid black; height: 20px; width: 150px; margin-bottom: 5px;"></div> </div> </div> </div> <div style="width: 30%; text-align: center;"> <div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;">386</div> </div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; min-height: 50px;"> <p style="font-size: small; margin-top: 5px;">If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)</p>         Agriculture and forestry buildings proposed for the estate       </div>	
<h2 style="margin: 0;">Schedule 3 Development</h2> <p style="font-size: small; margin-top: 5px;">Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *         <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No           <input type="checkbox"/> Don't Know         </span> </p> <p style="font-size: small; margin-top: 5px;">If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p style="font-size: small; margin-top: 5px;">If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>	
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2> <p style="font-size: small; margin-top: 5px;">Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *         <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No         </span> </p>	
<h2 style="margin: 0;">Certificates and Notices</h2> <p style="font-size: small; margin-top: 5px;">CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013</p> <p style="font-size: small; margin-top: 5px;">One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 65%;"> <p style="font-size: small; margin-bottom: 5px;">Are you/the applicant the sole owner of ALL the land? *</p> <p style="font-size: small; margin-bottom: 5px;">Is any of the land part of an agricultural holding? *</p> <p style="font-size: small; margin-bottom: 5px;">Do you have any agricultural tenants? *</p> </div> <div style="width: 30%; text-align: right;"> <p> <input checked="" type="checkbox"/> Yes             <input type="checkbox"/> No           </p> <p> <input checked="" type="checkbox"/> Yes             <input type="checkbox"/> No           </p> <p> <input type="checkbox"/> Yes             <input checked="" type="checkbox"/> No           </p> </div> </div>	



## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Mark Myles

On behalf of: Mr & Mrs I Pirie

Date: 10/01/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

SAC Consulting Report and Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Myles

Declaration Date: 10/01/2022

## Payment Details

Pay Direct

Created: 10/01/2022 11:23





# **ERECTION OF FARM & FORESTRY BUILDINGS AND ERECTION OF HOUSE AT COUL, DUCHALLY PLANNING POLICY STATEMENT**

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## Table of Contents

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## 1.0 Introduction

- 1.1 This supporting planning statement should be read in conjunction with the detailed planning permission application that has been submitted to Perth & Kinross Council on behalf of Mr & Mrs I Pirie.
- 1.2 The application site is located on land at Coul which is accessed from Duchally Road to the south of Auchterarder.
- 1.3 The application site extends to 0.72 ha and this planning application has been submitted as a 'local application' under the Town & Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

## 2.0 Background to the Proposal

- 2.1 The applicants Mr & Mrs Ian Pirie own a 200-acre estate at Coul, Duchally (some of which was formerly part of the Cloan Estate and purchased in 2018) as highlighted on the overview map of the land parcel ownership which accompanies the application. As part of the ongoing development and management of the agricultural and woodland estate at Coul, our clients are seeking to develop new forestry and agricultural buildings alongside a house, all at a central location within the estate.
- 2.2 The proposal involves the erection of a farm/forestry building and a storage shed/stables building to supplement an existing storage shed that is already located immediately adjacent to the application site. A dwellinghouse to support the existing agriculture and forestry business also forms part of the detailed planning application. The accompanying SAC Consulting Report (June 2021) sets out the reasoned justification and economic need for a dwelling to be located on the farm estate to support the business.
- 2.3 Prior to the applicant's ownership of this land, a planning permission in principle application to erect a house for rural workers accommodation partly on the site of the former sawmill (the building that is sited immediately adjacent to the proposed application site), was refused permission in September 2016 (ref: 16/01257/IPL). The agent involved in that application had put forward a case to suggest that the proposal involved redevelopment of a brownfield site and was also being justified on the basis of an Alpaca business across the 4.7 acres that were identified as being with that previous applicant's ownership at that time. The council rejected both arguments with the planning officer noting that there didn't appear to be any evidence of any Alpacas or an existing business when they visited the site. Given the site size and the location of its boundaries other concerns about impact on the landscape character of the area were also used as reasons for refusal of that application. It is worth noting that this former sawmill building is now incorporated into the current applicant's plans. Those 4.7 acres also now form part of the current applicant's larger 200 acre estate.
- 2.4 The applicants with the help of their daughters are responsible for the care of the horses, the cattle that graze the land during the summer months and the lambs that graze the land during the winter months. The applicant is also directly responsible for shed and field maintenance and

repairs and management of the 39 hectares of woodland, aided by casual staff. Since acquiring the land in 2018 the applicants have been bringing neglected woodland back into sustainable management. They have cleared two areas of damaged and windblown woodland and will be replanting these in a much more aesthetic and environmentally sensitive manner. The applicants have already planted many hardwood trees to enhance the existing woods, also resulting in biodiversity net gain. Improvements to public access on the Core Path that runs through Cloan Glen have also been made and there are ongoing safety concerns there with diseased Ash which takes careful management. The applicants have also facilitated the business of Do It Outdoors in providing a woodland setting for their outdoor classes, providing an introduction to outdoor crafts for mainly youngsters.

- 2.5 The applicants currently reside at Thornton House which as shown on the location plan and the alternative sites assessment plan is situated some distance to the north of the main land ownership, which is far from ideal as it is not central to the business.
- 2.6 For animal welfare, health and safety, security, day to day management and environmental reasons it is important that the applicants live at a location that is within the main block of land and preferably at a central location within that ownership.
- 2.7 As noted in the SAC Consulting Report the site of the proposed sheds and house is not on prime agricultural land. The site has been selected on the basis that it is located at a central location within the overall estate, has a good fit within the landform and surrounding topography being set against the rising ground to the south, and is well screened by existing mature trees to the north of the proposed access road and other adjacent landscaping. The site selection also takes full account of the previous negative planning history on land further to the east where permission was refused for a previous owner, to erect a zero carbon living and sustainable living proposal, in part due to concerns about the impact on the visual and scenic qualities of the landscape (17/00329/FLL & 17/01524/FLL).
- 2.8 This proposal would provide the family with the opportunity to be located at Coul to directly manage and oversee the day to day business activities, manage the livestock to help consolidate the diversification and growth of the farm business, increase the overall security of the estate and also provide the opportunity to expand the business further in the future continuing to offer additional local employment opportunities.

## 3.0 Planning Policy Context

### National Policy and Guidance

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

### National Planning Framework

- 3.2 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in



any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

- 3.3 Published in November 2021, the draftNPF4 provided insight into the key themes of the new framework: where climate change was most prominent. The amended Town & Country Planning (Scotland) Act 1997 directs that NPF4 must contribute to a series of 6 outcomes including most notably, increasing the population of rural areas.
- 3.4 Draft NPF4 details policy relating to rural developments which support and sustain growth in rural areas.
- 3.5 The draft is available for consultation until March 31<sup>st</sup>, 2022 and is expected to be approved by Scottish Parliament in the summer of 2022. NPF4 will form part of the new Development Plan system in Scotland and help to guide the next generation of Local Development Plans.

#### **Scottish Planning Policy 2014**

- 3.6 Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.
- 3.7 The following sections of the SPP are of importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74-83
- 3.8 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.9 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that *'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*
- 3.10 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

## 4.0 Development Plan Policy

- 4.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2 2019 (adopted in November 2019).
- 4.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy – adopted in March 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application.
- 4.4 Perth & Kinross Council adopted its Local Development Plan 2 (LDP2) in November 2019. The principle of erecting a house on this site is required to be considered under the terms of Policy 19 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan 2. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.
- 4.5 This proposal can be considered under the terms of 'new houses in the open countryside' on defined categories of sites as set out in Section 3 of Policy 19 of LDP2 and the council's associated Supplementary Guidance.
- 4.6 Section 3 in the associated supplementary guidance lists the following subcategories; existing gardens, houses in areas of flood risk, economic activity, houses for local people and houses for sustainable living. This proposal can be assessed against the economic activity subcategory 3.3.
- 4.7 Policy 1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and respect the character and amenity of the place through careful design and siting. This policy applies equally to the proposed sheds as well as the proposed house.
- 4.8 In terms of impact on the landscape and the general character and visual amenity of the area, Policy 1A – Placemaking states that *'Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.'*
- 4.9 Policy 1B also states that all proposals should meet all the following placemaking criteria:
- (a) Create a sense of identity by developing a coherent structure of



*streets, spaces, and buildings, safely accessible from its surroundings.*

*(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*

*(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*

*(d) Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*

*(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle, and public transport.*

