

TCP/11/16(186)

Planning Application 12/00054/FLL – Change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000040129-001

The online ref number 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:

MBM Planning & Development

Ref. Number:

First Name: *

Mark

Last Name: *

Myles

Telephone Number: *

01738 450506

Extension Number:

Mobile Number:

Fax Number:

01738 450507

Email Address: *

mm@mbmplanning.co.uk

You must enter a Building Name or Number, or both:*

Building Name:

Algo Business Centre

Building Number:

Address 1 (Street): *

Glenearn Road

Address 2:

Town/City: *

Perth

Country: *

UK

Postcode: *

PH2 0NJ

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="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="B"/>
Last Name: *	<input type="text" value="Roberts"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Hollybush Cottage"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Dollerie Terrace"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Crieff"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="PH7 3QQ"/>

Site Address Details

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

Address 1:	<input type="text" value="Hollybush Cottage"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Dollerie Terrace"/>	Town/City/Settlement:	<input type="text" value="Crieff"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH7 3QQ"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="721673"/>	Easting	<input type="text" value="287282"/>
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Description of the Proposal

Please provide a description of the 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)

Change of use of public open space to garden ground

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) – 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 of 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.

Refer to separate document attached

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 now be considered in your review: * (Max 500 characters)

The applicant is prepared to reduce the extent of the proposed western boundary extension as shown in (MBM 6) if the Local Review Body considers that to be beneficial.

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)

MBM 1 - Planning Application Forms and Plan, MBM 2 - Decision Notice, MBM 3 - Letter from Persimmon Homes, MBM 4 - Report of Handling, MBM 5 - Crieff Inset Map from Strathearn Area Local Plan, MBM 6 - Revised western boundary, MBM 7 - Photographs

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/00054/FLL

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

13/01/12

Has a decision been made by the planning authority? *

☒ Yes ☐ No

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

20/03/12

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

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

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: Mark Myles

Declaration Date: 09/05/2012

Submission Date: 09/05/2012

**Notice of Review Appeal
against refusal of planning permission for**

**Change of use of public open space to garden ground at
Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ**

Grounds of Appeal

on behalf of Mr & Mrs B Roberts

9th May 2012

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| MBM3 | Persimmon Homes letter dated 9 th January 2012 |
| MBM4 | PKC Report of Handling |
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| MBM6 | Plan showing potential revision to western boundary extension |
| MBM7 | Photographs |

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 9th May 2012 on behalf of Mr & Mrs B Roberts. The Notice of Review relates to a planning application for the change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ. The planning application (12/00054/FLL) (MBM1) was refused by PKC on 20th March 2012 (MBM2).
- 1.2 The land in question is privately owned by Persimmon Homes East Scotland but is periodically maintained by Perth & Kinross Council as public open space. Prior to the submission of the planning application the applicants had approached Persimmon Homes and their letter date 9th January 2012 (MBM3) confirms that the company was agreeable to the sale of the ground to the applicants. The letter also confirms that any title granted by the company in favour of the applicants would contain a specific burden prohibiting any future development from taking place within the areas of ground concerned.
- 1.3 The appellants have lived at this property for 27 years and have invested a great deal of time and money improving and upgrading the cottage, the garden areas including the erection of traditional stone walls, that has clearly helped to enhance the original appearance of the cottage and the surrounding area. The appellants simply want to extend their curtilage and use the ground as lawned garden ground and to reconstruct the stone dyke along the northern, eastern and southern boundaries and plant a mixed hedge along the western boundary.
- 1.4 The proposal requires to be considered under the terms of the development plan policies contained within the Strathearn Area Local Plan.
- 1.5 We strongly contest the council's reasons for refusal of the planning application as well as what we believe to be a number of incorrect statements contained within the Report of Handling (attached – MBM4).

2. Response to PKC Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 20th March 2012 for two different reasons (MBM2).
- 2.2 The first reason for refusal makes reference to Policy 2 of the adopted local plan as the planning officer believe that the proposed change of use is considered to result in a **significant** loss of amenity to the local community. The wording for this reason for refusal has been taken from criteria c) listed within Policy 2. The full wording of criteria c) states that *'the development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.'*
- 2.3 We consider that the wording within the reason for refusal has been taken out of context in terms of the actual objective and meaning of criteria c). Our view is that criteria c) was worded so as to prevent the potential for significant impacts or conflicts being raised by locating two very different land uses adjacent to each other. For example the policy was framed to prevent industrial uses being located in residential areas thus preventing issues such as noise, odour, traffic movements etc that may indeed result in a significant loss of amenity to the local community in question.
- 2.4 With respect, the policy was not intended to be used as a tool that would be used to suggest that adjustments to the boundaries of a private dwellinghouse within wider residential areas would be classed as having a 'significant' impact on the amenity of the local community.
- 2.5 Planning permission was previously granted in 2004 for an extension of the curtilage of the property to the east by 160 sq metres. That extension of the curtilage was approved by the council on the basis of exactly the same development plan policies. That proposal was not considered to result in a significant loss of amenity to the community nor make the open space much less effective as amenity space.
- 2.6 The proposed application seeks consent to extend the boundary to the east by 260 sq metres (not 300 sq metres as stated in the delegated report) and 141 sq metres to the west. The wider amenity space areas total 3550 sq metres thus the proposal would only result in a 11.2% reduction in the total amount of amenity space.
- 2.7 As noted earlier the areas of amenity space are not owned by the council but they are maintained periodically by the council. It should also be noted that the areas of amenity space are not specifically identified for that purpose in the adopted local plan. Other areas of public open space within the Crieff settlement boundary map (MBM 5) are specifically identified and protected as areas of open space and are also shown as green areas within the settlement map. Under Policy 69 those areas of open space and recreation are to be retained and any development proposals within the 'green' areas are to be strongly resisted. The land subject of this proposal is not protected open space and is not covered by the Policy 69 protection.

