

LRB-2022-36

22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG

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LRB-2022-36**22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG**

**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 OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

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.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name **MR. W. & MRS. J. DUNCAN**

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WEST GEORGE STREET
BLAIRGOWRIE
PH10 6DZ**

Contact Telephone 1 **% AGENT**
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Fax No

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Agent (if any)

Name **DAVID ROCHE**

Address **33 DARROCH GATE
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BLAIRGOWRIE
PH10 6GT**

Contact Telephone 1 **07804678763**
Contact Telephone 2
Fax No

E-mail* **drawscot41@gmail.com**

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

22/0047/FLL

Site address

**AGRICULTURAL STORE, 'CASTLEVIEW', CRAIGIE,
CLUNIE, BLAIRGOWRIE, PH10 6RG**

Description of proposed
development

**CONVERT EXISTING DISUSED STORAGE BUILDING
TO DWELLING HOUSE**

Date of application

12/3/2022

Date of decision (if any)

26 MAY 2022

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

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. 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) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

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

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.

1. Further written submissions ☒
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, 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 are necessary:

THE APPLICANTS BELIEVE THAT THE UNIQUE LOCATION & NATURE OF THE PROPOSALS ARE BEST APPRECIATED BY A SITE VISIT.

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. 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:

Statement

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

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

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

SEE ATTACHED.

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

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

A SPECIALIST REPORT BY AGRICULTURAL CONSULTANTS (SAC) WAS COMMISSIONED BY APPLICANT BUT DELAYS (OUTWITH OUR CONTROL/STAFF SHORTAGES ETC) MEANT IT DID NOT ARRIVE UNTIL SAME DAY AS RECOMMENDATION OF REFUSAL. THIS IS HIGHLY RELEVANT (AND SUPPORTIVE OF APPLICATION) AND IS THEREFORE BE INCLUDED. SEE * ABOVE

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 and intend to rely on in support of your review.

- APPEAL against Recommendation of REFUSAL (by APPLICANTS)
- SAC REPORT (by CONSULTANTS)
- PHOTOS OF EXISTING, E1-E5
- LOCATION PLAN & SITE PLAN: 001 B
- ELEVATIONS (PROPOSED) DRG 03A.

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.

Checklist

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

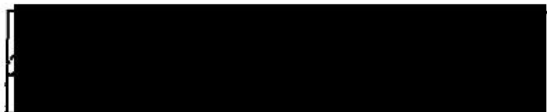
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

29 JUNE 2022

APPEAL against Recommendation of REFUSAL. Ref.22/00477/FLL
Proposed CHANGE of USE from AGRICULTURAL STORAGE
BUILDING to DWELLING HOUSE for Mr W. and Mrs J. Duncan
at 'CASTLEVIEW', CRAIGIE, CLUNIE, BLAIRGOWRIE, PH10 6RG

PREAMBLE : Any 'historic' unapproved works at this location took place before the Applicant took ownership of the land (having rented/worked it for some years previously) and were not in any way at his behest. He now seeks to regularise and greatly improve the situation by transforming the existing 'shed'/building into a home - much better integrated into its rural setting - and continue his modest livestock-breeding enterprise. The strong case for being 'on site' (animal welfare) is made elsewhere (see LAND USE).

We propose to address the REPORT OF HANDLING / DELEGATED REPORT's Recommendation of REFUSAL, dated 26 May 2022, in the order and description/headings presented by the Report, as follows:-

SITE VISIT: Given the chequered history of this site (see SITE HISTORY) it is surprising that the Council's officers did not make a site visit (instead relying on remote and electronic means) at which time they could have ascertained that the building is essentially where it received Planning Consent to be. Some confusion may have been created by the multitude of drawings dating from the 2009 Approval, some of which do show the distance from the NW face of the building to the access track incorrectly. While this error (seemingly not picked up by the Council in 2009) has been duplicated in some of the current Application drawings, it is academic; the building is sited where it got Planning Consent to be, ie as close to the bottom of the steep slope to the south east (see photo E1 and Cross Section overleaf) and as far back from the access track - and, incidentally, less visible - as is practicable.

BACKGROUND & DESCRIPTION OF PROPOSAL: (see also VISUAL AMENITY, DESIGN & LAYOUT). The proposals consist of extensive alterations to the external appearance to make the building more attractive and appropriate to its rural setting, with the interior re-modelled to form a comfortable 'retirement' home for the Applicants which, crucially, will allow Mr Duncan to continue his small-scale livestock (mainly cattle) business (see also LAND USE). The issue of drainage is addressed elsewhere.

Page 1 of 4

PROCEDURAL MATTER (DRAINAGE / 'Red Line'): The Applicant's Agent only "opted" not to include the existing drainage "within the site of the existing building" because the ground in question is on the other (north west) side of the access track (which is not in the Applicant's sole ownership) but is ground "owned or controlled" - IN THIS CASE OWNED - by the Applicant. It is standard procedure to delineate such ground in blue, which we have done. If the Council wish us to submit amended drawings showing it delineated in red we are happy to do so, but we note the Planners "consider it reasonable to process the Planning Application as it stands".

We agree that "in the event of Approval of this Application...the issues over 'off-site' drainage should be "fully considered..."

SITE HISTORY As stated, the site - and "the site opposite", ie 'Hawkhill' , on the other side of the track - do indeed have "a history of refusals". In the sense that a previous owner/Applicant seems to have chosen - or tried - to get round Planning Policy by erecting an extensive storage building with the apparent intention of subsequently converting it to a dwelling, we understand the Council's difficulty. However we are faced with a fact :- this unlovely structure **exists**, is surplus to requirements (it always was) and there is now an opportunity to make it more attractive/suited to its location, add to the rural housing stock and provide continuity of 'agricultural' activity in this rural location. (The Applicants may be willing to consider a Condition that any future sale requires a commitment to such continuity). The proposals contain an area for storage of machinery/equipment adequate for a modest livestock operation.

The matter of Private Drainage is addressed below. We note that the issue of drainage may be "time barred", which does seem to offer an opportunity to address it in a pragmatic manner...a modern treatment plant exists after all.

PRE-APPLICATION CONSULTATION, NATIONAL POLICY & GUIDANCE, DEVELOPMENT PLAN, TayPLAN and PKC LOCAL DEVELOPMENT PLAN

Noted

OTHER COUNCIL POLICIES, EXTERNAL CONSULTATION POLICIES, PKC LOCAL DEVELOPMENT PLAN

Noted

REPRESENTATIONS

Noted

It is surely significant that no "notified neighbour" or other interested party has expressed opposition to these proposals. It is our understanding that the local

community approve of, and are happy to encourage, Mr Duncan's livestock activity. As for the volume of traffic generated, this is unlikely to significantly increase as the Applicant would be 'on site', not travelling from Blairgowrie several times a day (see Land Use below), indeed may well decrease. NB The concern expressed that a similar development to the west (ie the derelict cottage at 'Hawkhill', on the other side of the access track) might be developed if this Application is approved is extremely unlikely, the remains of the cottage being now integrated into a cattle 'shed'.

ADDITIONAL STATEMENTS & APPRAISAL

Noted

Policy Appraisal We note that Policy 1 seeks to ensure that new developments "do not have an adverse impact on the area". The Applicants are seeking to greatly reduce the "adverse impact" of the existing structure, by creating an attractive dwelling (see drawings).

Land Use We note LDP2 and SPG 2020 seek to "support new housing in the countryside, in certain circumstances". We propose the circumstances detailed in this Appeal could hardly be more suitable to qualify for support.

The HITC 2020 definition of "traditional"- ie being built before 1919 - clearly does not apply, however within the constraints imposed by the existing structural 'envelope' the Applicant has introduced 'traditional' design elements (eg dormer window, timber cladding, re-rendering etc.)

The building is redundant and is used for general storage - not 'agricultural' purposes - only because it is there. (The Applicants' proposals contain a much smaller area for machinery/implement storage, adequate for his needs).

The Council's use of terms such as "farm", "detailed justification labour unit report" (?), "main farm buildings" etc does seem to be implying that the Applicant is making over-ambitious claims for his operation. This is not the case.

A detailed Report has been prepared by agricultural consultancy SAC but, unfortunately, due to circumstances outwith the Applicants' control, this was delayed in its issue by SAC staff shortages etc due to the recent pandemic, and arrived on the very day that the Planning Department issued its recommendation of Refusal. However the fact this report was "in the pipeline" was clearly signalled in our "Background and Supporting Statement" dated 29 March 2022.

This Report is attached and strongly supports the Applicants' case for on-site residency -(we would particularly draw attention to pages 6 and 7) - in particular on animal welfare grounds. In view of its centrality to the Applicants' case, we enclose a copy of the Report and trust that its contents will be fully taken into account.

Visual Amenity, Design and Layout

We note that our proposals "would improve the appearance of the building" With respect, we suggest the word "considerably" could reasonably be inserted here. Making this frankly ugly building into an attractive 'cottage style' dwelling is the responsible result to aim for.

Roads and Access

No comment

Drainage and Flooding

We agree that the previous owner appears to have ignored the "negatively worded Condition" regarding foul drainage; nevertheless the system installed is more than capable of dealing with the proposals in terms of capacity, phosphorous discharge etc. The Applicants are happy to provide any technical evidence requested by the Council, SEPA etc. that the treatment plant is up to current standards, and carry out any upgrading if required.

We note that the drainage/treatment facility may well now be "immune from enforcement action"; this surely presents the opportunity to regularise the situation (see above).

from 'Conservation' - 'Direction by Scottish Ministers'

No comment

CONCLUSION and REASONS FOR DECISION / Justification / Informatives

We contend that we have addressed the concerns and strictures detailed in the DELEGATED REPORT and request that the Council decline to support the recommendation to Refuse this Application. We invite them to consider that the Application should be granted not only to mitigate the 'blighting' of an attractive corner of Perthshire, but to encourage the continuation of genuine rural activity by the Applicants.