*(f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*

*(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*

- 4.10 In all cases applicants are required to demonstrate that the site chosen is the best possible option in terms of fit within the landscape and reflecting the traditional pattern and character of the area. When taking these criteria into account the site chosen for the new sheds and the associated new house is centrally located on the estate and set against a wooded landscape framework. The location for the buildings is not on prime agricultural land and is considered the best possible option in terms of fit within the overall landscape and at the same time reflecting the traditional pattern and character of rural buildings and farms/estates in the area. The proposed buildings would also relate well to the existing shed that is already located on the northern side of the access track and the site is easily accessible to the public road which is only a short distance to the southwest. Our clients are looking to create a proposal of outstanding design and landscape quality that respects the relevant criteria set out under Policy 1 on Placemaking.
- 4.11 The site selection and location map that accompanies the planning application provides further details of the alternative locations that were considered for siting the proposed sheds and house. As can be seen the lack of a landscape structure or established site boundary containment, impact and poor fit on the landscape setting as well as distance from the public road were all reasons why the alternative locations were discounted. The proposed site also has the best relationship with the existing storage shed. For these reasons it is therefore considered that the site chosen is the most suitable site on which to locate the buildings.
- 4.12 By incorporating a traditional approach to the proposed house design and the creation of a courtyard layout for the farm and forestry buildings, the detailed design, siting and layout of the development is of a high quality. Traditional high-quality finishing materials (stone, slate and timber) are also proposed. The protection given to the character and amenity of the wider surroundings and the nearest properties alongside the definition of a proper setting and curtilage for the proposed new sheds and residential property, contributes positively to the quality of the surrounding built and natural environment and in doing so achieves compliance with all of the relevant criteria of Policy 1.

- 4.13 In terms of potential developer contributions (Policy 5 Infrastructure Contributions from the LDP2) and the associated Supplementary Guidance (July 2020), then depending on the capacity of the local primary school there may also be an education contribution requirement, which for any house of two or more bedrooms amounts to £5,164 per unit. However, the requirement or otherwise for the education contribution cannot be determined until the planning application has been submitted as contributions are only required where the local primary school is at or over 80% of its capacity.
- 4.14 In addition, the site is located within the defined A9 Junction Policy area (as shown in Appendix 2 of the Supplementary Guidance), and therefore any approval would require a transportation contribution towards the A9 Junction upgrades totalling £3,450.

## 5.0 Other Material Considerations

- 5.1 In addition to the policy framework set out in Sections 3 and 4 above, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;

### **Perth & Kinross Council Housing in the Countryside Supplementary Guidance – March 2020**

- 5.2 This supplementary guidance contains detailed criteria for assessing this type of proposal. The guidance lists the following categories where housing in the countryside proposals may be considered acceptable (building group, infill sites, new houses in the open countryside, replacement houses, conversion or replacement of non-domestic buildings, rural brownfield land).
- 5.3 Of these categories the proposal requires to be assessed further under the terms of category 3 - new houses in the open countryside.
- 5.4 This proposal can be considered under the economic activity subcategory (3.3) of the policy which states that *'In the past conditions have been used to restrict the occupancy of houses in the open countryside to agriculture workers or others associated with a rural business. In some cases this has allowed a proposal to go ahead which may otherwise have not fully complied with the Siting Criteria on page 12. Scottish Planning Policy now directs against the use of occupancy restrictions* (see also paragraphs 5.11 – 5.12 below). As a result, more emphasis is now placed on the siting and design of houses in the open countryside; if a proposed house is in a good location and of a high quality design appropriate to that location, there will not normally be a need to restrict who occupies the house.
- 5.5 In all cases applicants must demonstrate that the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. It must also be demonstrated that every possible effort has been made to meet the Siting Criteria and For All Proposals criteria. Applicants must provide evidence that a new house is essential to the continued operation of the farm for animal welfare reasons. Evidence should be in the form of a business appraisal, prepared by an independent expert, which demonstrates that the farm is financially sound and economically viable. The appraisal should be based on labour hours for the existing farming operation and must clearly set out the proportion of labour



hours and the types of operations which require a full-time worker or workers to be on-site for the majority of the time.

5.6 In terms of siting criteria, the guidance further adds that;

*'Proposals for a new house falling within category 3 will require to demonstrate that it meets all of the following criteria when viewed from surrounding vantage points:*

- a) it blends sympathetically with landform;*
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;*
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which separates the site naturally from the surrounding ground (e.g. a dry stone dyke, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site. The sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically in order to create the site, will not be acceptable;*
- d) it does not have a detrimental impact on the surrounding landscape.'*

## **Scottish Government Advice – Creating Places and Planning Advice Note 72 – Housing in the Countryside**

5.7 The Scottish Government advice contained within Creating Places was published in 2013 and is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value that good design principles can deliver. Noting that successful places can unlock opportunities, build vibrant communities, contribute to a flourishing economy, and set out actions that can achieve positive changes in our places.

5.8 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.

5.9 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'* The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if 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.'*

5.10 The council's supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

## **Advice from Chief Planner (November 2011) and Circular 3/2012**

5.11 The letter issued to Local Authorities by the Chief Planner in November 2011 reiterated that the Scottish Government's Planning Policy is to promote a positive approach to rural housing and to support more opportunities for small scale housing development in all rural areas, including

housing which is linked to rural businesses. The Scottish Government's approach is not to promote the use of occupancy conditions and the guidance clearly states that 'the Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided. So, where a planning authority is satisfied that an adequate case has been made for a house in a rural area then it should not be necessary to use formal mechanisms to restrict the occupancy. This advice has since been adopted within the council's Supplementary Guidance – March 2020.

- 5.12 This advice was also adopted into Scottish Government Circular 3/2012 on Planning Obligations and Good Neighbour Agreements and paragraphs 49 – 51 provide further support to this application. These paragraphs state;

*'While the most common use of planning obligations is to ensure the provision of infrastructure to make a development acceptable in planning terms, there is a limited role for obligations in restricting the use of land or buildings.*

*Such restrictions have historically been used particularly in respect of housing in rural areas. Imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. In determining an application, it may be appropriate for the planning authority to consider the need for the development in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification against the potential impacts, for example on road safety, landscape quality or natural heritage, and in such circumstances, it may be appropriate for applicants to be asked to make a land management or other business case.*

*Where the authority is satisfied that an adequate case has been made, it should not be necessary to use a planning obligation as a formal mechanism to restrict occupancy or use.'*

## 6.0 Planning Assessment & Conclusions

- 6.1 This planning application seeks detailed planning permission to erect a new farm and forestry building, a storage shed with stables, and a dwellinghouse on land at Coul, Duchally on the basis of the existing and continued growth of the economic activity associated with the farm and wider estate, which has been established since 2018 when the applicants purchased the land.
- 6.2 When assessing the relevant planning policies, the policy that deals with the principle of the house development (Policy 19 of LDP2) allows for new dwellings in the countryside where they fall into certain categories.
- 6.3 In terms of new dwellings, Policy 19 (3) from LDP2 and category 3 of the supplementary guidance, the council's position is that favourable consideration can be given to proposals for the construction of new houses in the open countryside where they meet an identified economic activity.
- 6.4 This proposal can be considered favourably under the 'economic activity' sub category (3.3) of the policy which supports proposals for a house either on site, or in the locality, for a key worker associated with an established economic activity, where it has been demonstrated that there is a



need for the house. As well as paying careful attention to siting and design for the new sheds and house, evidence to support the justification and the need for the house must be provided with any planning application. SAC Consulting have therefore provided the applicants with a labour justification report that sets out the need for a new estate house on the wider landholding. The SAC report provides confirmation that the management of the existing farm and estate equates to a total of 2.04 labour units thereby justifying the need for an additional house on the estate.