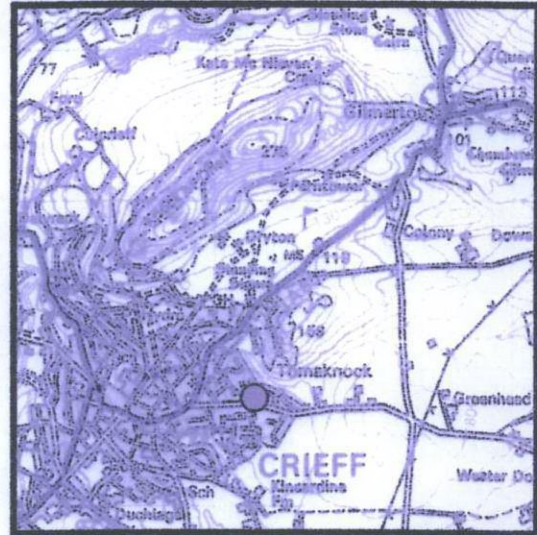
- 2.8 It is significant to note that the areas subject of this appeal simply form part of the wider 'white' area (as shown on MBM5) where the general residential and compatible use policy for Crieff applies (policy 66).
- 2.9 The areas which are subject to this change of use equate to 400 sq m which would result in 11% of the total open space being converted to garden ground. We have already provided justification above as to why policy 2c) is not even applicable to the assessment of this proposal. The minor loss of public space cannot be regarded as a 'significant' loss of amenity to the local community. The very small percentage reduction in the overall amenity space also suggests that the concerns raised by the Community Greenspace Manager about the amenity space being much less effective are completely unfounded.
- 2.10 However the applicants are willing (if the Local Review Body considered that it would be helpful) to alter the proposed western boundary extension by only 3m as shown on the attached revised plan (MBM 6) as opposed to the 6m that is shown on the originally submitted drawing. This change would mean that no trees would be located within the proposed extended curtilage. The existing bench that is referred to in the letters of objection was always going to be located some distance away from the proposed boundary but if the Local Review Body were minded to accept this revision, then the bench would now be an extra 3 metres away from the boundary.
- 2.11 The overall visual impact of the proposed change to garden ground is considered to be de-minimis. Policy 66 states that small areas of **private** open space will be retained where they are of recreational or amenity value. The area is **not** private open space and is managed as public space by the council. This was even acknowledged by the council when they altered the description of the planning application to 'change of use of **public** open space.....'
- 2.12 Interestingly the wording in the second reason for refusal only refers to open space of amenity value and excludes any reference to public or private open space whereas Policy 66 clearly refers solely to private open space. Policy 66 is not therefore relevant and its interpretation has been incorrectly applied to this proposal. Policy 66 is not a valid reason for refusal of the application.
- 2.13 The series of photographs submitted in support of this appeal (MBM 7) will also clearly without question show the Local Review Body that the proposed extension of the curtilage of the cottage and the retention of the areas specifically as lawned garden ground will have no discernable impact on the character or amenity of the wider residential area. As noted earlier the current owners of the land would put in place a burden on any title change that prevented building on these areas. Furthermore the council and the LRB could also impose the same conditions on any planning permission.

3 Conclusions

- 3.1 The proposed change of use and extension of the curtilage of the dwellinghouse will not result in a significant loss of amenity to the community and will not result in a loss of private open space. Our assessment of the detailed wording and precise objectives of policies 2 and 66 of the Strathearn Area Local Plan has shown that the proposal is not contrary (in any way) to the adopted development plan.
- 3.2 The applicant is prepared to reduce the extent of the western boundary extension (as shown on (MBM 6) if the Local Review Body considers that would be helpful.
- 3.3 Planning permission was previously granted in 2004 for an extension of the curtilage of the property and that was determined favourably by the council on the basis of exactly the same development plan policies. That proposal was not considered to result in a significant loss of amenity to the community nor make the open space much less effective as an amenity space.
- 3.4 The proposed change of use involves 400 sq metres or 11 % of the total amount of existing amenity space (or 330 sq metres or 9 % if the 3 metres reduction is accepted on the western boundary) and as such the concerns raised in the delegated report are not considered to be robust.
- 3.5 We would therefore respectfully request that this Notice of Review is approved subject to any conditions that may be considered necessary by the Local Review Body.

**THIS IS THE PLAN REFERRED TO IN THE FOREGOING
DISPOSITION**

LOCATION MAP



Crown Copyright Reserved

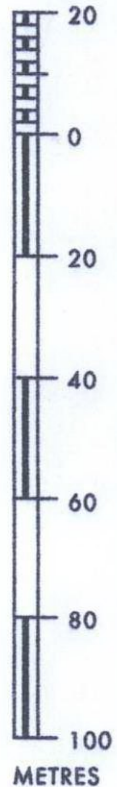
Scale 1:50,000

NOTES

- ① = Tree
- ② NO TREES TO BE CUT BACK OR FELLED.
- ③ Parking area marked in Blue.
- ④ Additional Garden ground marked in red lines, and highlighted in yellow.



SCALE
1:1,250



PERTH AND KINROSS COUNCIL

Area of ground: 0.035 hectares
0.086 acres

CRIEFF

DRAWING REF: 12/00054/1

January 2012

OS Licence number AL 100031370

12/0054/FL RECEIVED
18 JAN 2012A319-00
18/1/12
21610**APPLICATION FOR PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
 PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
 ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div>MR</div>	Ref No.	<div></div>
Forename	<div>BRYN</div>	Forename	<div></div>
Surname	<div>ROBERTS</div>	Surname	<div></div>
Company Name	<div>NA</div>	Company Name	<div></div>
Building No./Name	<div>HOLLYBUSH COTTAGE</div>	Building No./Name	<div></div>
Address Line 1	<div>DOLLERIE TERRACE</div>	Address Line 1	<div></div>
Address Line 2	<div></div>	Address Line 2	<div></div>
Town/City	<div>CRIEFF, PERTSHIRE</div>	Town/City	<div></div>
Postcode	<div>PH7 3QQ</div>	Postcode	<div></div>
Telephone	<div></div>	Telephone	<div></div>
Mobile	<div></div>	Mobile	<div></div>
Fax	<div></div>	Fax	<div></div>
Email	<div></div>	Email	<div></div>

3. Postal Address or Location of Proposed Development (please include postcode)

HOLLYBUSH COTTAGE,
 DOLLERIE TERRACE,
 CRIEFF, PERTSHIRE,
 PH7 3QQ

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
 What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <div></div>	Date: <div></div>
---------------------------	-------------------

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

ADDITIONAL GARDEN GROUND FROM ADJACENT PRIVATE GROUND.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

NA

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

NA

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

NA

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

350m2

8. Existing Use

Please describe the current or most recent use:

ADJACENT GROUND IS OPEN GRASS AREA

9. Access and Parking

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

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain 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?