Signed, on behalf of W and J Duncan

David Roche D.Arch., RIAS

Agent

Date 29 June 2022

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Planning Justification Report

Castleview

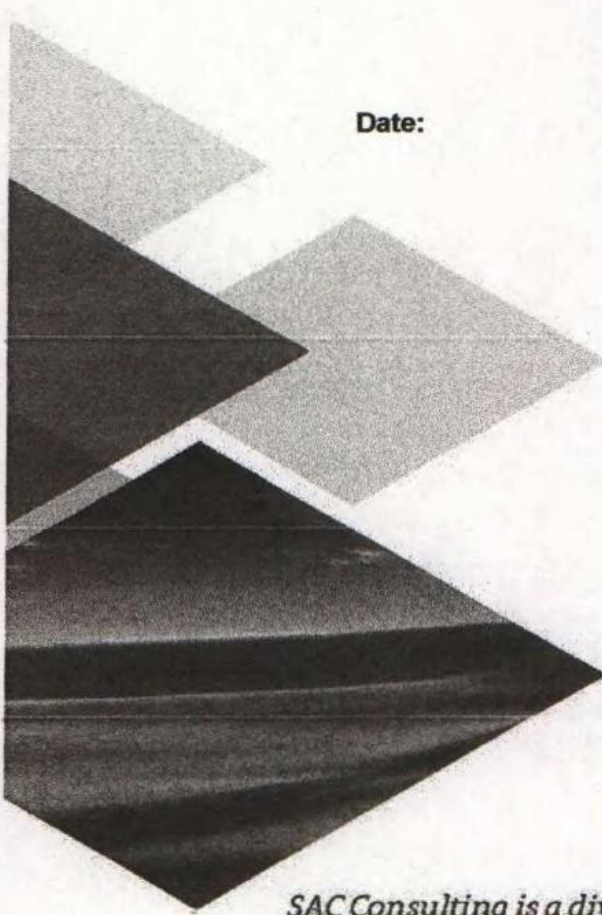
In support of application 22/00477/FLL

Prepared for: W & J Duncan

Prepared by: SAC Consulting

Contact: Mhairi Dalglish
Sandpiper House
Ruthvenfield Road
Inveralmond Industrial Estate
Perth
PH1 3EE

Date: May 2022



SAC Consulting is a division of SRUC

Leading the way in Agriculture and Rural Research, Education and Consulting

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Reviewed by:

Annette Marshall

This report has been prepared exclusively for the use of the above client, on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk. No responsibility or liability is accepted for any interpretation made by any party that may be made of the contents of this report.

INTRODUCTION

This report has been prepared at the request of Mr William Duncan to supplement a planning application for the change of use from an agricultural storage building to a dwellinghouse at Castlevue, Craigie.

Information about the business policy and factors that would support the proposed application was gathered by Mhairi Dalgliesh, SAC Consulting (Perth) in discussion with William Duncan.

The need for the justification for the change of use is based around the existing agricultural business.

This report has been produced in May 2022 from the information provided.

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 SECURITY 7

 HEALTH AND SAFETY 7

 ALTERNATIVE ACCOMMODATION..... 7

BACKGROUND INFORMATION

The business of W & J Duncan farms both sheep and cattle over an area of 5.4 owned hectares as well as renting additional grazing in the local area. The stock includes mainly 8 breeding cattle and their calves as well as the older calves from the previous years' calving. So currently there is 15 calves on site. Sheep are the smaller side of the farming business with 4 sheep being lambed annually. William Duncan is responsible for all of the work involved with the business.

Mr and Mrs Duncan purchased the site as it currently stands. The building sited at Castleview was built under planning permission for an agricultural storage building. However, in my professional opinion, this building is highly unsuitable to be used for agricultural storage. The doorway size and roof height is not suitable for access by agricultural vehicles and machinery to unload agricultural supplies such as feed or fertiliser far less store the vehicle itself.

Mr and Mrs Duncan have established a very good relationship with the neighbouring residents who are in support of their farming business and running this farming business from the site at Castleview.

By Mr Duncan being able to reside on site at Castleview, it would drastically improve the speed of response should there be any urgent health or welfare issues that arise within the stock. If Mr Duncan was living on site, it would be much easier to routinely check the stock at key times of the year such as calving or lambing. This would ensure that should there be an issue to address, it can be addressed quickly and cut out the significant travel that Mr Duncan is currently having to undertake. This is highlighted by a recent example where a cow got into difficulty while calving and the distance to which Mr Duncan is from the main farming unit meant that by the time he got to the cow and got vet assistance to the animal, the cow unfortunately could not be saved and Mr Duncan lost one of his herd.

This is a prime example of why with sheep and cattle, it is imperative that the farmer can live on site to monitor stock easily and ensure the high standards of welfare that Mr Duncan prides himself on are maintained.

Additionally, it would increase the general efficiency of farming operations and increase the overall security of the unit.

SUMMARY AND CONCLUSION

The business of W & J Duncan farms cattle and sheep over an area of 5.6ha (owned land at Castleview) with additional grazing being rented in the local area.

There is currently no accommodation on site at Castleview however the design of the building that currently exists would be very easily adapted to a dwellinghouse.

There is a need for this change of use application so that William can live on site at Castleview to improve the ease of monitoring stock and bringing stock in to shelter to deal with veterinary or medical issues while also increasing the security of the farmland.

Based on the current farming activity, the estimated annual labour requirement for the farming operations is 0.23 labour units. However, there is a much stronger argument in terms of practicality and animal welfare.

This report fully supports the application to change the use of the agricultural storage building at Castleview to a dwellinghouse.

The building is in an ideal location to monitor stock in the surrounding fields and also access the areas of shelter/sheds.

The change of use to this existing building would not negatively impact on other residents' views.

The land around the existing building has no environmental significance or designated sites associated with it such as Sites of Special Scientific Interest (SSSI). Furthermore, there are no listed buildings or scheduled monuments near the existing building. Therefore, any changes that are proposed to the building would not result in a loss of any environmental or historic features.

LABOUR REQUIREMENTS AT CASTLEVIEW

Using Standard Labour Data for Agricultural and Horticultural Activities, sourced from Defra UK Farm Classification Document (October 2014), and information on existing land areas and livestock numbers the labour profile for the farming enterprises was calculated.

The calculation shows that the current farming system at Castleview has the justification for 0.23 labour units. The background information given above highlights the essential need for the dwellinghouse at Castleview.

This is a modest assessment of the labour needed as it does not account for the ever-increasing administrative tasks required by farming businesses for regulation or accountancy purposes.

The Standard Work Capacity is taken as 1,900 hours/person/year. This is calculated on the assumption that one person would work 39 hours per week and takes illness and public holidays etc. into account.

Land	Area (ha)	Hours/Annum/Ha	Total
Grassland - Grazing	5.6	3.1	17.36
<i>Sub total</i>			17.36
Livestock	Number	Hours/Annum/Number	Total
Beef cows	8	26	208
Other cattle	15	12	180
Ewes and rams (LFA)	4	3.7	14.8
Lambs (non-LFA)	8	3.1	24.8
<i>Sub total</i>			427.6
TOTAL			444.96
<i>Standard Labour Unit</i>			1,900.00
LABOUR REQUIREMENT (LU)			0.23

Table 1: Labour Requirements at Castleview

THE NEED FOR ON-SITE ACCOMMODATION

Animal Health and Welfare

With Mr Duncan able to live on site, it will make routine supervision of the sheep and cattle far easier and ensure high levels of animal welfare are maintained.

This will be crucial at the times of the year when the stock require frequent monitoring such as lambing and calving. With a permanent presence on site, it would ensure that Mr Duncan could pen up cows or sheep on site that require particular attention or supervision and be assured that he could keep a very close eye on them. Whereas currently with no dwellinghouse on site, he requires to house stock that require close attention in a trailer outside is home which is a far from ideal arrangement.

With sheep, they require close attention and care at lambing time to check for pregnancy toxemia, lambing issues or abortion. If a ewe is having difficulty lambing, then a timely response is critical to be able to save both the ewe and the unborn lamb. The same applies to calving cows and this was highlighted by Mr Duncan's unfortunate and avoidable loss of a cow during the 2022 calving period.

Within the cattle, sudden illness and injury are all issues that can arise and reasons why Mr Duncan requires to live on site to be able to regularly monitor the stock at all times of the day. Within sheep, issues such as fluke and blowfly strike are common with 1.5% of ewes and 3% of lambs in the UK affected each year by blowfly strike. However, symptoms are not always obvious hence why sheep need daily checking through the high-risk periods.

Efficiency

Having somebody on-site on a permanent basis is essential to conduct aspects of running the business such as taking delivery of fertiliser, feed and supplies. By having somebody onsite would help manage the checking and unloading of inputs. If Mr Duncan was able to live on-site then this would help to ensure the efficiency of working practices.

Security

Security is a hugely important consideration for this business. Opportunist theft and vandalism are ever increasing incidents in the rural area. These incidents result in much aggravation and add to the daily operations on the business but are also a severe financial burden.

Currently, with nobody living at Castleview on a permanent basis, the site is at an even greater risk of being subjected to theft or vandalism.

Health and Safety

With the increasing awareness by the public of their access rights to the countryside there is potential for safety problems at Castleview resulting from people not fully understanding their responsibilities in the countryside. Therefore, on-site accommodation is essential to allow better control of people entering the farmland at Castleview and ensure that they do not compromise their safety or that of the livestock.

The main risks at Castleview include:

- Stock being let out of fields and gaining access to roads.
- Movement of machinery such as tractors

These risks are all manageable when there is appropriate staff on-site to help educate people and to direct people away from causing potential harmful situations.

Alternative Accommodation

Currently Mr Duncan is living in Blairgowrie and needs to complete frequent trips to be able to properly care for his stock. These trips are resulting in excessive fuel use in order to be able to farm effectively. In May 2022, a spend of £120 on fuel was lasting less than 2 weeks due to the number and frequency of trips in the pick-up that were required.

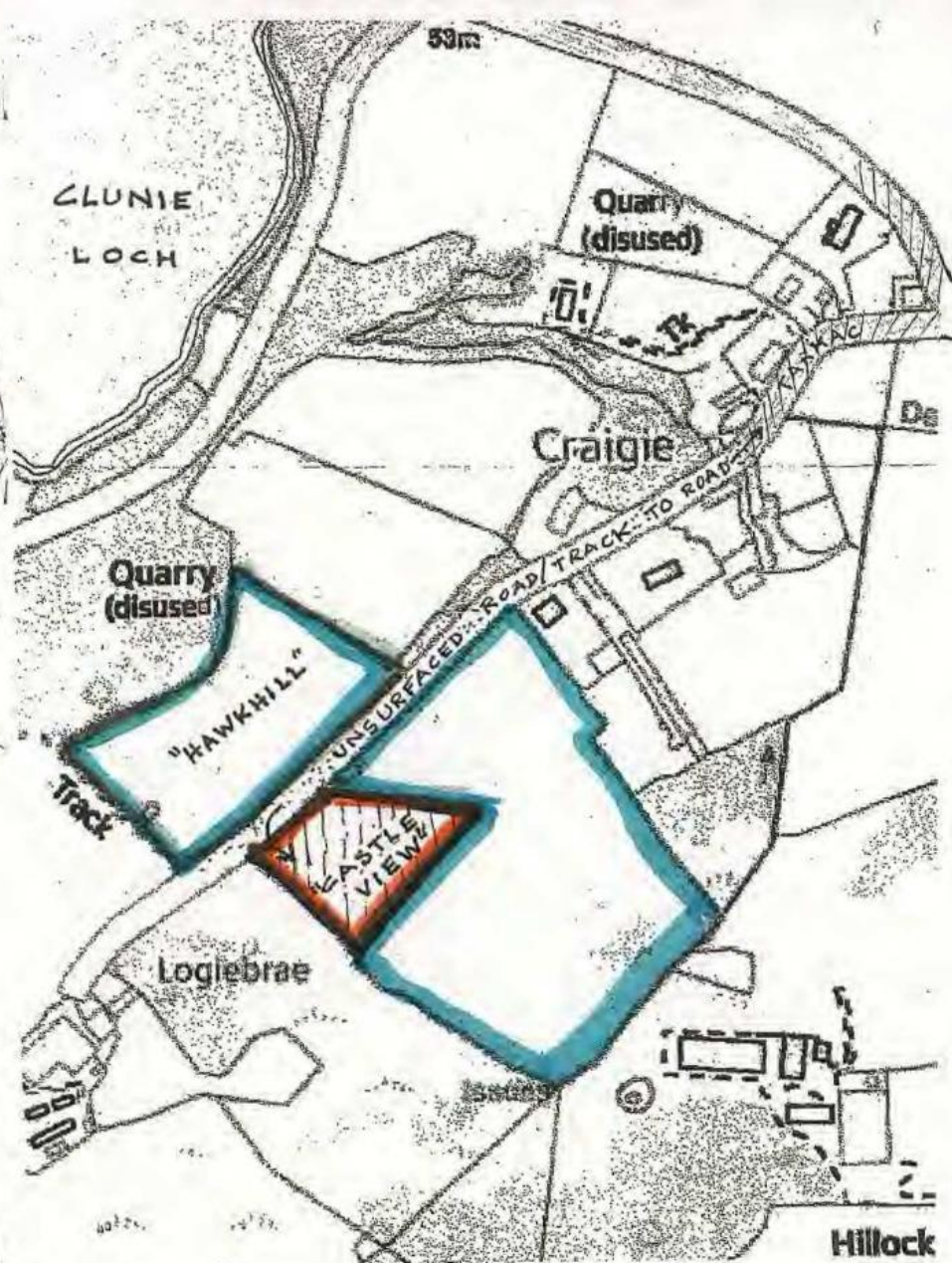
No dwelling houses or plots of land have been sold by Mr and Mrs Duncan in the last 5 years. There are no vacant houses in the immediate vicinity to Castleview that Mr and Mrs Duncan could move into.

