

TCP/11/16(202)

**Planning Application 12/00710/FLL – Erection of
agricultural shed at Windyrush, Glenfoot, Abernethy, PH2
9LS**

**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 000045017-001

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="George"/>
Last Name: *	<input type="text" value="Mutch"/>
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="Windrush"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Glenfoot"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Abernethy"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="PH2 9LS"/>

Site Address Details

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

Address 1:	<input type="text" value="Windrush"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Glenfoot"/>	Town/City/Settlement:	<input type="text" value="Perth"/>
Address 3:	<input type="text" value="Abernethy"/>	Post Code:	<input type="text" value="PH2 9LS"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="715734"/>	Easting	<input type="text" value="317903"/>
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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)

Erection of agricultural storage shed

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.

Please refer to separate document outlining the grounds for review.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

☐ Yes ☒ No

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)

MBM1 - Application form, plans and statements, MBM2 - Decision Notice (12/00710), MBM3 - Decision Notice (11/001712), MBM4 - Report of Handling (12/00710), MBM5 - Report of Handling (11/01712), MBM6 - Drawing 466 04 B (submitted with application 11/01712), MBM7 - Various photographs showing the agricultural use of the land

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/00710/FLL

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

17/04/12

Has a decision been made by the planning authority? *

☒ Yes ☐ No

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

20/06/12

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

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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

In order to assess the relationship of the proposed site and boundaries with the surrounding area

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Mark Myles

Declaration Date: 25/07/2012

Submission Date: 25/07/2012

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 25th July 2012 on behalf of Mr George Mutch, for the erection of an agricultural storage shed at Windrush, Glenfoot, Abernethy. The planning application including plans and supporting statements (12/00710/FLL) (MBM1) were refused by PKC on 20th June 2012 (MBM2).
- 1.2 The key Development Plan policy is found in the Perth Area Local Plan. Within the Perth Area Local Plan the site lies within the landward area where Policy 1 is the only policy directly applicable. Policy 1 lists a number of criteria that all developments are required to meet and in particular it seeks to ensure that all new developments have a good landscape framework and are compatible with existing land uses.
- 1.3 The planning application had been re-submitted with amendments following the refusal of an earlier application (11/01712/FLL) (MBM3). It should be noted that the wording in the reason for refusal of the previous application differs from the reason given in the application which is now the subject of this appeal (MBM2).
- 1.4 We contest the council's reason for refusal of the planning application as well as the contradictions contained within the Report of Handling (MBM4) particularly when you compare it to the Report of Handling for the previous application 11/01712/FLL (MBM5).

2. Response to PKC Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 20th June 2012 as it was considered to be contrary to Policy 1 of the Perth Area Local Plan.
- 2.2 The planning officer's previous delegated report (MBM5) considered there to be two key tests on which to assess the acceptability of the proposal a) whether or not the proposal has a suitable landscape setting, and b) whether or not the proposal is compatible with the existing land uses, bearing in mind the provisions of the Development Plan.
- 2.3 In contrast the Report of Handling for the recently refused application (MBM4) adds an additional key test c) the impact on the amenity of the wider area.
- 2.4 The shed will not be readily visible from public view or from any public vantage point. From the north the building would be set behind the existing buildings in Glenfoot, and set against the backdrop of rising ground with the hillside and woodland beyond. The existing landscape framework and buildings already located to the north of the site all collectively provide a suitable framework in which to site such a building and is consistent with numerous other similar examples across PKC. The specific criteria of Policy 1 requires any site to have a good landscape framework within which a development can be set and in our view there is no apparent conflict with this element of the policy.
- 2.5 In our view the Report of Handling (MBM4) puts forward very weak arguments about the alleged lack of a suitable landscape framework for this site. Perhaps this is because the Report of Handling for the previously refused application (MBM5) stated the completely opposite view. That Report of Handling stated *'I note that the sloping nature of the local area will effectively mean that the shed will probably not be visually prominent from the public road. Typically, the nature of agricultural sheds is that they are usually sited within agricultural fields, which often tend to be relevantly open, as per this site. However, as there will be little visual impact from the public road, I consider the landscape framework suitable for the proposal, and the framework in place would be consistent with other approvals for agricultural sheds across PKC.'*
- 2.6 The lack of a suitable landscape setting was not a reason for refusal of the application 11/01712/FLL (MBM3) and yet somehow it has been added as part of the reason to refuse the application subject to this appeal. This inconsistency is not helpful and is not considered justified particularly when it is evident that the development will not have an adverse visual impact on the amenity of the area.
- 2.7 In terms of the second issue raised within the reason for refusal, the compatibility with the existing land uses, the previous delegated report acknowledged some concerns which translated into the sole reason for refusal of that application.

- 2.8 The proposed shed will be cut further back into the field. The FFL of the shed will be set at the same level as the previous FFL ground level but set back by a further 1.9 metres compared to the previous refusal. This will result in the overall height of the shed being lowered including when viewed from the neighbouring property.
- 2.9 The reference to 'living wall' which is a term that would normally only be used in an urban context, greatly exaggerates the perceived impact that the proposed new landscaping would have on the objectors property. The planting would be set back 5 metres from the mutual boundary which already contains hedging and trees and due to the changes in the sloping ground levels, only a small section of the screen planting would be visible from the objectors property. However it has to be stressed that this planting (which could be undertaken without planning permission) would only be viewed against the backdrop of the rising ground and wooded hillside beyond.
- 2.10 The Report of Handling (MBM4) raises a valid point about the differences in ground levels between the previous application and the application subject to this appeal. The statements made that the final floor level of the shed is to be the same as the original application is indeed correct. The ground level is also the same. There is a discrepancy in the section drawing (Drg.No.466/04-D) submitted with the application subject to the appeal wherein the ground base line differs from that shown in the section drawing (Drg.No.466/04-B) (MBM6) submitted with the previous application. However, the drawing (Drg.No.466/04-B) submitted with the previous application is correct and this is substantiated by the site layout plans submitted with both applications wherein the ground spot levels along the objector's boundary line and the FFL of the proposed shed remain unchanged. The error has occurred when the section line taken through the ground some 12 metres west of the building (i.e. The West Elevation) generated by AutoCad has been mistakenly "copied" and "pasted" into each of the East Elevation, West Elevation and Section A-A submitted with the second application. However at no time did the planning officer seek clarification of this point or seek an amended drawing to establish the correct position.
- 2.11 It is considered that the relocation of the shed by a further 1.9 metres away from the objector's boundary was a significant change from the original application. The section drawing shows that the building would be set further back into the sloping ground and because of this and the fact that the same FFL is to be used results in the overall height of the building being clearly lower than previously proposed when viewed from the neighbouring property/garden.
- 2.12 The previous Report of Handling (MBM5) acknowledges the presence of an existing hedge (circa 2-2.5m high) and scrub trees along the boundary of the objector's property. The Report of Handling for this application (MBM4) is silent on this matter.

- 2.13 The Report of Handling also makes no reference to the fact that the objectors garden also slopes. The movement of the shed 1.9m further from the boundary and the additional planting of a further hedge between the shed and the existing boundary hedge will therefore reduce the visual appearance of the shed to a point that is negligible when viewed from the objector's property and sloping garden. This is a significant point that the planning officer's have failed to take into account.
- 2.14 The previous Report of Handling confirmed that the loss of a view is not a material planning consideration. However it is also noted that both Reports of Handling make no reference to the fact that the objectors property actually only has two windows on its rear (south facing) elevation. One is an upstairs landing window and other is the kitchen window which is situated at ground level and actually sits below the level of the objectors own main garden area.
- 2.15 The shed will now be located approximately 24 metres from these two rear windows as well as being 10 metres away from the boundary. Notwithstanding the intervening sloping ground, the presence of the both the existing and proposed additional landscaping and the fact that the building will be cut into the slope will result in the proposed shed not having any adverse visual appearance on the objectors property or impact when viewed from their outside rear garden space.
- 2.16 The proposed shed will be finished in mineral green profile sheeting, and it will be used for agricultural purposes i.e. storage of machinery and hay. The agricultural land is registered under holding reference number 686/0085 and extends to 3.4 acres. Hay is grown and cut annually and at the moment the agricultural holding has no storage facility or building to accommodate the cut hay or the machinery and this severely hampers these activities. The Report of Handling and reason for refusal further suggests that this is not a genuine application for an agricultural shed. This is strongly contested by the applicants as shown in the attached photographs (MBM7) which clearly show the agricultural land is farmed and continues to be cultivated on a regular basis.
- 2.17 The applicants clearly tried to take into account the planning officers concerns with the previous application and the proposed relocation of the shed with the intervening hedge planting (the specific species can be amended or agreed as appropriate) has shown that the development can be accommodated on this site without adversely affecting the residential amenity of the adjacent property and without causing unacceptable environmental impact as is required by the criteria set out in Policy 1 of the Perth Area Local Plan.
- 2.18 Despite these revisions and compromises from the applicant, the planning department actually deemed that there were additional criteria to refuse this application under Policy 1.

- 2.19 There are inconsistencies in the way that the applications have been assessed by the planning departments and it is regrettable that the applicant's genuine attempts to address the original concerns were dismissed without any opportunity for further dialogue.

3	Conclusion
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- 3.1 The proposal is considered to be consistent with all of the criteria set out in Policy 1 of the Perth Area Local Plan and as such should be supported as being consistent with the development plan as there are no other material considerations which indicate that an alternative decision would be justified.
- 3.2 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.

- William James Beaton Dip Arch (Markintosh) ~ RIBA ARIAS ~ Chartered Architect ~ 2 Island View Dundee Road Perth PH2 7LL
- tel/fax: 01738 633639 ~ e-mail - wjbeaton@btinternet.co.uk ~
- Royal Scottish Academy - Gold Medal for Architecture 1989 ~ Dundas and Wilson Architectural Award - Commendation - 1989



W J BEATON - ARCHITECT

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

your ref.
our ref. 466/
date 17 April 2012

Dear Sir,

Proposed Storage Shed at Windrush Glentoot Abernethy Perth PH2 9LS

Further to the recent refusal of planning permission for the above we attach our fresh planning application together with copies of our drawings - Drg.Nos.466/01-B, 02-C, 03 and 04 D. With reference to the Delegated Report of Handling in connection with the previous planning application Ref. 11/01712/ELL the proposals have been revised as follows:-

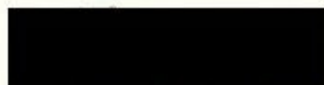
1. The proposed storage shed has been moved away 10.0m from the boundary with Glenbank House in order to overcome the "dominate presence" of the building.
2. Permanent screen planting will be placed between the boundary with Glenbank House and the proposed building in order to preserve residential amenity. The screen planting will be allowed to grow to approximately eaves height of the proposed shed and positioned midway between it and the boundary fence at Glenbank House to allow maintenance and pruning.

The applicant has spent many years cultivating his fields and has laid an extensive system of field drains to cope with the severest of wet weather and to improve the condition of his fields. The drains are laid across the land uphill from the proposed development to arrest flows of excess surface water and direct it into the drainage ditch shown on the site plan. Hedges and scrub trees have been planted alongside the drainage ditch to provide natural habitat for a wide range of bird life and this planting programme is to continue for the full length of the ditch in order to further enhance this habitat. The proposed storage shed is needed by the applicant to accommodate "collector piece" vintage farm implements which are presently lying outside in his fields and the alternative of using large industrial containers for that purpose would be unsightly and impractical. Therefore it is clear that the applicant cares deeply about his property and the environment and so a modest sized agricultural shed and screen planting will be an improvement to the landscape.