5

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

NA

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

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 show more details on your plans and supporting information

What private arrangements are you proposing?

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

☐

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

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☐ No ☒

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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 ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

NA

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

ONLY PRIVATE GARDEN GROUND

14. Residential Units Including Conversion

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

Yes ☐ No ☒

If yes how many units do you propose in total?

NA

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

NA

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☐

Signature:



Name: BRYN ROBERTS

Date: 13/01/2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
Mr. Paul Macari, Land Manager. Persimmon Homes East Scotland.	Unit 1, Wester Inch Business Park, Old Well Court, Bathgate EH48 2TQ	13/01/2012

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

CERTIFICATE D
Certificate D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:*

Date:

23/01/2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

COPY**NOTICE TO OWNERS AND AGRICULTURAL TENANTS**

Town and Country Planning (Scotland) Act 1997
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008

Name [Note 1]	PERSIMMON HOMES EAST SCOTLAND
Address	UNIT 1, WESTER INCH BUSINESS PARK
	OLD WELL COURT
	BATHGATE
	EH48 2TQ

Proposed development at [Note 2]	HOLLYBUSH COTTAGE
	DOLLERIE TERRACE, CRIEFF
	PERTHSHIRE, PH7 3QQ

Notice is hereby given that an application is being made to

[Note 3]	PERTH & KINROSS COUNCIL	Council by	BRYN ROBERTS
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For planning permission to [Note 4]

ADDITIONAL GARDEN GROUND FROM ADJACENT PRIVATE OPEN GROUND AREA

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

PERTH & KINROSS COUNCIL, PULLAR HOUSE, 35 KINNOULL STREET, PERTH, PH1 5GD

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	B Roberts
Date	13/01/2012

*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] – Insert planning authority address.

PERTH AND KINROSS COUNCIL

Mr B Roberts
Hollybush Cottage
Dollerie Terrace
Crieff
Perthshire
PH7 3QQ


Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th March 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00054/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 24th January 2012 for permission for **Change of use of public open space to garden ground Hollybush Cottage Dollerie Terrace Crieff PH7 3QQ** for the reasons undernoted.


Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy S2 of the Strathearn Area Local Plan, 2001. A change of use from public open space to private garden ground would result in a significant loss of amenity to the local community.
2. The proposal is contrary to Policy S66 of the Strathearn Area Local Plan, 2001 as it would result in the loss of an area of open space of amenity value.

Justification

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

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

11/00054/1

REF:PM/AC

9th January 2012

Mr. Bryn Roberts
Hollybush Cottage
Dollerie Terrace
Crieff
PH7 3QQ

Dear Mr Roberts

Purchase of Additional Garden Ground adjacent to Hollybush Cottage, Dollerie Terrace, Crieff

Further to our recent discussions, I confirm our agreement in respect of the above proposed land transaction.

As discussed, any formal contract would be subject to the securing of the relevant planning permission required and the inclusion of a restriction against future development within this area, which you have confirmed as being acceptable conditions of the sale.

I trust this letter of confirmation is satisfactory and will assist your Planning Application for the requisite change of use.

I look forward to hearing from you in due course.

Yours sincerely
on behalf of Persimmon Homes (East Scotland)



Paul Macari
Land Manager

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00054/FLL
Ward No	N6

PROPOSAL: Change of use of public open space to garden ground

LOCATION: Hollybush Cottage Dollerie Terrace Crieff PH7 3QQ

APPLICANT: Mr B Roberts

RECOMMENDATION: Refuse the application

SITE INSPECTION: 30 January 2012



OFFICERS REPORT:

Site description and proposal

Hollybush Cottage is a detached property located in an established residential area on Dollerie Terrace, Crieff. The site is in a prominent position on the main road between Tibbermore and Crieff. The cottage is bounded on two sides by amenity open space.

Planning permission is sought for a change of use from public open space to garden ground. The area of open space that is the subject of the application lies to the east and west of the property and would be incorporated into the curtilage of the cottage. It is proposed to extend the garden by approximately 141 square metres to the west and by approximately 300 square metres to the east of the property.

Whilst limited details were submitted with the original application the applicant has since submitted further information relating to the proposals. The applicant intends to use the ground as “lawned garden ground” and to construct a dry stone dyke along the boundary. There is currently a dry stone dyke on the eastern, southern and northern boundaries and a mixed (mainly evergreen) hedge along the western boundary.

Appraisal

The application site forms part of an area of open space established around 30 years ago as part of the development of a large residential estate. The open space is privately owned but has been managed and maintained by the Council for many years as amenity open space. The area to the west includes a footpath link between Dollerie Terrace and Boyd Avenue.

The open space is visually important when approaching Crieff from the east and contributes positively to this area of town. The western section provides a green wedge between Boyd Avenue and Dollerie Terrace. The eastern section provides a green buffer, to some extent screening the rear of properties on Boyd Avenue to the north east of the site.

In 2004 planning permission was granted to incorporate around 160 square metres of the open space to the east of Hollybush Cottage into the curtilage of the dwellinghouse as garden ground. There were no objections to this relatively modest extension and the proposal was considered to be in accordance with the development plan.

The current proposal is for an additional 440 square metres of open space to be incorporated into the curtilage of the dwellinghouse to provide a larger garden.

The total current garden ground around the property is 765 square metres

The Council's Community Greenspace Manager has been consulted and comments that this is high profile amenity public open space classed at a Neighbourhood level in the Council's hierarchy and managed as such by the Council. The whole strip including the pedestrian link contributes very positively to the visual appearance and character of what is otherwise a fairly built up area of the town. The open space benefits from a range of maturing trees and shrubs which provide seasonal interest and a degree of biodiversity value. The Community Greenspace Manager has concerns that the change of use and reduction in area of amenity open space would make it much less effective as an amenity space and recommends refusal of the application.

