

TCP/11/16(270)
Planning Application 13/00951/FLL – Change of use of
boating retreat building to holiday let, The Croft, Fearnan,
Aberfeldy, PH15 2PF

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TCP/11/16(270)

**Planning Application 13/00951/FLL – Change of use of
boating retreat building to holiday let, The Croft, Fearnan,
Aberfeldy, PH15 2PF**

**PAPERS SUBMITTED
BY THE
APPLICANT**

- 6 AUG 2013

RECEIVED

NOTICE OF REVIEWUnder Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local DevelopmentsThe Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.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	<input type="text" value="Mr & Mrs"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="A"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Douthwaite"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="The Croft"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="Fearnan"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Aberfeldy"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="PH15 2PF"/>	Postcode	<input type="text"/>
Telephone	<input type="text" value=""/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority		<input type="text" value="Perth & Kinross Council"/>	
Planning authority's application reference number		<input type="text" value="13/00951/FLL"/>	
Site address			
Boating Retreat Building, The Croft, Fearnan, Aberfeldy. PH15 2PF			
Description of proposed development			
Change of Use of Boating Retreat Building to Holiday Let.			

Date of application

15th May 2013

Date of decision (if any)

20th June 2013

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application) ☒
- Application for planning permission in principle ☐
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐
- Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

- Further written submissions ☐
- One or more hearing sessions ☐
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

- Can the site be viewed entirely from public land? ☒
- Is it possible for the site to be accessed safely, and without barriers to entry? ☒

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

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See Attached Statement

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Plans & Elevation of the Building. [1]
Application for Planning Permission Form. [2]
Supporting Statement Dated 14th May 2013. [3]
Notice of Refusal [4]
Further Statement in Support of the Application to the Local Review Body. [5]

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

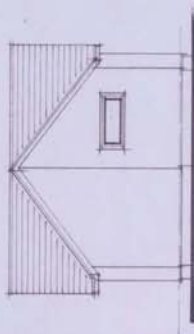
Mr & Mrs A Douthwaite

Date:

27-7-2013

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.