We should also like to confirm that the Conditions to be included with any given consent as stated in the Memorandum from the Environmental Health Manager dated 01 December 2011 in connection with the previous planning application Ref. 11/01712/ELL, continue to be acceptable to us.

We trust that this revised planning application will be looked upon favourably.

Yours faithfully



W J Beaton Dip Arch RIBA ARIAS
encls.





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 000038775-002

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.

Type of Application

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

We strongly recommend that you refer to the help text before you complete this section.

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

Description of Proposal

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

Erect new storage building

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	W J Beatson Architect
Ref. Number:	
First Name: *	William
Last Name: *	Beatson
Telephone Number: *	01738 633659
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	wjbarch@blueyonder.co.uk

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

Building Name:	
Building Number:	2
Address 1 (Street): *	Island View
Address 2:	Dundee Road
Town/City: *	Perth
Country: *	UK
Postcode: *	PH2 7HS

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	George
Last Name: *	Mutch
Company/Organisation:	
Telephone Number:	01738 850707
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	Windrush
Building Number:	
Address 1 (Street): *	Glenfoot
Address 2:	Abernethy
Town/City: *	Perth
Country: *	Scotland
Postcode: *	PH2 9LS

Site Address Details

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

Address 1:	<input type="text" value="Windrush"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Glenfoot"/>	Town/City/Settlement:	<input type="text" value="Perth"/>
Address 3:	<input type="text" value="Abernethy"/>	Post Code:	<input type="text" value="PH2 9LS"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="715734"/>	Easting	<input type="text" value="317903"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☒ Email

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

pre-planning enquiry e-mail correspondence with Planning Officer.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Andrew"/>	Last Name:	<input type="text" value="Baxter"/>
Correspondence Reference Number:	<input type="text"/>	Date (dd/mm/yyyy):	<input type="text" value="20/02/12"/>

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

Site Area

Please state the site area:

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

agricultural land

Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any 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 highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

0

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

0

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

Water Supply and Drainage Arrangements

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

☐ Yes ☒ No

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

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

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

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

☐ Yes

☐ No, using a private water supply

☒ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☐ Yes ☒ No

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

The proposal is for a simple enclosed storage shed and its use will not incur the production of any waste materials.

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development - Proposed New Floorspace Details

For planning permission in principal applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Don't Know

Gross (proposed) floorspace (In square metres, sq.m) or number of new (additional) rooms (if class 7 or 8): *

216

If Class 1, please give details of internal floorspace:

Net trading space:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

proposed storage shed for farming implements

Schedule 3 Development

Does the proposal involve a form 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 the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate E

I hereby certify that –

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

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

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

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

These People are:

Name:

Address:

Date of Service of Notice: *

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

Notice of the application has been published in:

On:

Signed:

William Beatson

On behalf of:

Mr George Mutch

Date:

17/04/2012

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

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

Declare - For Application to Planning Authority

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

Declaration Name: William Beatson

Declaration Date: 17/04/2012

Submission Date: 17/04/2012



RECEIVED

29 MAY 2012

Development Quality Manager
The Environment Service
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

28th May 2012

Your ref: 12/00710/FLL

Dear Sir

**Planning Statement and Response to Objections to
Planning Application 12/00710/FLL**

I act on behalf of Mr G Mutch (the applicant) for the above planning application and have been instructed to provide a statement in response to the letters of objection. The following comments therefore address each of the relevant planning related matters that have been raised and highlight the reasons why it is considered that this amended planning application is acceptable and consistent with development plan policy.

It is firstly worth highlighting that contrary to the views expressed by the objector and their previous planning consultant, it is clear from the records available that the previous prior notification application (11/01446/PN) for the shed, was only withdrawn as the Planning Department advised that due to the nature of the site, a detailed planning application would be required.

The planning application (11/01712/FLL) that followed was then refused for one reason i.e. the proposal was considered to be contrary to Policy 1 of the Perth Area Local Plan due to the perceived adverse impact that the shed would have on the residential and visual amenity of the neighbour's property.

The determination of any planning application requires to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The key Development Plan policy is found in the Perth Area Local Plan. Within the Perth Area Local Plan the site lies within the landward area where Policy 1 is the only policy directly applicable. Policy 1 lists a number of criteria that all developments are required to meet and in particular it seeks to ensure that all new developments have a good landscape framework and are compatible with existing land uses.

Contrary to the statements made in the recent and previous representations submitted by and on behalf of the neighbouring residents, no other development plan policies are applicable to the consideration of this planning application.

The planning officer's previous delegated report considered there to be two key tests of the acceptability of the proposal a) whether or not the proposal has a suitable landscape setting, and b) whether or not the proposal is compatible with the existing land uses, bearing in mind the provisions of the Development Plan.

The planning officer's assessments of the two key policy tests that are applicable to this case are accepted.

As noted in the previous delegated report 'with the exception of the northern boundary, the site at the moment is relevantly open; however, I note that the sloping nature of the local area will effectively mean that the shed will probably not be visually prominent from the public road. Typically, the nature of agricultural sheds is that they are usually sited within agricultural fields, which often tend to be relevantly open, as per this site. However, as there will be little visual impact from the public road, I consider the landscape framework suitable for the proposal, and the framework in place would be consistent with other approvals for agricultural sheds across PKC.'

The shed will not be visible from public view and would be set into the backdrop of rising ground with the hillside and woodland beyond. In addition the existing landscape framework and buildings already located to the north of the site all collectively provide a suitable framework in which to site such a building. The specific criteria of Policy 1 require the site to have a good landscape framework within which the development can be set and there is no conflict with this element of the policy.

In terms of the second issue, the impact on the existing land uses, the previous delegated report acknowledged some concerns which manifested itself into the sole reason for refusal of that application.

The proposed shed will be cut into the field with the FFL of the shed at the same level as the previous FFL ground level.

Contrary to the views expressed by the objectors, it is considered that the relocation of the shed by a further 1.9 metres away from the objector's boundary is a significant change. The section drawing clearly shows that the building would be set further back into the sloping ground and because of this and the fact that the same FFL is being used, the overall height of the building will clearly be lower than previously proposed when viewed from the neighbouring property/garden.

The shed will be finished in mineral green profile sheeting, and it is intended to be used for agricultural storage of machinery and hay as set out in previous statements.

The previous delegated report acknowledged the presence of an existing hedge (circa 2-2.5m high) and scrub trees along the boundary of the objector's property.

However the previous delegated report made no mention of the fact that the objectors garden also slopes. The movement of the shed 1.9m further from the boundary and the additional planting of a further hedge between the shed and the existing boundary hedge will therefore reduce the visual appearance of the shed to a point that is negligible when viewed from the objector's property or

garden. This is a significant point and is very clearly illustrated in the section drawing accompanying the application.

The previous delegated report confirmed that the loss of a view is not a material planning consideration.

However it is also noted that the previous delegated report was silent on the fact that the objectors property actually only has two windows on its rear (south facing) elevation. An upstairs landing window and the kitchen window at ground level which actually sits below the level of the objectors own main garden area.

The shed will now be located approximately 24 metres from these two rear windows as well as being 10 metres away from the boundary. Notwithstanding the intervening sloping ground, the presence of the both the existing and proposed additional hedging and the fact that the building will be cut into the slope (all as shown on the site section drawing) will result in the proposed shed not having any adverse visual appearance on the objectors property or impact when viewed from their outside rear garden space.

The applicants have clearly taken into account the planning officers previous concerns and the proposed relocation of the shed with the intervening hedge planting (the specific species can be amended or agreed as appropriate) has shown that the development can be accommodated on this site without adversely affecting the residential amenity of the adjacent property and without causing unacceptable environmental impact as is required by the criteria set out in Policy 1 of the Perth Area Local Plan.

In response to the other points of objection again it is noted that the planning officer and the Environmental Health officer previously raised no overriding concerns regarding noise, odours or other nuisance arising from the building.

In terms of other issues, the disposal of surface water run off (as with any site) is a technical issue, which is resolvable through appropriate planning conditions and via any building control requirements.

This amended application is therefore considered to have addressed the previous concerns raised and the one policy reason for refusal of the previous application.

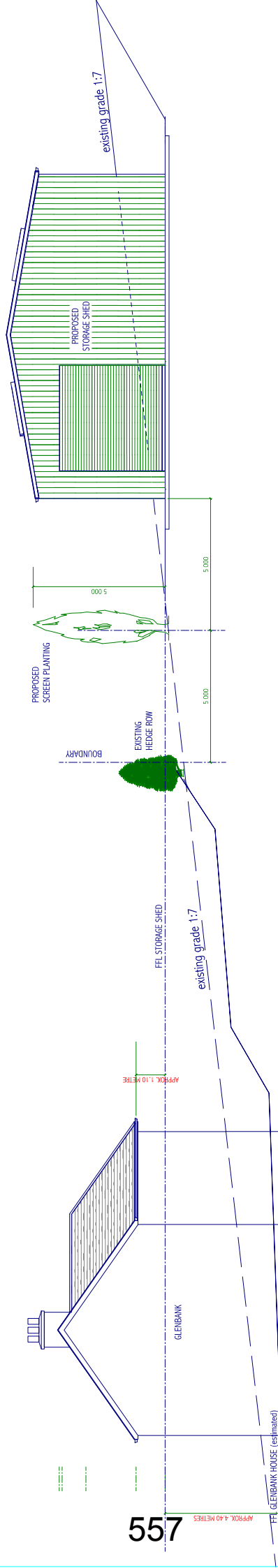
Subject to appropriate conditions this amended proposal is considered to be consistent with all of the criteria set out in Policy 1 of the Perth Area Local Plan and as such should be supported as being consistent with the development plan as there are no other material considerations which indicate that an alternative decision would be justified.

Yours faithfully



Mark Myles

cc Mr G Mutch
Mr W Beatson



NOTE: THIS DRAWING HAS BEEN PREPARED AS A GUIDE ONLY.
THE PROPOSED FLOOR LEVEL OF THE STORAGE SHED, GROUND LEVELS
AND GRADIENTS WITHIN THE APPLICANT'S PROPERTY HAVE BEEN MEASURED
ON SITE AND ARE BELIEVED TO BE ACCURATE.
THE PROPERTY AT GLENBANK WAS NOT ENTERED DURING THE SURVEY AND SO
THE FLOOR LEVELS AND DIMENSIONS OF THE HOUSE AT GLENBANK
CANNOT BE GUARANTEED AND ARE PRESENTED IN GOOD FAITH.



This drawing is copyright. All dimensions and the data to be verified. No dimensions to be scaled.