There have been a number of objections from local people voicing a range of concerns including; loss of open space/public amenity; proposal is contrary to Council's "Vision for Greenspaces; loss of visual/residential amenity; would set precedent for other similar changes of use; loss of light; impact on maintenance; noise pollution; would exacerbate surface water drainage problems; loss in property value; detriment to residential amenity; inappropriate land use; over looking.

The applicant has provided further information as a response to some of these objections.

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.

In this case the Development Plan comprises:-

- Perth and Kinross Structure Plan (Approved 2003);
- Strathearn Area Local Plan 2001.

Policy S2 of the Strathearn Area Local Plan sets out criteria against which all developments will be judged in particular criteria (c) states that “The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community”. This greenspace is a valued local resource and I consider that a change of use to private garden ground would result in a significant loss of amenity to the local community. The proposal is therefore contrary to Policy S2 of the adopted development plan.

Policy S66 identifies areas of residential and compatible uses where the existing residential amenity will be retained and where possible improved. It states that important trees and hedges will be protected from development and small areas of private open space will be retained where they are of recreational or amenity value.

In this case I consider that the change of use from open space to garden ground would be contrary to Policy S66 which seeks to retain areas of open space where they are of recreational or amenity value.

Overall, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal does not comply with the adopted Strathearn Area Local Plan 2001, in particular policies 02 and 66. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

DEVELOPMENT PLAN

S_002 Strathearn Development Criteria

All developments will also be judged against the following criteria:

- (a) The sites should have a landscape framework capable of absorbing or, if necessary, screening the development and where required opportunities for landscape enhancement will be sought;
- (b) In the case of built development, regard should be had to the scale, form, colour, and density of existing development within the locality;
- (c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community;
- (d) The road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided;
- (e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development;

- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms;
- (g) Buildings and layouts of new developments should be designed so as to be energy efficient;
- (h) Built developments should where possible be built within those settlements that are the subject of inset maps.

S_066 Strathearn Crieff General Housing

Inset Map 3 identifies areas of residential and compatible uses where the existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will be the most obvious alternative use. Some scope may exist for infill development but only where this will not have a significant adverse effect on the density, character or amenity of the area concerned and where a suitable access can be obtained. Hotels, guest houses and bed and breakfast accommodation will generally be acceptable uses for these areas provided the existing residential amenity can be protected. Important trees and hedges will be protected from development and small areas of private open space will be retained where they are of recreational or amenity value.

OTHER POLICIES

Placemaking Guide - Perth and Kinross Council incorporating: "A Vision for Greenspaces". Council guidance that recognises the importance of green spaces as a community resource that helps to engender a sense of local identity.

SITE HISTORY

04/00139/FUL Change of use of ground to form extension of garden and parking area – approved - 29.03.2004
10/00916/FLL Erection of entrance porch 29.06.2010

CONSULTATIONS/COMMENTS

Head Of Public Space Management Scottish Water	Objects to the proposal. No objection.
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TARGET DATE: 24 March 2012

REPRESENTATIONS RECEIVED:

Number Received: 7

Summary of issues raised by objectors:

The concerns of the objectors are listed below:

- **Loss of Open Space/public amenity** - reduction of green space goes against the intention of the original plans for the housing estate. Open space required as planning condition when houses were built, loss would be detrimental to the neighbourhood; Area improved by residents, including installation of bench and shrubs paid for by residents. The boundary of this proposed development will be hard against the park bench making the use of it less attractive. Applicant should bear the cost of re-positioning the bench if planning permission were to be given.

- **Contrary to Council's "Vision for Greenspaces" to protect and enhance open space** - has been maintained by the Council at taxpayers expense for many years. One of very few open green spaces within a very large area and any reduction in size would be regarded as a serious loss of amenity. If permission is given it would call into question the Council's commitment to this valued objective.
- **Loss of Visual Amenity** - detriment to visual/residential amenity - concern about what the area will look like as garden ground – erection of sheds, garages, outhouses, apply to build house, extra parking, loss of amenity; plan lacks detail, ambiguous as to whether a fence or wall etc will be erected. Height not mentioned.
- **Set precedent** - if approved, what is there to stop other residents applying to purchase the remainder of this public open space from Persimmon Homes for similar projects. Public open space serves a purpose for the community and should be protected from development. Would object unless a strict control was in place to ensure no buildings were erected on the proposed site in the future.
- **Loss of light**
- **Impact on maintenance** - narrow strip left between client's garden and garden of Hollybush Cottage. Concern about narrow strip left between properties that would not be maintained.
- **Noise pollution** – concern that extra land would be used for parking including parking of commercial vehicles which would add to noise pollution through increased activity.
- **Surface drainage** – worried about additional surface water if land changes to garden ground. Already poor drainage.
- **Loss in property value** – cared for green space area within a neighbourhood will increase the value of nearby properties by over 5%. Reduction in amount of open green space with possible added activity and noise pollution will have a detrimental effect on property values in the vicinity.
- **Inappropriate land use**
- **Over looking**

Response to issues raised by objectors:

Response to objectors:

- **Loss of Open Space/public amenity** – I would agree that the reduction of open space proposed would be detrimental to public amenity. The applicant has agreed to bear the cost of re-locating the park bench if approval granted.
- **Contrary to Council's "Vision for Greenspaces" to protect and enhance open space** – I agree that greenspace is a valued community resource and have taken "Vision for Greenspaces" into account in above report.
- **Loss of Visual Amenity** - detriment to visual/residential amenity - concern about the erection of sheds, garages, outhouses etc. The applicant has stated that he does not intend to construct buildings in the proposed extra garden area. The proposal is for lawn and shrubs with a dry stone dyke along the boundary, if approval is granted.
- **Set precedent** – agree that a precedent for similar development may be set in this area if approval granted. However this must be treated with caution. "Vision for Greenspace" identifies some areas of public open space that do not contribute effectively to the public realm and could be sold to private householders.
- **Loss of light** – I do not consider this to be a potential problem should approval be granted.

