

**TCP/11/16(233)**

**Planning Application 12/01371/IPL – Erection of a dwellinghouse (in principle) on land 90 metres north west of 4 Holding, West Kincardine, Crieff**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

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

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	James	Forename	
Surname	Tainsh	Surname	
Company Name		Company Name	James Denholm Partnership
Building No./Name	Drummondearnoch	Building No./Name	11
Address Line 1	Comrie	Address Line 1	Drummond Street
Address Line 2		Address Line 2	
Town/City	Crieff	Town/City	Comrie
Postcode	PH6 2JB	Postcode	PH6 2LJ
Telephone		Telephone	01764 670899
Mobile		Mobile	
Fax		Fax	
Email		Email	admin@james-denholm.co.uk
3. Application Details			
Planning authority	Perth and Kinross Council		
Planning authority's application reference number	12/01371/IPL		
Site address	Land 90 metres north west of 4 Holding West, Kincardine, Crieff		
Description of proposed development	Erection of a dwelling house ( In Principle)		

Date of application 25/07/2012

Date of decision (if any) 04/12/2012

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

#### 4. Nature of Application

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

#### 5. Reasons for seeking review

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

#### 6. Review procedure

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

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

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

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

#### 7. Site inspection

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

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

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

## 8. Statement

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

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

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

Please see attached statement.

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

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

## 9. List of Documents and Evidence

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

Agents Statement dated 01/03/2013.  
Copy of our drawing 4321 P01 Rev A.  
Copy of our drawing 4321 P03.  
Copy of the decision notice for the application ref 11/01229/FLL dated 11/08/2001 for site in close proximity.

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

## 10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

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

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

## DECLARATION

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

Signature: James Denholm Partnership Name: James Denholm Partnership Date: 04/03/2012

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

STATEMENT IN SUPPORT OF LRB APPEAL

Application no. 12/01371/IPL

Refused on 4/12/12

The reasons for refusal were as follows.

1. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute infill development, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brown field land. Furthermore, the proposal does not comply with the requirements of the building groups part of the policy in that the site does not lie within a group nor is it the extension of a building group onto a definable site as the site is not defined by topography or well established landscape features.
2. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of a building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings and no operational need has been proven.
3. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing or screening the development, regard be had to the form of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The site has no established landscape framework which is capable of absorbing the impact of the proposed development.

We fundamentally disagree with the conclusion reached by the Planning Officer in terms of above Policies.

Reasons for Refusal 1.

The proposal is not contrary to the Council's Housing in the Countryside 2009 in that the proposal 'respects the character, layout and building pattern'. It could also qualify as an infill site in the same policy. The proposal does not contribute to any ribbon development.

Reason for Refusal 2.

The site is within an existing group and the site is contained by housing and other buildings. It is a defined site and would not detract from the character or lead to

an extension of the group. In our opinion the site complies with Policy 54 (A) Building Groups (1) and (11). We accept that the western boundary did not have a hedge to define the boundary. We would refer you to another application reference 11/01229/FLL close by at 3 Holding West approved on 11<sup>th</sup> August 2011. This also had no defined boundary with trees or hedging and was approved by another officer who was obviously happy in that case with the lack of boundary planting. We are attaching the planning decision for this site and we suggest that the two decisions are inconsistent.

### Reason for Refusal 3.

We believe that the proposal is not contrary to Strathearn Area Local Plan Policy 2, in that the site is within an existing grouping and respects the form of the existing development, there will be no significant loss of amenity to the local community and the site is large enough to accommodate the development satisfactorily. We accept that there is no established western boundary landscaping, however a beech hedge has been planted and this will mature in time. We refer you to comments made in 2 above regarding another decision in the immediate vicinity of the site.

Please note that the red line identifying the site is at a size to incorporate the space required for the septic tank and soakaway. In reality and at detail design stage the garden ground for the new house can be tied in with no.6 Holding across Kincardine Road to maintain the appeal site firmly within the existing grouping.