- 6.5 In terms of the principle of the development the proposal is therefore considered to meet the terms of Policy 19 (3) and also category, 3.3 of the supplementary guidance in that a new house is justified and supported by the detailed criteria set out in the policy and there are no uses in the vicinity of the site that would prevent an adequate standard of amenity for the proposed house.
- 6.6 When assessing the criteria listed in Policy 1 of LDP2, in combination with the siting criteria set out in the supplementary guidance, the proposed site for the new sheds and house is considered to be the best option considering that the proposed site boundaries are framed by the mature trees to the north, the proposed central location within the estate, the ease of access from the public road, relationship to the existing storage shed that is already located adjacent to the site and the proposal does not involve the loss of prime agricultural land. Account has also been taken of the previous planning history of a refusal for development on land further to the east. The proposed site will therefore blend sympathetically with the landform and the surrounding natural features and would not have a detrimental impact on the surrounding landscape. The site selected is discrete with no visual or amenity impacts being created on any other existing nearby properties.
- 6.7 At the same time the proposed site is located adjacent to the grazing land for ease of livestock management as the farm business continues to grow and diversify.
- 6.8 There are no issues raised with regards to transportation, access or servicing of the proposed site. There would also sufficient space within the site to accommodate the required parking and turning areas within a central courtyard area that also relates to the existing adjacent building. The proposed design, layout and finishing materials are all of a high quality and satisfy each of the criteria set out in Policy 1 of LDP2 and the siting criteria set out in the Supplementary Guidance.
- 6.9 As the planning application includes both of the proposed new sheds as well as the house, the council also have the ability to control the phasing and timing of the development i.e. the applicants would have no issue with the council requiring the new sheds to be erected in advance of any work starting on the new house.
- 6.10 For the reasons set out above the proposals are considered to be fully compliant with Policies 1 and 19 within the Local Development Plan 2.
- 6.11 Based on the above, it is therefore considered that the proposals can be supported by Perth & Kinross Council as being in accordance with the existing Development Plan and the other material considerations highlighted, subject to any conditions and developer contributions identified under Policy 5 of LDP2 that may be considered necessary and appropriate by the council.











Scottish Government  
Riaghaltas na h-Alba  
gov.scot

# Location Code 649/0105 - Overview map

Rural Payments and Inspections Division  
Land Parcel System Version Date: 22/07/2019



390



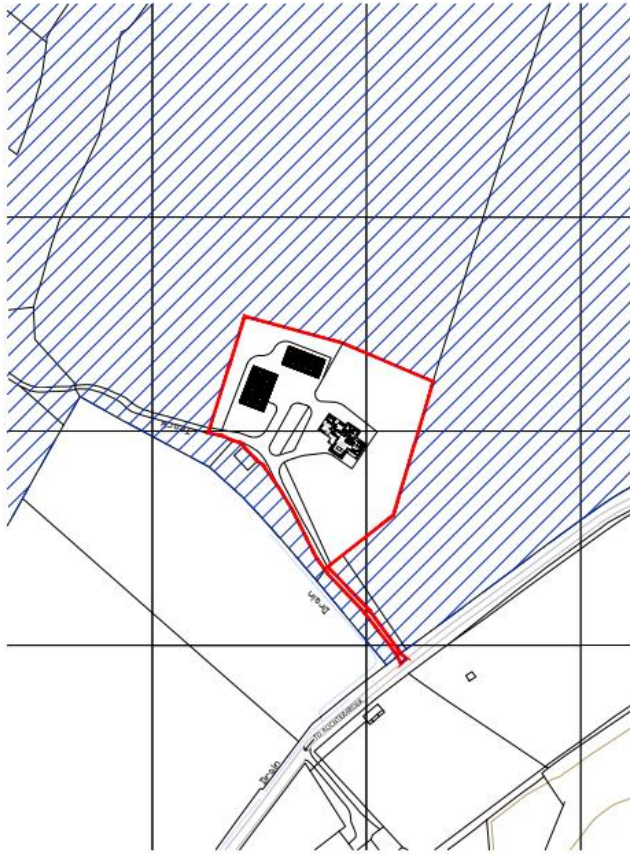
0 200 400 600 800 1000 1200 m

Parcel Boundary

In order to comply with Ordnance Survey license conditions this IACS land parcel map can only be used by you or your agent for official dealings with the Scottish Government. If you wish to use this map for any other purpose you are required to enter separate licensing arrangements with Ordnance Survey.

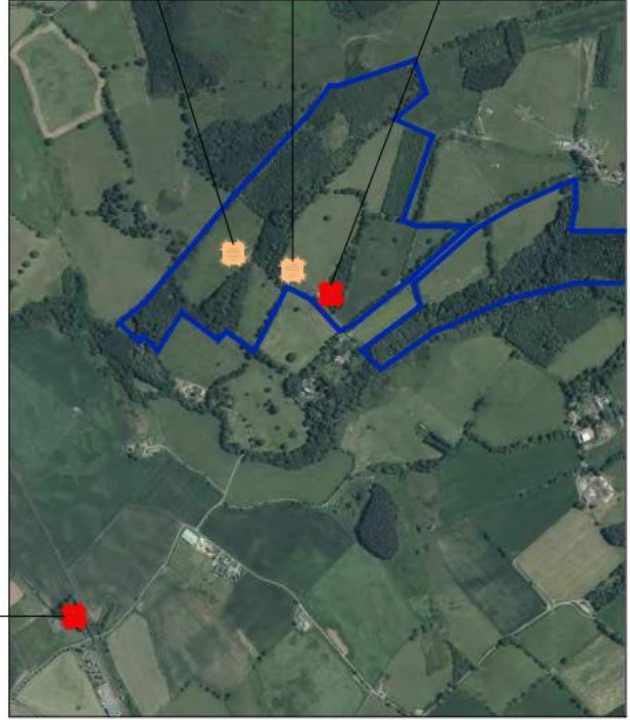
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**SITE LOCATION PLAN**  
Scale : 1:1250

APPLICANTS EXITING  
HOUSE



POSSIBLE SITE NOT  
SELECTED DUE TO  
DISTANCE FROM  
PUBLIC ROAD & NO  
LANDSCAPE  
STRUCTURE OR SITE  
CONTAINMENT

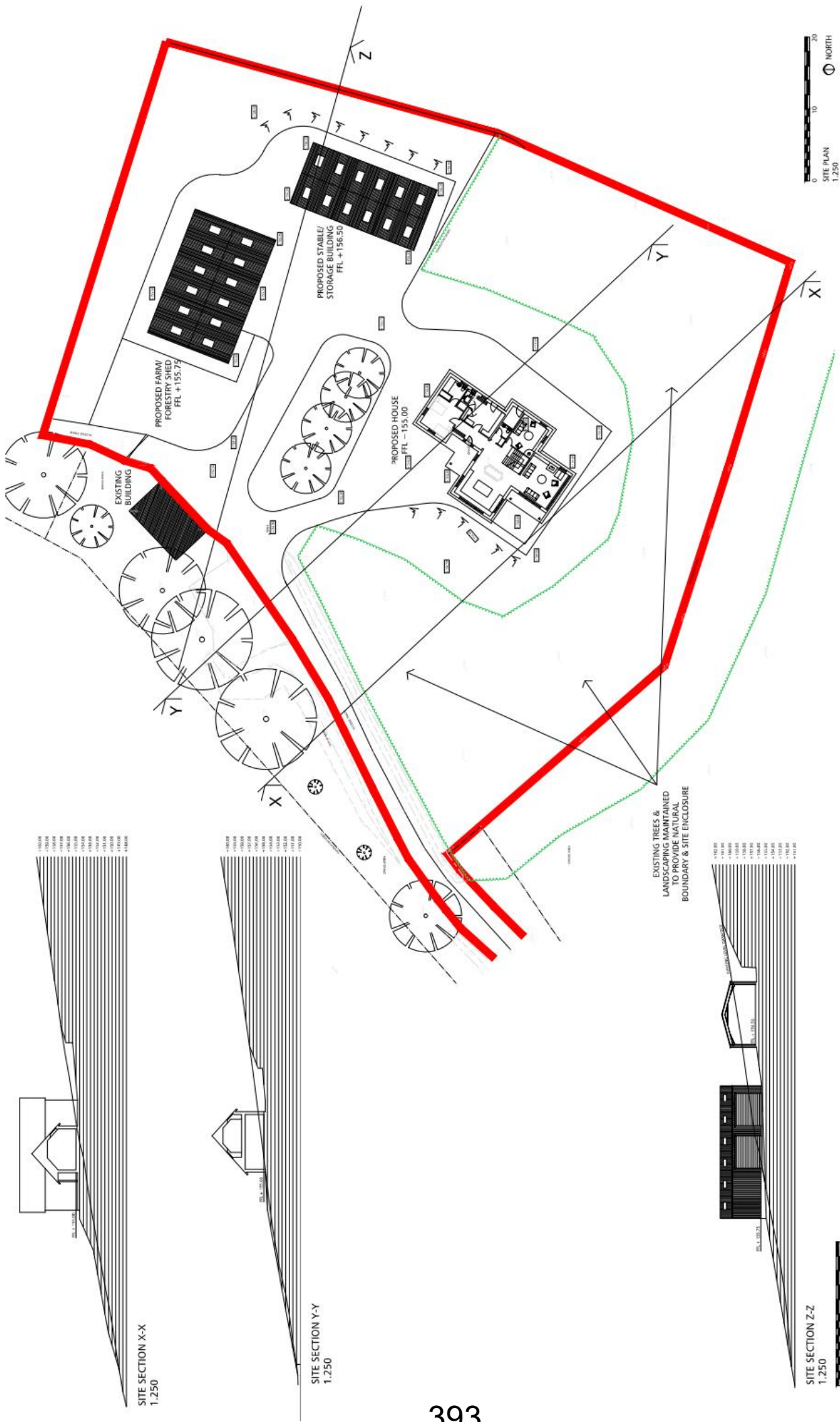
POSSIBLE SITE NOT  
SELECTED AS NO  
LANDSCAPE  
STRUCTURE OR SITE  
CONTAINMENT

APPLICATION SITE  
CHOSEN DUE TO  
PROXIMITY TO PUBLIC  
ROAD & GOOD  
LANDSCAPE  
STRUCTURE AND SITE  
CONTAINMENT

**SITE SELECTION MAP (NTS)**







**NOTES**

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

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10. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

**HEALTH AND SAFETY NOTES**

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

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10. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

**REVISIONS**

REV	DATE	DESCRIPTION
1	27.12.2013	REVISED

**ACTION - NOTES**

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

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10. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE NZ BUILDING CODE (NZBC).

