

Perth and Kinross Council
Planning and Placemaking Committee – 10 August 2022
Report of Handling by Head of Planning & Development
(Report No. 22/180)

PROPOSAL:	Change of use from dwellinghouse to holiday accommodation unit
LOCATION:	Tatha View, 4 Braes of Taymouth, Kenmore, Aberfeldy PH15 2HQ

Ref. No: [22/00803/FLL](#)
Ward No: P4- Highland

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is 'Tatha View' at 4 Braes of Taymouth, Kenmore. It is a four bed detached dwellinghouse sited in a small development of 8 similar style properties built in the 1980s. The wider development is accessed via the A827, at its junction with the south shore road of Loch Tay. The application site contains a small parking area to the site frontage.
- 2 The proposal is to change the use of the dwellinghouse to a holiday accommodation unit. The house has 4 bedrooms and could accommodate a maximum of 8 people. The owners currently live abroad and would like to let out the property for short term holiday lets, with occasional personal use by family members and at times when they are visiting the United Kingdom.

Pre-Application Consultation

- 3 No formal pre-application consultation was undertaken.

NATIONAL POLICY AND GUIDANCE

- 4 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 2014

- 5 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. This is a statutory document and material consideration in any planning application. It 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.

The Scottish Planning Policy 2014 (SPP)

- 6 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

- 12 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

- 13 No sections of the TAYplan 2016 are of particular relevance in the assessment of this application.

Perth and Kinross Local Development Plan 2

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 15 The principal relevant policies are;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 39: Landscape
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance
April 2020

- 16 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 17 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

- 18 **19/01623/FLL** Full Planning Permission was Approved On 15 November 2019 for Alterations and extension to dwellinghouse and alterations to raised decking area

CONSULTATIONS

- 19 As part of the planning application process the following bodies commented:

External

- 20 **Kenmore Community Council:** object as there is a shortage of residential accommodation in the area and no changes of use should be approved.

Internal

- 21 No internal consultations were undertaken.

REPRESENTATIONS

- 22 A total of 6 letters of representation were received, all of which objected to the proposal. This included a letter of objection from the Community Council. The main issues raised within the representations are:
- Lack of residential properties available in the area
 - Impact of holiday lets on character and life of village
 - Noise
 - Would set precedent for similar changes of use. Concern at other proposals in the area that would impact on local residents
 - Use as holiday let is precluded by title deeds should remain as a private residential dwellinghouse and not be occupied by more than one family. Should not be used for trade, business or manufacture. Need permission of Feu Superior.
- 23 These issues, with the exception of the last point, are addressed in the Appraisal section of the report. The burdens placed on the title deeds are a separate legal matter and are not a material planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2021.

Principle

- 26 The site is not within the defined settlement boundary for Kenmore so the principle of development will be assessed against Policy 8 'Rural Business and Diversification' of the Perth and Kinross Local Development Plan. Policy 8 states that the Council is supportive of the creation of new businesses or the expansion of existing businesses in rural areas provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involve the re-use of existing buildings. Sites within settlement boundaries are preferred however those outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. In this case the existing house is considered to be the site-specific resource. Supporting information has been submitted stating that the family currently live abroad and intend to return to Kenmore in future to live in the house. However whilst they are away they do not wish the house to remain empty and are proposing to operate it for short term holiday lets managed by a local property manager. The proposals will facilitate the use of a potentially vacant dwelling for holiday accommodation adding to the holiday accommodation offered in the area. It is considered that the principle of the change of use is acceptable.
- 27 The policy also requires a range of criteria to be met. This includes criterion c) which seeks to ensure that the proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential

properties within or adjacent to the site. Objections have been received as to the impact on village life and character by the proposed change to holiday accommodation. However the proposal only relates to one house. There are a mix of holiday and permanent residences in the village and tourism is a main stay of the local economy. The principle of a tourism use that is compatible with the surrounding residential uses is considered to be acceptable and would comply with policy 8. It is not considered to set a precedent for other similar changes of use as all planning applications are considered on their merits based on policies in place at the time. It is acknowledged that there are currently proposals at a national level to limit short term lets in some areas however there are currently no restrictions in place in the Loch Tay/Kenmore area that would preclude a change of use to holiday accommodation of this property.

- 28 Other key points in relation to design, layout, residential amenity and roads/access related matters are addressed in the report below

Design and Layout

- 29 The property is of a split level style and comprises 2 bedrooms at entrance level with a further 2 bedrooms up a short flight of stairs. The lower level contains a large open plan kitchen, living and dining space, as well as a separate utility room and a separate lounge extension. The application is for change of use only and no changes to the appearance of the building is required. As there are no physical changes proposed there will be no impact on the character and appearance of the area as a result of this change of use.

Landscape and visual amenity

- 30 There are no concerns regarding landscape or visual amenity arising from the proposed change of use.

Residential Amenity

- 31 The supporting statement notes that the property is to be used for 10-14 weeks a year and also may be used by family members at other times. Objections have been received as to potential noise and disturbance from users of the property. The house is to be let as a single unit and will be managed by agents put in place by the owners. The number of people using the holiday let is limited by the size of property and it is considered that the use is compatible with a residential area and will not impact adversely on existing residential amenity. Any anti social behaviour would ultimately be a matter for Police Scotland, as would be the case with any disturbance within a residential area.

Roads and Access

- 32 The existing access and parking arrangements are not affected by the change of use. Two off-street car parking spaces are available plus a garage that can also be utilised for parking. No concerns have been raised with regard to roads and access matters

Drainage and Flooding

- 33 There are no concerns regarding drainage or flooding issues arising from the proposed development.

Waste Collection

- 34 There are no concerns regarding waste collection arising from the proposed development. The applicant will ensure waste and recycling arrangements are in place for the holiday let.

Conservation Considerations

- 35 There are no conservation considerations arising from the proposed development. The site is not within a Conservation Area and is not a listed building.

Natural Heritage and Biodiversity

- 36 There are no natural heritage or biodiversity concerns arising from the proposed development.

Developer Contributions

- 37 The proposal does not trigger a requirement for any developer contributions.

Economic Impact

- 38 There will be some positive economic impact from the proposal as it will enable the dwellinghouse to be utilised for holiday lets rather than being left empty for long periods of time. Users will be able to support local businesses whilst staying at the property.

VARIATION OF APPLICATION UNDER SECTION 32A

- 39 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

- 40 None required.

DIRECTION BY SCOTTISH MINISTERS

- 41 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 42 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 comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 43 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. The use hereby approved shall be limited to holiday accommodation to the satisfaction of the Council as Planning Authority. The owner of the property shall maintain an up-to-date register of the name of each occupier of the property, their length of stay and their main home address and shall make this information available at all reasonable times to the Planning Authority.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the building.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.

Background Papers: 6 letters of representation
Contact Officer: Persephone Beer
Date: 29 July 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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