However, the building (initially built as an agricultural storage shed) that sits at Castleview is designed in a way that it could easily transition to a house.

The approval of this change of use application would mean that this building could be utilised and given a purpose rather than solely being used for occasional items of storage as happens currently.



SITE PLAN (Existing) SCALE 1:500
Proposed Conversion of Store to Dwelling House, Craigie, Blairgowrie, PH10 6RG



DRG. NR.	Scale	TITLE	LOCATION PLAN	Date	Revis.	Date
001	1:2500 1:500	SITE PLAN, EXISTING		Mar 22 21 Apr	B	Mar 22 20
B	• Show slab level • Correct Land Ord.C. by Applicant thus • Delineate road			D.R.A.W. Architect Coupar Angus		



E1 View from North East (showing slope)
(Cross section overleaf)

E2 North East gable.

E3 View from North

E4 Front elevation, from North West

E5 View from South West

PERTH & KINROSS COUNCIL

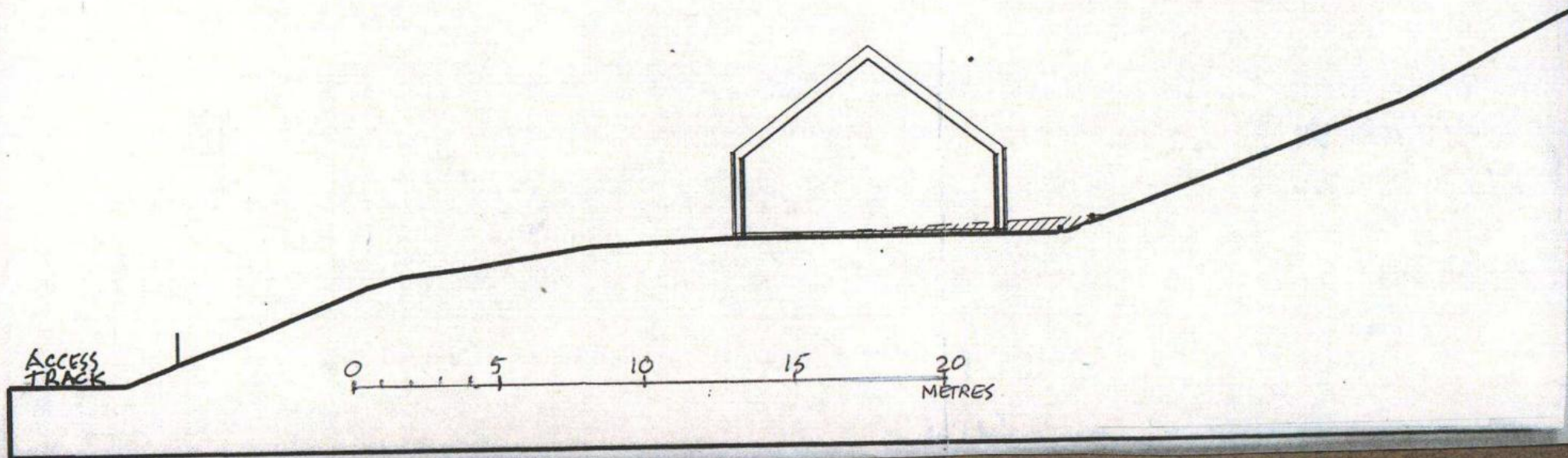
APPLICATION No. 09/00170/fv

APPROVED CONDITIONALLY/UNCONDITIONALLY
UNDER THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACTS AND REFERRED TO IN THE
APPROVAL DATES