**CLIENT**

Mr & Mrs Prie

**PROJECT**

Proposed House

**LOCATION**

Lang at Crail

**DESIGNER**

Dunally Architects

**DATE**

01.12.21

**SCALE**

1:250

**STATUS**

SK03 A

**DENHOLM PARTNERSHIP ARCHITECTS**

101 TOWN STREET, AUCKLAND

09 300 1234

www.denholmpartnership.co.nz









## Labour Requirement Justification

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**Prepared by:** SAC Consulting

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**Date:** June 2021



*SAC Consulting is a division of SRUC*

*Leading the way in Agriculture and Rural Research, Education and Consulting*

**Prepared for:**

Ian Pirie



Farm Code: 649/0105

**Prepared by:**

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**Reviewed by:**

Annette Marshall

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## **INTRODUCTION**

This report has been prepared at the request of Ian Pirie, Auchterarder, Perthshire, to support an application for planning consent for a dwelling house at Cloan, formally part of Cloan Estate.

Information was gathered by Gillian Inman, SAC Consulting, Perth and Malcolm Young, SAC Consulting Woodland Consultant, Stirling. Data for enterprise labour requirements is based on the UK Farm Classification Document (October 2014), made up by members from UK Rural Affairs Departments and Warwickshire College Group's Equine Business Guide (2015). Woodland labour requirements were prepared by Malcolm following a site visit.



## **SUMMARY**

The business of I & J Pirie is a partnership between Mr and Mrs Pirie. The land associated with the business extends to 65.95 hectares of land which is situated south of the A9 near Auchterarder. The land, formally part of Cloan Estate was purchased in 2018.

The main enterprises and activities on Cloan are horses, cattle, sheep, and woodland management. Silage is also made and used for winter feed, and spring barley is grown.

Ian Pirie, with the help of his daughter are responsible for the care of the horses; Ian also regularly checks the 62 head of cattle that graze the land during the summer months and the 100 lambs that graze the land during the winter months. Ian is also responsible for shed and field maintenance and repairs, and management of the 39 hectares of woodland, aided by casual staff.

There is one dwelling house owned by the business which is currently the residence of Mr and Mrs Pirie. The house is situated away from the main block of land which is not ideal as it is not central to the business.

For animal welfare, health and safety, security, and environmental reasons it is important that Mr and Mrs Pirie live at a location that is within the main block of land. There are no other dwelling houses at Cloan that could be used to provide accommodation. The location of the proposed dwelling house is not prime agricultural land and will not cause any visual disturbance to the environment or surrounding landscape.

The estimated annual labour requirements associated with the current operations at Cloan is 2.04 standard labour units, fully justifying the construction of a new dwelling house.

## **BACKGROUND INFORMATION**

The business of I & J Pirie owns and farms the land at Cloan, formally part of Cloan Estate, which extends to 65.95 hectares. The land was purchased in 2018. The business is a partnership between Mr and Mrs Pirie.

Of the land area 39 hectares is woodland, 23.9 hectares is laid to grass of which 7.02 hectares is cut for silage; 3 hectares is let out to grow spring barley. Contractors are used to make the silage with assistance from Ian. The grassland is utilised by 30 cows and 30 calves and 2 bulls from late spring until early autumn, 100 lambs from autumn until early spring and 4 horses that are on site all year round. Once silage has been made additional youngstock graze the aftermath. The 4 horses are stabled during the winter.

The woods at Cloan encompass a wide range of ages, species, terrain, and management history. The youngest woodland is around 10 years old and comprise around 5% of the total area, although some very small areas have been planted in 2020. The younger woods are now approaching their ideal thinning window.

The remainder of the commercial woodland is up to around 60 years old. This older woodland lies almost entirely within Cloan Glen and has suffered from a considerable lack of management for several decades. The mature woods are in much need of management in the form of clear-felling and restocking and subsequent maintenance, dead and fallen timber clearance, under-planting and subsequent maintenance, track, and path upgrade/maintenance. There are also many specimen trees that date back to the 1800s, these trees require on going work to maintain their health and ensure public safety in areas near the public paths. A management plan for the entire woodland area has been approved by Scottish Forestry, who have also approved a Felling Permission for the clear-fell and restock of selected conifer crops in the glen as well as thinning throughout the woods.

The woods are small and largely do not lend themselves to 'conventional' forest management using contractors (clear-felling excepted), rather they are better managed in a light-touch manner using small-scale machinery. Ian with the help of casual staff, manage the woods, and carry out the associated work.

There is one small shed and a Dutch Darn at Cloan which are used to store high value machinery and tools. These are located close to and in sight of where the proposed new dwelling will be built. The stables are near to the existing dwelling, but it is the intension to build two new sheds adjacent to the proposed new dwelling, of which one would be a stable block. Once this is built the business would have capacity for 6 horses.

Care of the horses is carried out by Ian Piri and his daughter, this includes turning the horses out to the field, bringing horses in from the field, feeding and worming the horses and checking them when they are at grass. Ian and his daughter also regularly ensure the horses have clean grazing. Ian is also responsible for regularly checking the cattle and lambs that graze the land and for shed and field maintenance and repairs, including draining and fencing.

Since the farm was purchased in 2018, a significant investment has also been made to improve the grassland fields. The ongoing management plan implemented by the business includes weed control, application of lime, and continued soil testing to ascertain requirements for optimal grazing quality.

There are no other dwelling houses at Cloan that could be used to provide accommodation.

## LABOUR REQUIREMENTS AT CLOAN

The labour requirements for farming on Cloan are shown below and are based on UK Farm Classification Document (October 2014), made up by members from UK Rural Affairs Departments. The equine operations are based on Warwickshire College Group's Equine Business Guide (2015). The labour requirements for management of the woodlands were prepared by Malcolm Young, SAC Consulting Woodland specialist following a site visit. The Standard Work Capacity is taken as 1,900 hours/person/year. This is calculated on the assumption that one person would work 39 hours per week and takes illness, public holidays etc into account.

Land	Area (ha)	Hours/Annum/Ha	Total
Grassland	23.90	3.10	74.09
Woodland* (details overleaf)	39.00	34.25*	1,335.75
<i>Sub total</i>			<i>1,409.84</i>
Livestock	Number	Hours/Annum/Number	Total
Suckler cows	30	11.92	357.60
Bulls	2	5.50	11.00
Lambs	100	1.33	133.00
Horses	4	495	1,980.00
<i>Sub total</i>			<i>2,481.60</i>
<b>TOTAL</b>			<b>3,891.44</b>
<i>Standard Labour Unit</i>			<i>1,900.00</i>
<b>LABOUR REQUIREMENT (LU)</b>			<b>2.04</b>

Notes:

- Although 7.02 hectares of silage is grown, for the purpose of the labour demand calculations it has assumed just to be grassland as contractors are mainly used to make the silage.
- Cattle and sheep are on Cloan for 5.5 months therefore labour demand coefficients have been reduced accordingly.
- 25% reduction has been applied to the labour requirements associated with the horses due to there being 4 horses.
- The calculations also do not allow for administrative tasks required for regulation or accountancy purposes.