- **Impact on maintenance** – Community Greenspace Manager highlighted this as a potential concern. Part of the area may become too small to effectively manage. Applicant has offered to maintain this strip of ground if necessary.
- **Noise pollution** – I do not consider that this would be a consequence of the proposed development.
- **Surface drainage** – I do not consider that this would be a consequence of the proposed development
- **Loss in property value** – I do not consider that this would be a consequence of the proposed development.
- **Inappropriate land use** – Proposal is contrary to development plan.
- **Over looking** – I do not consider that this would be a consequence of the proposed development.

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Additional information submitted
Report on Impact or Potential Impact	None submitted.

Legal Agreement Required: Not required.

Direction by Scottish Ministers – n/a

- 1 The proposal is contrary to Policy S2 of the Strathearn Area Local Plan, 2001. A change of use from public open space to private garden ground would result in a significant loss of amenity to the local community.
- 2 The proposal is contrary to Policy S66 of the Strathearn Area Local Plan, 2001 as it would result in the loss of an area of open space of amenity value.


Justification

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

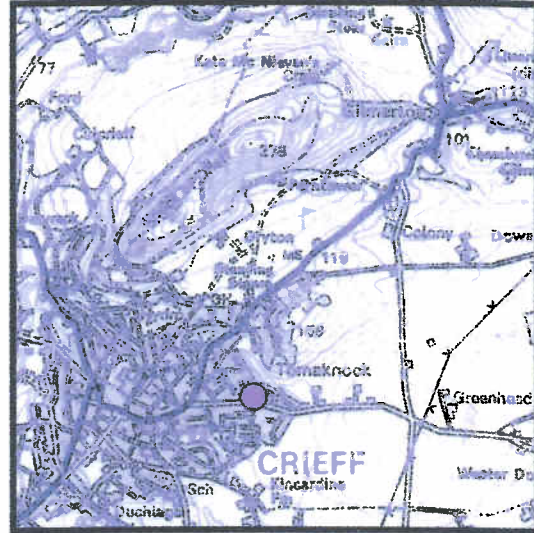


**THIS IS THE PLAN REFERRED TO IN THE FOREGOING
DISPOSITION**

NOTES,

- ①  = Tree
- ② NO TREES TO BE CUT BACK OR FELLED.
- ③ Parking area marked in Blue.
- ④ Additional Garden ground marked in red lines, and highlighted in yellow.
- ⑤ NEW BOUNDARIES WILL BE CONSTRUCTED AS PER THE ORIGINAL TRADITIONAL STONE DYKE.

LOCATION MAP

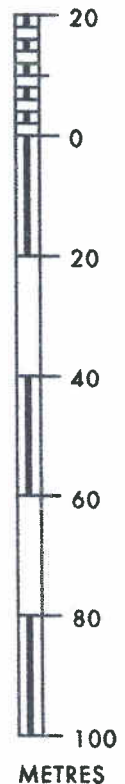


Crown Copyright Reserved

Scale 1:50,000



SCALE
1:1,250



Area of ground: 0.027 hectares
0.068 acres

OS Licence number AL 100031370

**CRIEFF
APRIL 2012**

















TCP/11/16(186)

Planning Application 12/00054/FLL – Change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ

PLANNING DECISION NOTICE (included in applicant's submission, see pages 207-208)

REPORT OF HANDLING (included in applicant's submission, see pages 211-216)

REFERENCE DOCUMENTS (included in applicant's submission, see page 218)

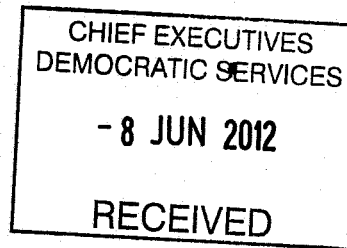
TCP/11/16(186)

Planning Application 12/00054/FLL – Change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ

REPRESENTATIONS

- Agents Response to Representation, dated 7 June 2012

Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross Local Review Body
2 High Street
PERTH
PH1 5PH



7th June 2012

Our ref: ROB001
Your ref: TCP/11/16 (186)

Dear Madam

**Town & Country Planning (Scotland) Act 1997
Notice of Review Appeal (12/00054/FLL)**

**Change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace,
Crieff, PH7 3QQ**

I refer to your letter of 29th May 2012 in connection with the above Notice of Review Appeal. In response to the points raised within the additional representations I would wish to offer the following brief additional comments.

Representation from Mr & Mrs J Harley c/o Miller Hendry – 24th May 2012

- 1.2 Title burdens can clearly be used as a tool to compliment any planning conditions attached to a planning permission which are enforceable by the planning authority.
- 1.3 The applicant's property is located within a wider residential area. As with any residential property, improvements that are carried out to both the fabric of the building and its curtilage will be of benefit to the visual amenity of the wider community.
- 2.2/2.3 & 2.4 Policy 2 c) of the Strathearn Area Local Plan is written as one single criteria and should be interpreted as meaning that any significant loss of amenity caused by incompatible land uses being sited in close proximity to each other, would not comply with this criteria. As noted in our grounds of appeal the extent of the ground proposed in the change of use is not large and would remain 'green' so would still act as a 'green buffer screen' to the rear of the properties in Boyd Avenue without causing any loss of amenity to the local community.
- 2.5 For the record, neighbour notifications were distributed to all adjoining properties in 2004 including those in Boyd Avenue, as per the correct procedures and requirements.

2.6 The plans do not show the proposed eastern extension consuming 'almost half of the amenity land' on that side. The total amount of amenity space to the east along Dollerie Terrace extends well beyond the limit that is shown on the OS plan that accompanied the planning application and is therefore a very small percentage of the eastern open ground.

2.11 & 2.12 The definitions of private and public space are not my interpretations but the council's description of the planning application and also the actual wording contained within Policy 66 of the local plan. As noted in our appeal statement the land is not given any protection by Policy 66 or Policy 69 of the adopted local plan and this has nothing to do with being 'a convenient interpretation' or 'semantics' – its simply a fact.

I also note that the emerging Perth & Kinross Council Local Development Plan does not identify this land specifically as protected green amenity space but it continues to lie within the wider 'white' residential area.