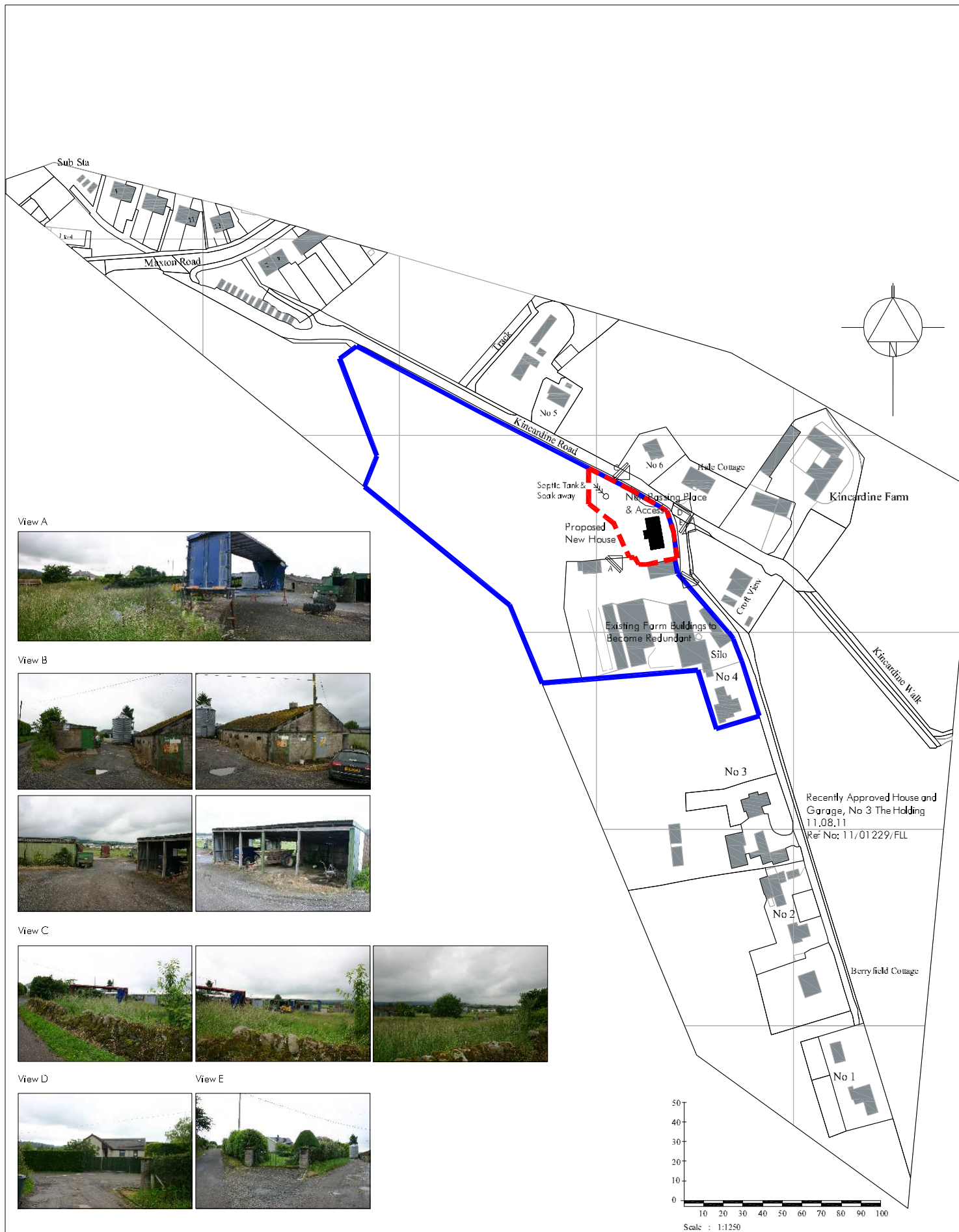
We would also like to point out that a drawing 4231, P01 A (attached) was issued to the Planning Department on 25/7/2012 which illustrates the overall pattern of the Holdings, did not appear on the website and was not referred to on the refusal notice.

We believe that a site meeting during the LRB process would be the best way for the review panel to assess this appeal since our interpretation of the groupings policy, and from previous experience of seeing these policies applied, is so different from the conclusion reached by the officer in this particular case.

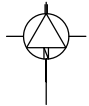
Our client has a local purchaser for this site on which they wish to build their family home. We would be happy to supply any further information required by the Local Review Body if required.

James Denholm  
4.3.12

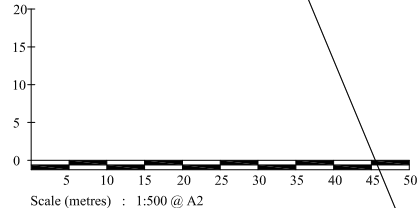
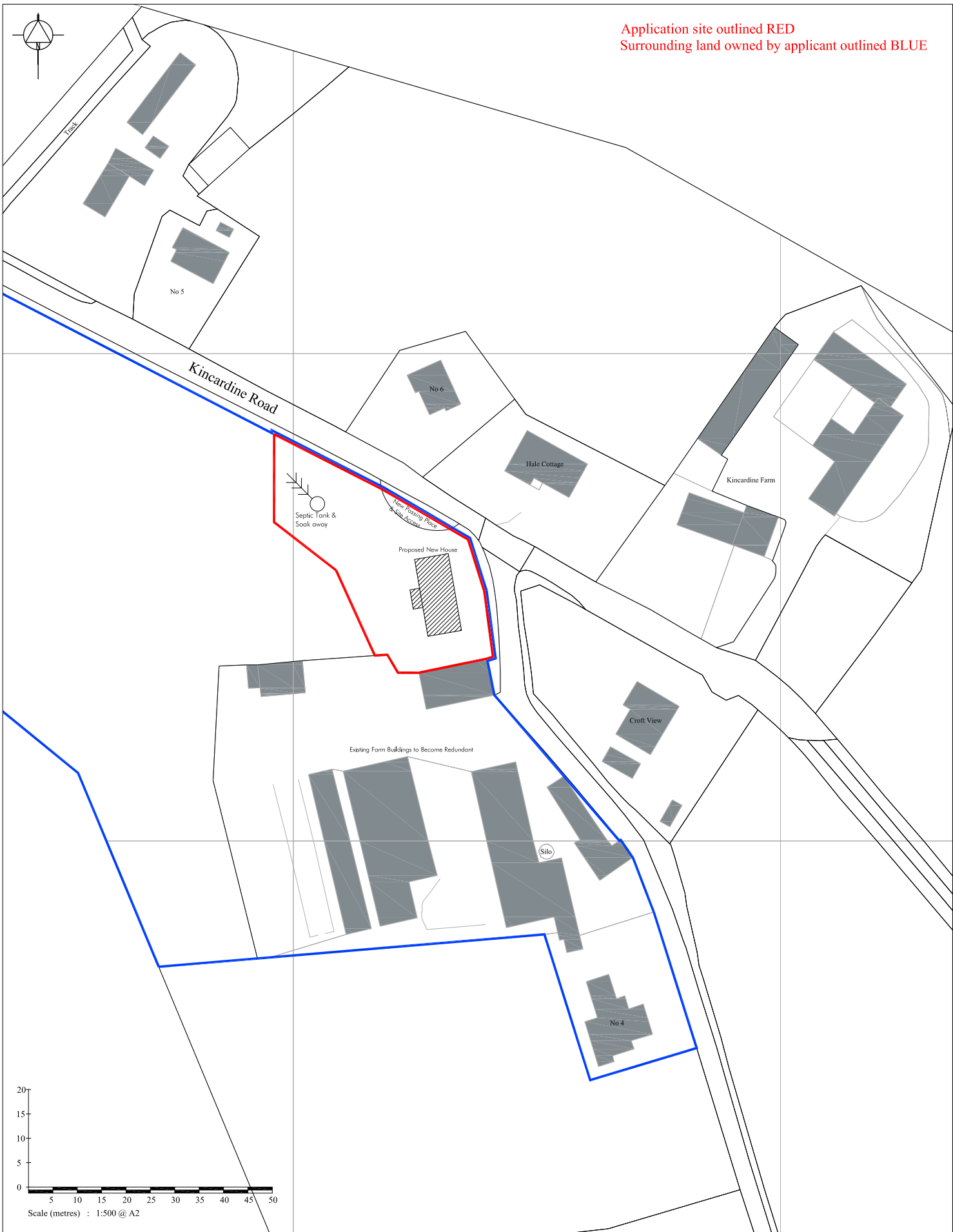