<b>Woodland tasks*</b>	<b>Workdays - 39 hectares at Cloan</b>
Litter clearance	52
Tree safety work	10
Road maintenance	10
Road drain clearing/maintenance	6
Deadwood felling	10
Path maintenance	4
Respacing	10
Underplanting/maintenance	8
Windblow clearance	5
Brashing	5
Forest drains/maintenance	8
Thinning	16
Restocking/maintenance	3
Management/planning	10
Pruning/tree maintenance	10
<b>Total days</b>	<b>167</b>
<b>Total hours</b>	<b>1336</b>
<b>Total hours/hectare/annum</b>	<b>34.25*</b>

The labour profile calculation shows that the business currently has a total labour requirement **of 3,967.54 hours/annum, the equivalent of 2.04 standard labour units** in order to operate. Once the additional 2 stables are built the labour requirement will increase further.

## **THE NEED FOR ON-SITE ACCOMMODATION**

### **Animal Welfare**

The cattle and lambs must be inspected daily to ensure they are not showing signs of illness or injury. It is therefore essential that a knowledgeable person is on call and to hand to carry out these regular checks and ensure excellent animal welfare standards are delivered.

The horses are checked daily and during the winter are fed twice a day and continuous care may be required for any ill or injured animals. Incidents requiring veterinary attention may occur at any time of the day or night and in cases of severe injury or colic, 24-hour supervision is essential. Swift intervention could make the difference between life and death of an animal.

Pasture and hedges must also be regularly inspected for poisonous plants and the grazing land kept in a suitable condition for all the livestock.

### **Health and Safety**

Unexpected events often occur when handling livestock and horses can easily be spooked. If any of the livestock escaped, it is vital that there is someone who can respond quickly to the situation.

The main path through Cloan Glen is a Core Path. Cloan Glen is therefore a very popular area for the residents of Auchterarder, with upwards of 60 people a day walking throughout the woods in the summer months, bringing with them the various issues associated with public access such as litter, anti-social behaviour, and vandalism/damage. The glen is also favoured by mountain bikers with many trails throughout. Given the lack of management in the glen the woods have become somewhat of a liability, with many dead and falling trees. The lack of management has also led to tracks and paths being in poor condition. As such Ian has a considerable duty of care to fulfil to ensure that those using the woods can do so safely. This takes place daily in terms of walking paths to ensure they are litter-free, checking for dead and fallen timber next to paths, and vandalism.

In addition, the woods require ongoing management, with thinning, felling, restocking, underplanting, young tree maintenance and infrastructure activities ongoing throughout the year.

The Cloan burn flows through Cloan Glen and can often be given to bursting its banks at the two fords, resulting in the main track being washed out. Having a suitable person and machinery on site to respond to these events ensures that the impact on forest and recreational infrastructure is minimised and safety is ensured.

### **Security**

Cloan is in close proximity to Auchterarder making security a concern. There is a high value of machinery and tools on the premises which cannot be left safely in the woods overnight. In light that opportunist theft and vandalism is increasing, livestock, vehicles and equipment must be safeguarded. The business has also had instances of fly tipping on the land. The proposed dwelling site would allow Ian to monitor vehicle movement allowing for safe storage of machinery and act as a deterrent from potential fly tipping.

### **Environmental**

Management of the woods from the proposed site will minimise travel and help the woodlands contribute to the Scottish Government's net zero carbon targets.

For animal welfare, health and safety, security, and environmental reasons it is important that Mr and Mrs Pirie live at Cloan.





## Morag Mill

---

**From:** Mark Myles  
**Sent:** 15 March 2022 10:58  
**To:** Persephone Beer  
**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage Auchterarder

Dear Seph

Thank you for forwarding the comments from the council's policy officer which I have also forwarded on to the applicant for further comment.

In general the applicant's find it slightly disappointing that the officer appears to be trying to pick holes in the SAC report rather than acknowledging the good work they have already embarked upon. It needs to be emphasised that this is a relatively new venture having started in December 2018 and that the applicant's existing house and buildings had nothing to do with the land at Cloan until then. They also want to stress to you that this was a neglected farm and woodland estate when the applicant's acquired the property in 2018 and they are trying to establish a sustainable rural business for themselves and eventually their family.

As a result of the mixed use (farming and woodland estate) they are not focusing solely on the hours spent looking after livestock, although it is recognised that this is a very important consideration, but looking at the total hours required to achieve the smooth and viable operation of the estate as a whole. Hours spent on land management and forestry work are equally important and all go to make up the weekly work load. The SAC report is therefore a very accurate record of what they are doing at the moment.

The policy officer has also made assumptions on the SAC report which are wrong and need to be clarified.

The horses DO NOT belong to the applicants. They don't own any horses and the intention with the new stables is to increase the number in an effort to make the operation more viable and benefit from the location and facilities that they already have. For accuracy they are down to 3 horses at the moment, one of last year's foals having been sold since the application was submitted.

The cattle and sheep are on the farm 5.5 months approximately but that is 5.5 months each per year. The cattle are on spring until autumn and the sheep all winter. There is approximately a month in early spring with no stock on the grass.

There was a question on land contamination related to timber treatment but the applicant can confirm there has never been treatment carried out on the site. Any reference to a sawmill relates to firewood production when it was part of Cloan Castle Estate.

The applicants would welcome any officer from the council visiting the existing farm and estate management operations so they can show them what they are doing and what they have achieved in the few years they have owned the property and more importantly also see the ongoing work that is taking place. Again, a point to note, they have clear felled a large area at the top of the glen and replanted sympathetically, removing a lot of blown trees and increasing the number of hardwoods. This will enhance the visual aspect from the top of the glen but also increases the ongoing maintenance required.

I trust this additional information is helpful and will allow the policy officer to reconsider their initial position and in turn allow the applicants to directly manage and oversee the day to day business activities, manage the livestock to help consolidate the diversification and growth of the farm business and also provide opportunities to expand the business further in line with the assessment set out in our supporting planning statement. The applicants desire to manage this estate properly is borne out by the fact that they have very carefully gone about the site selection process, are proposing a grouping of buildings that are designed to a high standard and set within an high quality landscape framework, and they are also agreeable to conditions requiring the erection of the new sheds prior to any work starting on the new house.

I trust this additional response is helpful.

Kind regards  
Mark

**Mark Myles**

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA  
DD: 01738 230154 | M: 07717 512203 | [bidwells.co.uk](https://bidwells.co.uk)

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**From:** Mark Myles

**Sent:** 04 March 2022 09:36

**To:** Persephone Beer [REDACTED]

**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage Auchterarder

Dear Seph

Thank you for your email advising of the concerns raised by your policy colleagues and for providing us with an opportunity to respond.

I will review the contents of their response and provide you with further comments in due course.

Kind regards

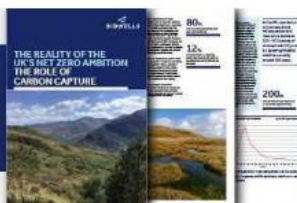
Mark

**Mark Myles**

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA  
DD: 01738 230154 | M: 07717 512203 | [bidwells.co.uk](https://bidwells.co.uk)

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**From:** Persephone Beer [REDACTED]

**Sent:** 04 March 2022 09:12

**To:** Mark Myles <[mark.myles@bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)>

**Subject:** 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage Auchterarder

Dear Mark

**22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage Auchterarder**

I refer to the above planning application.

I am currently assessing the proposal and would advise that there are policy concerns with this proposal in terms of its compliance with the housing in the countryside policy. The comments from Development Plan are quite detailed and in the light of these the application cannot be supported. Before I finalise my report is there any further information that you would like to supply with regard to the justification for an additional house on the land holding.

If you have any further information or comments please could you supply these within the next 14 days. This will bring the determination of the application beyond its target date. If you have any objection to this please let me know.

Kind regards

Seph

Persephone Beer  
Planning Officer  
Development Management

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

[REDACTED]  
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## Morag Mill

---

**From:** Mark Myles  
**Sent:** 25 May 2022 12:28  
**To:** Persephone Beer  
**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage

Dear Seph

Further to our previous correspondence it would be greatly appreciated if we could arrange a site visit meeting over the next 2-3 weeks?

Kind regards

**Mark Myles**  
Partner, Head of Planning Scotland  
Ext. 4154 | DD: 01738 230154 | M: 07717 512203

---

**From:** Persephone Beer [REDACTED]  
**Sent:** 04 May 2022 18:02  
**To:** Mark Myles <[mark.myles@bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)>  
**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage

Dear Mark

Thank you for your email.

I have visited the site but will speak to colleagues to see if a more in depth visit is appropriate.

I am away for a few days until 11<sup>th</sup> May so will respond as soon as I can after I am back at work.

Kind regards

Seph

---

**From:** Mark Myles <[mark.myles@bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)>  
**Sent:** 28 April 2022 11:50  
**To:** Persephone Beer [REDACTED]  
**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage

Dear Seph

I've now had the chance to discuss your position on this application further with the applicant and would respond as follows.