2.13 Milller Hendry believe that any planning condition is likely to be of limited duration. This is a misleading statement and it's also unclear why they don't recognise that any planning condition could or would be properly enforced if required and in the normal manner by the council officials.

Christine Carter – 21st May 2012

No response is provided to our grounds of appeal so no further comment is necessary.

Mr MacAulay – 28th May 2012

Each planning application needs to be assessed on its own merits in accordance with the development plan policies applicable at the time of determination. The land subject to the change of use is not to be 'developed' in anyway and would remain green space and as suggested in our grounds of appeal a planning condition can be imposed to remove any permitted development rights.

Mr & Mrs McDougall – 24th May 2012

It is not accepted that the proposed change of use would be detrimental to the value of the objector's property and in any event this is not a valid planning consideration.

I look forward to hearing from you in due course with a date for when the Local Review Body will consider this case.

Yours faithfully


Mark Myles

Enc

TCP/11/16(186)

Planning Application 12/00054/FLL – Change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ

REPRESENTATIONS

- Objection from Mr A Scott, dated 7 February 2012
- Objection from Mr and Mrs Nicoll, dated 8 February 2012
- Objection from Mr and Mrs Harley, dated 10 February 2012
- Objection from Mr and Mrs McDougall, dated 13 February 2012
- Objection from Mr H MacAuley, dated 13 February 2012
- Objection from Parks Development Manager, dated 14 February 2012
- Objection from Mrs R Cunningham
- Objection from Mrs C Carter
- Representation from Mrs C Carter, dated 21 May 2012
- Representation from Mr and Mrs Harley, dated 24 May 2012
- Representation from Mr and Mrs McDougall, dated 24 May 2012
- Representation from Mr H MacAuley, dated 28 May 2012

Mr Andrew Scott (Objects)

Comment submitted date: Tue 07 Feb 2012

Although this application is for a change of use from public space to garden ground, there is nothing to stop the applicant erecting garages or outhouses on this land. Nor is there anything to stop the applicant applying in the future to build another house on this land if permission is granted. If approved, what is there to stop other residents applying to purchase the remainder of this public open space from Persimmon Homes for similar projects. Public open space serves a purpose for the community and should be protected from development.

Mr And Mrs Nicoll (Objects)

Comment submitted date: Wed 08 Feb 2012

We object as follows:-

Reduction in green space which goes against the intention of the original plans for the housing estate;
We would also object unless a strict control was in place to ensure that no buildings were erected on the proposed site in the future.



Miller Hendry
Solicitors and Estate Agents

Perth Office
10 Blackfriars Street
Perth PH1 5NS
(LP – 17)

Tel: 01738 637311
Fax: 01738 638685
Email: info@millerhendry.co.uk
www.millerhendry.co.uk

Our reference JCA/SAH/HAR.161.2
Your reference

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

RECEIVED

13 FEB 2012

10 February 2012

12 FEB 2012

Dear Sirs

Mr and Mrs J Harley
Planning Application Ref: 12/00054/FLL

We refer to the Neighbour Notification recently sent to our above named clients at 12 Boyd Avenue, Crieff, in respect of the above application. Our clients have instructed us to intimate their objection to the Application on the following bases:

- **Detriment to Residential Amenity**

The ground in question currently forms public open space part of which lies at the southern aspect of our clients' garden. If developed as garden ground, our clients' garden is unlikely to continue to benefit from the amenity and light which it currently enjoys.

In particular, our clients are concerned that planning permission for garden ground would allow for proprietors to then erect structures, such as garden sheds or other outhouses, of a size which would not require further planning permission but which would undoubtedly impact on the amenity. This is a problem which could be exacerbated if recent legislative trends towards relaxation of planning restrictions are continued.

In addition, if permission were granted, there would be a narrow strip of ground running between the rear of our clients' garden and the area over which the applicant seeks to extend his garden. This ground is currently maintained by Perth and Kinross Council but our clients are concerned that, if the garden to Hollybush Cottage is extended, maintenance of this area would be neglected as has happened to the area immediately behind the adjoining property, 14 Boyd Avenue. Again, this would have an impact of the amenity of our clients' garden.

- **Loss of Public Open Space**

Although it is accepted that both areas to which the application relates are in private ownership, it has been recognised and utilised by proprietors within the estate of which our clients' property forms part (and also the general public in Crieff) as amenity/green space since the housing development was completed over thirty years ago. We understand that provision of open amenity areas was one of the planning conditions at

the time of that development. The ground is used as a play area by local children and is one of very few such open spaces in the local vicinity. We believe that the conversion of this area to private garden ground would be contrary to Perth and Kinross Council's key principle in respect of amenity green space of "Providing for People" (as stipulated in the Council's published "Vision for Greenspaces").

As you will no doubt be aware, Perth and Kinross Council have maintained the area of ground in question at the expense of and for the benefit of local Tax payers for a large number of years.

- **Noise Pollution**

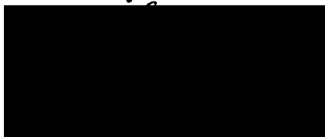
We understand that the garden of Hollybush Cottage was extended previously (without our clients receiving any formal notification) by a small amount, but this has allowed the proprietors to park up to five vehicles within their property, causing substantial noise pollution. Our clients are concerned that any additional land they acquire may be used for parking additional vehicles, which would add to this problem.

- **Surface Drainage**

Our clients have advised that their property already suffers from poor surface drainage. Due to the topography of the area, our clients are concerned that, should the land to the rear of their property become landscaped, a greater volume of water shall be allowed to percolate onto their land.

We trust that consideration will be given to all of these matters and we look forward to hearing from you.