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Significant Hazardous Materials	Present	Description	Significant Hazardous Materials	Present	Description	Rev	Date
Asbestos	<input type="checkbox"/>		High Voltage Electricity	<input type="checkbox"/>		By	Note
Flammable Liquids	<input type="checkbox"/>		Unstable Chemicals	<input type="checkbox"/>		A	25/07/12
Corrosive Liquids	<input type="checkbox"/>		Acidic or Alkaline	<input type="checkbox"/>		B	25/07/12
Other Chemicals	<input type="checkbox"/>		Slippery Surfaces	<input type="checkbox"/>		Submitting Proposed Plans to Planning	
Other Hazards	<input type="checkbox"/>		Other Hazards	<input type="checkbox"/>			
Other Hazards	<input type="checkbox"/>		Other Hazards	<input type="checkbox"/>			
<b>James Denholm Partnership</b> ARCHITECTS 11 Dumbrie Road, Dumbrie, Perthshire PH15 2JL Tel: 01738 870000 Fax: 01738 870001 Email: james@jdenholm.co.uk Web: www.jdenholm.co.uk		Client: <b>Tainish, Mr James</b>		Project: <b>New House at No 4 Holding, Kincardine Rd Location plan</b> <b>Crief</b>		Scale: <b>1:1250</b> Date: <b>25/07/12</b> Job No: <b>4231</b>	
				Drawing No:		Drawn by: <b>BC</b> P-2006 Planning Rev: <b>A</b>	



Application site outlined RED  
Surrounding land owned by applicant outlined BLUE



Reproduction by permission of Ordnance Survey on behalf of HMSO. © Crown Copyright (Contract year 2012). All rights reserved. License number 100010137.		HEALTH AND SAFETY NOTES:		Actions/Notes:		Rev		Date		By		Note	
Significant Residual Hazards	Present	Description	Significant Residual Hazards	Present	Description								
Adverse	<input type="checkbox"/>		Barred and Overhead Services	<input type="checkbox"/>									
Health Hazards	<input type="checkbox"/>		Underground Structures	<input type="checkbox"/>									
Structural Instability	<input type="checkbox"/>		Adjacent Activities	<input type="checkbox"/>									
Ground Conditions	<input type="checkbox"/>		Site Restrictions	<input type="checkbox"/>									
Contamination	<input type="checkbox"/>		Other (Specify)	<input type="checkbox"/>									
IF IN DOUBT, PLEASE ASK. THIS DRAWING IS COPYRIGHT		Client		Project		Drawing Title		Scale		Drawn by		Purpose	
		Tainsh, Mr James		New House at No 4 Holding, Kincardine Rd, Crieff		Site Plan (As Proposed)		1:500 @ A2		SG		Planning	
James Denholm Partnership ARCHITECTS 11 Dunira Street Comrie Perthshire PH16 2LJ Tel: 01764 670899 Fax: 01764 670995 Email: admin@james-denholm.co.uk Web: www.james-denholm.co.uk								Date 11/09/12		Job No. 4231		Rev. P03	

# PERTH AND KINROSS COUNCIL

Mr And Mrs D Taylor  
GHM Design  
3 Laurel Avenue  
Crieff  
PH7 3EN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 11 August 2011

Town and Country Planning (Scotland) Acts.

Application Number **11/01229/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 20th July 2011 for planning permission for Erection of a dwellinghouse and garage 3 Holding West Kincardine Crieff PH7 3RP subject to the undernoted conditions.

Development Quality Manager

## **Conditions Referred to Above**

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of development a specification of all proposed finishing materials shall be submitted for the further written approval of the Planning Authority. The details as submitted shall be implemented as part of the site development.
4. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and should also include details of the proposed landscaping on the western boundary and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

### **Reasons for Conditions**

1. In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
2. To ensure that the development is carried out in accordance with the plans approved.
- 3-5. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

### **Justification**

The proposal is considered to comply with the provisions of the Development Plan and no material considerations are apparent which would outweigh the Development Plan.

### **Notes**

- 1 No work shall be commenced until an application for building warrant has been submitted and approved.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

**11/01229/1**

**11/01229/2**

**11/01229/3**

**TCP/11/16(233)**

**Planning Application 12/01371/IPL – Erection of a dwellinghouse (in principle) on land 90 metres north west of 4 Holding, West Kincardine, Crieff**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, page 202)*



# PERTH AND KINROSS COUNCIL

Mr James Tainsh  
c/o James Denholm Partnership  
11 Dunira Street  
Comrie  
Crieff  
PH6 2LJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 4th December 2012

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/01371/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th September 2012 for permission for **Erection of a dwellinghouse (in principle) Land 90 Metres North West Of 4 Holding West Kincardine Crieff** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute infill development, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land. Furthermore, the proposal does not comply with the requirements of the building groups part of the policy in that the site does not lie within a group nor is it the extension of a building group onto a definable site as the site is not defined by topography or well established landscape features.
2. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of a building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings and no operational need has been proven.

3. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing or screening the development, regard be had to the form of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The site has no established landscape framework which is capable of absorbing the impact of the proposed development.

### **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](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

12/01371/1

12/01371/2



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	12/01371/IPL
Ward No	N6- Strathearn

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 90 Metres North West Of 4 Holding West Kincardine  
Crieff

**APPLICANT:** Mr James Tainsh

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 4 October 2012



#### OFFICERS REPORT:

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TayPlan 2012 and the adopted Strathearn Area Local Plan 2001. The proposed Local Development Plan 2012 is a material consideration.

The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

There are no specific policies of strategic importance, relevant to this proposal contained in the TayPlan.

The application site is located outwith the identified settlement of Crieff, to the south west of the town. It is accessed via a rough single track access. There are a number of houses close to the application site, some forming part of holdings and some not.

The site itself is bounded to the north by the access track with houses partly opposite, to the east by the access into the remainder of the holding with a further house beyond, to the south by an existing building forming part of the holding with further buildings and the associated house further south. The west and south west of the application site, at the time of application and of my site visit, was part of a rough area with self-seeded weeds and partially being used for farm storage. Further to the west is a stock fence running from the roadside to the western-most structure associated with the holding with a field beyond. The applicant has carried out some planting of a hedge since being advised that I was unlikely to be able to support the application due to policy concerns. The line of the hedge follows the line of the existing fence which does not reflect the boundary of the application site.

#### Policy

The most relevant policy is the Council's Housing in the Countryside Policy 2009, due to the location of the site outwith any identified settlement. The proposal seeks to gain support under part 1:building groups (none of the other categories are applicable in this case). As the site is not contained within the existing building group it must be considered in light of the requirements associated with the extension of a group. The policy requires sites which extend the group to be defined by existing topography and/or well established landscape features which also provide a suitable setting. It is clear from the plans, my site visit and photos, and the subsequent planting of a new hedge and photos lodged by the agent, that the site is not currently defined by either a topographical feature or any well established landscape feature. Indeed the hedge recently planted would not define the application site in the future given that it is in part over 20m from the application site boundary. I do not consider that even when the hedge is a well established landscape feature (some 10 years hence) it would meet the requirements of the current policy with regard to the current application site. It may be however that the policy changes in the next 10 years. On the basis of the current submission and the current HitC policy, I consider the application to be contrary to the policy.

#### Education

Although no contribution is required at this in principle stage, it is worth noting that there is currently a capacity issue within Crieff. If permission were to be granted the standard condition requiring any subsequent application to comply with the policy should be attached.

#### Contamination

A watching brief in respect of potential contamination is requested and a condition would be required if the proposal were to be supported.

#### Footpaths

A right of way follows the route of the access track, along the site frontage. It is important to ensure that public access is maintained during construction and that any

damage done by construction works is reinstated on completion. If permission were to be granted this could be secured by condition.

#### Localised Flooding

This is an issue raised by a local representor. Any detailed development design for the site would need to ensure that any surface water pooling issues were adequately accommodated.

#### Conclusion

The proposal is contrary to policy 54. I consider it is also contrary to policy 2 in that the site does not have an adequate landscape framework which would adequately absorb the proposed development. I do not consider there to be any material reasons for setting aside the development plan in this instance and approving the proposal contrary to the development plan. On that basis I must recommend refusal of the application.

### **DEVELOPMENT PLAN**

#### S\_002 Strathearn Development Criteria

All developments will also be judged against the following criteria:

- (a) The sites should have a landscape framework capable of absorbing or, if necessary, screening the development and where required opportunities for landscape enhancement will be sought;
- (b) In the case of built development, regard should be had to the scale, form, colour, and density of existing development within the locality;
- (c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community;
- (d) The road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided;
- (e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development;
- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms;
- (g) Buildings and layouts of new developments should be designed so as to be energy efficient;
- (h) Built developments should where possible be built within those settlements that are the subject of inset maps.

#### S\_054 Strathearn Houses in Countryside

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories:

##### (a) Building Groups

- (i) Development within existing small groups, where sites are contained by housing or other buildings, and where further development would not significantly

detract from the character or amenity of existing housing or lead to extension of the group.

(ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

(a) Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- (i) where the existing house is:
  - of traditional form and construction,
  - or is otherwise of architectural merit,encouragement will be given to its restoration rather than its replacement.
- (ii) any alterations and extension to an existing house should be in harmony with the existing building form and any extension of the property should generally be the subordinate rather than the dominant element of the completed house.
- (iii) if it can be shown that the existing house is
  - either not worthy of retention,
  - or is not capable of rehabilitation,substantial rebuilding or complete replacement will be permitted.
- (iv) where rebuilding or demolition is permitted of a traditional house, or one of architectural merit, the replacement house shall be of similar form, size, style and materials as the original house.
- (v) the replacement of an abandoned or ruinous house will be permitted only where sufficient of the existing house remains to enable the size and form of the building to be identified.
- (vi) a replacement house should be constructed on the solum of the existing house, unless there are good planning reasons to permit an alternative location, and shall be of a form, style and size which gives a good 'fit' in the landscape."

(c) Conversion or Replacement of Non-Domestic Buildings

Consent will be granted for the conversion of non-domestic buildings such as steadings, mills, etc. to form houses and may be granted for the replacement of such buildings provided the following criteria are met:

- (i) where the building:
  - is of traditional form and construction,
  - or is otherwise of architectural merit,- or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,
  - and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness,encouragement will be given to its conversion rather than its replacement.
- (ii) any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.