This is a genuine application as evidenced by the fact that we applied for planning permission for the new sheds as part of the same application rather than separately via prior notification and is fully supported by an SAC report which provides an accurate account of the total labour required on the estate as we stand today. As required by the

Supplementary Guidance the SAC report also provides detailed information on the 'non-farming' aspects of the wider estate.

The applicants purchased the lands at Cloan in late 2018 with no house or usable buildings other than the small shed that lies immediately to the north of the proposed application site. That remains the position today.

We believe that it is essential in a case such as this, particularly where a negative view is being expressed by the council which will affect the applicants business and livelihood, that a site visit is undertaken in order to help you fully understand the full extent of the existing business.

We would therefore request a site meeting be arranged so we can show you the work that is ongoing across the estate including the improvements to the grazing and stocking levels as well as show you how the proposal meets with the council's Siting Criteria prior to any decision being taken.

Look forward to hearing from you with a suggested date/time that would be convenient for you to meet.

Kind regards  
Mark



---

**Mark Myles**  
Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA  
DD: 01738 230154 | M: 07717 512203 | [bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)



---

**From:** Persephone Beer [REDACTED]  
**Sent:** 14 April 2022 16:26  
**To:** Mark Myles <[mark.myles@bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)>  
**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage

Dear Mark

Thank you for your email.

I look forward to hearing from you w/c 25<sup>th</sup> April.

Kind regards

Seph

---

**From:** Mark Myles <[mark.myles@bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)>  
**Sent:** 14 April 2022 14:57

To: Persephone Beer <[REDACTED]>

**Subject:** RE: 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage

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Dear Seph

Thanks for your further email in respect of the above planning application and the council's position is clearly disappointing.

The applicants have been away this week and I'm on annual leave tomorrow and also next week so I won't be able to respond to you until w/c 25/4 to confirm how they wish to proceed.

In the meantime I agree to the request for an extension of time until 9<sup>th</sup> May.

Trust this is helpful.

Kind regards

**Mark Myles**

Partner, Head of Planning Scotland

Ext. 4154 | DD: 01738 230154 | M: 07717 512203

---

**From:** Persephone Beer <[REDACTED]>

**Sent:** 08 April 2022 16:15

**To:** Mark Myles <[mark.myles@bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)>

**Subject:** 22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage

Dear Mark

**22/00032/FLL Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage**  
**Auchterarder**

I refer to the above planning application and to additional information submitted to support the proposal on 15<sup>th</sup> March 2022.

Having reviewed the information supplied we are still unable to support the application, in particular the requirement for a dwellinghouse.

It is noted that whilst the land management and forestry work represent a significant part of the applicant's business the Housing in the Countryside Supplementary Guidance is quite clear that new houses to support an existing business must be essential to the continued operation of the farm for animal welfare reasons. The hours spent on grass and woodland management cannot therefore form part of the justification for a new house. In addition the Supplementary Guidance states that the labour requirement should be based on the existing farming operation which would not support an additional house on the holding.

As the stables appear to be a new/developing commercial venture it may be an option for the applicant to set up the new stables etc first. This would then give a stronger justification (based on a higher labour requirement for the horses) for an additional house. This could potentially lend



support to the establishing of temporary residential accommodation on the site until such time as the new stables were running successfully.

As it stands the application cannot be supported. If you would prefer to withdraw the application prior to the application being determined please let me know within the next 14 days.

Kind regards

Seph

Persephone Beer  
Planning Officer  
Development Management

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

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## Morag Mill

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**Subject:** Ian Pirie Auchterarder Planning Dispute

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**From:** Ian Pirie  
**Sent:** 17 August 2022 13:47  
**To:** 'David Littlejohn'  
**Subject:** RE: Ian Pirie Auchterarder Planning Dispute

Dear Mr Littlejohn,

Having read your email I would express my doubts about our application and subsequent comments having been properly reviewed or assessed. Our response to your Report of Handling was very detailed and answered all of the points raised by the planning officer. However, I note the Service Manager is prepared to meet with us and whilst I accept this will not change the outcome it might help answer some of the questions. I am happy to meet here or in your office and will await suggested times and dates.

Yours sincerely,

Ian Pirie

---

**From:** David Littlejohn [REDACTED]  
**Sent:** 12 August 2022 13:53  
**To:** Ian Pirie  
**Cc:** Communities Planning Admin; Councillor Keith Allan  
**Subject:** RE: Ian Pirie Auchterarder Planning Dispute

Dear Mr Pirie

Many thanks for your email setting out your concerns. I appreciate that you are disappointed at the outcome of your planning application, however I can confirm your proposal has been assessed thoroughly and unfortunately cannot be supported by the Council as Planning Authority. This decision was not reached by the case officer without discussion and, ultimately, ratification by their Team Leader, the Service Manager for Development Management and Building Standards, and now, me. The Service Manager also visited the location and is prepared to meet you, however it cannot change the outcome of this specific application. Fundamentally, we do not agree that the work you do justifies setting aside the Council's Housing in the Countryside and associated policies to allow the construction of a new house.

I note the comments you make, however I need to re-confirm that I do not believe they change the overall reasoning and policy based decision.

Therefore, if you remain dissatisfied with this decision your recourse is to seek a review by the Local Review Body which will reach its own conclusion independently of planning officers. The process for doing so is set out in both your decision notice and on the Council's website. Your agent will also be able to assist you.

I fully understand this is not the outcome you wish for, however I have full confidence in the process followed to reach the decision to refuse planning permission. The Local Review Body members may take a different view based on their own assessment of the facts, and that is their prerogative.

Yours sincerely



David Littlejohn

David Littlejohn MRTPI FRSA  
Head of Planning & Development | Chief Planning Officer  
Perth & Kinross Council | Comhairle Pheairt is Cheann Rois  
Pullar House | 35 Kinnoull Street | Perth PH2 5GD

[REDACTED] | @PlanningHeadPKC

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---

**From:** Ian Pirie <[ian.pirie@jamesjones.co.uk](mailto:ian.pirie@jamesjones.co.uk)>  
**Sent:** 11 August 2022 13:56  
**To:** David Littlejohn [REDACTED]  
**Subject:** Fwd: Ian Pirie Auchterarder Planning Dispute

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Dear Mr Littlejohn,  
Recognising the planning officers reluctance to meet on site I would volunteer that we could meet in Perth if that's of any help.  
Regards  
Ian Pirie

Sent from my iPhone

Begin forwarded message:

**From:** Ian Pirie [REDACTED]  
**Date:** 9 August 2022 at 22:22:00 BST  
**To:** [REDACTED]  
**Subject:** Ian Pirie Auchterarder Planning Dispute

Dear Mr Littlejohn,  
Please find attachments for your perusal, acknowledgement of receipt would be appreciated.  
If there is anything further you require please feel free to call or email.

Regards,  
Ian Pirie  
[REDACTED]



**LRB-2022-54****22/00032/FLL - Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works, land 180 metres east of Garden Cottage, Auchterarder, PH3 1PP****PLANNING DECISION NOTICE** *(included in applicant's submission, pages 345-346)***REPORT OF HANDLING****REFERENCE DOCUMENTS** *(included in applicant's submission, pages 377-408)*





## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	22/00032/FLL	
Ward No	P7- Strathallan	
Due Determination Date	9th March 2022 Extended to 9th May 2022	
Draft Report Date	20th June 2022	
Report Issued by	PB	Date 28th June 2022

**PROPOSAL:** Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works

**LOCATION:** Land 180 Metres East Of Garden Cottage  
Auchterarder

#### 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.

#### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

In this instance, a physical visit to the site was considered necessary. The application site was visited on **28 April 2022**.

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works at site in a rural area around 3km to the south east of Auchterarder.

The site is reached off an existing track from a minor public road.

The proposal is for a detached dwellinghouse with four bedrooms and accommodation over two levels. The house proposed is around 22.5m in length and 16m in width at longest and widest points. It is to be sited in a partial clearing in a woodland. Two sheds are to be sited to the north east of the proposed house. One is a farm/forestry storage shed (18.4m x 12m x 5.8h) and the other a storage shed/stables (18.4m x 9m x 4.8h). The two proposed sheds would be located in an existing grazed field. Site area is 0.72ha. There is an existing open fronted storage shed adjacent to the site. Whilst the supporting statement notes that this building is incorporated into the applicant's plans this building is not within the application site boundary.