Yours faithfully



Miller Hendry

Contact: James C Andrew
direct email: jamesandrew@millerhendry.co.uk

DEVELOPMENT QUALITY MANAGER

RECEIVED

15 FEB 2012

MR & MRS MCDOUGALL

10 BOYD AVENUE

CRIEFF

PH7 3SH

13.2.12

PLANNING APPLICATION REFERENCE: 12/00054/FLL

Dear Sirs

We refer to the neighbour notification recently sent to us at 10 Boyd Ave, for planning application reference 12/00054/fll. We object to the application on the following basis:

DETRIMENT TO RESIDENTIAL AMENITY

The plan lacks detail of the material used as a boundary and is thereby ambiguous to as whether a fence or wall or such like will be erected. The height of the aforementioned boundary was also not disclosed. Furthermore, the ground in question forms the public open space lying at the Southern aspect of our back garden and if developed as a garden ground our garden is unlikely to continue to benefit from the amenity and light which it currently enjoys.

We are also concerned that if planning permission is granted that garages or other outhouses would be constructed since no further permission is needed for them to be established. The construction of such outhouses would impact on the amenity.

In particular if planning permission was granted there will be a strip of ground running between our back garden and the area over which the applicant seeks to extend his garden. The area is currently maintained by Perth and Kinross Council in a neat and tidy condition and we have concerns that if the application goes through that this area would be neglected. Neglect has been seen in the area behind 14 Boyd Avenue and it is felt that if such a neglect were to extend itself then an ideal environment for vermin and pests would exist.

SURFACE DRAINAGE

Our property suffers from poor drainage and we are concerned that if the land to the rear of our property becomes developed this would impact on the drainage on our property.

LOSS OF PUBLIC OPEN SPACE

Leech Homes built the housing estate 30 years ago leaving green open space next to Hollybush Cottage so that there wouldn't be any houses built next to them. Trees and Spring flowers were planted which helps wildlife and the ground is regularly used by children. The area is one of the very few open spaces left in the vicinity and changing this area to private garden ground would be contrary to Perth and Kinross Council's key principal with respect to the Amenity green space of Providing for People as stipulated in –the council's published – "Vision for Greenspaces".

NOISE POLLUTION

The proprietors of Hollybush Cottage currently park 6 vehicles within their property and we are concerned that the extra land that they acquire might be used for parking even more vehicles which would exacerbate the current noise pollution.

We hope that all these matters will be taken into consideration and we look forward to hearing from you.

29 Boyd Avenue
Crieff
PH7 3SH

Development Quality Manager
Planning and Regeneration
Perth & Kinross Council
35 Kinnoull Street
Perth PH1 5GD

13th February 2012

Dear Sirs

Planning Application No : **12/00054/FLL**

I refer to your planning notification dated 26th January 2012 in respect of the above application. I wish to intimate my objections on the following grounds -:

Future Impact on the Amenity

It is my concern that if planning permission is given it would allow for extra parking spaces to be made available and the possible structure of garages and other outbuildings which would have a major impact on what is a residential area. Already five vehicles are parked within the grounds of Hollybush Cottage including commercial vehicles which may suggest further commercial activity on the east side of this property. This would shift the emphasis from it being a residential area to one with a commercial element and all that implies including increased activity and noise pollution.

Loss of Open Green Space

This area is one of very few open green spaces within a very large area and any reduction in size would be regarded as a serious loss of amenity. I am aware that this amenity is privately owned but it is very well maintained by the local council. Some years ago residents approached the council to suggest making improvements to the land on the west side of Hollybush Cottage. The council agreed and enhanced the area by planting shrubs and giving permission for residents to pay for and put in place a park bench which further enhanced this local amenity. The area and park bench is well used by mothers and toddlers, dog walkers and residents who can sit and enjoy a very pleasant environment.

The boundary of this proposed development will be hard against the park bench making the use of it less attractive. Given the financial input into this facility by a number of residents, it would only be appropriate for the applicant to bear the cost of re-positioning the bench if planning permission were to be given.

Property Loss

Any reduction in the size of this open green space is not just a loss of amenity but also a threat to the value of properties around the area. Research shows that a cared for green space area within a neighbourhood will increase the value of nearby properties by over 5%.

Residents are attracted to areas which are in themselves attractive and green space impacts on this appeal. Any reduction in this open green space with possible added activity and noise pollution will have a detrimental effect on property values in the vicinity.

Over/

Open Green Space

Perth and Kinross Council have signed up to the Open Green Space initiative and the Council's vision is "**To Protect and Enhance Open Space**" If permission is given in this case then that would call into question the Council's commitment to this valued objective.

I trust you will give due consideration to my comments.

Yours sincerely

Hector MacAulay

Audrey Brown - Democratic Services

From: Andy Clegg
Sent: 14 February 2012 17:06
To: Persephone Beer
Subject: 12/00054/FLL | Change of use of public open space to garden ground | Hollybush Cottage
Dollerie Terrace Crieff PH7 3QQ

Dear Seph, thank you for consulting us on this application and I would comment as follows. This is a high profile amenity public open space on Dollerie Terrace which has been classed at a Neighbourhood level in our hierarchy and is managed as such by the Council. The whole strip including the pedestrian link contributes very positively to the visual appearance and character of what is otherwise a fairly built up area of the town. The open space benefits from a range of maturing trees and shrubs and bulb planting which provide seasonal interest and a degree of biodiversity value. The property concerned has already been extended into this space, effectively convert it from open space into a surfaced car park which is often full of vehicles. As the amenity of the open space is very important to both the neighbourhood and is on an increasingly busy route into the town, a further loss of the benefits the space provides to the community should not be permitted. The private space already associated with the property is proportionate with the building at present and a further reduction of the open space area to benefit the property would make it much less effective as an amenity space. This in turn would result in creating the typical smaller amenity areas often associated with housing development which become a maintenance liability rather than a public asset. As such I would recommend refusal of this application.

Regards

Andy Clegg
Parks Development Manager

Perth & Kinross Council, The Environment Service, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD
T 01738 476476 F 01738 476510 M 07769 911853

Dear Sir/Sirs,

I wish to object to the above application.

This open ground is for the benefit of the whole neighbourhood, and to lose a considerable area of it is not acceptable. Also, if the application should be approved, there would be no guarantee it would only be used as a garden.

Yours faithfully,

Renee L. Cunningham (Mrs). 14 Boyd Avenue, Crieff, PH7 3SH.

Dear Sir/Sirs,

.

With reference to the above application, I wish to object, for the following reasons:-

This land is an amenity for all who live in this area, not just those within 20 metres, and to lose any would be detrimental to the neighbourhood.