22 JUN 2009

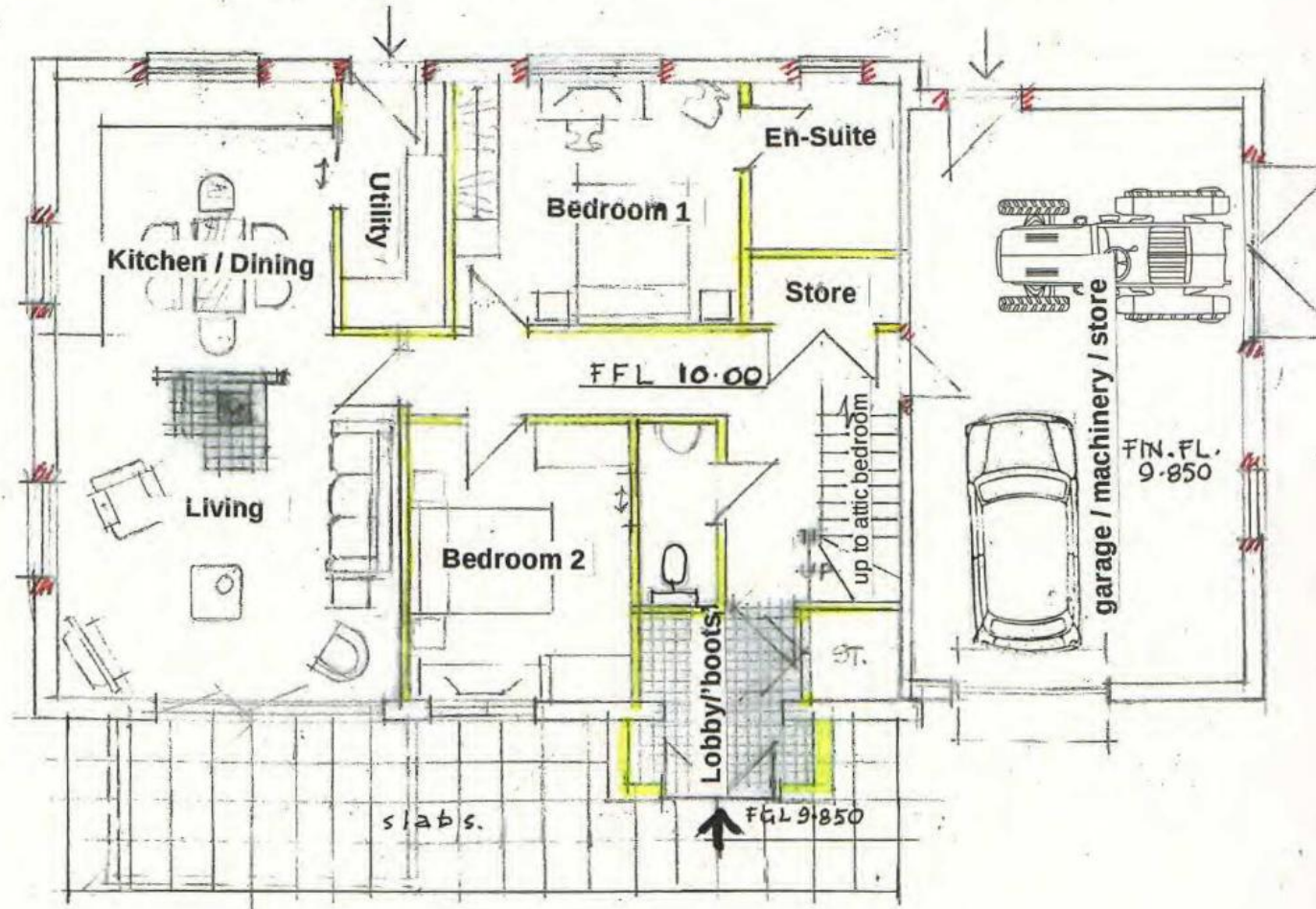
ATTACHED HERETO

DEVELOPMENT QUALITY MANAGER

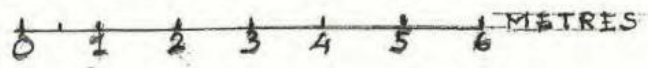




Front (North West) Elevation

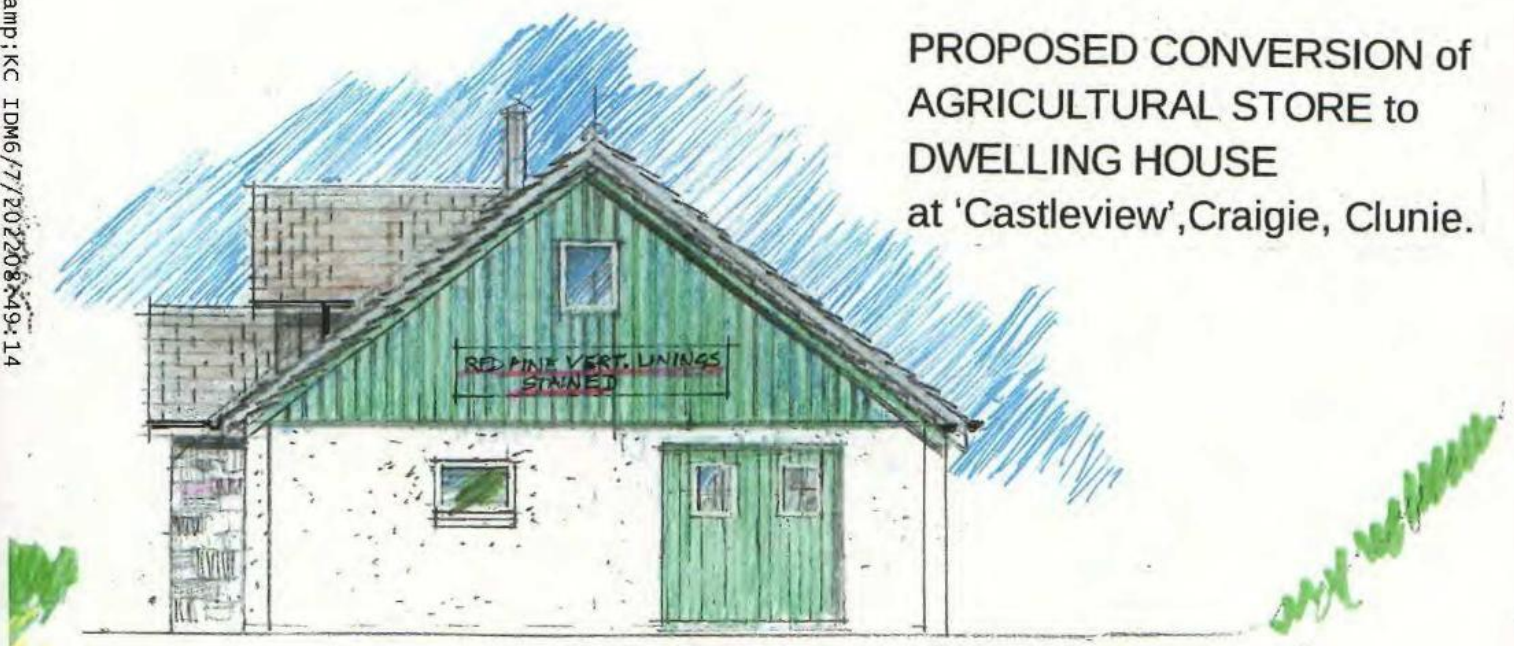


PLAN Scale 1:100



pg&mp:kc IDMG/7/202208249:14

PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castlevue', Craigie, Clunie.



Side (South West) Elevation



Side (North East) Elevation



Rear (South East) Elevation

DRG. NR.	Scale	TITLE PROPOSED PLAN	Date	Revis.	Date
03	1:100	and ELEVATIONS	Mar 22	A	28/3/22
	A517	A-Notes etc added 29/3/22			
D.R.A.W. Architect			Coupar Angus		

LRB-2022-36
22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, page 513)*



Mr And Mrs William And Judith Duncan
c/o D.R.A.W
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PH13 9AZ

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35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **26th May 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00477/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 7th April 2022 for Planning Permission for **Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue Land 160 Metres North East Of Logie Brae Farm Craigie Clunie**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is for a conversion of a non-traditional building in an isolation location, which is not part of a building group or an infill opportunity. There is insufficient evidence to demonstrate that there is a justified economic need for a dwelling in this location. To this end, the proposal is contrary to Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Guide 2020 as the development does not accord with any of the 6 listed categories of acceptable development.
2. It has not been demonstrated that the total phosphorus discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence/authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. To this end, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

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.

Notes

1 The applicant should be aware that an enforcement investigation in relation to the authorised foul drainage system, and the amended location of the approved agricultural shed - is to commence.

The plans and documents 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

01

02

03

04

05

06

07

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00477/FLL	
Ward No	P5- Strathtay	
Due Determination Date	6th June 2022	
Draft Report Date	25th May 2022	
Report Issued by	AMB	Date 26 May 2022

PROPOSAL: Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue

LOCATION: Land 160 Metres North East Of Logie Brae Farm
Craigie Clunie

SUMMARY:

This report recommends **refusal** of a detailed planning application for the change of use of an existing agricultural building to a dwelling on a site outside Clunie, as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This proposal seeks the change of use of an existing modern agricultural building to a dwelling, on a rural site outside Clunie within the Lunan Valley area. To facilitate the change of use, some external alterations are proposed – which include dormers at first floor level as well as other window / door alterations, and a small extension. The main fabric of the building will remain.

The site is accessed via private access, and it is proposed to connect to an existing private drainage system which has been installed off site – and outwith the planning red line planning site.

PROCEDURAL MATTER

Drainage / Redline

It is noted that the applicant has opted not to include the proposed drainage system within the planning unit. In this case, they have connecting to an existing system, which has not obtained planning permission in its own right and its installation is specifically contrary to the terms of the planning permission which related to the existing agricultural building.

Drainage for this site is particularly sensitive, and is part of one of the main planning issues. The exclusion of it from the planning application site is a concern, as any forthcoming planning permission will seek control over the drainage system, which is far more challenging if the system is outwith the redline - albeit within a blue line which represents land within the applicants control.

However, in this case as the ultimate recommendation is for a refusal it is considered reasonable to process the planning application as it stands, however if in the event of any approval of this application being forthcoming the issues over off site drainage and controls over it should be fully considered before a decision is issued.

SITE HISTORY

The area (including the site itself) has a very long history of refusals relating to a combination of new build residential, and the siting of both temporary and permanent caravans – all with new foul drainage. The most recent of which was 18/00489/IPL for a new dwelling on the site opposite.

An agricultural shed was approved on this site in 2009 (09/00170/FUL) however from looking at the plans and images from Google, the shed has actually been built approx. 10m further SE from the details shown on 2009 application, and drainage installed.

Condition 4 of the 2009 permission explicitly excluded private drainage.

Both these elements *may* now however be time barred – if commenced / installed 10+ years ago, which is possible but not proven.

PRE-APPLICATION CONSULTATION

A pre-application response was issued to the agent concerning this development (19/00339/PREAPP), which raised concerns over the proposal's compatibility with the LDP2 and the SPG on Housing in the Countryside.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. The SPP looks to support new housing in the open countryside

in sustainable locations, and to protect our environmentally sensitive sites from inappropriate new developments.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the landward area of the LDP2, and within the Lunan Valley area where the following policies are applicable,

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

Policy 45A: Lunan Lochs Catchment Area

OTHER COUNCIL POLICIES

Placemaking Guide 2020

This is the most recent expression of Council policy towards Placemaking Standards.

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policy towards developer contributions.

Housing in the Countryside 2020

This is the most recent expression of Council policy towards new housing in the open countryside.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and raised no objections.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal and have raised no objections in terms of the proposed vehicular access and parking issues.

Development Contributions Officer has commented on the proposal and indicated that a developer contribution in relation to Primary Education is required in the event of any approval being forthcoming.

Environmental Health have commented on the proposal in terms of the proposed stove and air quality and have recommended a standard condition to be attached to any permission.

Biodiversity/Tree Officer was consulted on the proposal but have opted not to make any specific comment.

REPRESENTATIONS

One letter of representation has been received, which is a neutral comment.

The main points raised within this letter is that there is a concern that if this application is approved, a similar proposal will be supported (eventually) to the west ie consent for a agricultural store proposed, then in the future a further application lodged for a dwelling.

A concern has also been raised about the volume of traffic using the private access.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required (refusal)
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Not Required

APPRAISAL

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 and the adopted LDP2.

In terms of other planning considerations, consideration of the Council's SPG on Placemaking, Housing in the Countryside and also Developer Contributions are all material considerations.

Policy Appraisal

In terms of land use policies, the key policies are found within the LDP2.

Within that plan, *Policy 1 (Placemaking)*, *19 (Housing in the Countryside)* and also *45 (Lunan valley)* are all relevant.

Policy 1 seeks to ensure that all new developments do not have an adverse impact on the area in which they are located, whilst *Policy 19* is the LDP2 version of the HITC policy and needs to be read in conjunction with the SPG of 2020. Both these policies offer support for new housing in the open countryside, in certain instances.

Policy 45 looks to protect the environmentally sensitive Lunan Valley area, and to control private drainage.

Land Use

The site is located within the landward area, where the housing in the countryside policies are applicable – as contained within the LDP2, and the SPG of 2020. Both these documents look to offer support for new housing in the open countryside in certain instances.

The proposal is not part of a building ground, not an infill site, not a renovation or replacement of an existing house and is not a brownfield site.

The HITC policies offer support for the conversion (or replacement) of non-residential buildings, but this only relates to traditional buildings – not modern ones. The fact that this agricultural store has been wet dashed and finished with slates does not make it traditional.

The HITCG 2020 defines ‘traditional’ as being a building which was built before 1919, and as such the proposal does not accord with this section of the HITC policies. There is also some doubt about whether or not the building is redundant, or still in use. If the building is not redundant, then as well as not being traditional, it would also not align with the redundant element of the HITC policy.

The HITC policies also offer support for economic need housing, and some mention of this has been made within the applicant’s supporting submission. However, the extent of the ‘blue line’, which indicates land within the applicant’s control appears relevantly small for a functional farm unit and there is no indication of what is occurring on the land in terms of a functional farm operation, and a detailed justification labour unit report. There is also no details of where the main farm buildings are, and how the farm functions.

Ultimately, there is insufficient information available to demonstrate beyond reasonable doubt that firstly, there is a genuine farm operation in existence and secondly that there is a need for onsite presence.

In all, the proposal does not accord with the HITC as contained within the LDP2 or the SPG of 2020.

Visual Amenity, Design and Layout

In terms of the impact on the visual amenity of the area, the proposed changes would improve the appearance of the dwelling,

However, this alone is not a reason for supporting the proposal when the principle of a residential use on the land is not acceptable and there remains a concern over the proposed drainage arrangements.

Residential Amenity

The proposal does not directly affect any existing residential amenity. A standard condition should however be attached to any permission in relation to the stove, to ensure air quality is protected.

In terms of being able to provide a suitable level of residential amenity for future occupiers of the dwelling, a suitable level of usable amenity space is being delivered for the size of dwelling proposed.

Roads and Access

The proposal raises no issues in terms of road relates matters.

Drainage and Flooding

In terms of drainage issues, the site is located within an environmentally sensitive area which is locally known as the Lunan Valley. New stand-alone systems are not generally permitted within this area, and a new development must ensure that the total phosphorus discharge must not exceed the current level.

In this case, the approved agricultural unit had a negatively worded condition which was explicit insofar as no foul drainage was to be approved. Regardless of whether or this element is immune from enforcement action, it is unregulated and unconsented, and the exact details of the system which has been installed has not been provided.

No details of many people have been using the inside toilet have been submitted, what the capacity of the existing system is and how it discharges - so even working on a basis that the system is now immune from enforcement, if it cannot be demonstrated that the existing usage would be comparable to a family home – the proposed residential use would not comply with *Policy 45* of the LDP2 as it has not been demonstrated that the phosphorus discharge from this development does not exceed current levels.

It is also not clear is a CAR licence is in place for the existing system, and the proposed system is outwith the red line planning site.

Conservation Considerations

The proposal does not impact on any cultural heritage issues.

Natural Heritage and Biodiversity

The proposed drainage arrangements could have an adverse impact on the integrity of the Lunan Valley area, which is environmentally sensitive. In the event that the existing building, which has been built with slates, has been empty for some time then there could be local or protected habitats using the building and this should be assessed further in the event of any approval being considered.