- (iii) if the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:
  - sufficient of the existing building remains to enable its size and form to be identified,
  - it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds,
  - the new house is, in essence, a replacement of the existing building, in terms of size, character, building form and constructed of traditional materials, reusing where possible existing materials.
  - the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which are explicitly excluded from this policy.
- (iv) a satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.
- (v) applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.
- (vi) applications to create more than one house through a replacement building will only be permitted if it can be proved that the original building would have been of sufficient size to have contained more than one house.
- (vii) applications for conversion of non-domestic property will not be approved within fifteen years of the date of their construction

#### (a) Operational Need

Exceptionally, where there is an operational need for a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy.

#### For All Proposals

- (i) Satisfactory access and services should be available or capable of being provided.
- (ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas
- (iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- (iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which completely changes the character of the original building.

v) Full applications should be submitted for all proposals, but where an outline application is made, this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

Reference should also be made to Policies 3, 4 and 5.

#### PKC Local Development Plan, Jan 2012 Proposed Plan

This is the Council's most recent policy statement and is a consideration. The Plan has yet to be adopted.

Policy PMA1: Placemaking requires that all development must contribute positively to the quality of the surrounding built and natural environment. All development should

be planned and designed with reference to climate change, mitigation and adaption. The design and siting of development should respect the character and amenity of the place and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works where appropriate to the local context and the scale and nature of the development.

#### Policy RD3: Housing in the Countryside

This policy supports the development of single houses or groups of houses which fall within at least one of the six identified categories. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area. Further guidance is provided within the Supplementary Guidance. The draft version of the Housing in the Countryside 2012 has been agreed and will be submitted along with the proposed plan in due course. The 2012 version is essentially the same as the current version of the policy with the main categories remaining the same.

### OTHER POLICIES

Housing in the Countryside Policy 2009: This policy updates the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas (including the open countryside).

The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations; and
- Ensure that high standards of siting and design are achieved.

It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. A series of criteria is also applicable to all proposals.

#### Primary Education and New Housing Development Policy (May 2009)

The Developer Contributions Policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. As this application is only in principle it is not possible to provide a definitive answer at this stage however it should be noted that the policy would apply to all new residential units with the exception of those outlined in the Policy. If the application is to be supported, a condition requiring the development to comply with the Policy at the detailed/full stage would be necessary to ensure the appropriate contribution is made. It should be noted that there is a capacity issue within the Crieff catchment at present.

### SITE HISTORY

none

### CONSULTATIONS/COMMENTS

Education And Children's Services

This development falls within the Crieff Primary School catchment area.

As this application is only "in principle" it is not possible to

provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Transport Planning

No objection subject to conditions relating to provision of turning facilities and car parking spaces.

Scottish Water

Turret Water Treatment Works currently has capacity to service this proposed development.

The water network that serves the proposed development is currently able to supply the new demand.

Crieff Waste Water Treatment Works currently has capacity to service this proposed development.

The waste water network that serves the proposed development is currently able to accommodate the new demand.

Dave Stubbs - Access Officer

-

With regard to the application for a dwellinghouse at West Kincardine Crieff please note the development is on a track which is a right of way and core path and will provide access to the house. A condition is essential to ensure continued public access along the public paths.

Environmental Health

I have no adverse comments in relation to the application but would recommend the undernoted condition be included in any consent.

Contamination

An inspection of the proposed development site did not raise any real concerns. However although visually the site seemed free from any significant ground contamination there are a number of sheds and outbuildings in the area, the history of which is unknown. A watching brief during redevelopment is required therefore I recommend a condition be applied to the application.

**TARGET DATE:** 11 November 2012

**REPRESENTATIONS RECEIVED:**

Number Received: 2

**Summary of issues raised by objectors:**

The two representations raise the following matters:

- if more than single storey it would be out of keeping with others in the vicinity
- the site receives lots of flood and snow-melt water and has never had buildings on it because of this
- negative visual impact from other properties
- house would be better located on footprint of redundant farm buildings
- access would be best taken from current access point rather than the single track road
- the drain from tailraces serving a number of local septic tanks runs directly through the site

**Response to issues raised by objectors:**

- if more than single storey it would be out of keeping with others in the vicinity  
the application is made in principle and no specific details have been provided for consideration at this stage
- the site receives lots of flood and snow-melt water and has never had buildings on it because of this  
mitigations to deal with surplus surface water may need to be incorporated into any detailed scheme
- negative visual impact from other properties  
the proposed development would affect the established outlook from the existing properties, though there is no right to a view in Scotland
- house would be better located on footprint of redundant farm buildings  
there are a number of alternative locations but the applicant has applied for this specific site and that is what is required to be considered
- access would be best taken from current access point rather than the single track road  
Transport Planning have raised no road safety concerns regarding the proposed access
- the drain from tailraces serving a number of local septic tanks runs directly through the site  
mitigations to deal with existing drainage infrastructure may need to be incorporated into any detailed scheme