JOB TITLE		DRAWING NO.	
PROPOSED STORAGE SHED AT "WINDRUSH" GLENFOOT ABERNETHY PH2 9/LS		466/05	
SCALE		DRAWN BY	
1/100		DATE	
30 April 2012		DRAWING NO.	
PROPOSED EAST ELEVATION ON SECTION B-B		466/05	

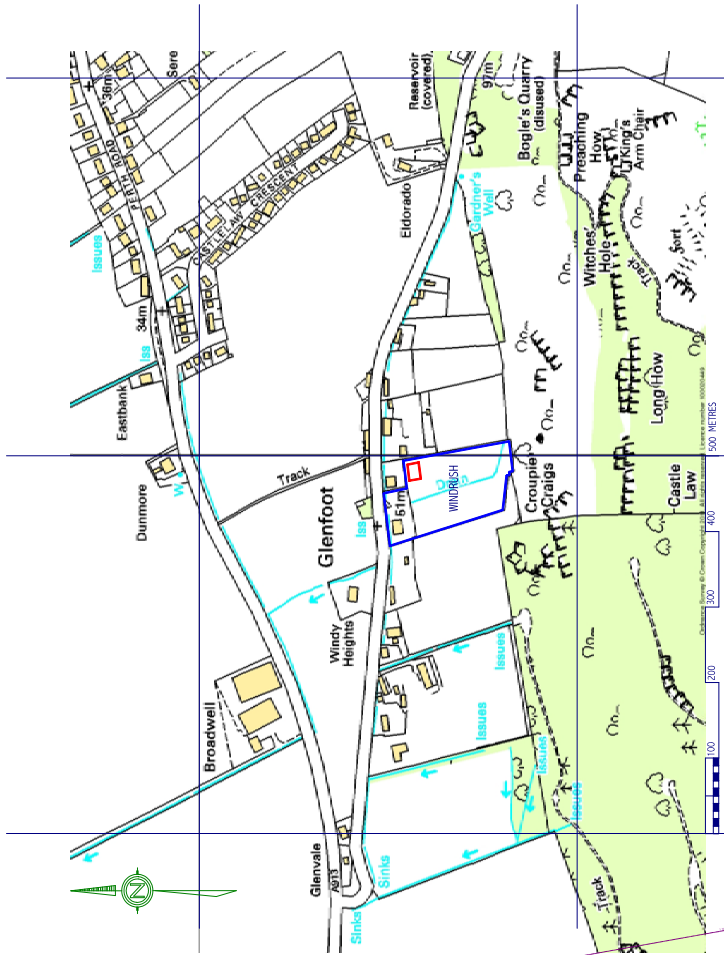
10 METRES

W J DEATSON · ARCHITECT ·

2 ISLAND VIEW DUNDEE ROAD, PERTH PH2 7HS · Tel. 01726 633659



558



LOCATION PLAN - 1/5000 © Crown copyright. All rights reserved. Licence number - AR100038873

- B - (10.01.12) - Proposed building repositioned, new planting, trees and site boundary added.
- A - (17.10.11) - existing access road between public road and site delineated red, construction site area extended to include possible landscaping

This drawing is copyright. All dimensions and other data to be site verified. No dimensions to be scaled.

JOB TITLE
PROPOSED STORAGE SHED AT "WINDRUSH" GLENFOOT ABERNETHY PH2 9LS

SCALE
1/500 1/5000

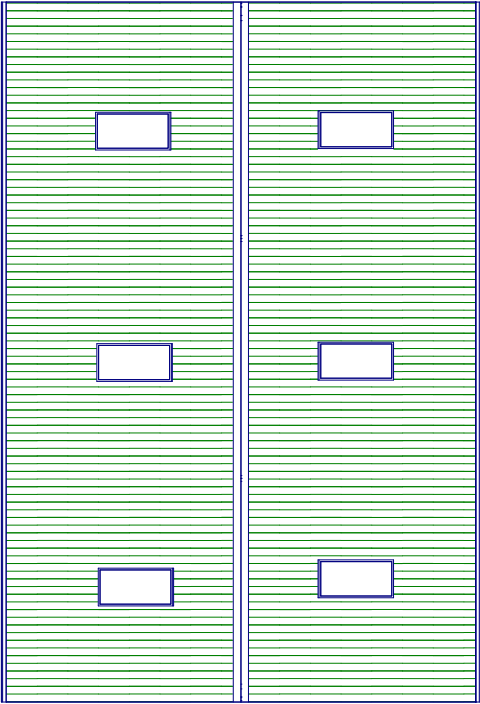
DATE
06 October 2011

DRAWN BY
SITE PLAN and LOCATION PLAN

JOB/DWG NO.
466/01 - B

W J PLATSON - ARCHITECT
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - TEL 01738 433459

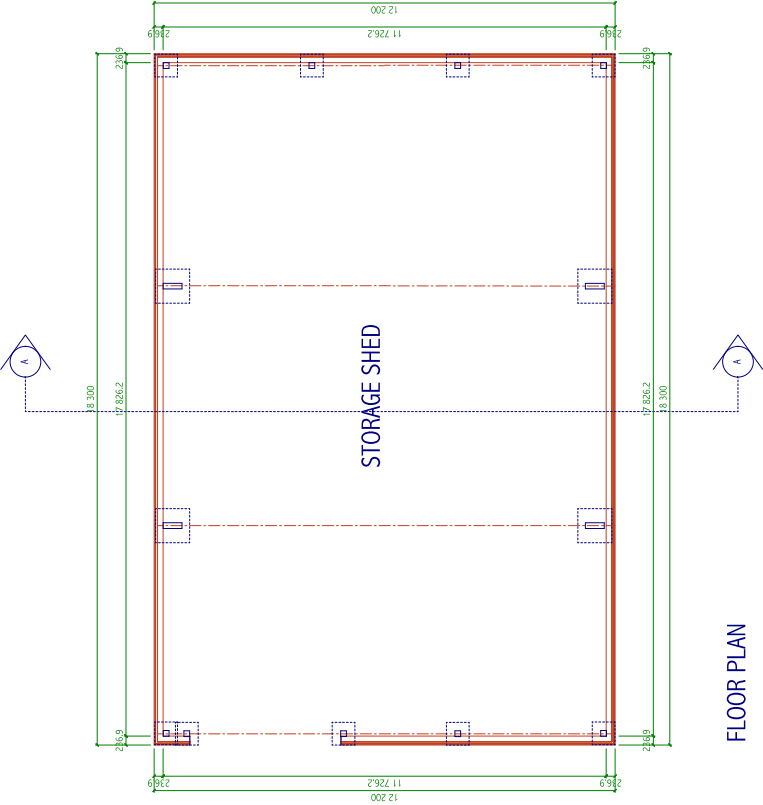
Steel portal frame building with mineral green coloured
profiled metal sheet cladding to roof with
translucent rooflight panels in structural bays



ROOF PLAN

Steel portal frame building with mineral green coloured
profiled metal sheet cladding to walls and roof.
Proprietary roller shutter door.

Internal floor area finished with
100mm Type 1 hardcore with
50mm quarry dust blinding
upon fully compacted subsoil
stripped of topsoil.



FLOOR PLAN

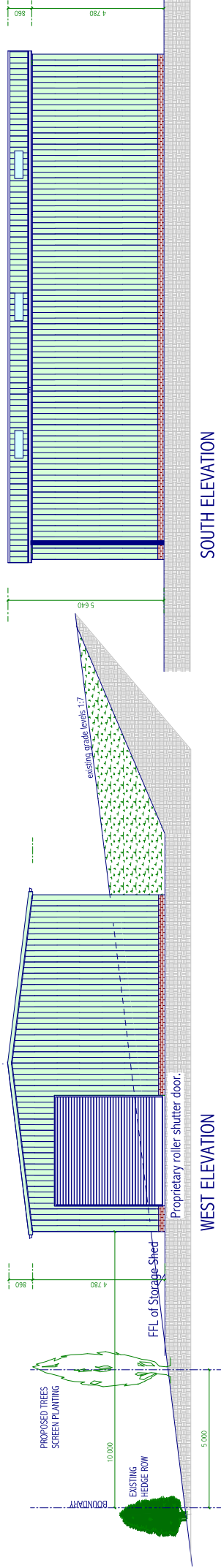
This drawing is copyright. All dimensions and the site to be site verified. No dimensions to be scaled.

JOB TITLE	DATE	DRAWN BY
PROPOSED STORAGE SHED AT "WINDRUSH" GLENFOOT ABERNETHY PH2 9LS	30 September 2011	
SCALE	1/100	

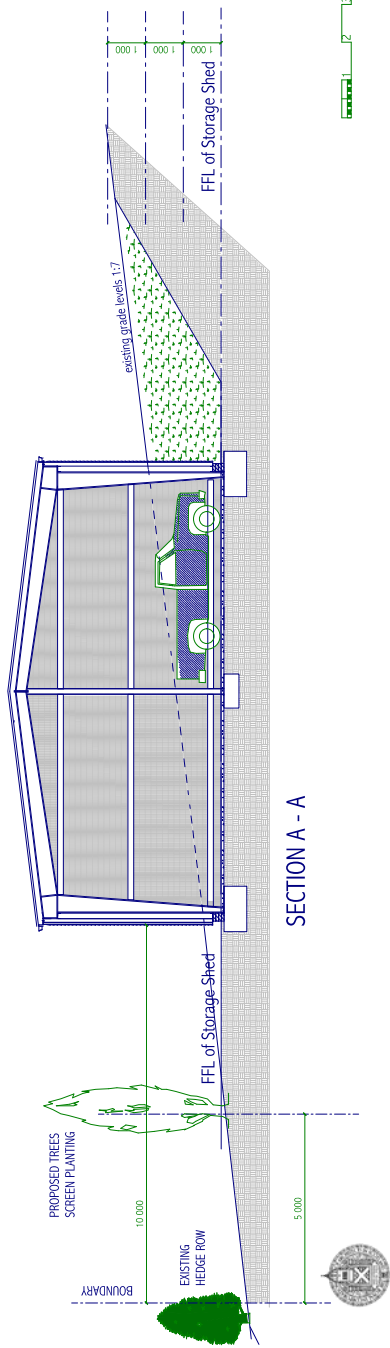
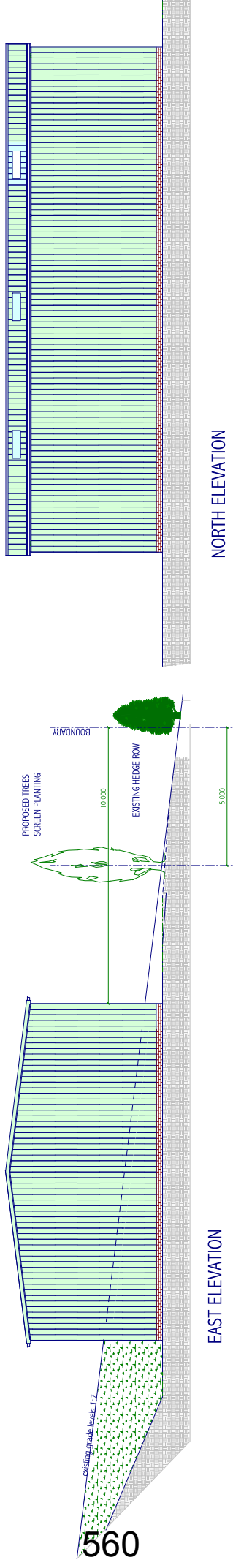
DRAWING TITLE	JOB/DWG NO.
FLOOR PLAN AND ROOF PLAN	466/03

W J DEATSON - ARCHITECT

2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - Tel. 01726 433659



Steel portal frame building with mineral green coloured profiled metal sheet cladding to walls and roof.



D - (11-01+12) - Steel moved to 10.0m from boundary screen planting added
C - (12+10-11) - floor level marked on Section A-A, hedge moved into adjoining property
B - (05-10-11) - existing ground levels revised
A - (05-10-11) - existing ground levels revised
This drawing is copyright. All dimensions and all sizes to be site verified. No dimensions to be scaled.