## **SITE HISTORY**

16/01275/IPL Erection of a dwellinghouse (in principle) Land 200 Metres North East Of Garden Cottage Auchterarder Refused 5<sup>th</sup> September 2016

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 21/00520/PREAPP

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking  
Policy 1B: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 15: Public Access  
Policy 19: Housing in the Countryside  
Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments  
Policy 39: Landscape  
Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy  
Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development  
Policy 41: Biodiversity  
Policy 53A: Water Environment and Drainage: Water Environment  
Policy 53B: Water Environment and Drainage: Foul Drainage  
Policy 53C: Water Environment and Drainage: Surface Water Drainage  
Policy 53E: Water Environment and Drainage: Water Supply  
Policy 59: Digital Infrastructure  
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

#### OTHER POLICIES

Housing in the Countryside Supplementary Guidance  
Developer Contributions Supplementary Guidance

#### CONSULTATION RESPONSES

Planning And Housing Strategy  
Contrary to housing in the countryside policy.

Environmental Health (Contaminated Land)  
No objection subject to condition with regard to contaminated land.

Environmental Health (Private Water)  
Informative note with regard to private water supply required.

Transport Planning  
Access from the property onto the public road network is via an existing private track, then onto the U25. Require detail as to how the track connects to the U25.  
Additional information is required for Transport Planning to support this application.

Development Contributions Officer  
Developer contributions required:

Education: 1 x £5,164  
A9 Junction: 1 x £3,450

Total: £8,614

#### REPRESENTATIONS

No representations received.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting statement submitted

## 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 and the adopted LDP2.

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 proposal is for a new house and associated storage buildings. The main policy consideration in this case is Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2019. This supports proposals for the erection, or creation through conversion, of single houses and groups of houses subject to them falling into at least one of the following categories:

- a) Building Groups
- b) Infill sites
- c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings.
- f) Development on rural brownfield land.

In this case, the only category to consider this proposal under is category 3.3 where a new house is required to support an existing business. Specifically in relation to houses for farm workers, a new house can be supported where this is essential to the continued operation of the farm for animal welfare reasons. A SAC report has been submitted in support of the application which suggests an overall labour requirement equating to over 2 workers. The business currently only has 1 house and therefore permission is being sought for a second. It is noted that the existing house, in which the applicants reside is a approximately 1.1km to the north west of the dwelling proposed through this application.

Advice was sought from the Development Plan Team and it is noted that there are a number of elements which have been included in the calculation of the labour requirement which it is considered should not have been taken into account in the assessment of whether an additional house is justified.



1,410 hours are included for grass and woodland management. As above-mentioned, the new house must be essential for animal welfare reasons. This element cannot, therefore, be included in the justification for a new house for a farm worker.

Secondly, the largest element of the labour requirement is in caring for the 4 horses which are on site all year, at 1980 hours. Clarification was sought on this point and it was confirmed that there are currently 3 horses on site and that these are not owned by the applicant. No information was submitted as to the involvement of the applicants in any equestrian business on the site although there appears a wish to expand equestrian activity at the site. However, category 3.3 only applies to houses associated with an economic activity so, without any information to demonstrate that there is an equestrian business being run as part of the farm the care of the horses cannot be included in the justification for a new house either.

This leaves the cattle and lambs. The SAC report states that the animals must be inspected daily for illness and injury. This is not disputed however it is not clear whether these animals belong to applicant, rather that the grazing is rented out to a third party. If this is the case it would be likely that the responsibility for the care of the animals would have remained with the owner. Even if any rental agreement did include a duty of care, the SAC report also states that the labour demand has been reduced to take account of the fact that cattle / lambs are only on site for 5.5 months. It is stated elsewhere in the supporting information, however, that they are not on the farm at the same time – the cattle is only there during the summer months and the lambs only during the winter. On this basis the total summer hours would appear to be 368.6 and the winter hours only 133 either of which falls short of the standard labour unit of 1,900 in order to justify an additional house for the business.

Overall, whilst the SAC report sets out the working hours for the operations undertaken at the farm the SG is clear in that for farm worker accommodation the new house must be essential to the continued operation of the farm for animal welfare reasons. The largest portion of hours is spent caring for the horses but unless evidence can be provided that the stables are being run as a business rather than for personal use then it is considered that this cannot be included within the justification for an additional house. Nor can the hours spent on grass and woodland management as these do not require someone to live on-site. The hours spent caring for the remaining livestock does not appear to be sufficient to justify an additional house.

Even if this were to be treated as a non-farming business there is still a requirement for the applicants to satisfactorily demonstrate that the provision of an additional house is essential to the continued operation of the business. Whilst the applicants may wish to have a house closer to the centre of the bulk of their land ownership, no argument has been put forward to suggest that the business cannot continue to be operated from the existing property which is located a relatively short distance away.

The proposal is therefore contrary to the housing in the countryside policy as it does not meet the criterion 3.3 for new houses in the open countryside.

Other policy areas concerned with the detail of the proposal are considered in the sections of the report below.

## **Design and Layout**

The housing in the countryside policy requires that the scale, layout and design of all housing proposals (iii) are appropriate to, and have a good fit with, the landscape character of the area in which it is located. It must demonstrate a specific design approach that not only integrates the development within its setting but also enhances the surrounding environment.

The proposed house is sited within an existing woodland belt that appears to have been partially cleared some time ago but is beginning to re-grow. The positioning of the house within the woodland would not enhance the surrounding environment. Placemaking policy 1A also requires development to contribute positively to the quality of the surrounding built and natural environment. The two agricultural sheds to the north east would be located partially in an existing sloping grazed field where substantial cut and fill would be required. Together with the proposed house the extent of proposed development fails to respect the character and amenity of the place and would not contribute positively to the built and natural environment. The siting and design would therefore be contrary to placemaking policies.

## **Landscape and visual impact**

Policy 39 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded. The position of the house within a wooded area seems to be an unnatural addition to the landscape in this area which is characterised by blocks and strips of woodland. Further information is required to understand how the proposed building will fit successfully into the landscape and also how the construction of the buildings will impact on the surrounding woodland. The drawings indicate that trees and landscaping will be maintained but further clarity with regard to this would be required if the principle of a house is accepted and an application is to be approved. The associated agricultural buildings are primarily sited into an open grassed field and would involve substantial earth moving. This would impact on landscape character and quality.

## **Residential Amenity**

The proposed house is remote from other residential properties and as such would not impact on existing residential amenity in terms of overlooking or overshadowing. The occupants of the house will benefit from some private amenity area although this has not been defined on the submitted drawings and the presence of significant woodland and trees in close proximity to the house will impact on daylight and sunlight with the house.

## **Roads and Access**

Access from the property onto the public road network is via an existing private track, then onto the U25. There is no detail in the submitted plans to show how this existing private track connects to the U25. Given the proposed increased use of this private track for farm machinery, and in the interest of road safety, visibility splays are requested to confirm the private track is suitable. This application is being refused for other reasons however additional information with regard to the proposed access would be required for this application to be supported by Transport Planning.

Though not marked on the plans, the layout of the site suggests sufficient space for parking and turning areas. The level of car parking proposed within the plot (10 spaces as stated in the application) is in line with requirements of the National Roads Development Guide.

### **Drainage and Flooding**

The site is not in an area at risk of river flooding. It is noted that a private foul drainage system would be provided and that this would be within the site boundaries. No information as to the siting of this or provision of surface water drainage has been included. Further, more detailed information would be required if this application is to be supported. Policy 53C requires all new development to employ Sustainable Urban Drainage systems (SUDS).

### **Water supply**

The development is for a dwelling house in a rural area with private water supplies believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water Environmental Health has requested that an informative note be added to any planning permission to highlight the applicant's responsibilities in terms of the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

### **Conservation Considerations**

The site is not close to any listed buildings and not within a conservation area. There would not be any impact on built heritage assets from this development.

The site is around 350m from Ogle Hill Fort, Scheduled Ancient Monument. Whilst the development is unlikely to impact on this it will alter the character of the landscape in the area which is largely devoid of buildings between the minor road and the hill fort.

### **Natural Heritage and Biodiversity**

Policy 40B, requires tree surveys to be submitted with applications where there are trees on the site. The site is a mix of grazed field and woodland. No tree survey has been submitted. There has also not been any information submitted as to the impact either positive or negative on biodiversity. Further information with regard to trees and biodiversity is required if an application on this site is to be approved.

### **Developer Contributions**

#### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased 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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of the Community School of Auchterarder Primary School.

### **Auchterarder A9 Junction**

The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.

### **Summary of Requirements**

Education: 1 x £5,164

A9 Junction: 1 x £3,450

**Total: £8,614**

### **Zero carbon technologies**

Policy 32 of the Local Development Plan requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy the requirement of policy 32 will be required if the application is approved.