**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



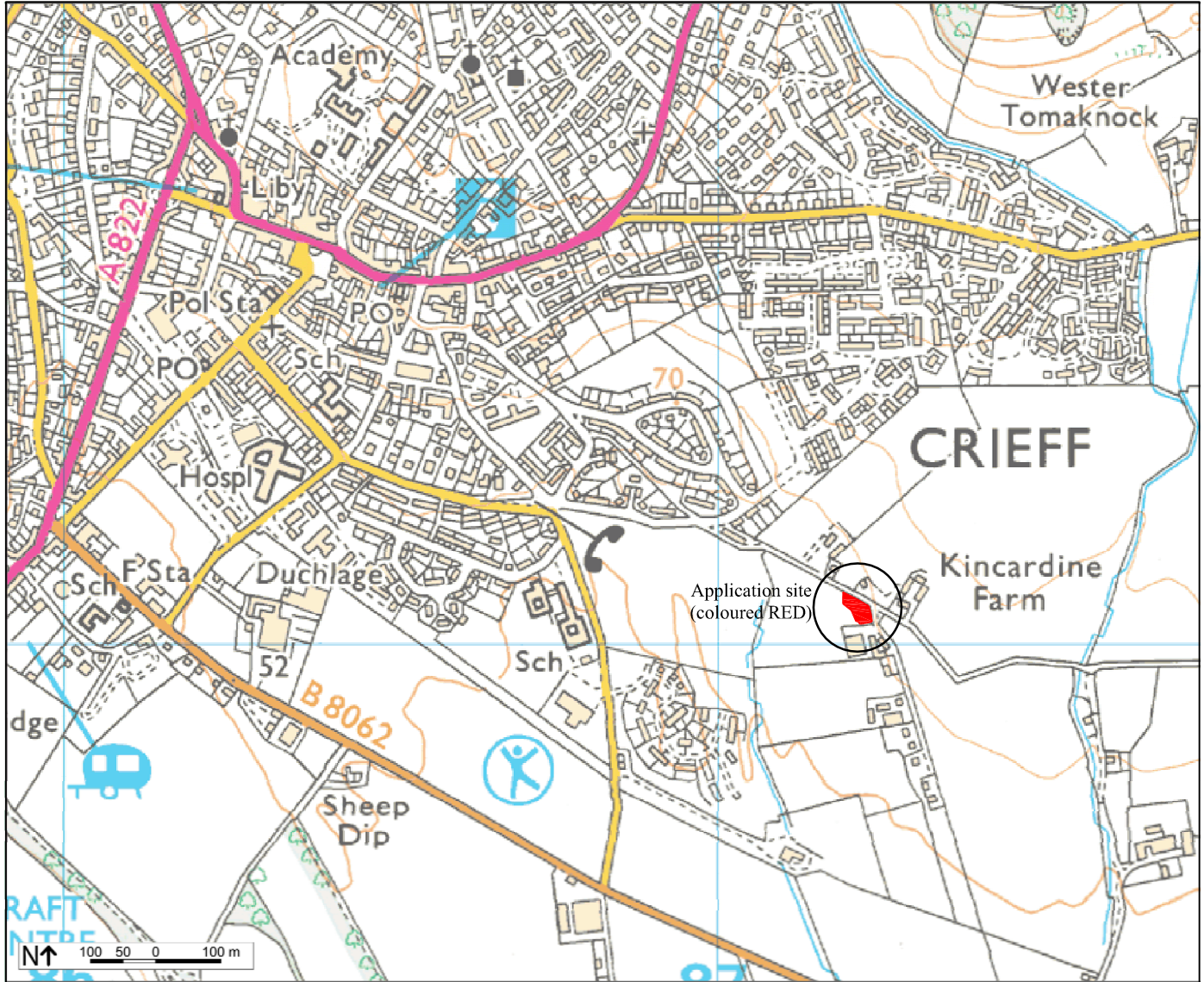
**Reasons:-**

- 1 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute infill development, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land. Furthermore, the proposal does not comply with the requirements of the building groups part of the policy in that the site does not lie within a group nor is it the extension of a building group onto a definable site as the site is not defined by topography or well established landscape features.
- 2 The proposal is contrary to Strathearn Area Local Plan 2001 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of a building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings and no operational need has been proven.
- 3 The proposal is contrary to Strathearn Area Local Plan 2001 Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing or screening the development, regard be had to the form of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The site has no established landscape framework which is capable of absorbing the impact of the proposed development.

**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





Rev A - Map amended to clearly indicate application site. SG 11.09.12

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#### HEALTH AND SAFETY NOTES:

Significant Residual Hazards	Present	Description	Significant Residual Hazards	Present	Description
Asbestos	<input type="checkbox"/>		Buried and Overhead Services	<input type="checkbox"/>	
Health Hazards	<input type="checkbox"/>		Underground Structures	<input type="checkbox"/>	
Structural Instability	<input type="checkbox"/>		Adjacent Activities	<input type="checkbox"/>	
Ground Conditions	<input type="checkbox"/>		Site Restrictions	<input type="checkbox"/>	
Contamination	<input type="checkbox"/>		Other (Specify)	<input type="checkbox"/>	

Client <b>Tainsh, Mr James</b>	Project <b>New House at No 4 Holding, Kincardine Rd, Crieff</b>	Drawing Title <b>Location Plan</b>
James Denholm Partnership ARCHITECTS 11 Dunira Street Comrie Perthshire PH6 2LJ Tel: (01764) 670899 Fax (01764) 670995 Email: admin@james-denholm.co.uk Web: www.james-denholm.co.uk	Purpose <b>Planning</b>  THIS DRAWING IS COPYRIGHT IF IN DOUBT, ASK	Scale <b>1:10,000 @ A4</b> Rev. <b>A</b>
Drawn by <b>BC</b> Dwg. No. <b>P02</b>	Date <b>02/07/12</b> Job No. <b>4231</b>	



**TCP/11/16(233)**

**Planning Application 12/01371/IPL – Erection of a dwellinghouse (in principle) on land 90 metres north west of 4 Holding, West Kincardine, Crieff**

## **REPRESENTATIONS**

- Representation from Environmental Health Manager, dated 14 September 2012
- Objection from Mr G Blyth, dated 21 September 2012
- Objection from Mr and Mrs Stewart, dated 30 September 2012
- Representation from Access Officer, dated 2 October 2012



# Memorandum

To	Head of Development Control	From	Environmental Health Manager
Your ref	PK12/01371/IPL	Our ref	LJ
Date	14 Sept 2012	Tel No	(47)5248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### **PK12/01371/IPL RE: Erection of a dwellinghouse (in principle) Land 90 Metres North West Of 4 Holding West Kincardine Crieff for Mr James Tainsh**

I refer to your letter dated 12 September 2012 in connection with the above application and have the following comments to make.