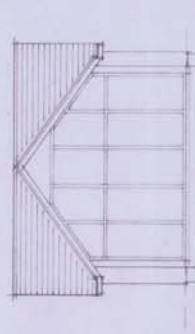
SCALE OF METRES 1:100



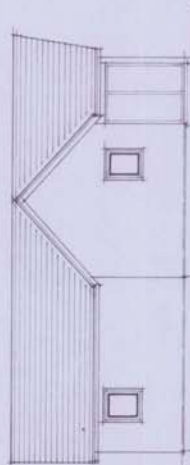
NORTH ELEVATION



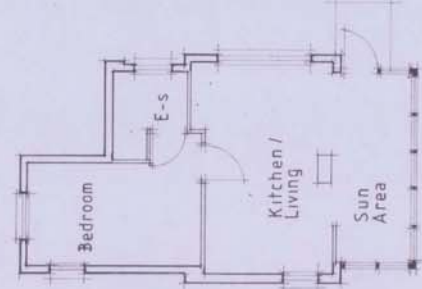
EAST ELEVATION



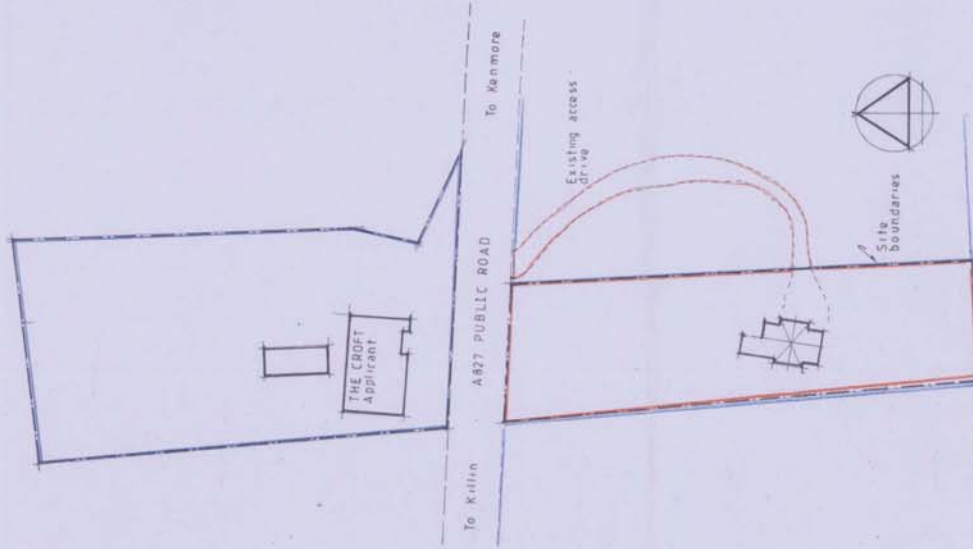
SOUTH ELEVATION



WEST ELEVATION



FLOOR PLAN



BLOCK PLAN 1:500

SCALE OF METRES 1:500

10 20 30 40 50



LOCATION PLAN 1:1250

SCALE OF METRES 1:1250

0 1 2 3 4 5 6 7 8 9 10

PROPOSED CHANGE OF USE OF BOATING
RETREAT BUILDING TO A HOLIDAY LET
AT THE CROFT, FEARNAN, ABERFELDY,
FOR MR & MRS A DOUTHWAITE.

DATE: MAY 2013

PERTH AND KINROSS COUNCIL

DRAWING REF: 13100951/1

SCANNED

15 MAY 2013

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	Mr & Mrs	Ref No.	
Forename	A	Forename	Allan
Surname	Douthwaite.	Surname	Thomson
Company Name		Company Name	
Building No./Name	The Croft,	Building No./Name	102
Address Line 1	Fearnan,	Address Line 1	Tweedsmuir Road,
Address Line 2		Address Line 2	
Town/City	Aberfeldy.	Town/City	Perth.
Postcode	PH15 2PF	Postcode	PH1 2HG
Telephone		Telephone	01738 627994
Mobile		Mobile	
Fax		Fax	
Email		Email	Allan@Thomson102.fsnet.co.uk
3. Postal Address or Location of Proposed Development (please include postcode)			
<div style="border: 1px solid black; padding: 5px;"> The Croft, Fearnan, Aberfeldy. PH15 2PF </div>			
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:	<input type="text"/>	Date:	<input type="text"/>

****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:

Change of use of boating retreat building to holiday let.

Is this a temporary permission?

Yes ☐ No ☒

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

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

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.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

930s.m.

8. Existing Use

Please describe the current or most recent use:

Boating Retreat Building.

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?

2

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)

2

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.

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:

Existing wheelie bin collection.

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?

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:

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: Allan Thomson

Date: 14 05 2013

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 the applicant 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:

[Redacted Signature]

On behalf of:

Mr & Mrs A Douthwaite

Date:

14 05 2013

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

- (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: ☐

3
The Croft,
Fearnan,
Aberfeldy,
Perthshire.
PH15 2PF
(01887) 830435

14th May 2013

Perth & Kinross Council,
Planning & Regeneration,
Pullar House,
Perth.
PH1 5GD

Dear Sirs

Proposed Change of Use of Boating Retreat Building to Holiday Let, The Croft, Fearnan.

Further to the approval of the planning application for the formation of the above building [Planning Refs. 10/00377/FLL and 12/01477/FLL] we now enclose herewith a planning application for the change of use of the building to a holiday let.

Both I and my wife have been involved in the construction industry for many years in the Fearnan area and, due to our impending retirement, the preparation and organisation of the holiday let will provide us with an element of employment and income in the forthcoming years. The building may necessitate the employment of local assistance with cleaning and maintenance in the future.

We would not have concerns if any approval was conditioned and tied to our current property.

We believe the proposed change of use would be supported with the following policies in the Highland Area Local Plan 2000:

Policy 1 Paragraph (h)
Policy 2 Paragraph's (b), (c), (d), (f) and (g)
Policy 5 Paragraph's (a), (b), (c), (d) and (e).
Policy 30 Paragraph's (a), (b), (c) and (d).
Policy 32 Paragraph's (a) and (c) meets the criteria 1, 2, and 34 of the policy.
Policy 87 Paragraph's (c) and (d).
Policy ED3 of the proposed Local Development Plan 2013 specifically paragraph's (a), (b), (c), (d) and (e).
Policy RD3 Housing in the Countryside of the proposed Local Development Plan specifically paragraph (e).