Developer Contributions

In the event of any approval being forthcoming, a developer contribution in relation to Primary Education would be required to be secured.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

The planning application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

- 1 The proposal is for a conversion of a non-traditional building in an isolation location, which is not part of a building group or an infill opportunity. There is insufficient evidence to demonstrate that there is a justified economic need for a dwelling in this location. To this end, the proposal is contrary to Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Guide 2020 as the development does not accord with any of the 6 listed categories of acceptable development.

- 2 It has not been demonstrated that the total phosphorus discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence/authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. To this end, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

Justification

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

Informatives

The applicant should be aware that an enforcement investigation in relation to the authorised foul drainage system, and the amended location of the approved agricultural shed - is to commence.

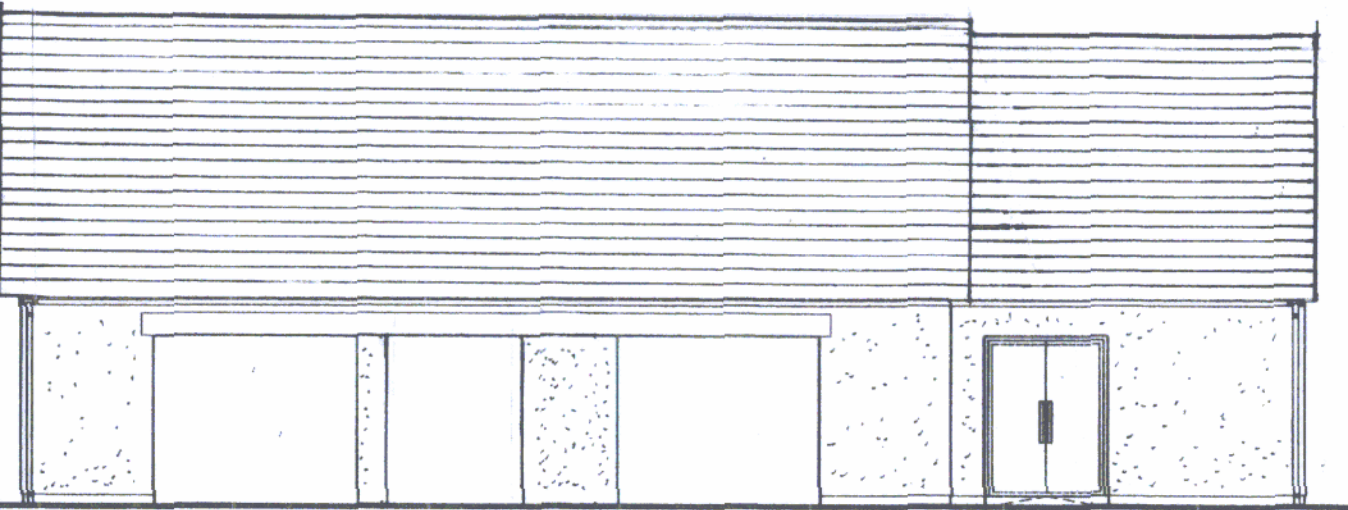
Procedural Notes

Not Applicable.

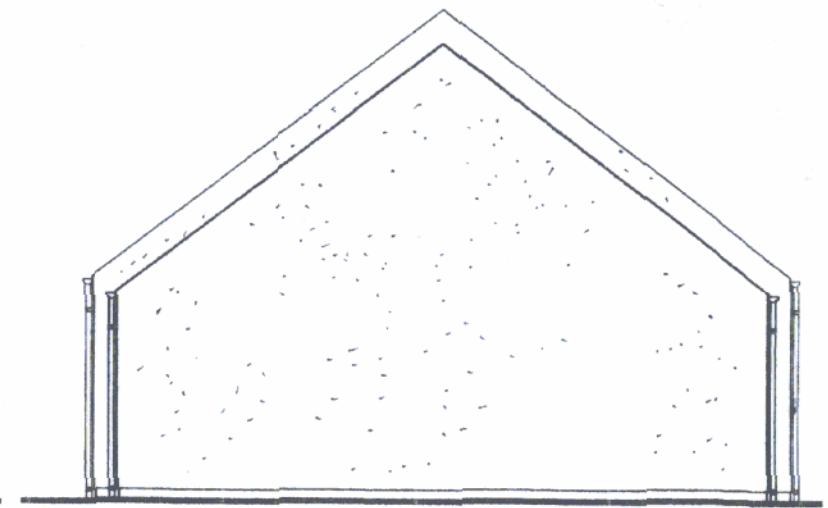
PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 – 07 (inclusive)

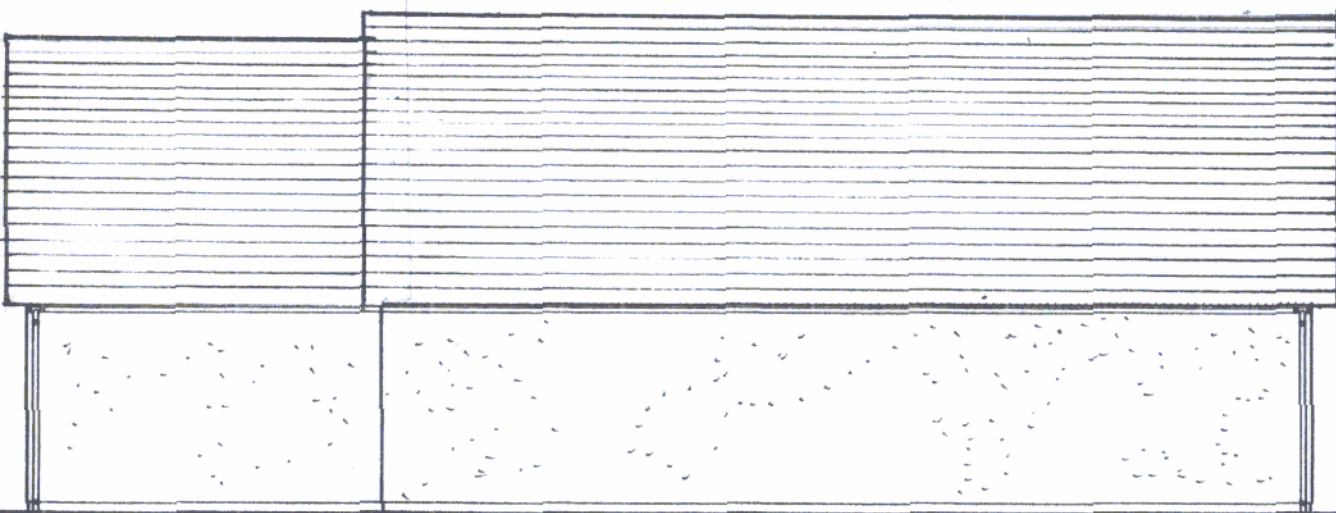
DRG. NR.	Scale	TITLE	LOCATION PLAN	Date	Revis.	Date
01	1:2500 1:500	SITE PLAN, PROPOSED			A	Mar 28 2012
			D.R.A.W. Architect	Coupar Angus		



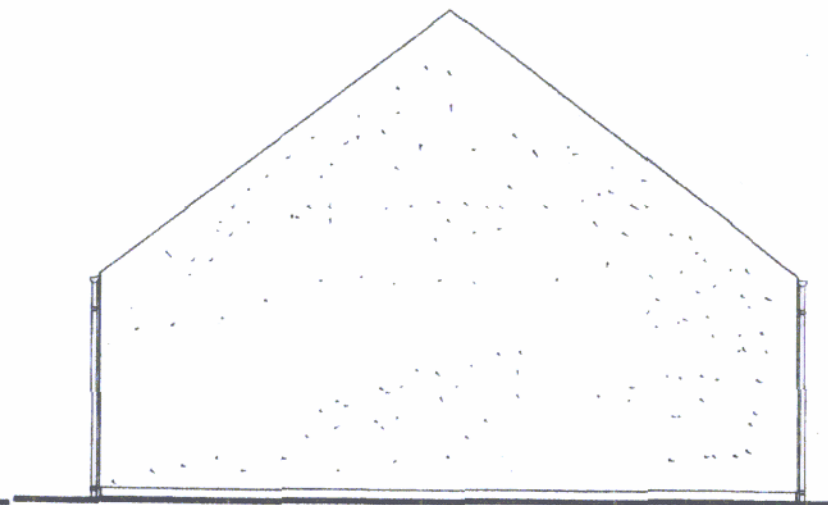
North West Elevation



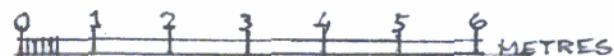
South West Elevation



South East Elevation



North East Elevation



Scale 1:100

PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castlevue', Craige, Clunie.

DRG. NR.	Scale	TITLE	Date	Revis.	Date
02	1:100	EXISTING ELEVATIONS	Mar. 22	A	18/3/22
D.R.A.W. Architect, Coupar Angus					

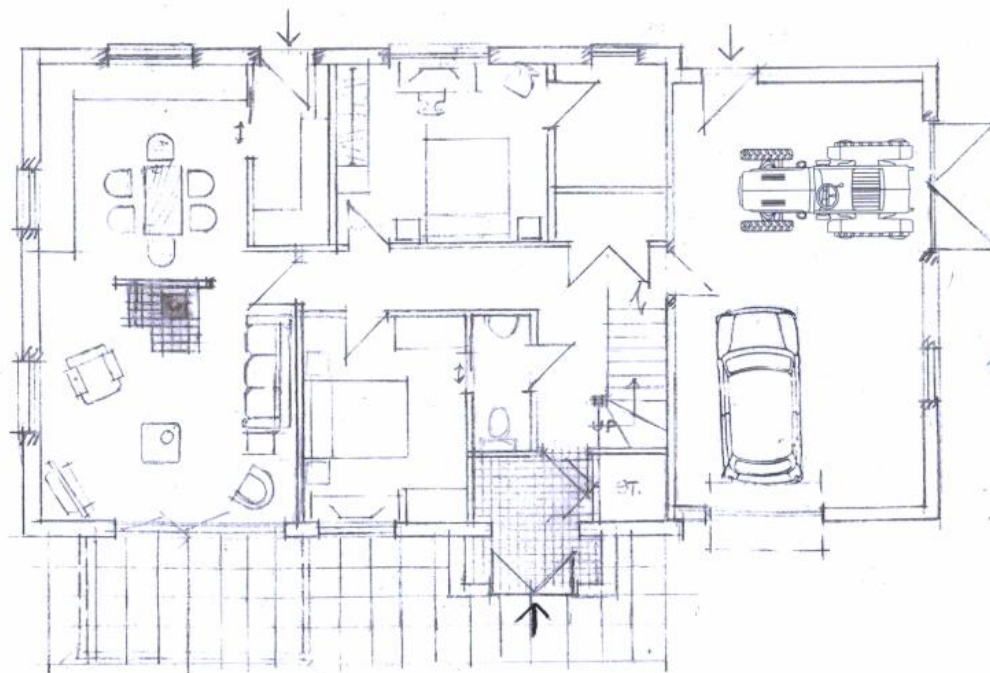
PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castleview', Craigie, Clunie.