#### **Recommendation**

**I have no adverse comments in relation to the application but would recommend the undernoted condition be included in any consnet.**

#### **Contamination**

An inspection of the proposed development site did not raise any real concerns. However although visually the site seemed free from any significant ground contamination there are a number of sheds and outbuildings in the area, the history of which is unknown. A watching brief during redevelopment is required therefore I recommend the following condition be applied to the application.

#### **Condition**

The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.







Mr George Blyth.  
Croft View  
Wester Kincardine  
Crieff.  
PH 7 3 RA.

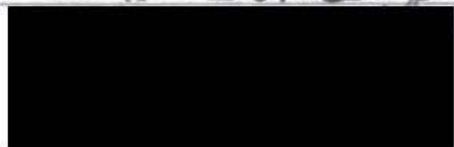
Planning Application Ref. = 12/01371/NPL.

Dear Sir or Madam,

The only reservation I have about this planning application is that the drain from tailrace of the septic tanks from Kincardine Farm Steading, Kincardine Farmhouse, Kincardine Farm Cottage and the tailrace from the septic tank at Croft View.

All that drainage ends up in a drain that runs directly through the site in question. I enclose the map you sent me showing the drain in Red ink.

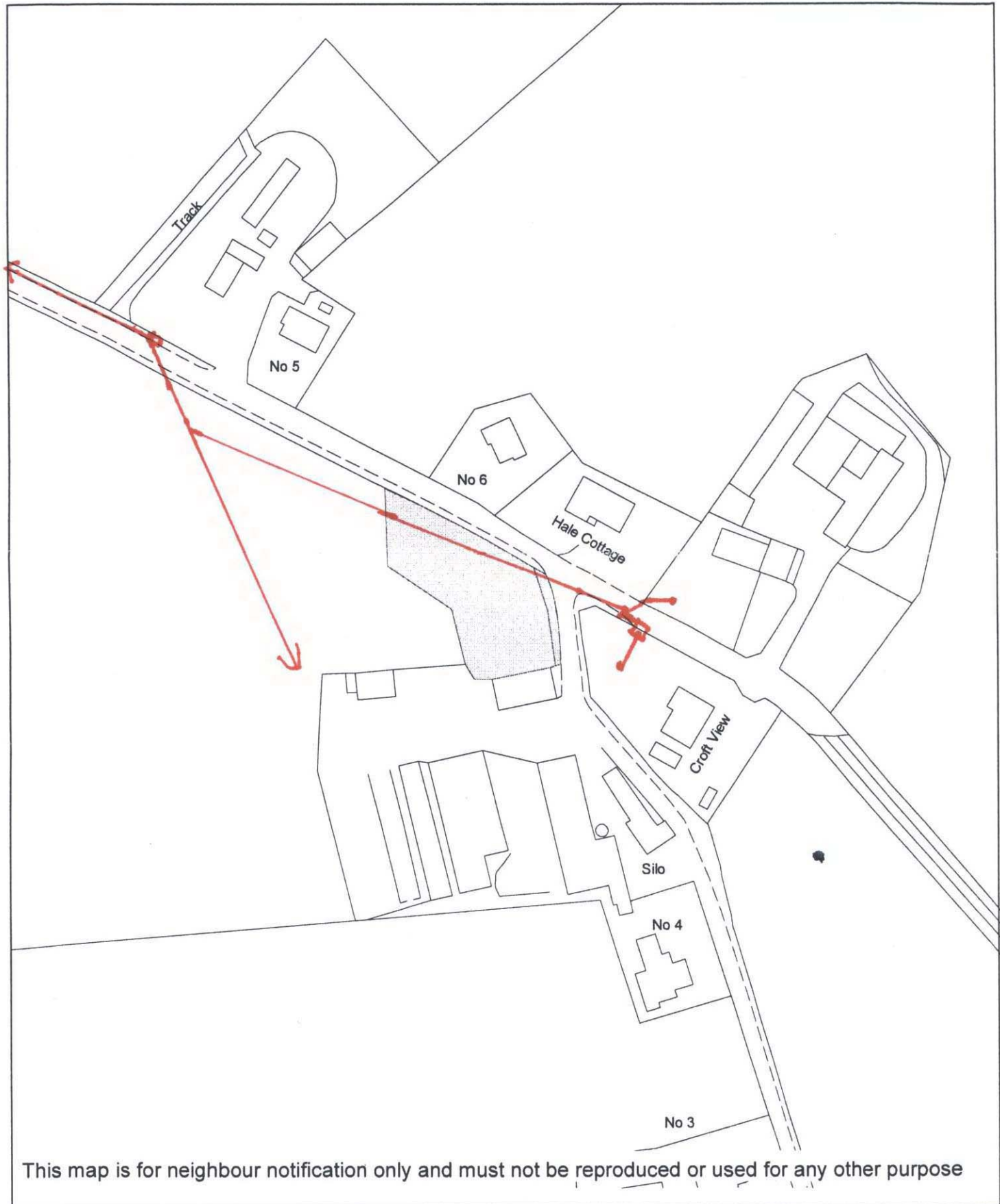
yours Sincerely



# Perth & Kinross Council NEIGHBOUR NOTIFICATION

Location Plan showing planning application site

RECEIVED  
27 SEP, 2012



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**Linda Al-Ibrahimi**

**From:** George Stewart [REDACTED]  
**Sent:** 30 September 2012 20:17  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application12/01371/pl

Myself and my wife live at Hale cottage directly opposite the proposed site for this application. We believe that this house if located on the proposed area of the site will have a detrimental effect on our property .