FOR TITLE
PROPOSED STORAGE SHED AT "WINDRUSH" GLENFOOT ABERNETHY PH2 9LS

SCALE 1/100
DATE 30 September 2011
DRAWN BY

DRAWING NO. 466/04 - D
SECTION A-A

W J DEATSON - ARCHITECT -
2 ISLAND VIEW DUNDIE ROAD, PERTH PH2 7HS - Tel. 01728 433459



PERTH AND KINROSS COUNCIL

Mr George Mutch
c/o W J Beatson Architect
2 Island View
Dundee Road
Perth
PH2 7HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th June 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00710/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 17th April 2012 for permission for **Erection of agricultural storage shed Windrush Glenfoot Abernethy Perth PH2 9LS** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) Policy 1 which seeks (amongst other things) to ensure that all new proposals have a good landscape framework setting, are compatible with existing building patterns and land uses, do not cause unacceptable environmental impact and that it is needed to accommodate development associated with the ongoing requirements of existing commercial land uses in the countryside. The proposed development would have a significantly detrimental impact on both the residential amenity of neighbouring properties and the visual amenity and landscape character of the wider area. The need for the development for agricultural purposes has not been clearly shown.

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

12/00710/1

12/00710/2

12/00710/3

12/00710/4

12/00710/5

12/00710/6

PERTH AND KINROSS COUNCIL

Mr George Mutch
c/o W J Beatson Architect
2 Island View
Dundee Road
Perth
PH2 7HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 28th November 2011

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **11/01712/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 17th October 2011 for permission for **Erect new agricultural storage shed Windrush Glenfoot Abernethy Perth PH2 9LS** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. By virtue of the sheds visual appearance and its close proximity to the northern boundary of the site, the proposal will have an adverse impact on the residential and visual amenity which is presently enjoyed by an existing, neighbouring residential property. The proposal is therefore contrary to Policy 1 of the Perth Area Local Plan (Incorporating Alteration No1, Housing Land 2000), which seeks (amongst other things) to ensure that all new proposals are compatible with existing land uses.

Justification

The proposal is contrary to the Development Plan and there are no material reasons which justify approval of the planning application.

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

11/01712/1

11/01712/2

11/01712/3

11/01712/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00710/FLL
Ward No	N9- Almond And Earn

PROPOSAL: Erection of agricultural storage shed

LOCATION: Windrush Glenfoot Abernethy Perth PH2 9LS

APPLICANT: Mr George Mutch

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 25 May 2012



OFFICERS REPORT:

The application site relates to a small section of a small holding to the rear of Windrush, a large detached dwelling located just outside Abernethy, at Glenfoot. The site is at the north-eastern end of the holding, almost immediately behind the neighbour of Windrush, Glenbank. The site (and the larger field) generally slopes up from north to south. This means the site sits higher than the existing properties to the north, with the field rising beyond.

Detailed planning permission is sought for the erection of a new agricultural storage shed, approx 18.3m in length (west to east) and approx 12.2m in width (north to south). The shed will be approx 4.78m to its eaves and 5.64m to its ridge. An existing vehicular access track to Windrush is shown to be extended through to the shed. To accommodate the natural slopes of the field, and based on the section provided, the proposed shed will be cut into the field with the FFL of the shed approx at the same level as the existing ground level at the point of which the northern part of the shed is to be located.

The shed will be finished in mineral green profile sheeting, and it is intended to be use as storage for farming implements.

A previous application for a similar proposal was refused under reference 11/01712/FLL due to the resultant detrimental impact on residential and visual amenity.

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. In terms of the Development Plan, the key Development Plan policy is found in the Local Plan. Within the Local Plan (PALP) the site lies within the landward area where Policy 1 is directly applicable. Policy 1 seeks (amongst other things) to ensure that all new developments have a good landscape framework, the scale, form colour and design of the development should accord with the existing pattern of building and are compatible with existing land uses.

In terms of other material considerations, broad guidance on rural developments is offered within the SPP.

Based on the above, I therefore consider the key tests of the acceptability of the proposal to be a) whether or not the proposal has a suitable landscape setting, b) whether or not the proposal is compatible with the existing land uses and c) the impact on the amenity of the wider area, bearing in mind the provisions of the Development Plan.

With regard to the landscape framework of the site, the site and larger field sits in a relatively open agricultural landscape with only sporadic vegetation at fence lines. This is the same for the adjoining fields. The northern boundary is different as there is some definition with broken hedging where the agricultural land adjoins the residential property to the north. This is a long established boundary and probably came about in order to provide a buffer and definition between the uses. Whilst it is not uncharacteristic to have agricultural-style buildings in this type of landscape they tend to be set adjacent to the associated farmhouse or yard rather than adjacent to a row of residential properties, though there will be examples of both.

After the previous refusal the applicant has made a couple of revisions to the scheme. These include moving the shed 1.9m further south away from the residential boundary and the provision of a permanent tree screen (5m high) 5m from the residential boundary to the north. The proposed trees may have the effect of screening an agricultural style building which at 8.1m distant was refused due to the effect on amenity, but will replace it with a living 'wall' some 5m high only 5m from that shared boundary. I would suggest that the screening may cause a greater impact than the originally proposed shed due to its proximity and height.

The sectional drawings suggest there is to be a greater degree of cut of the slope for the shed to sit upon but in comparing the sections of the previous application and this, it is apparent that existing ground profile differs between the applications. If the ground level at the shared boundary is taken to be correct, the ridge height of the refused schemes scales at some 5.7m high whilst, in relation to the same boundary point, the proposed shed's ridge height scales at some 6.4m high. This additional height in conjunction with the proposed screening wall of trees will have a significantly detrimental impact on the established residential amenity of the dwellinghouse to the north.

The supporting statement submitted states that the final floor level of the shed is to be the same as previously submitted. If this is to be the case the submitted drawings are inaccurate.

The introduction of a formal line of evergreen trees 15m long and 5m high will appear incongruous in the otherwise informal agricultural landscape, to the detriment of the visual amenity of the wider area.

The use of the land is agricultural and therefore the erection of a shed for agricultural storage purposes is, in principle, acceptable. I do however have concerns regarding the proposed use of the shed. The application form states under 'description of proposal' that the application is for a new storage building, with no mention of agricultural use. It later confirms the use of the land as agricultural. Under 'all types of non housing development' the form states the development is to be a 'proposed storage shed for farming implements'. Having visited the site it is clear that the applicant has a great interest in farming equipment of yesteryear with numerous old ploughs, etc set in the ground to the north of his house and a number of old tractors in the existing large shed within the curtilage of his house. All of these pieces of machinery appear to be in excellent condition and be well looked after. I would suggest that although the shed may be used for the storage of farming implements, this would be a domestic, hobby use rather than storage for operational agricultural equipment used in association with the operation of the applicant's small holding. The fact that the applicant's interest lies with historic farming implements is incidental. If it is the case that the shed is to house the applicant's hobby (whether farming implements, caravans or classic cars), the change of use of the land to residential curtilage would be necessary and, I would suggest, unacceptable due to the impact this would have on the established extent of the settlement of Glenfoot.

In conclusion, I consider the location of the shed to be inappropriate due to the impact it and the proposed tree screening would have on the established residential amenity of the adjoining houses, the detrimental impact the development and particularly the tree screen would have on the wider landscape character and associated visual impact. I also have concerns regarding the proposed use of the shed. I therefore recommend refusal of the application.

DEVELOPMENT PLAN

P_001 Perth Area general policies

Developments in the landward area, as shown in Proposals Map A on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry or recreational and tourism projects and operational developments including telecommunications development for which a countryside location is essential. Developments will also be judged against the following criteria:-

- ? The site should have a good landscape framework within which the development can be set and, if necessary, screened completely.
- ? In the case of built development the scale, form, colour and design of development should accord with the existing pattern of building.
- ? The development should be compatible with its surroundings in land use terms and should not cause unacceptable environmental impact.
- ? The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.
- ? Where applicable, there should be sufficient spare capacity in local services to cater for the new development.
- ? The site should be large enough to accommodate the development satisfactorily in site planning terms.

The need to accommodate development as part of the ongoing requirements of existing commercial land uses in the countryside

OTHER POLICIES

None.

SITE HISTORY

94/01427/FUL CHANGE OF USE OF AGRICULTURAL GROUND TO DOMESTIC GROUND 10 November 1994 Application Permitted

11/01446/PN Erection of an agricultural building 12 September 2011 Application Withdrawn

11/01712/FLL Erect new agricultural storage shed 29 November 2011 Application Refused

CONSULTATIONS/COMMENTS

Environmental Health	No objection subject to conditions preventing installation or operation of ventilation or other plant within the building, no vehicle repair to be carried out on site, the prohibition of idling of vehicle engines and that any external lighting should be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
Transport Planning	No objection.

TARGET DATE: 17 June 2012

REPRESENTATIONS RECEIVED:

Number Received: 2

Summary of issues raised by objectors:

The two letters raise the following issues:

- loss of view from neighbouring property looking northwards
- there is already an enormous storage unit within the site
- development of an agricultural storage yard within this quiet rural community is inappropriate
- no serious attempt has been made to overcome previous objections from neighbouring house occupants
- the proposed shed is oppressively large, exacerbated by elevated nature of site
- out of character with local environs
- though the shed is to be moved 1.9m further from residential boundary the 5m high screening hedge (3m closer than the original building) is arguable even more overbearing and dominant than the building itself
- the house currently benefits from an open northerly aspect which would be lost
- lack of justification for the building as it is for recreational purposes (housing vintage machinery)
- the proposed coniferous hedge would cause a significant issue with shadow and lack of light
- concerns regarding surface water run-off especially due to the presence of marsh grass on the sloping field
- the shed could be positioned behind Windrush and provided with easy vehicular access, without affecting any neighbouring property.

Response to issues raised by objectors:

The planning issues raised are covered in my report.

Additional Statements Received:

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 Assessment	Not required

Legal Agreement Required: no
Summary of terms: N/A

Direction by Scottish Ministers: no

Reasons:-

- 1 The proposal is contrary to Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) Policy 1 which seeks (amongst other things) to ensure that all new proposals have a good landscape framework setting, are compatible with existing building patterns and land uses, do not cause unacceptable environmental impact and that it is needed to

accommodate development associated with the ongoing requirements of existing commercial land uses in the countryside. the proposed development would have a significantly detrimental impact on both the residential amenity of neighbouring properties and the visual amenity and landscape character of the wider area. The need for the development for agricultural purposes has not been clearly shown.

Justification

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

PERTH AND KINROSS COUNCIL

**ERECT NEW AGRICULTURAL STORAGE SHED AT WINDRUSH, GLENFOOT,
ABERNETHY, PERTH, PH2 9LS**

DELEGATED REPORT OF HANDLING

Ref No	11/01712/FLL	Case Officer	Team Leader	Decision to be Issued?	
Ward No	N9 – Almond			Yes	No
RECOMMENDATION					
Refuse the planning application on the grounds that the proposed shed will have a adverse impact on the residential amenity of an existing neighbouring residential property.					

BACKGROUND & DESCRIPTION

The application site relates to a small section of a small holding to the rear of Windrush, a large detached dwelling located just outside Abernethy, at Glenfoot. The site is at the north-eastern end of the holding, almost immediately behind the neighbour of Windrush, Glenbank. The site (and the larger field to some extent) generally slopes north to south, which means the site generally sits higher than the existing properties to the north.

The proposal seeks detailed planning permission for the erection of a new agricultural storage shed, approx 18.3m in length (west to east) and approx 12.2m in width (north to south). The shed will be approx 4.78m to its eaves and 5.6m to its ridge level. An existing vehicular access track to Windrush will be extended through to the shed. To accommodate the natural slopes of the field, and based on the section provided, the proposed shed will be cut into the field with the FFL of the shed approx at the same level as the existing ground level at the point of which the northern part of the shed is to be located.

The shed will be finished in mineral green profile sheeting, and it is intended to be use for agricultural storage.