This is a considerable amount of ground requested, and will set a bad precedent if approved – others may wish to do the same.

There is no guarantee that the ground would only be used as a garden. Any other use, i.e. –Sheds, garages etc., is totally unacceptable.

Yours faithfully,

Christine M. Carter (Mrs). 8 Boyd Avenue, Crieff, PH7 3SH.

CHX Planning Local Review Body - Generic Email Account

From: Cristine Carter [REDACTED]
Sent: 21 May 2012 15:31
To: CHX Planning Local Review Body - Generic Email Account
Subject: Application Number:12/00054/FLL

To Gillian A. Taylor, Clerk to the Local Review Body.

Dear Madam,

With reference to the above application my previous objections still stand, even more so, as to grant this application would be contrary to both Policy S2 and PolicyS66. These Policies are there for good reasons and to go against them would do the Council no good at all.

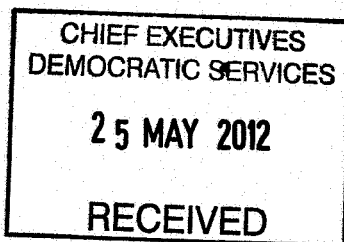
Yours sincerely,

Christine M. Carter.



Our reference JCA/GB/HAR.161.2
Your reference

First Class
Perth & Kinross Council
Local Review Body
2 High Street
PERTH
PH1 5PH



24 May 2012

Dear Sirs

Our clients: Mr and Mrs James Harley
Town and Country Planning (Scotland) Act 1997
Town and Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2008
Planning Application Ref: 12/00054/FLL – Change of Use of Public Open Space to
Garden Ground Cottage, Dollerie Terrace, Crieff, PH7 3QQ – Mr B Roberts


We refer to your letter dated 14 May 2012 and note all that you write. We have considered the basis of the review as published on your website and would make the following comments, using the same paragraph numbering as in paper apart to the Notice of Review:

- 1.2 Real burdens contained in the Title can, of course, be waived without the consent of the local authority and are therefore irrelevant in the determination of a planning application.
- 1.3 The appellants may have invested time and money in improving and upgrading their property. That has been for their own personal benefit and not for the benefit of the wider community.
- 2.2, 2.3 and 2.4 Contrary to what has been suggested in the Review Notice, there is nothing in the context of Policy 2(c) of the Strathearn Area Local Plan which would lead one to infer that it should be interpreted as the appellants have suggested. It should be interpreted exactly as it is written, i.e. *The development should be compatible with its surroundings in land use terms and should not result in any significant loss of amenity to the local community.* There are two separate criteria to be met in this subclause and our clients consider that the second of these will not be met by this application. The enclosure of a large area of ground within a wall is a significant loss of amenity. The open space is visually important when approaching Crieff from the east. The western section provides a green wedge between Boyd Avenue and Dollerie Terrace. The eastern section provides a green buffer screen to the rear of the properties on Boyd Avenue.
- 2.5 The extension in 2004 was a very small extension. Our clients did not receive a Neighbour Notification and believe they were misinformed at the time as to the ownership of that land. If the local authority consider that the small 2004 extension should be treated as a precedent for allowing the current application then no doubt the whole of the amenity area will soon be acquired by private individuals.

MSH

- 2.6 Leaving aside any debate over whether or not an 11.2% reduction in the total amount of amenity space constitutes a "significant" proportion, our clients believe that this figure is misleading. This figure is no doubt correct when taking into account the size of the amenity area to the west of the property. However, the plans show that the proposed extension to the east of the property consumes almost half of the amenity land on that side.
- 2.10 The gesture to reduce the extent of the extension to the west side will do nothing to diminish the effect of the more-substantial extension on the east side referred to in the immediately preceding paragraph.
- 2.11 and 2.12 It seems to be convenient for the appellant to treat the land as private for the purpose of acquiring it for his private use from Persimmon Homes, but as public for the purpose of interpreting Policy 66 of the Strathearn Area Local Plan. Regardless of the semantics of that Policy, we would suggest that the ground in question is precisely the type of ground intended to be protected by Policy 66.
- 2.13 As indicated above, title conditions can be waived at any time without public consultation. Any planning restrictions which could be imposed as part of a conditional grant of planning permission are likely to be of limited duration, so could only serve to preserve amenity on a short-term basis. The only way in which to preserve the amenity on a longer-term basis is to reject the application.

Yours faithfully



Miller Hendry

Contact: James C Andrew
direct email: jamesandrew@millerhendry.co.uk:

7855



MR & MRS McDougall
10 Boyd Avenue
Crieff
24.5.12

APPLICATION NUMBER 12/00054/FLL

With reference to the communication
letter from Perth and Kinross Local
Review Body received 14/5/12 regarding
Application No 12/00054/FLL, the objections
that we filed at the time of application
still stands. We are still concerned
about detriment to the value of our
property and the loss of green public
space

Yours sincerely
MR & MRS McDougall

29 Boyd Avenue
Crieff
PH7 3SH

01764 654282

The Clerk
Perth & Kinross Local Review Body
2 High Street
Perth PH1 5PH

28th May 2012

Dear Sirs

Application Ref : 12/00054/FLL

I refer to your letter of 14th May 2012 and wish to make the following representations to be added to my previous objections to the above application.

The appellant is suggesting that the loss of green open space is 11% and therefore a minimal loss to the community. However, local residents believe 11% of this open space to be considerable and if a similar request was made by another resident it becomes 22% . It would be very difficult for the council to refuse any similar request if they set a precedent in this case.

The appellant is saying that the open space in question is not protected under the local plan. However, it should be noted that the Scottish Government directive on such matters makes it clear that "Open space which is not identified in local plans but which is valued and functional or contributes to local amenity or biodiversity should also be protected. Only where there is a strong justification should open space be developed either partly or fully for a purpose unrelated to use as an open space."

There is no justification for development of this 'open space' as the appellant already has extensive lawned garden within the existing boundary of his property.

A case for encroaching on valued 'Open Space' has not been made.

I trust due consideration will be given to my comments.

Yours sincerely

Hector MacAulay