1. If the property is anything other than single story construction it will be out of keeping with all other properties in the immediate vicinity.
2. The proposed site currently is the area where large quantities of flood water and snow melt from the fields further east disperses to and currently and at no time has had any buildings upon it.
3. The property will be directly in line of sight from all our living accommodation effecting our outlook.
4. The property would be better located within the proposed site by locating on area currently occupied by proposed "redundant farm buildings"
5. Access to the site would not be best served onto single track road but better entered by current access point.

George and Mary Stewart  
Hale Cottage  
Wester Kincardine  
Crieff  
PH7 3RP





**Tracy McManamon**

---

**From:** Jane Pritchard  
**Sent:** 02 October 2012 14:48  
**To:** Development Management - Generic Email Account  
**Cc:** Andy Clegg; Anne Wilson  
**Subject:** 12/01371/IPL  
**Attachments:** 12-01371-ipl.jpg

With regard to the application for a dwellinghouse at West Kincardine Crieff please note 1 development is on a track which is a right of way and core path and will provide access to t A condition is essential here. Please see the map attached.

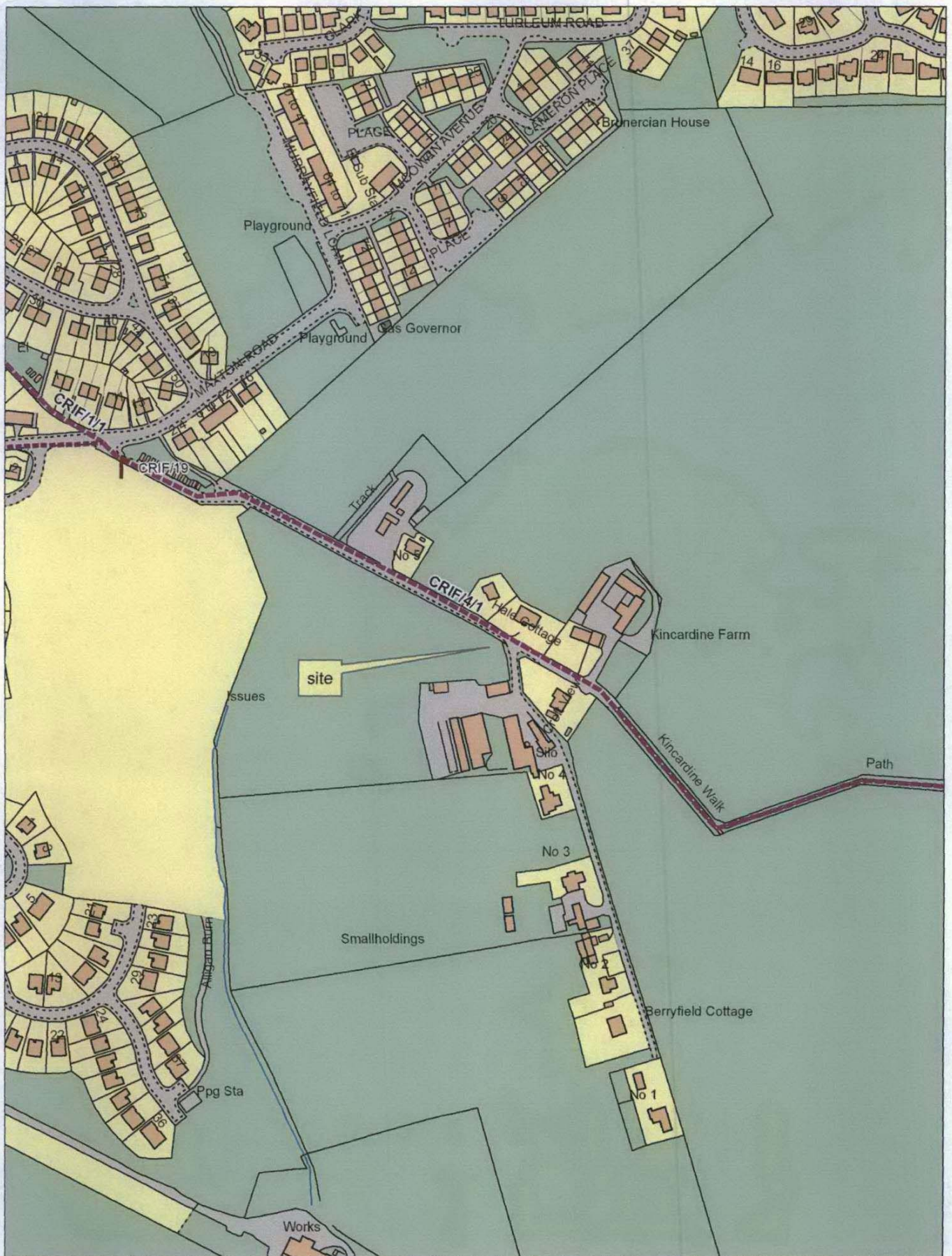
Suggested Condition: The core path/right of way shown in PURPLE on the attached plan must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the first house is occupied.

Reason: To ensure continued public access along the public paths.

Jane Pritchard  
Access Officer  
The Environment Service  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD  
01738 475332  
jpritchard@pkc.gov.uk







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**Title: 12-01371-lpl**

**Contact: J Pritchard**

**Date: Oct 2012**

Map for use in connection with Council duties  
under the Land Reform (Scotland) Act 2003



**Scale:**  
**1:3,000**