APPRAISAL

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. In terms of the Development Plan, the key Development Plan policy is found in the Local Plan. Within the Local Plan (PALP) the site lies within the landward area where Policy 1 is directly applicable. Policy 1 seeks (amongst other things) to ensure that all new developments have a good landscape framework and are compatible with existing land uses.

In terms of other material considerations, broad guidance on rural developments is offered within the SPP.

Based on the above, I therefore consider the two key tests of the acceptability of the proposal to be a) whether or not the proposal has a suitable landscape setting, and b) whether or not the proposal is compatible with the existing land uses, bearing in mind the provisions of the Development Plan.

I shall address these issues in turn.

With the exception of the northern boundary, the site at the moment is relevantly open; however, I note that the sloping nature of the local area will effectively mean that the shed will probably not be visually prominent from the public road. Typically, the nature of agricultural sheds is that they are usually sited within agricultural fields, which often tend to be relevantly open, as per this site. However, as there will be little visual impact from the public road, I consider the landscape framework suitable for the proposal, and the framework in place would be consistent with other approvals for agricultural sheds across PKC.

In terms of the second issue, the impact on the existing land uses, I do however have some concerns. The site is approx 8m from the boundary of an existing residential property, and although I acknowledge the presence of an existing hedging (circa 2-2.5m) and scrub trees along the boundary, I have no doubt that the proposed shed will adversely affect the residential amenity of the neighbour, by virtue of the dominate presence of a non-domestic building so close to their boundary. I appreciate that a loss of a view alone is not a material consideration, however in this case I consider the negative visual appearance of the proposed shed from the neighbour's property to carry significant weight, insofar as the buildings presence would affect (adversely) the residential amenity presently enjoyed by the neighbour. I note concerns have been raised regarding the use of the building, however I have no overriding concerns regarding noise, odours or other nuisance arising from the building, subject to possible restrictions on its use.

In terms of other issues, potential problems with the disposal of surface water run off has been raised within the representations has an area of concerns. I note that some re-profiling of the ground will be occurring; however for this site, I consider issues regarding surface water drainage to be technical issues, which are resolvable through conditions.

However, as the proposal would be incompatible with the existing (residential) land uses, I consider the proposal to be contrary to Policy 1 of the PALP, which seeks to ensure that all new proposals are compatible with existing land uses, and ultimately I recommend the planning application for a refusal.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Perth & Kinross Structure Plan 2003 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). Although there are broad policies of relevance contained in the Structure Plan, the key Development Plan policies are contained in the Local Plan

Within the Local Plan, the site lies within the landward area of the Plan were Policy 1 is directly applicable. Policy 1 seeks (amongst other things) to ensure that all sites have a good existing landscape framework and that all sites are compatible with existing land uses.

OTHER COUNCIL POLICIES

None specific relevant to this proposal.

NATIONAL PLANNING POLICIES

None specifically relevant to this proposal.

SITE HISTORY

A prior notification application (11/01446/PN) for the shed was submitted earlier this year and the applicant was advised by the Planning Service that due to the sensitive nature of the site, a detailed planning application would be required.

PKC CONSULTATION

The Environmental Health Manager has commented on the planning application (verbally) and raised no objections.

Transport Planning have been consulted on the planning application, however at the time of writing no comments had been received.

EXTERNAL CONSULTATIONS

None undertaken

TARGET DATE: 17 December 2011

REPRESENTATIONS RECEIVED:

Two letters of representation have been received, on behalf of one householder. The three principal planning issues raised within the letters of representations are a) the building is out of character with the area, b) that the building will have a negative impact on their residential amenity and c) surface water drainage issues.

These issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

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

PUBLICITY UNDERTAKEN

The planning application was advertised in the local press on the 28/10/11.

LEGAL AGREEMENTS REQUIRED

None required at this stage.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASON FOR REFUSAL

By virtue of the sheds visual appearance and its close proximity to the northern boundary of the site, the proposal will have an adverse impact on the residential and visual amenity which is presently enjoyed by an existing, neighbouring residential property. The proposal is therefore contrary to Policy 1 of the Perth Area Local Plan (Incorporating Alteration No1, Housing Land 2000), which seeks (amongst other things) to ensure that all new proposals are compatible with existing land uses.

JUSTIFICATION

The proposal is contrary to the Development Plan and there are no material reasons which justify approval of the planning application.

PROCEDURAL NOTES

None applicable at this stage.

INFORMATIVES

None

REFUSED PLANS

11/01712/1

11/01712/2

11/01712/3

11/01712/4

Note

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report, although two letters of representation have been received.















TCP/11/16(202)

**Planning Application 12/00710/FLL – Erection of
agricultural shed at Windyrush, Glenfoot, Abernethy, PH2
9LS**

PLANNING DECISION NOTICE (included in
applicant's submission, see pages 561-562)

REPORT OF HANDLING (included in applicant's
submission, see pages 565-570)

REFERENCE DOCUMENTS (included in applicant's
submission, see pages 555-560)

TCP/11/16(202)
Planning Application 12/00710/FLL – Erection of
agricultural shed at Windyrush, Glenfoot, Abernethy, PH2
9LS

REPRESENTATIONS

- Representation from Environmental Health Manager, dated 4 May 2012
- Objection from Mr and Mrs Smith, dated 5 May 2012
- Objection from Anne McIntosh, dated 9 May 2012
- Representation from Mr and Mrs Smith, dated 10 August 2012
- Representation from Anne McIntosh, dated 11 August 2012
- Agent's response to representations, dated 23 August 2012

Memorandum

To	Development Quality Manager	From	Environmental Health Manager
Your ref	PK12/00710/FLL	Our ref	NK
Date	4 May 2012	Tel No	(01738) 475 444

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK12/00710/FLL RE: Erection of agricultural storage shed Windrush Glenfoot Abernethy Perth PH2 9LS for Mr George Mutch

I refer to your letter dated 19 April 2012 in connection with the above application and have the following comments to make.

Recommendation

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

The applicant proposes to erect an agricultural building on existing agricultural land to the south of Glenbank, Abernethy, within a predominantly rural location.

A similar application (PK/11/01712/FLL) was refused on 28 November 2011 on the grounds that "by virtue of the sheds visual appearance and its close proximity to the northern boundary of the site, the proposal will have an adverse impact on the residential and visual amenity which is presently enjoyed by an existing, neighbouring residential property".

The proposed site is 47 metres from the applicants house 'Windrush' and 15 metres from the nearest neighbouring property at Glenbank. Given this small separation distance there is the potential that residents of Glenbank may be disturbed by noise and/or odours from this proposal.

The applicant proposes to use the agricultural building as storage for vintage tractors and farm machinery which are currently stored externally on the site. The applicant already has a building for this use however I understand it is not large enough to house all the articles of his collection.

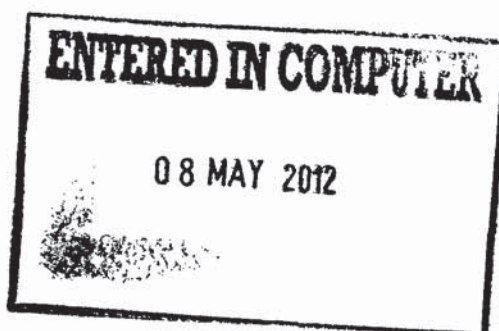
In view of the nature of the application and the existing uses within the vicinity, I do not foresee that residential amenity will be adversely affected should the application be approved, however in order to offer a level of protection to neighbouring residential properties I recommend the undernoted conditions be included in any given consent.

Conditions

- No ventilation or other plant or equipment shall be installed or operated in association with this building.

- No vehicle repair work will be carried out on site.
- The idling of vehicle engines is prohibited.
- Any external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to be 'S' and 'H' followed by a large, sweeping flourish.



Glenbank
Glenfoot
Abernethy
PH2 9LS

5 May 2012

Mr Nick Brian
Development Quality Manager
Planning and Regeneration
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Via Email to DevelopmentManagement@pkc.gov.uk

Dear Mr Brian

**OBJECTION TO PLANNING APPLICATION 12/00710/FLL
ERECTION OF AGRICULTURAL STORAGE SHED
WINDRUSH GLENFOOT ABERNETHY PERTH PH2 9LS**

Further to your notification to us of the above application on the 19 April 2012, we are writing to inform you that we wish to raise a formal objection to this proposed development.

As you can see from the enclosed documentation, we have strongly objected to Mr Mutch's previous applications to construct this building. As neighbours heavily affected by the proposed development we were very relieved that you declined Mr Mutch's previous application. We were therefore devastated to learn that a new revised application had been submitted to you for consideration.

Our disappointment has only grown having read the application and realised that it is effectively exactly the same proposal, merely placed 1.9m further from our boundary and with the addition of an overbearing screening hedge. No serious attempt has been made to address the adverse impact on our residential amenity, or to follow the advice of your own planning team and relocate the building elsewhere within the extensive curtilage of Windrush.

We remain very concerned about the proposed development, which we contend is oppressively large and out of character with the local environs. It would have a significant impact on our residential and visual amenity (and therefore our reasonable enjoyment of our property). We also remain concerned about issues relating to water run-off, noise and fumes. These will be further exacerbated by the raised nature of the building, which will be built upon a 1:7 gradient above our family home. We also contend that the building lacks any agricultural justification whatsoever and its proposed development is in conflict with a number of planning policies.

Given the lack of any serious modifications to the previous application we believe all the objections made by both ourselves and Fox Planning Consultancy remain valid (see enclosed letters) and would ask that you again consider these fully as part of your appraisal of this case.

We would however, particularly highlight the following main issues:

1. Residential amenity

The Delegated Report of Handling in respect of the previous application noted the following:

"I have no doubt that the proposed shed will adversely affect the residential amenity of the neighbour, by virtue of the dominate presence of a non domestic building so close to their boundary" and also "I consider the negative visual appearance of the proposed shed from the neighbour's property to carry significant weight, insofar as the buildings presence would affect (adversely) the residential amenity presently enjoyed"

The new, revised application moves the proposed building back just 1.9m metres and proposes the creation of an intervening 5m screening hedge running the full length of our boundary – effectively 3 metres closer to our property than the original building location and arguably even more overbearing and dominant than the building itself (see further points below).

In all other respects the application effectively remains the same as that declined previously. Mr Mutch has made no attempt to take account of the advice to him (in your letter of 12 September 2011 in relation to his failed Pre Notification Application) to 'review the scope for alternative sites within his ownership'. Despite the addition of a screening hedge the proposed development will continue to dominate our rear aspect and we believe the original conclusion of the Planning Officer is entirely valid, in that the 'proposal would be incompatible with the existing (residential) land uses...and ultimately recommend the planning application for a refusal.'

As the enclosed picture taken from one of our rear windows shows, there is a much more open aspect behind our house than the incorrect architect's drawing indicates (indeed you will note the presence of roe deer in the top corner of the field!). The proposed development would block out almost everything seen in this photograph. The picture also shows the edge of a ploughed area – created when Mr Mutch commenced preparatory works to erect the building before the intervention of planning officers last autumn. This clearly shows how visible the development will be from our property, the overbearing impact of any potential screening hedge and how the 1:7 gradient of the field will exacerbate both issues.

2. Lack of justification for the Building and its Location

We continue to contend that the building is for recreational purposes, in that it will be used to house a collection of vintage machinery that is used for hobby purposes rather than any true agricultural use. Its size and location is therefore entirely out of keeping with the purpose for which it will be used. This point is made very clearly in the letter from Fox Planning Consultancy under this same heading – particularly para 1 and 2....