For the reasons outlined above we believe the application for the change of use meets a variety of policies as outlined by the Council.

We do not believe the application will set a precedent for the Fearnan area as this is the only site which has been developed and is the only site capable of being developed. It was renovated out of an original derelict property and has undoubtedly improved residents local amenity and those of visitors to the area.

As all applications are considered on their own merit we believe this submission should set no precedent.

We would like to make the point that there are approx 112 residential properties in Fearnan 60 of these properties are either Second, Holiday or Holiday lets.

We trust this short resume will assist you in making your decision but should you require any further information please do not hesitate to contact us.

Yours sincerely

Mr & Mrs A Douthwaite



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PERTH AND KINROSS COUNCIL

Mr And Mrs A Douthwaite
c/o Allan Thomson
102 Tweedsmuir Road
Perth
PH1 2HG

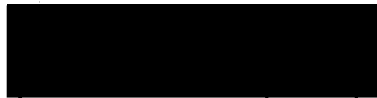
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th June 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 13/00951/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 15th May 2013 for permission for **Change of use of boating retreat building to holiday let** **The Croft Fearnan Aberfeldy PH15 2PF** for the reasons undernoted.



Development Quality Manager

Reasons for Refusal

1. The change of use to holiday let would set a dangerous precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. The change of use to a holiday let fails to relate to the established character of the area which sees mainly ancillary buildings being located on the southside of the public road adjacent to the shore. The proposal is therefore contrary to policy 2 of the Highland Area Local Plan 2000 which seeks to ensure development reflects the character of the area and does not result in significant harm to the amenity of the area.

Justification

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

Notes

In relation to this application I wish to object to the planning officers terms of refusal.

The planning officer has refused primarily on the grounds of precedent and that it is contrary to Policy 2 of the Highland Area Local Plan.

This is a plan and, therefore, a policy that is now 13 years old and I would suggest does not relate to the locality as it now is and indeed is also superceded by the Local development Plan 2012 which has been approved in draft form by Perth and Kinross council.

I do not believe precedent is an issue because there are no other redundant boathouses to be converted at the Loch edge. In Fearnan specifically there is no development land available at the lochside.

I am content for the change of use to be tied to the current property as I have no intention of selling either property in the foreseeable future.

Both my wife and myself will be involved in preparing and organising the rental of the property and consequently this will provide us with an element of employment in our retirement.

This may also necessitate employing local assistance in the future.

I believe my application for change of use is supported by the Development Plan 2012 as per below.

Policy PM1 para c ; 'the design should complement its surroundings' (This is a refurbished boat house on the banks of Loch Tay. It is not a new build property on land secured for that specific purpose.)

Policy ED3 paras a,b,c,d,e,

Policy RD3 para e; (conversion of redundant non domestic buildings)

Chapter 3 Para 3.6 in the Local Development Plan also states that 'Tourism in particular accounts for 13% of all employment in P and K and general support for tourism related developments and facilities will be given.@

I believe the change of use is also supported by;

Policy 1 para. h of the Highland Area Local Plan 2000 (HALP 2000)

Policy 2 para b,c,d,f and g of the HALP 2000

Policy 5 para a,b,c,d,e of the HALP 2000

Policy 12 of the HALP 2000

Policy 30 para a,b,c,d of the HALP 2000

Policy 32 para a, c and meets criteria 1,2,34 of this policy

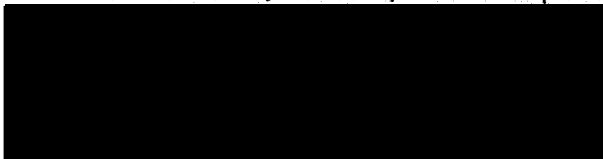
Policy 87 para c,d of the HALP 2000

Policy ED3 of the proposed Local Development Plan 2013 specifically para a,b,c,d,e,

Policy RD3 Housing in the Countryside of the proposed Local Development Plan 2012 specifically para e

For the reasons outlined above I believe my application for change of use meets a variety of policies as outlined by the council.