Front (North West) Elevation

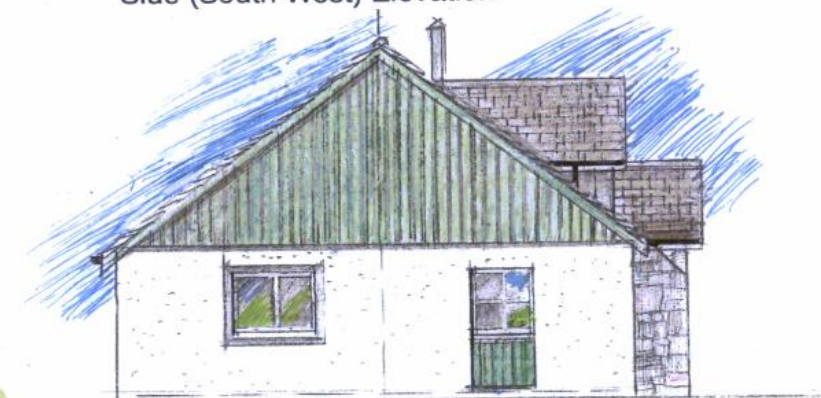


Side (South West) Elevation

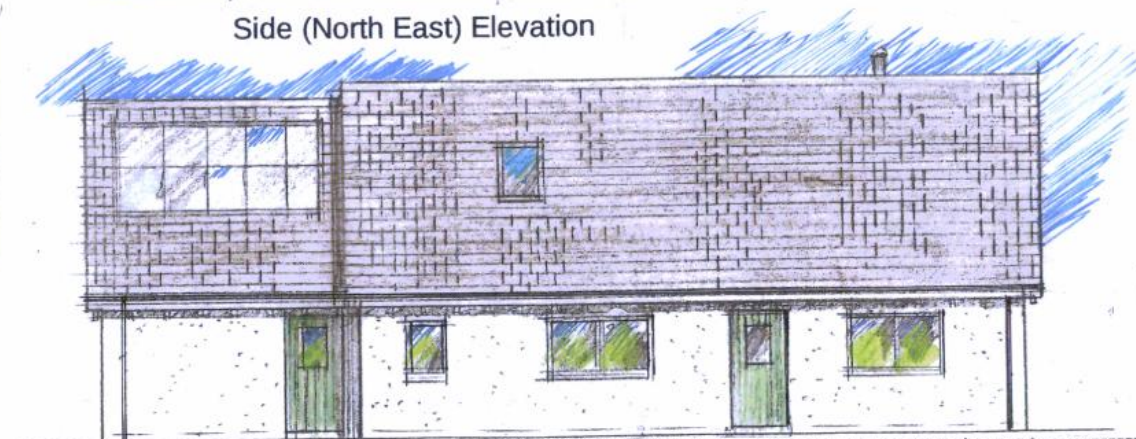


PLAN Scale 1:100

0 1 2 3 4 5 6 METRES



Side (North East) Elevation



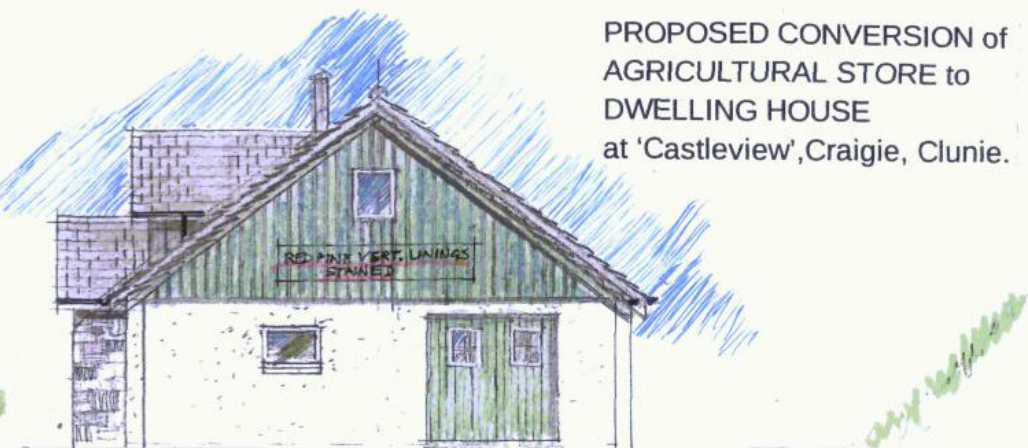
Rear (South East) Elevation

DRG. NR.	Scale	TITLE PROPOSED PLAN	Date	Revis.	Date
03	1:100	and ELEVATIONS	Mar 21		
D.R.A.W. Architect Coupar Angus					

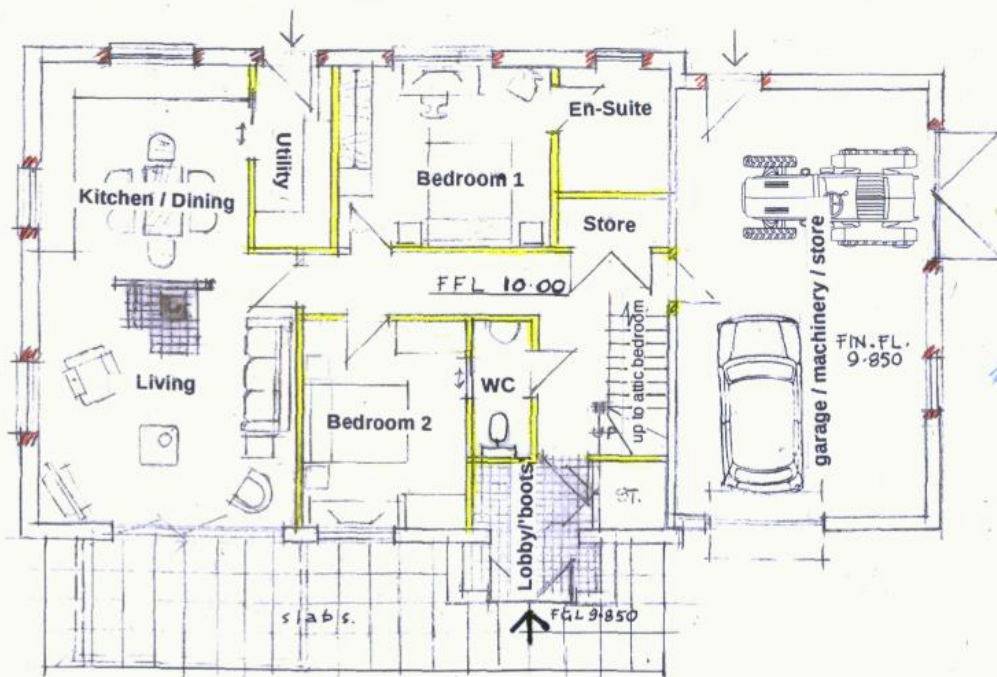
PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castlevue', Craigie, Clunie.



Front (North West) Elevation



Side (South West) Elevation

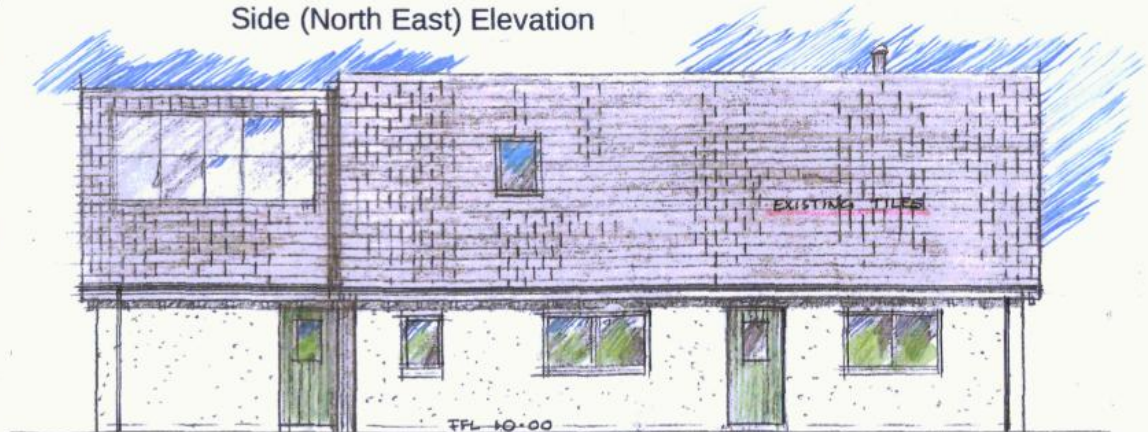


PLAN Scale 1:100

0 1 2 3 4 5 6 METRES

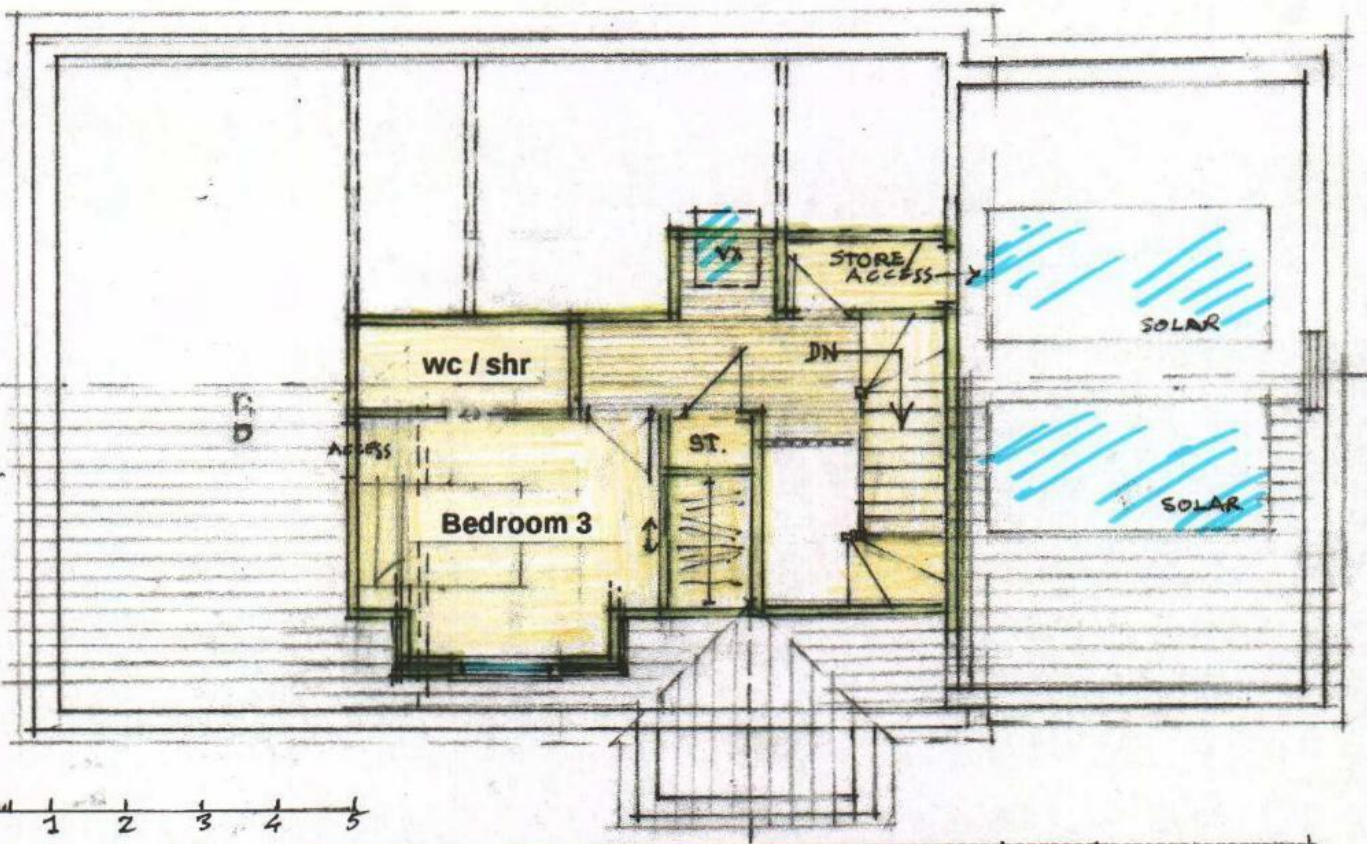


Side (North East) Elevation



Rear (South East) Elevation

DRG. NR.	Scale	TITLE PROPOSED PLAN	Date	Revis.	Date
03	1:100	and ELEVATIONS	Mar 22	A	28/3/22
A		A-Notes etc added 29/3/22	D.R.A.W.	Architect	Coupar Angus