'Given that the applicant is not a farmer, he merely owns the field within which the building is proposed to be sited. It would appear that the predominant use of the proposed building is for hobby purposes, which could be regarded as a domestic use, or alternatively considering the large scale of the building, as an industrial use. This non-agricultural use appears consistent with the lack of agricultural permitted development rights and the withdrawal of the previous Prior Notification Agricultural Building Application.

The appropriateness of whether this industrial scale and character of building should be permitted in an agricultural field in this rural location when it is not related to agriculture ought also to be considered. It is common for small hobby related buildings to be sited within residential curtilages and not within agricultural fields. There also appears to be no valid reason why the implement storage use could not take place on an industrial estate. On this basis it is submitted that there is no justification for the erection of the proposed building at this rural location. The approval of this domestic or industrial use building would represent an inappropriate change of use of agricultural land and could effectively represent an extension to the applicant's residential boundary into the countryside which would be contrary to rural development policy.'

We note that in more recent communications Mr Mutch has suggested the possibility of using the building to store hay in the future. Given the large size of the building and the fact that he appears to have no practical use for this hay, we consider these points to be at best spurious and would expect the planning officer to assess the application on its immediate stated purpose only.

3. Environment Health issues

The memorandum of the 1 December from the Environmental Health Manager in relation to the previous application contains some errors and omissions that we would like to raise / correct.

It is not clear that any on-site assessment was made in forming its conclusion. The memo makes no mention of the topography of the site, particularly the gradient of the field and how this affects the prominence of the development, and we believe this to be a serious omission of consideration.

In addition the stable block referred to is not owned by us or on our property, as stated, but is on the grounds of Glenfoot House next door. This building is a much smaller, wooden (and therefore temporary) structure which is not visible from our house as it is screened by mature deciduous trees. It represents a very different land use and prospect to that which Mr Mutch is proposing. Both this stable and the existing garage building at Windrush are at the side elevations of our property, and do not dominate in the same way the proposed permanent agricultural building would.

We do note the conditions relating to usage of the building and welcome them. However, we would ask for clarification as to how they will be enforced, because in our experience this is not how Mr Mutch has operated his machinery in the past.

4. Specific concerns relating to proposed screening hedge

The plans submitted seem to suggest the use of mature, fast growing coniferous trees which we would have great concern over. These would be significantly out of keeping with the existing environmental character of the field.

In addition the applicant already has a coniferous hedge between our properties along the western boundary, which has been allowed to grow well in excess of 5m in height. This causes us a significant issue with shadow and lack of light which is especially problematic for our rear ground floor rooms, where we even have skylights in place in attempt to maximise light. Despite being asked to address this on numerous occasions over the past few years, including putting our request in writing, Mr Mutch has made no attempt to cut or maintain the trees.

Should the application be approved (and clearly we hope this will not be the case) we would ask that conditions be applied ensuring that any screening is mature broad leaf trees and not coniferous hedging; and that it only extends along the length of the building and not the full length of the boundary fence. If this is not possible, we would ask that we are consulted on what would be an appropriate screen, including the removal of this proposal altogether - which clearly reflects our strength of feeling on this matter.

5. Surface water and drainage

We continue to have strong concerns regarding this issue. We note from the submitted plans and application that Mr Mutch continues to contend that there is an "extensive" system of field drains in place to carry off surface water to the main drainage ditch. We have been resident in Glenbank for over 10 years now and have observed all works done on the field during this time and we continue to have doubts regarding the effectiveness or indeed presence of all of the drains shown on the plans, specifically the ones around the proposed building. The field has a large amount of marsh grass growing in it and at times surface water can be seen standing. The attached photograph, taken from our fence line, clearly shows this. Again, should the proposed building be approved we would ask that strict conditions and checks be put in place to ensure that drainage is correctly in place, functioning effectively and dealing with run off adequately.

During their last application and associated correspondence Mr Mutch and Mr Beatson made a number of personal and unprofessional allegations and comments about us. While we appreciate that these should and will have no bearing on any planning decision, given that they are a matter of record we would like to take this opportunity to refute them entirely. In all aspects of our dispute with Mr Mutch we have acted with honesty and integrity. It was us that first approached him to discuss matters and ask for information once we became aware of his original plans (despite him promising to come and talk to us). Our letter to Mr Mutch regarding the proposed development remains unanswered. We have attempted a number of times to discuss/resolve this matter amicably with Mr Mutch but each time our concerns have been dismissed and our approach rebutted by an attitude of 'it's my land I will do with it what I wish'.

As we have indicated to Mr Mutch, and would do so again here, we are sympathetic to his wish to have a new storage facility to support his hobby. Given this, were he to propose another site for the development that was not behind our property or in our direct eye line/open aspect then we would be unlikely to object – assuming any remaining concerns about screening, usage and drainage were addressed. Immediately adjacent to his current storage garage (marked as 'parking bays' on the site plan), where he could make use of the existing access and excavated hard standing, would appear an obvious and suitable revised location. Alternatively, placing the building against the western boundary of Windrush would still provide easy vehicle access and have the advantage of being well away from any neighbouring property.

It is clear that from the minimal changes to his original proposal that the applicant continues to protect his own residential amenity at the expense of ours. The proposed development also conflicts with development plan policy and a refusal is justified.

We would be grateful if you would acknowledge receipt of this objection and keep us informed of progress, including the submission of any further additional information, amended plans and advance notification in the event that the application is to be reported to the Planning Committee. Should you require any further information from us, please let us know.

Yours sincerely

Justyn & Susan Smith

Enc.

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11_01712_FLL-OBJECTION_LETTER__FOX_PC_FOR_SMITH_-421030 - 11 Nov 2011

2 x photographs (showing open aspect and drainage issues as referred to above)

Glenbank
Glenfoot
Abernethy
PH2 9LS

11 November 2011

Mr Andy Baxter
Planning Officer
Development Management
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Via Email to DevelopmentManagement@pkc.gov.uk

Dear Mr Baxter

**OBJECTION TO PLANNING APPLICATION 11/01712/FLL
ERECTION OF NEW AGRICULTURAL STORAGE SHED
WINDRUSH GLENFOOT ABERNETHY PERTH PH2 9LS**

Further to your notification to us of the above application on the 19 October, we are writing to inform you that we wish to raise a formal objection to this proposed development. Given that Mr Mutch has now submitted a full planning application, and that we are amateurs at planning law, we have engaged Jane Fox, Planning Consultant to assess the application and submit a formal objection on our behalf. You should be in receipt of this shortly.

As you can see from the attached documentation, we strongly objected to Mr Mutch's previous application to construct the building when he submitted his outline proposals through the pre-notification system. We were pleased on that occasion that the Council decided that Mr Mutch's proposal required a full planning application, in order that all the elements of the development could be properly assessed. However, we are disappointed to note that in submitting his full application Mr Mutch does not appear to have taken into account your advice to him in your letter of 12 September 2011 to review the scope for alternative sites within his ownership.

We remain very concerned about the proposed development, which we contend is oppressively large and out of character with the local environs. It would have a significant impact on our residential and visual amenity (and therefore our reasonable enjoyment of our property) and is highly likely to cause us issues with water run-off, noise and fumes. These will be further exacerbated by the raised nature of the building above our home which will be built upon a 1:7 gradient. We also contend that the building lacks any agricultural justification whatsoever and its proposed development is in conflict with a number of planning policies.

We have also become aware that Mr Mutch is likely to have required planning consent when constructing and enlarging the parking areas adjacent to his current garage / outbuilding some 12-18 months previously. These areas of hard standing required excavation and extend out from the domestic portion of Mr Mutch's property to encompass part of the agricultural field he owns. Given the nature of Mr Mutch's current application and pre-notification, we would like to formally bring this issue to your notice for (presumably) your investigation.

We would like to thank the Planning & Regeneration Department for how you have kept us notified and up to date on developments with the application and the pre-notification. We would ask that you continue to keep us apprised of developments in relation to our objection.

Yours sincerely,

Justyn and Susan Smith

FOX PLANNING CONSULTANCY

24 GLENGATE KIRRIEMUIR ANGUS

11 November 2011

Mr Andy Baxter
Planning Officer
Development Management
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Via Email to DevelopmentManagement@pkc.gov.uk

Dear Mr Baxter

**OBJECTION TO PLANNING APPLICATION 11/01712/FLL
ERECTION OF NEW AGRICULTURAL STORAGE SHED
WINDRUSH GLENFOOT ABERNETHY PERTH PH2 9LS**

Please register this letter as a formal objection to the above planning application on behalf of Mr and Mrs Smith, Glenbank, Glenfoot, Abernethy, Perthshire PH2 9LS.

The grounds for objection are as follows:

Lack of Justification for the Building and its Location

The Agent's letter dated 17 October 2011 states that the applicant is a collector of rare agricultural implements and the proposed building will be used predominantly for storage of those implements. This raises the question as to whether there is any agricultural justification for this building. In particular given that the applicant is not a farmer, he merely owns the field within which the building is proposed to be sited. It would appear that the predominant use of the proposed building is for hobby purposes, which could be regarded as a domestic use, or alternatively considering the large scale of the building, as an industrial use. This non-agricultural use appears consistent with the lack of agricultural permitted development rights and the withdrawal of the previous Prior Notification Agricultural Building Application.

The appropriateness of whether this industrial scale and character of building should be permitted in an agricultural field in this rural location when it is not related to agriculture ought also to be considered. It is common for small hobby related buildings to be sited within residential curtilages and not within agricultural fields. There also appears to be no valid reason why the implement storage use could not take place on an industrial estate. On this basis it is submitted that there is no justification for the erection of the proposed building at this rural location. The approval of this domestic or industrial use building would represent an inappropriate

change of use of agricultural land and could effectively represent an extension to the applicant's residential boundary into the countryside which would be contrary to rural development policy.

It is noted that the proposed development includes an extension to an existing access track to serve the development and this is not mentioned in the planning application description of development.

The proposed siting of the building adjacent to the domestic curtilage of Glenbank is considered to be unjustified and inappropriate. This siting requires a longer access track than would be necessary if the building were to be sited adjacent to the applicant's dwelling. It appears that the location has been chosen to safeguard the outlook from the applicant's dwelling but with total disregard to the impact upon Glenbank.

It is highly unlikely that the Council would support a proposal for a new house in such close proximity to an existing industrial or agricultural building and therefore in the same vein should not support this proposal for an industrial/agricultural new building in close proximity to an existing dwelling. On this basis it is requested that the Council does not support the location of this new building.

It is requested that the Council does not consider this application without written justification from the applicant justifying the location and more importantly explaining why the building could not be sited adjacent to the applicants own dwelling. Such a location would require a reduced length of track and would be more sustainable on environmental grounds.

Impact upon Visual Amenity

The area comprises predominantly dwellings in a semi rural location. At 18.3m long x 12.2m wide x 5.64m high to the ridge the proposed building is a significant size and would be sited only 8.1m from the residential boundary of Glenbank and elevated relative to that property being sited adjacent to a 1:7 slope of the field.

The proposed building would be the largest building in the area and its external materials would appear industrial in character. The character and appearance of the building and its large scale relative to the much smaller scale nearby domestic buildings would result in an over-dominant and incongruous development in the landscape. The building together with the proposed extension to the site access road would significantly and detrimentally affect the character and visual amenity of the area.

Impact upon Residential Amenity

The siting of this large scale, incongruous building would appear oppressive and detrimental to the residential amenity of Glenbank. Further, the use of the proposed building would be likely to result in noise and disturbance to the residents of Glenbank. In the event that the Council were to consider that the principle of this building was acceptable then it is requested that the building is re-sited adjacent to the applicant's dwelling, or located within its residential curtilage.