I do not believe that my application will set a precedent for Fearnan as this is the only site which has been developed and is the only site capable of being developed. It was renovation of an existing derelict property and has improved residents local amenity and those of visitors. All applications are considered on their merit, therefore, this sets no precedent.



TCP/11/16(270)

Planning Application 13/00951/FLL – Change of use of boating retreat building to holiday let, The Croft, Fearnan, Aberfeldy, PH15 2PF

PLANNING DECISION NOTICE *(submitted as part of applicant's submission, see page 73)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(submitted as part of applicant's submission, see page 63)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00951/FLL
Ward No	N4- Highland

PROPOSAL: Change of use of boating retreat building to holiday let

LOCATION: The Croft Fearnan Aberfeldy PH15 2PF

APPLICANT: Mr And Mrs A Douthwaite

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 23 May 2013

OFFICERS REPORT:

Full planning consent is sought for the change of use of an ancillary accommodation building to a holiday let at The Croft, Fearnan. Consent was granted in 2010 (10/00377/FLL) for alterations and extension to a small scale boathouse to form ancillary accommodation and then further consent was granted to provide an additional extension in 2012 (12/01477/FLL). Both of these consents were granted subject to a condition which restricted the occupancy of the unit to members of the immediate family or visitors and that it not be occupied, sold or rented separately from the main dwellinghouse. The applicant now seeks consent to use the building for a use which was specifically excluded from the previous consent.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policy of the Highland Area Local Plan (HALP) in this instance is policy 2. The Council's Proposed Local Development Plan 2012 is a relevant material consideration in this instance.

Principle

The report for the 2010 consent makes it very clear that consent was being granted contrary to Policy 45 of the Highland Area Local Plan (development adjacent to settlements) subject to a condition controlling the use of the building. The report also makes it very clear that no support would be offered to the 2010 application if the building was to be utilised for a use other than one which was ancillary to the dwellinghouse. It should be noted that the building lies outwith the settlement of Fearnan in both the Highland Area Local Plan and the Proposed Local Development Plan 2012. The use of the building for ancillary purposes to the main house was considered appropriate to ensure that there remains a link between the main house and the development on the south side of the road. Any change of use away from

this would entirely undermine the reasoning for the previous consent. It would allow a separate use outside the settlement boundary directly adjacent to the loch shore. Allowing consent for a change of use to holiday let in this location could set a dangerous precedent for similar development along the shore line to the detriment of visual amenity of Fearnan and the Loch Tay. The south side of the public road adjacent to the shore along Loch Tay is occupied by a number of ancillary buildings/boat houses which are associated with the main houses on the north side of the road. This is the manner in which the settlement of Fearnan and this side of Loch Tay has developed. The character of the area sees the main buildings on the north side of the public road with only smaller ancillary structures on the south side. I am concerned that granting consent for a holiday let in this location encourages a tourism based use outwith the established settlement boundary and will set a dangerous precedent for further similar development along the shores of Loch Tay to its significant detriment. In my view the various applications made for this site by the applicant appear to be a mechanism for seeking consent for a use on this site which was not considered acceptable or appropriate in the first instance. This was made very clear in the recent consents and the conditions attached to these consents. I therefore feel strongly that this application be refused.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Highland Area Local Plan. 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.

NATIONAL GUIDANCE

Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

DEVELOPMENT PLAN

Tayplan: Strategic Development Plan 2012-2032

Highland Area Local Plan 2000

Policy 2 Highland Development Criteria

All developments within the Plan area will be judged against the following criteria:-

- (a) The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate 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 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 local 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 impact of the development satisfactorily in site planning terms.
- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible be located in those settlements which are the subject of inset maps.

Policy 45 Highland Development adjacent to Settlement

Built development should not be located adjoining and outwith those settlements which are the subject of Inset maps.