0 1 2 3 4 5
SCALE 1:100

DRG. NR.	Scale	PROPOSED CONVERSION of AGRICULTURAL STORE to	Date	Revis.	Date
04	1:100	HOUSE, Craigie, Clunie,	5/4/22		
		UPPER FLOOR PLAN			
		D.R.A.W. Architect Coupar Angus			

PROPOSED DEVELOPMENT of AGRICULTURAL STORE to form DWELLING HOUSE at 'Castlevue', Craigie, Clunie, PH10 6RG, for W. and J. DUNCAN
BACKGROUND & SUPPORTING STATEMENT 22 / 00477 / FLL

NB. With reference to the Council's 'invalidity' letter dated 24 March 2022, the following supercedes all previous Background and Supporting information supplied (including as amended by our letter dated 18 March 2022). Revised drawings are also submitted.

The background to this Application may be familiar to the Council and its Planning Officers. The previous owner was given permission to erect a building here, ostensibly for agricultural/storage purposes. The design of the building and the materials used made it pretty clear that the intention was to convert the property to a dwelling house in the future.

Since then, the Council, invoking their Houses in the Countryside and Lunan Valley etc. policies have discouraged that notion. The situation, for some years now, might be called the worst of all worlds:- an unlovely building, unsympathetic to its setting, now exists. It has Planning Consent (as a Store) and a Building Warrant but no practical use other than, partially, as storage.

The property - both the 'Castlevue' site in question and the 'Hawthill' site to the north-west of the access track- was purchased by the Applicant - who had rented the land since 2011 to raise livestock (cattle) - in 2019. Mr Duncan therefore has strong ties to the land in question and with neighbouring residents.

He now seeks to 'retire' while continuing the livestock activity, which he greatly enjoys. There is, in fact, a strong case for "operational need" supporting an on-site presence here; bad weather or an animal welfare emergency can make the distance from Blairgowrie problematical, indeed as recently as week commencing 20 March 2022, a cow died while giving birth in difficult conditions, in spite of the efforts of vet, neighbours etc. This has been reported to the Scottish Agricultural College who have given an assurance that they will support the "operational need" case. (The Applicant will still require some storage for tools, machinery etc. but only the equivalent of a double garage).

A suitable sewage treatment (Klargester) plant exists - more than capable of serving a three bedroom house and restricting the phosphorous loading on adjacent water courses exists - and technical specifications can be provided.

It is difficult to see how leaving the present situation as it is benefits anyone:- this charmless and underused building cannot be just wished away. We therefore propose to radically alter the appearance of the property as part of its conversion to make it much more attractive and appropriate to its setting, and as 'green'/energy efficient as possible, and are happy to have detailed discussions with the Planners to this effect.

In conclusion, the Applicant may be willing to discuss entering into an agreement restricting "selling on" the proposed house (outwith his family) for an agreed period of years, if this was deemed appropriate and acceptable.

David Roche D.Arch. RIAS

Agent for Mr and Mrs Duncan

LRB-2022-36

22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG

REPRESENTATIONS

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sirs

[REDACTED] regarding the planning application to change of use from agricultural storage building to dwelling house by Mr and Mrs. William and Judith Duncan.

Can we comment as follows:

- We have no objection to the application in question.
- We do however have some areas of concern which are:
 - a) The building works going on opposite to the derelict building opposite to the agricultural storage building .We would NOT like to see this follow the path of the aforementioned application in terms of use of an agricultural building and then planning permission to follow for a dwelling house .
 - b) The increase in traffic daily due to the fact that Livestock are being moved up the lane and food needs to be brought to them . To be fair to Mr Duncan he has invested time and effort in terms of improving the quality of the road , but this needs watching as the infrastructure on the lane and around it is not capable of accommodating an increase in Traffic flow . with elderly residents and children living in the area it also could be dangerous .
 - c) Craigie is a small quiet Hamlet , rests in an area of green belt , is full of wildlife and farming ground . To convert a derelict farmhouse building and tidy up the environment surrounding it ,into one dwelling house is fine but we would have strong objections should this be the precursor to any further development on the land in Craigie and its surrounds .

Thank you for your consideration.

Kind regards

James Dracup

Tuesday, 10 May 2022



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land 160 Metres North East Of, Logie Brae Farm, Craigie Clunie, PH10 6RG
Planning Ref: 22/00477/FLL
Our Ref: DSCAS-0064348-WTL
Proposal: Change of use from agricultural storage building to dwellinghouse |
Land 160 Metres North East Of Logie Brae Farm Craigie Clunie

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:.

- ▶ This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Foul Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
 - ▶ It is 195m to the 3 inch Asbestos Cement Main
-

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00477/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Change of use from agricultural storage building to dwellinghouse		
Address of site	Land 160 Metres North East Of Logie Brae Farm, Craigie, Clunie		
Comments on the proposal	<p>The applicant is proposing to convert and agricultural storage building to a three bedroomed dwellinghouse. Vehicle access to the property will remain unchanged from that already used to access the storage building.</p> <p>Parking will be provided on site for four vehicles, which is in line with the requirements of the National Roads Development Guide.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	18 May 2022		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00477/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email: [REDACTED]
Description of Proposal	Change of use from agricultural storage building to dwellinghouse		
Address of site	Land 160 Metres North East Of Logie Brae Farm Craigie Clunie		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: 1 x £5,164 <u>Total: £5,164</u></p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>		

	<p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p>Recommended informative(s) for applicant</p>	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates.

	<p>e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly.</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	20 May 2022

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00477/FLL

Our ref OLW

Date 23 May 2022

Tel No

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PKC 22/00477/FLL RE: Change of use from agricultural storage building to dwellinghouse, Land 160 Metres North East Of Logie Brae Farm, Craigie, Clunie for Mr And Mrs William And Judith Duncan

I refer to your letter dated 2 May 2022 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

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

Comments

This application is for the change of use from agricultural storage building to form a dwellinghouse which will include the provision of a single woodburning stove and associated flue.

Air Quality

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. Though the application does not include any information on the stove, it is likely to be domestic sized and therefore I have no adverse comments to make with regards to air quality.

Odour

Another matter pertaining to the stove which could cause an issue has the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

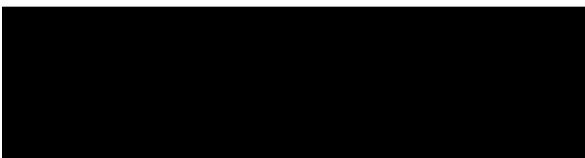
I note from the submitted plans that the flue will terminate above roof ridge height, which will aid in dispersion of emissions. I would advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

In light of the above, the residential amenity at neighbouring dwellinghouses should not be adversely affected by smoke/odour.

I would therefore have no objections to this development provided that the following informative is attached to the consent.

Informative

The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.



LRB-2022-36**22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG**

FURTHER INFORMATION

Perth and Kinross Local Review Body
Council Building
2 High Street
PERTH PH1 5PH

Date: 12 Dec 22

Attn. Lisa Simpson

Dear Ms Simpson

APPLICATION REF. 22/00477/FLL - Proposed Change of Use from agricultural storage building to dwelling house, Craigie, Clunie for Mr and Mrs Duncan

I refer to your letter dated 6 December 2022, and would respond as follows

(i) Noted

(ii) We note that the SAC Consulting Report will be taken into consideration by the Local Review Body .

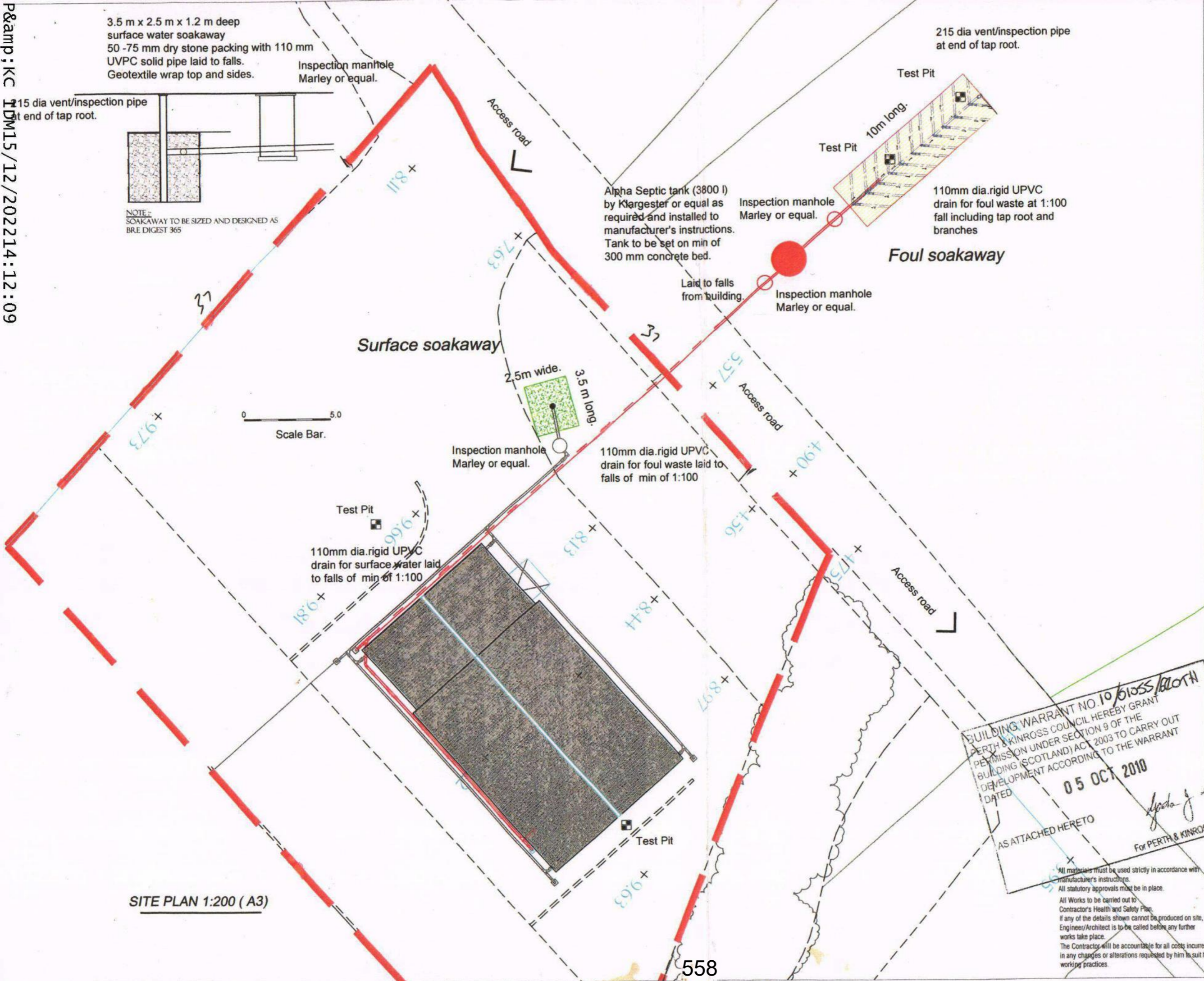
(iii) We enclose a copy of the Consulting Engineer's detailed drawing (06) of the drainage/disposal plant which was installed at the time of the construction of the building. This received a Building Warrant dated 5 October 2010. No doubt the Phosphorous Mitigation statistics were approved at that time, but we are happy to pursue this aspect further (allowing for the imminent holiday period) and liaise with the appropriate authority, eg SEPA and your Building Standards section, to supply any further information required.