The Agent's letter refers to the "predominant" use of the proposed building and it is unclear what other uses the applicant may propose for the building in the short and long term. This raises concerns with regard to possible impact of noise and disturbance to Glenbank and concerns as to whether the Council could impose and enforce controls over the use to adequately safeguard residential amenity in this location. No details of any sound proofing to the building has been submitted and it is likely that any noise causing uses within the building, and also any activity adjacent to the building which could not be controlled, would cause a nuisance and disturbance to Glenbank.

It would appear likely that the applicant would be likely to use the proposed building for maintenance of his implements/machinery and concerns are expressed regarding noise and diesel fumes; diesel fumes from vintage implements/machinery would be likely to far exceed fumes emitted from modern agricultural implements/machinery. Also the storage of diesel fuel inside the building would all pose a serious health, safety and fire risk given the close proximity to Glenbank. It is requested that the Council ensures that adequate provision is made for the safe and secure storage of fuel and any other flammable liquid.

Drainage Concerns

The previous construction of the applicant's parking area adjacent to his garage approximately 12-18 months ago, without the benefit of planning consent, initially caused problems with surface water run-off which had a detrimental impact upon Glenbank. The site and location plan refers to existing field drains however there appears to be no evidence that any working field drains exist, particularly to the extent that is represented on the submitted plans. On this basis concern is expressed that the submitted plans are inaccurate. Surface water run-off from the proposed building and access road is a serious concern particularly considering the 1:7 gradient of the application site and the proximity and elevated position of the proposed building and access road relative to Glenbank which occupies a lower ground level. The proposed development is very likely to cause surface water run-off issues which will have a detrimental impact on Glenbank.

Conflict with Policy

Taking into account the above concerns which represent valid planning material considerations it is considered that the proposed development is contrary to the following policies of the Perth Area Local Plan 2005:

Policy1: Developments in the landward area, as shown in Proposals Map A on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry or recreational and tourism projects and operational developments including telecommunications development for which a countryside location is essential. Developments will also be judged against the following criteria:-

- The site should have a good landscape framework within which the development can be set and, if necessary, screened completely.
- In the case of built development the scale, form, colour and design of development should accord with the existing pattern of building.
- The development should be compatible with its surroundings in land use terms and should not cause unacceptable environmental impact.

- The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.
- Where applicable, there should be sufficient spare capacity in local services to cater for the new development.
- The site should be large enough to accommodate the development satisfactorily in site planning terms.
- The need to accommodate development as part of the ongoing requirements of existing commercial land uses in the countryside.

The proposal conflicts with Policy 1 above given that the proposed building is not required for agriculture, is not set within a landscape framework and would not be screened, the design, scale, materials would not be compatible with the existing pattern of development and the proposed use is incompatible with adjacent residential land uses.

Policy 5: The District Council will support agriculture remaining as a major land use and source of employment in the Plan area and there will a presumption against the use of prime quality agricultural land for irreversible development.

The proposed development conflicts with Policy 5 as the proposed building does not relate to agriculture or employment uses and takes up agricultural land.

Policy 6: Encouragement will be given to farmers wishing to diversify their businesses, particularly where this will generate additional local employment, will provide additional tourist facilities or accommodation, or re-use existing buildings, provided proposals are compatible with other Landward Area policies (particularly Policy 35).

The proposal conflicts with Policy 6 given that the applicant is not a farmer and the development does not constitute agricultural diversification, will not create local employment, tourist facilities or accommodation and does not involve the re-use of an existing building. The proposed development is incompatible with other policies of the plan.

The Environment and Conservation objectives of the Perth Area Local Plan 2005 “recognises the need to protect the natural and built environment in the Perth area, which contributes so much to the quality of life of both residents and visitors, but balanced with the legitimate needs for development. (para 3.35)”

The proposed development conflicts with the above objectives as it will have a significant and negative impact upon the quality of life of residents and visitors and there is no legitimate need for the development.

Precedent

Approval of this application would set an undesirable precedent for future similar developments throughout Perth and Kinross area for developments that are inappropriate, detrimental, contrary to policy and for which there is no agricultural or rural justification.

The proposed development conflicts with development plan policy and refusal is justified. It is therefore requested that the application is refused.

I should be grateful if you would acknowledge receipt of this objection and keep me informed of progress, including the submission of any further additional information, amended plans and advance notification in the event that the application were to be reported to the Planning Committee.

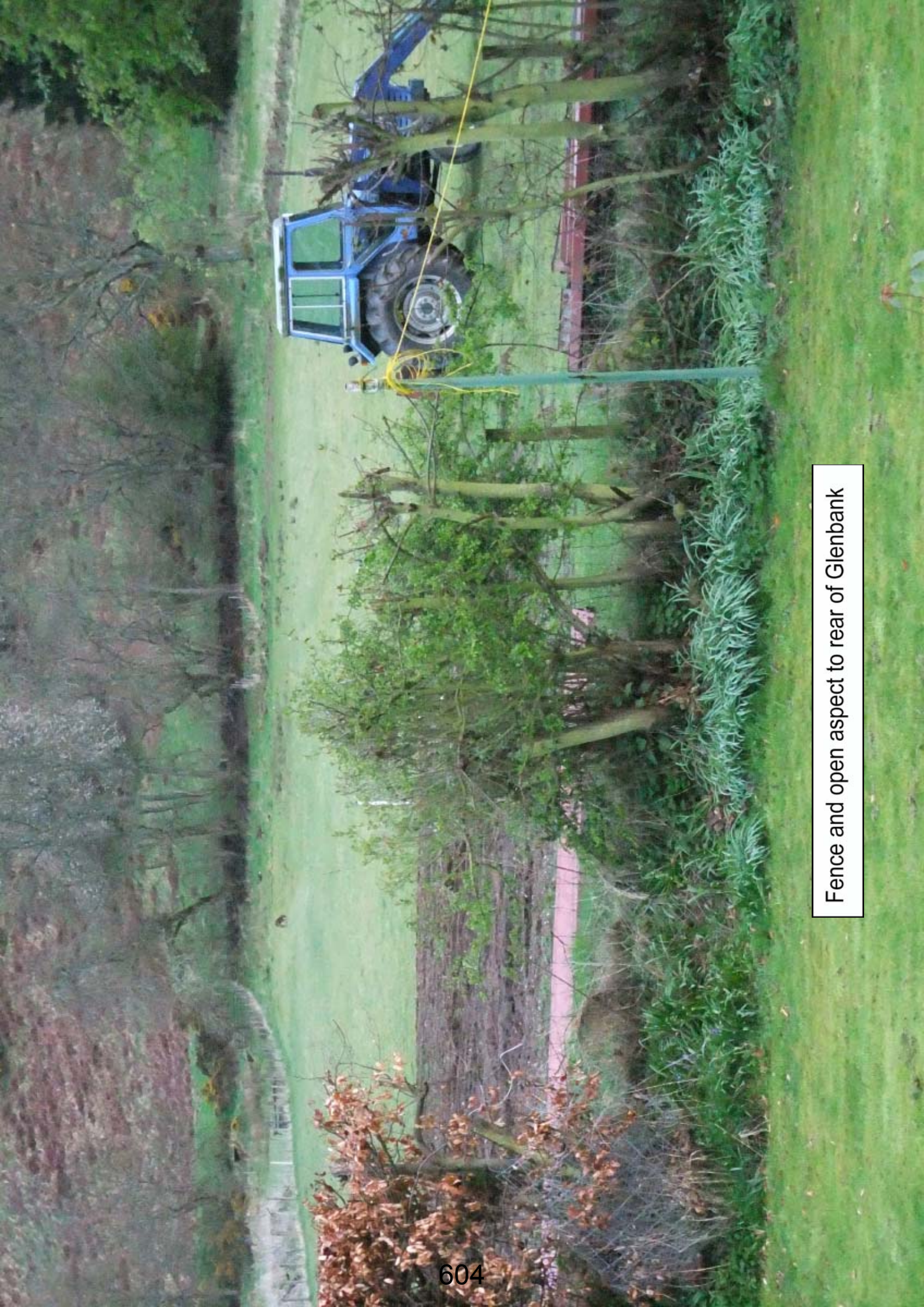
Yours sincerely



Jane K Fox MSc PgDip
Planning and Development Consultant



Marsh grass and surface water showing in field from fenceline of Glenbank



Fence and open aspect to rear of Glenbank

From: anne mcintosh
Sent: 09 May 2012 17:07
To: Development Management - Generic Email Account
Subject: Planning Application12/00710/FLL

Planning Application Reference 12/00710/FLL

Anne McIntosh (owner)
Earnview
Glenfoot
Abernethy
Perth PH2 9LS

I have today 9th May 2012 received notification by post of the above Application

I wish to object most strongly to this application on the following grounds

- 1 It will block the view from the front elevation of my house of the natural beauty of the fields and hill beyond
- 2 There is already an enormous Storage unit on the land of Windrush (one is more than enough)
- 3 This is a quiet rural community and should not be turned into an Agricultural storage "Yard"

Glenbank
Glenfoot
Abernethy
PH2 9LS

10 August 2012

Gillian Taylor
Clerk to the Local Review Body
2 High Street
Perth
PH1 5PH

Via Email to Planninglr@pkc.gov.uk

Dear Ms Taylor

**Application Ref: 12/00710/FLL – Erection of agricultural shed at Windrush,
Glenfoot, Abernethy, PH2 9LS – Mr G Mutch**

Thank you for the notification that the above application has been submitted under appeal to the Local Review Board. It was very disappointing to learn that we will again be faced with weeks of anxiety and uncertainty while we await the outcome of the appeal, but it was perhaps to be expected given Mr Mutch's determination to press ahead with his proposed development regardless of the advice or concerns of others.

As will be clear from the documentation submitted by us in relation to the applicant's three previous unsuccessful attempts to receive permission for his development, we strongly object to the building. Given that the appeal appears to be a reiteration of the main points made by Mr Mutch's agent in the last application, we believe all the objections made previously by us remain valid and would ask that the Local Review Body to consider all our previous documentation as part of its review of this appeal – in particular, our 12/00710/FLL objection letter dated 5 May 2012 and accompanying pictures. We have enclosed all previous documentation for reference.

In summary, we remain very concerned about the proposed development, which we contend is oppressively large and out of character with the local environs. It would have a significant impact on our residential and visual amenity and therefore our reasonable enjoyment of our property. We also remain concerned about issues relating to water run-off, noise and fumes. These will be further exacerbated by the raised nature of the building, which will be built upon a 1:7 gradient above our family home. We also contend that the building lacks any agricultural justification, since it will be used in the pursuit of a recreational activity, and its proposed development is therefore in conflict with a number of planning policies.

The desire to respond to each point made by Mr Mutch's agent is hard to resist, particularly when some are at best misleading and others erroneous. However, we have restricted ourselves to a few general comments as we feel that many of the arguments against this development have already been clearly outlined by ourselves and successive PKC planning officers.

We would like to specifically note the following, which should be read in conjunction with the applicant's review papers for ease of reference:

Points 2.1 – 2.6 & 2.18 – 2.19

In respect of points 2.1 - 2.6 - in relation to the suitability of the landscape setting, the impact on the amenity of the wider area and the extended grounds for refusing the second application - it should be noted that the case officer for the recently refused application (12/00710/FLL) undertook a detailed site visit as part of her assessment of the application, whereas it is our understanding that the officer for the previous refused application (11/0712/FLL) did not.