Perth and Kinross Proposed Local Development Plan 2012

On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

OTHER POLICIES

None

SITE HISTORY

90/00215/FUL EXTENSION TO BEDROOM AND ERECTION OF PORCH AT 8
March 1990 Application Permitted

98/00096/FUL Change of flat roof to pitched roof at
5 March 1998 Application Permitted

10/00377/FLL Alterations and extension to boathouse to form ancillary
accommodation to existing dwellinghouse 14 April 2010 Application Permitted

CONSULTATIONS/COMMENTS

Scottish Water	No objection
Environmental Health	No objection subject to conditions relating to noise
Local Flood Prevention Authority	No objection
Transport Planning	No objection
Glen Lyon And Loch Tay Community Council	Objection

TARGET DATE: 15 July 2013

REPRESENTATIONS RECEIVED: Yes

Number Received: Two

Summary of issues raised by objectors:

Comments made regarding history of the site and restrictions made by condition

Response to issues raised by objectors: See officer's report

Additional Statements Received: Not required

Environment Statement Not required

Screening Opinion Not required

Environmental Impact Assessment Not required

Appropriate Assessment Not required

Design Statement or Design and Access Statement Not required

Report on Impact or Potential Impact eg Flood Risk Assessment Not required

Legal Agreement Required: Not required

Summary of terms Not required

Direction by Scottish Ministers Not required

Conditions:-**Reasons:-**

- 1 The change of use to holiday let would set a dangerous precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. The change of use to a holiday let fails to relate to the established character of the area which sees mainly ancillary buildings being located on the southside of the public road adjacent to the shore. The proposal is therefore contrary to policy 2 of the Highland Area Local Plan 2000 which seeks to ensure development reflects the character of the area and does not result in significant harm to the amenity of the area.

Justification

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

Notes

None

TCP/11/16(270)

Planning Application 13/00951/FLL – Change of use of boating retreat building to holiday let, The Croft, Fearnan, Aberfeldy, PH15 2PF

REPRESENTATIONS

- Objection from Bill Hoare, dated 7 June 2013
- Representation from Flood Prevention Authority, dated 7 June 2013
- Representation from Regulatory Service Manager, dated 12 June 2013
- Objection from Glen Lyon and Loch Tay Community Council, dated 14 June 2013

PB.

Tracy McManamon

From: william [REDACTED]
Sent: 07 June 2013 11:17
To: Development Management - Generic Email Account
Cc: Sue Gardener; fwdlan Campbell; Councillor Michael Williamson
Subject: Planning Application 13/00951/FLL - Objection

Dear P & K Development Management,

As an individual concerned about "unfortunate" developments within Highland Perthshire, and as an ex-member of Glenlyon Community Council, I wish to register my objection to Planning Application 13/00951/FLL. I object on two grounds. Firstly, if approved, it makes a nonsense of earlier planning conditions, conditions that were imposed for good reasons, and thus would show the illogicality of planning legislation and/or its application. This is development creep. The development history is illuminating.

The application to change from boathouse to "ancillary accommodation" (10/00377) was approved despite PKC admitting that it was contrary to policy 45, and made it clear that had there not already been a building there, it would not have been approved. For this reason, approval was granted but with a Condition 4 that specified that "approval was strictly as ancillary accommodation incidental to the enjoyment of the main house, The Croft, and that it shall be occupied only by members of immediate family or visitors to them and it shall not be occupied, sold, or rented separately from the main dwelling house."

Application 12/01477/ approved the extension of the building northwards to create a bedroom from what had been proposed as a store. However, the caveats imposed by PKC regarding occupation, sale or rental were restated in the approval at Condition 3 thereto.

And now we have application 13/00951/ which asks for a change of use. So it is, but it is actually requiring a waiver of the Conditions outlined above. Conditions regarding resale, private letting etc that probably cannot be either monitored or enforced. My second reason for wishing to object, is that it does indeed set a precedent, a precedent that others will follow despite claims that all applications are judged upon their merit. The north shore of Loch Tay does not need nor want ribbon development along it.

Bill Hoare

Cluain

Tomnacroich

Aberfeldy PH15 2LJ



Memorandum

To	John Williamson Planning Officer	From	Sally Phillips Technical Assistant Asset Management and Support
Your ref	13/00951/FLL	Our ref	6.9.10.447 – The Croft, Fearnan, Aberfeldy
Date	07 June 2013	Tel No	01738 477272

The Atrium, 137 Glover Street, Perth, PH2 0HY

The Environment Service

RE: Change of use of boating retreat building to holiday let The Croft, Fearnan, Aberfeldy, PH15 2PF for Mr and Mrs A Douthwaite

After having this application brought to our attention at the planning meeting of 29/05/2013, the Flood Prevention Team wishes to provide comment.