### **Contaminated Land**

The proposed development is on land that is believed to have been formerly occupied by a sawmill. This land use can result in ground contamination particularly if there has been timber treatment at the site, and therefore, consideration must be given to the suitability of the site for the proposed development.

### **Economic Impact**

The house would be used in association with an existing business. However the economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.



## **CONCLUSION AND REASONS FOR DECISION**

To conclude, 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 be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within 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 and 6) Development on rural brownfield land.

In particular in terms of category 3) it has not been satisfactorily demonstrated that the proposed house is essential for animal welfare reasons and that an additional house is essential for the continued operation of the business.

- 2 The proposal is contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as due to its scale, siting and design the development would not contribute positively to the quality of the surrounding built and natural environment.
- 3 The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019). The proposal would erode and dilute the local landscape character. Insufficient information has been submitted to demonstrate the impact of the development on the surrounding landscape and that this is an appropriate site in terms of landscape fit and impact.
- 4 The proposal is contrary to Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019). There are trees on the site and no tree survey has been submitted. A tree survey is required for planning applications where there are existing trees on the site.

### **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**

None.

### **Procedural Notes**

Not Applicable.

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

01

02

03

04

05

06

07

08

**LRB-2022-54**  
**22/00032/FLL - Erection of a dwellinghouse,**  
**agricultural/forestry storage building, stables and**  
**associated works, land 180 metres east of Garden Cottage,**  
**Auchterarder, PH3 1PP**

## **REPRESENTATIONS**





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 22/00032/FLL

Our ref ALS

Date 20/01/2022

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works  
Land 180 Metres East Of Garden Cottage Auchterarder for Mr And Mrs I Pirie**

I refer to your letter dated 19/01/2022 in connection with the above application and have the following comments to make.

**Water** (assessment date – 20/01/2022)

### Recommendation

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

### Comments

The development is for a dwelling house in a rural area with private water supplies believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water please note the following informative. No public objections relating to the water supply were noted at the date above.

### PWS - Informative 2

The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.





## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	22/00032/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works		
<b>Address of site</b>	Land 180 Metres East Of Garden Cottage Auchterarder		
<b>Comments on the proposal</b>	<p><b>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.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Affordable Housing</b></p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased 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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of the Community School of Auchterarder Primary School.</p> <p><b>Auchterarder A9 Junction</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p>		

<p><b>Recommended planning condition(s)</b></p>	<p><b>Summary of Requirements</b></p> <p>Education: 1 x £5,164 A9 Junction: 1 x £3,450</p> <p><b><u>Total: £8,614</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p><b>Recommended informative(s) for applicant</b></p>	<p><b>Payment</b></p> <p><b>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.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash or cheques be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>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.</p> <p><b>NB:</b> 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.</p> <p><b>Other methods of payment</b></p> <p>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</p>



	<p>of the Planning Decision Notice.</p> <p><b>Bank Transfers</b>  All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p>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:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p>Education Contributions  For Education contributions please quote the following ledger code:  1-30-0060-0001-859136</p> <p>A9 Junction  For A9 Junction contributions please quote the following ledger code:  1-30-0060-0002-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>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.</p>
<b>Date comments returned</b>	28 January 2022



# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00032/FLL

Our ref CHF

Date 11/02/2022

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**22/00032/FLL RE: Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works Land 180 Metres East Of Garden Cottage Auchterarder for Mr and Mrs I Pirie c/o Bidwells, Mark Myles, Broxden House, Lamberkine Drive, Perth PH1 1RA**

I refer to your letter dated January 2022 in connection with the above application and have the following comments to make.

### **Contaminated Land**

#### Recommendation

The proposed development is on land that is believed to have been formerly occupied by a sawmill. This land use can result in ground contamination particularly if there has been timber treatment at the site, and therefore, consideration must be given to the suitability of the site for the proposed development.

I therefore recommend the following condition be applied to the application.

#### Condition

##### **EH41**

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	22/00032/FLL	<b>Comments provided by</b>	Katrina Walker
<b>Service/Section</b>	Development Plans	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works		
<b>Address of site</b>	Land 180 Metres East Of Garden Cottage, Auchterarder		
<b>Comments on the proposal</b>	<p>Comments have been requested in relation to the Housing in the Countryside policy and associated SG.</p> <p>Category 3.3 of the SG allows for a new house to support an existing business. Specifically in relation to houses for farm workers, a new house can be supported where this is essential to the continued operation of the farm for animal welfare reasons. An SAC report has been submitted in support of the application which suggests an overall labour requirement equating to over 2 workers. The business currently only has 1 house and therefore permission is being sought for a second. Whilst I do not have an issue with the content of the SAC report I am concerned that there are a number of elements which have been included in the calculation of the labour requirement which should not, in my view, be taken into account in the assessment of whether an additional house is justified.</p> <p>Firstly, approximately 1,410 hours are included for grass and woodland management. As above-mentioned, however, the guidance is clear in that the new house must be essential for animal welfare reasons. It is therefore my view that this element cannot be included in the justification for a new house for a farm worker.</p> <p>Secondly, the largest element of the labour requirement is in caring for the 4 horses which are on site all year. I could not find any reference in the supporting information, however, that suggests the stables were being run as a business. I can only assume therefore that the horses belong to the applicant's family. Category 3.3 only applies to houses associated with an economic activity so unless evidence can be provided which demonstrates that there is in fact an equestrian business being run as part of the farm then I would have to conclude that the care of the horses cannot be included in the justification for a new house either.</p> <p>This leaves the cattle and lambs. The SAC report states that the animals must be inspected daily for illness and injury. I do not dispute this; however in the absence of any information to the contrary I assume that these animals do not belong to the applicant, rather that the grazing is rented out to a third party? If this is the case I would have thought that the responsibility for the care of the animals would have remained with the owner. Even if any rental agreement did include a duty of care, the SAC report also states that the labour demand has been reduced to take account of the fact that cattle /</p>		



	<p>lambs are only on site for 5.5 months. It is stated elsewhere in the supporting information, however, that they are not on the farm at the same time – the cattle is only there during the summer months and the lambs only during the winter. On this basis the total summer hours would appear to be 368.6 and the winter hours only 133 either of which falls short of the standard labour unit of 1,900 in order to justify an additional house for the business.</p> <p>Reference is also made to the security of expensive machinery and tools, problems of fly-tipping on the land, and the need for maintenance associated with the core path. Whilst I appreciate these are all important issues, they do not in themselves justify an additional house.</p> <p>Overall, whilst the SAC report sets out the working hours for the operations undertaken at the farm the SG is clear in that for farm worker accommodation the new house must be essential to the continued operation of the farm for animal welfare reasons. The largest portion of hours is spent caring for the horses but unless evidence can be provided that the stables are being run as a business rather than for personal use then it is my view that this cannot be included within the justification for an additional house. Nor can the hours spent on grass and woodland management as these do not require someone to live on-site. The hours spent caring for the remaining livestock does not appear to be sufficient to justify an additional house.</p> <p>Even if this were to be treated as a non-farming business there is still a requirement for the applicants to satisfactorily demonstrate that the provision of an additional house is essential to the continued operation of the business. Whilst I understand the applicants' reasons for wishing an additional house closer to the bulk of their land ownership, no argument has been put forward to suggest that the business cannot continue to be operated from the existing property which is located a relatively short distance away.</p> <p>Looking at the site itself, I note that 3 sites were considered. I have not visited the site but from looking at aerial photos I would acknowledge that the site selected would appear to be the best option in terms of how well it complies with the siting criteria set out under category 3. Unless further evidence can be provided, however, as discussed above it is my view that the proposal as it currently stands does not meet the requirements for an additional house under category 3.3. of the SG.</p>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	15/2/22

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	22/00032/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works		
<b>Address of site</b>	Land 180 Metres East Of Garden Cottage Auchterarder		
<b>Comments on the proposal</b>	<p>The applicant is proposing to develop new forestry and agricultural buildings alongside a four bedroom house, all at a central location within the applicant's land at Cloan, south of Auchterarder.</p> <p>Though not marked on the plans, the layout of the site suggests sufficient space for parking and turning areas. The level of car parking proposed within the plot (10 spaces as stated in the application) is in line with requirements of the National Roads Development Guide.</p> <p>Access from the property onto the public road network is via an existing private track, then onto the U25. There is no detail in the submitted plans to show how this existing private track connects to the U25. Given the proposed increased use of this private track for farm machinery, and in the interest of road safety, visibility splays are requested to confirm the private track is suitable.</p> <p>Additional information is required for Transport Planning to support this application.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	9 March 2022		