We believe that the extended grounds for refusing the application were a result of actually viewing the site for the proposed building rather than relying on drawings (some of which were obviously incorrect and misleading). The case officer was able to see first hand the overbearing impact this development would have on our property and understand our assertion that the site is used for recreational rather than true agricultural purposes. As can be seen by a full reading of the two Reports of Handling for each application, the one relating to 12/00710/FLL is a much more detailed and considered assessment of the application and as such the points of refusal are valid and correct.

Points 2.7 – 2.17

The arguments outlined here are very similar if not identical to those outlined in MBM's letter of 29 May 2012 (in relation to application 12/00710/FLL) and we believe they have therefore already been considered by the Planning Officer in her consideration of the case.

We strongly refute the view repeatedly expressed by Mr Mutch's agent that the impact on our amenity is negligible. The proposed building will undoubtedly have a significant impact on our residential and visual amenity, both from within the property and our garden which is used extensively (we have pre-school age children).

Since his first planning application was refused, Mr Mutch has begun storing equipment and materials (including building materials already bought for the proposed development) along our fence line, much of which is easily seen from our home and garden. Clearly these items are well short of the six metre height of the proposed structure.

The size, scale and nature of the building and the overbearing nature of the proposed screening hedge (effectively 3 metres nearer to our property than the previous building location), constitutes a *"dominate presence of a non domestic building"* as stated in the delegated report for application 11/0712/FLL. The building will be very visible and dominate our home, as the pictures sent with our letter of the 5 May 2012 (in relation to application 12/00710/FLL) show, far more so than the applicant is trying to represent.

We would also point out that the submitted drawing (titled Proposed East Elevation on Section B-B and dates 30 April) is incorrect in relation to the situation and height of our house and should not be relied upon. A simple example of this is that our upstairs windows look out over our existing boundary hedge, which on the plans is shown as being above our roofline! This can clearly be seen from the pictures included by the Planning Officer in her delegated report for application 12/00710/FLL.

In addition we continue to have concerns relating to the usage of this building which is clearly for hobby purposes and not agricultural use (see below). As such it will be utilised far more regularly than an agricultural storage facility would be and even with conditions attached, is likely to have a significant impact on our amenity.

It should also be noted that Mr Mutch has already purchased the main structure of the building, and as such is unlikely to be able to compromise or amend his plans in relation to the size and nature of the proposed shed.

Recreational use of proposed development (ref. photographs showing Mr Mutch and equipment)

We have been a neighbour of Mr Mutch for nearly 11 years. In that time he has on occasion used his land to pursue his hobby of restoring, maintaining and operating vintage farm machinery. This has usually involved driving vintage tractors around the field and practicing for the competitive ploughing matches he participates in. In those 11 years, the only 'agricultural' activity he has engaged in has been the use of some of his vintage machinery for an annual cut of the grass in the field; and this is only done in order to maintain the field in a condition suitable for his hobby and easily walking his dog.

All of the formal application documents submitted to PKC in relation to the proposed building make no reference whatsoever to the need for the storage of hay. The applicant has no practical use for this hay and has acknowledged in previous correspondence that he has no intention of keeping livestock.

The first informal mention of 'hay' was the applicants additional letter of the 17 Nov 2011 (Ref to application 11/0712/FFL) where he commented that the building "***could also be used for the storage of hay.***" It is only since the involvement of the his new agent – and presumably once it became apparent that "agricultural use" may not be granted as a suitable designation for the proposed building - that Mr Mutch has begun to add in the reference to hay storage as a definite use for the building. It is our view that the reference to hay storage is entirely spurious and has been added in an attempt to mislead the Planning Officer and also now the Local Review Board. It should be dismissed.

It should also be noted that much of the equipment shown in the photographs submitted to support this appeal, is currently adequately stored in the large storage facility Mr Mutch already has on his property. In addition, some of the equipment shown in the photographs does not belong to Mr Mutch and some of it is the equipment used by the local farmer who bales and removes the hay each year.

We are dismayed that this matter continues to affect our lives; and that despite our attempts to ask Mr Mutch to consider an alternative location within his extensive curtilage where the issues of our residential and visual amenity would not be a cause for concern, and the advice from PKC Planning Officers to do likewise, Mr Mutch has not proposed an alternative site for the building. All along we have maintained that Mr Mutch is preserving his own residential amenity at the expense of ours and we very much hope that the Local Review Board will decline the appeal and agree that the assessment made in relation to 12/00710/FLL was correct and thorough.

We would be grateful if you would acknowledge receipt of this submission and keep us informed of progress. Should you require any further information, please let us know.

Yours sincerely

Justyn & Susan Smith

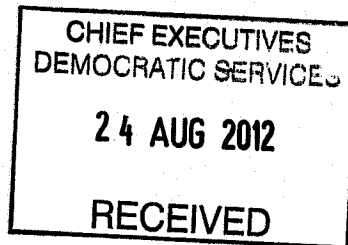
Enc.

CHX Planning Local Review Body - Generic Email Account

From: anne mcintosh [REDACTED]
Sent: 11 August 2012 11:23
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(202)

Thankyou for your communication re planning application
My original objection still stands on this application and strongly reccomend this does not go through.
Yours sincerely
Anne McIntosh

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



23rd August 2012

Our ref: MUT001
Your ref: TCP/11/16 (202)

Dear Madam

Town & Country Planning (Scotland) Act 1997
Notice of Review Appeal (12/00710/FLL)
Erection of agricultural shed at Windrush, Glenfoot, Abernethy, PH2 9LS

Thank you for your letter of 16th August 2012 enclosing copies of the further representations received in connection with the above Notice of Review Appeal.

No further comment is required in connection with the email received from Anne McIntosh dated 11th August.

In response to the points raised within the additional representation received from Mr & Mrs Smith dated 10th August, it's clear that they have once again repeated a number of non planning points made previously. We would therefore wish to offer the following additional response focusing solely only on the relevant planning matters raised and also on the actual reasons for refusal of the application e.g. it is not appropriate to comment upon matters such as water run-off, noise, fumes etc as they were not issues of concern and did not form any part of the reasons for refusal of the application.

Mr & Mrs Smith are of the view that the original planning officer did not visit the site as part of his assessment of the previous application. This is pure speculation. We would also be astonished if that were indeed the case as the council undertake a site visit as part of their assessment of every planning application. Our statement that accompanied the Notice of Review simply highlighted that the original officer confirmed that a suitable landscape framework already exists, and is a view that we share.

The arguments made in our previous submission may indeed have been considered by the planning officer but to suggest that the planning officer's decision should be final suggests that Mr & Mrs Smith either fail to understand or acknowledge that their should be an appeal process i.e. in this case the applicant is unhappy at the way in which our points were either simply ignored or

dismissed without any dialogue and they now have the right to have the decision reviewed by the Local Review Body.

We also attach an additional photograph showing the rear elevation of Glenbank House taken at a point which is level with the eaves behind the house which we believe supports the reasonable accuracy of the drawing showing the boundary and window at the same level. The Proposed East Elevation on Section B-B is constructed using levels and measurements taken on site and I attach a further copy of this plan for ease of reference. The ground levels are also marked on the site plans and can be confirmed. The architect's did not enter Mr & Mrs Smith's property but used the Ordnance Survey plans to plot the position of the house at Glenfoot. The drawing was submitted to the council following their request for a drawing to show the relationship of the proposed building to the house at Glenfoot. The levels are accurate and the drawing represents horizontal lines of sight. Mr & Mrs Smith's claim that their upstairs window (singular!) looks out over the boundary hedge is misleading because it is lower than the hedge as can be seen from my photograph attached. One needs to look upwards to see over the hedge.

The planning officer's photograph used on the front cover of the Report of Handling appears to have been taken in two "snapshots" pieced together from about 20 metres further up the hill beyond the position of the proposed shed. Therefore, at a distance of about 40 metres from the boundary hedge the camera point due to the gradient 1/7 will be, by our calculation, approx. 7 metres higher than the ground level at the hedge and also 7 metres above the window referred to - and certainly not at the same level. Even then the Planning Officer's photograph confirms that neither the lower floor nor the enclosed garden of Glenfoot is visible – only the stair window can be seen in that photograph further supporting the case that we made in our original statement.

In response to the other points raised, as stated before the building could be used for storage of hay, which (without going into detail) would be processed, stored and later sold to recoup some costs. This holding is seriously lacking in suitable, flexible inside space for general agricultural use.

An assessment of the other properties in Glenfoot shows that a number already have large outbuildings e.g.

Glencroft (large out building),
 Eldorado (large out building),
 Gowrie Cottage (2 large outbuildings),
 Glenfoot House (stables, outbuilding and field shelter),
 Gourdiemuir (stables, poly tunnel, outbuildings) and
 7 acres (steading and outbuildings).

Apart from Broadwell Farm which is fully operational (very large potato store and buildings) none of the others above are used principally for agricultural purposes.

Following the earlier refusal, the proposed relocation of the building and the introduction of some additional planting (which could be undertaken at any time without permission) were considered an entirely appropriate and acceptable response to address the concerns that had been raised.

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

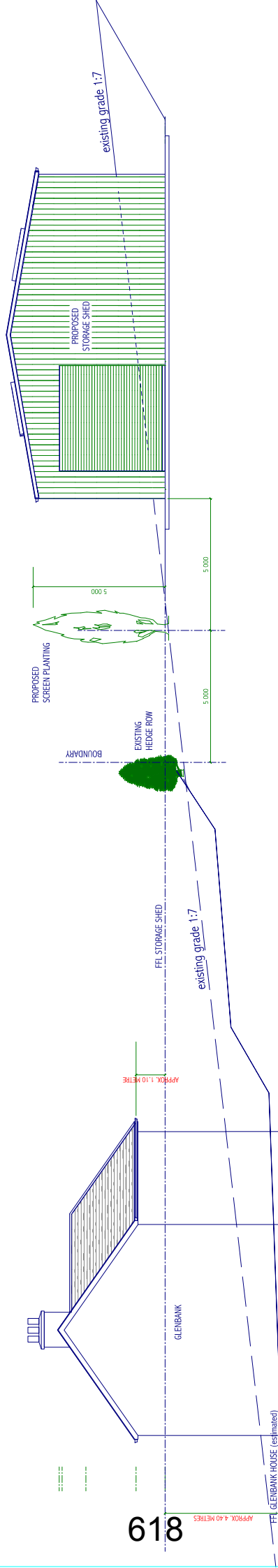
Yours faithfully



Mark Myles

Enc (photograph and Section B-B plan)





NOTE: THIS DRAWING HAS BEEN PREPARED AS A GUIDE ONLY.
THE PROPOSED FLOOR LEVEL OF THE STORAGE SHED, GROUND LEVELS
AND GRADIENTS WITHIN THE APPLICANT'S PROPERTY HAVE BEEN MEASURED
ON SITE AND ARE BELIEVED TO BE ACCURATE.
THE PROPERTY AT GLENBANK WAS NOT ENTERED DURING THE SURVEY AND SO
THE FLOOR LEVELS AND DIMENSIONS OF THE HOUSE AT GLENBANK
CANNOT BE GUARANTEED AND ARE PRESENTED IN GOOD FAITH.

JOB TITLE		DATE	
PROPOSED STORAGE SHED AT "WINDRUSH" GLENFOOT ABERNETHY PH2 9LS		30 April 2012	
SCALE		DRAWING NO.	
1/100		466/05	
DRAWING TITLE		DRAWN BY	
PROPOSED EAST ELEVATION ON SECTION B-B			