I can confirm that the Flood Prevention Authority has no objection to this planning application subject to the following conditions:

- 1) The development site lies close to the SEPA (1 in 200) Indicative River and Coastal Flood Map outline and therefore is at medium to high risk of flooding from Loch Tay. The owners and any potential residents should be made aware of the potential flood risk to the property.
- 2) The development is proposed to be used for a holiday let and therefore will not be occupied continuously, therefore reducing the periods in which people would be at risk of flooding.
- 3) A flood evacuation plan should be put in place for the development detailing a safe access and egress route during a flood event.

If you have any queries regarding the above content please contact me on the above number.

Regards

SP

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK13/00951/FLL	Our ref	JC
Date	12 June 2013	Tel No	(01738) 476 464

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK3/00951/FLL RE: Change of use of boating retreat building to holiday let the Croft Fearnan Aberfeldy PH15 2PF for Mr and Mrs a Douthwaite

I refer to your email dated 21 May 2013 in connection with the above application and have the following comments to make

Environmental Health (assessment date 11/6/2013)

Recommendation

I have no objections in principle to the application but recommend that the under noted conditions are included on any given consent.

The applicant wishes to convert a boating retreat building to holiday let. The area is predominantly residential properties; however there are a few holiday letting properties within the area. 'Oakbank' is the closest existing residential property approximately 67 metres to the north east from the proposed.

It is my contention that the residential amenity of existing properties will not be affected due to noise; however as the proposed is a commercial run holiday let property it would be the applicant's responsibility to ensure that they have a proper noise management plan to deal with any unduly noise being made by holiday tenants. Therefore to protect existing residential amenity, I recommend that the under noted condition be included on any given consent.

I would also recommend that the under noted occupancy condition be included on any given consent to ensure that the business part stays within the ownership of The Croft Fearnan.

Condition

- No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises
- The consent shall remain in the same ownership as The Croft and shall only be occupied by persons associated with the holiday let or The Croft.



DW

Glen Lyon and Loch Tay Community Council

Nurse's Cottage, Bridge of Balgie, Glen Lyon, Aberfeldy PH15 2PP

Planning Dept.
Perth & Kinross Council
Pullar House
35, Kinnoull Street
PERTH
PH1 5GD

14th June 2013

Dear Sirs,

Re: Planning application 13/00951/FLL

We apologise for being late with this objection but hope it will still be considered.

Whereas we do not wish to deprive the applicant of "employment and income in the forthcoming years" we object in principle to this proposed change of use from a boathouse retreat to a holiday let for two reasons:

1) This is creeping consent and makes a nonsense of Planning Policies and Conditions imposed on approved applications. Both, it seems, can be waived with considerable ease. No wonder the applicant has no objection to conditions being imposed if this application is approved especially if they can't actually be enforced.

Specifically, app. 10/00377/FLL approval required departure from Highland Area Local Plan Policy 45 (and, it seems, Policy 94 according to the key to map 11 of the Plan) Condition 4 was applied

4. The proposal has been approved **strictly** (*our emphasis*) as ancillary accommodation incidental to the enjoyment of the main house, "The Croft" and shall only be occupied by members of the immediate family of, or visitors to, the occupants/owners of the main dwellinghouse and shall not be occupied, sold or rented separately from the main dwellinghouse.

This was reiterated on the next application 12/01477/FLL – Condition 3.

2) The Lochside is designated as being outwith development both in the Highland Local Area Plan 2000 and in the Proposed Development Plan but as departure from Policy and waiving of Conditions seems frequent and easy we are very concerned that approval of this application will, indeed, set a precedent. While the Planning Dept. take each application on its own merit the Community Council looks at the bigger picture and we consider that ribbon development of the lochside would become a real possibility detrimental to the area for residents and tourists alike.

We ask the Department, therefore, to stick to its Policies and Conditions and refuse this application.

Yours sincerely,
Susan Gardener
Chair