(iv) Noted

Yours sincerely

David Roche

Agent



Leadingham Jameson Rogers & Hynd
Chartered Architects

SINCLAIR ASSOCIATES
CONSULTING CIVIL & STRUCTURAL ENGINEERS
23 FINTRY PLACE, BROUGHTY FERRY
DUNDEE DD5 3BG
TEL 01382 737340 FAX 737363
jsa23@btinternet.com

BUILDING WARRANT NO. 10/10105/BL0TH
PERTH & KINROSS COUNCIL HEREBY GRANT
PERMISSION UNDER SECTION 9 OF THE
BUILDING (SCOTLAND) ACT 2003 TO CARRY OUT
DEVELOPMENT ACCORDING TO THE WARRANT
DATED 05 OCT 2010
AS ATTACHED HERETO
For PERTH & KINROSS COUNCIL Project

Proposed new building
Hawkhill, Clunie
By Blairgowrie
Title:
Drainage Details - 1

Date : 23-8-10	Scale 1:200
Job No : 3252	
Drg No : 06	Revision

Local Review Body
Perth and Kinross Council
2 High Street
Perth PH1 5PH

2 Feb 2023

Attn Lisa Simpson

Dear Ms Simpson

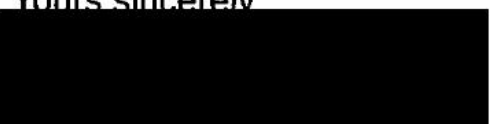
APPLICATION REF. 22/00477/FLL - Proposed Change of Use from agricultural storage building to dwelling house, Craigie, Clunie for Mr and Mrs Duncan

Further to previous correspondence, we would respond as follows:-
We have had extensive consultations with Klargester and our civil engineers. Klargester do not furnish phosphate data, but assure us that they will supply a "belt and braces" piece of additional equipment which - having been used in the Loch Leven area - will be to the full satisfaction of PKC.

It is our understanding that the Building Warrant issued in 2010, when replacing the old system, will have satisfied all relevant criteria, but whatever may be required by PKC and SEPA to achieve current standards will be carried out.

We trust this is satisfactory, and look forward to hearing further from you regarding the committee meeting date.

Yours sincerely


David Roche , Agent

KLARGESTER BIODISC BA SEWAGE TREATMENT PLANT FOR 1 HOUSE, UP TO 4 BEDROOMS

For Domestic dwellings without access to mains drainage, the Klargester BioDisc provides a reliable, efficient and environmentally safe solution to your sewage disposal needs. It is ideal for locations where discharge is to sub-surface irrigation, or to a suitable watercourse where approved by the regulator, and where a septic tank will not meet the required standard. For added peace of mind, we offer an extended warranty period of 7 years* exclusively for the BioDisc BA and BB models. *(Terms and conditions apply).

The BioDisc is the only packaged Sewage Treatment Plant which utilises the Rotating Biological Contactor technology for small domestic applications. This process offers inherent cost and performance benefits with a low carbon footprint. Where the Klargester Gravity BioDisc demonstrated an efficiency rating equivalent to a performance of 10 mg/l BOD5, 15 mg/l SS and 3.8 mg/l Ammonia.

Choose from either Gravity or Integral Pumped System (IPS): Gravity is the standard option, however where the inlet to the watercourse or soak away is higher than the outlet of the treatment plant you will require the optional Integral Pumped System (IPS) as this will pump the waste water uphill and into your discharge point. The pumped system (IPS) also comes with a high level alarm.

Klargester BA Tank Features

- Market leading extended warranty period of 7 years* (terms apply)
- Affordable running and maintenance costs
- Low noise in operation and Odour Free (to BS EN13725 standard)
- Suitable for homes with up to 6 people
- Low profile covers for minimal visual impact and childproof locks.
- Invert options to match the site
- Control panel issues an immediate alert when a problem occurs
- Single phase standard power supply
- Optional integral pump available
- Certified to European Standard EN 12566 Part 3
- CE marked
- Pumped outlet: 50 mm MDPE compression fitting

BA Technical Data

Model	BA
Population Equivalent (Standard Flow):	6
Maximum Daily BOD (kg):	0.36

Maximum Daily Flow (m3):	1.2
Diameter (mm):	1995
Invert Depth Options (mm):	450 / 750 / 1250
Depth Below Inlet Invert (mm):	1400
Outlet Invert Depth (mm):	1315
Overall Height (mm) Depending on Invert:	2160 / 2460 / 2960
Height to Rim Of Cover (mm) Depending on Invert:	1945 / 2245 / 2745
Empty Weight (Kg):	310 / 325 / 380
Standard Power Supply:	1 Phase
Motor Rating (Watts):	50
Full Load Current 1 Phase (amps):	0.51
Sludge Return Pump Rating (watts):	250

Performance and Compliance

- Certified to European Standard BS EN 12566 Part 3.
- Performance certified to achieve 10 mg/l BOD5, 15 mg/l SS and 3.8 mg/l ammonia.
- Fully marked in line with the CPR 2013.

Comments from Planning Officer on SAC Report

General observations about the SAC report:

1. The report is not up to date and is 6 months+ old (May 2022).
2. The farm only comprises 8 adult cows, their calves (15 or so) and 4 lambing sheep (8 lambs yearly?). This is not an excessive farm business.
3. There are no accounts to demonstrate that the farm is financially sound and economically viable. Audited accounts for a period of between 3-5 years are expected to demonstrate this.

The main observation is that the report indicates that the overall labour units of the farm is only 0.23 labour units.

One labour unit equals one full time equivalent worker.

Based on the report, the farm business requires around $\frac{1}{4}$ of a full time worker to operate as it currently does.

For planning applications to be considered for support under the economic need element of the HITCG 2020 / Policy 19 of the LDP2, there needs to be clear evidence of need. The threshold for this is typically one full time labour unit per new residential unit. This has not been demonstrated in this case.

Andy Baxter

The Clerk to the Local Review Body
Perth and Kinross Council

15 March 2023

Dear Ms Simpson

Application Ref. 22/00477 - Change of Use from Agricultural Storage building to Dwellinghouse, Craigie, Clunie :- for Mr W and Mrs J Duncan

Thank you for your letter dated 1 March 2023 and the attached written response from Development Management (Planning). We have the following comments to make in response to the latter, and an additional representation from Urban Rural Design will be e-mailed by close of business today (15th.)

1 Mr Baxter states that the SAC Report is "not up to date...and is 6 months old". We have previously explained that this Report was delayed due to SAC staff shortages / the pandemic etc., which was outwith our control. To imply that being "6 months old" adversely affects the validity of its recommendations seems unreasonable.

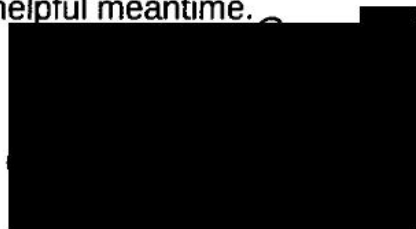
2. We do not understand the statement that "This is not an excessive farm business.." Also, "a ¼ of a farm worker" is one worker. Mr Duncan has been that one worker for many years, and only seeks to continue his passion by giving his animals the best care. Sadly this has not proved possible on several occasions because of his difficulty in responding soon enough - living 20 minutes away. Veterinary professionals will attest to his high standards of care, and he is fully qualified, with NFU membership , QMS assured, BRN registered, licensed to transport livestock, appropriately insured etc., etc. This is not a "hobby" operation.

3. As for accounts, I am not aware that these have been previously requested, but are available of course.

In conclusion, we are happy to consider any reasonable amendments to the proposals, for example removing any upper floor shown on our plans.

We trust this is helpful meantime.

Yours sincerely



David Roche Architect/Agent

Application Number 22/00477/FLL

**Change of Use of Agricultural Storage Building to Dwellinghouse,
including alterations, extension and installation of flue, land 160
meters north east of Logie Brae, Craiagie, Clunie**

Please find below our response to the Comments received on the 1st March 2023 to the Development Quality Manager on Application ref. LRB-2022-36

We acknowledge receipt of the written submission received from Development Management which was requested by members of the local review body.

We wish to respond to this by noting our wish to have this application considered by the local review body in the round as we believe this application presents a unique set of circumstances, in that this is not a proposal for a new build dwelling which requires a labour justification to support. In this instance the applicant is submitting a proposal for a change of use, of an arguably atypical, redundant agricultural shed which is surplus to requirements and the proposals tabled for its sympathetic change of use to a dwelling for the farmers farming their Agricultural holding.

There has also been other policies and legislation which have come in to play. Just before the application presented was submitted and laterally with the national planning directive, ratified last month by the Scottish Government, which we wish to make reference to within our response as these are of specific interest we feel when considering this application.

In response the letter received:

We acknowledge that the Labour justification statement falls short of the threshold deemed appropriate in terms of man hours, however the agricultural holding is active and one which would definitively benefit from the onsite presence of the farmer for welfare and security reasons .

To this end we feel this application should be assessed in the round, given that the building proposed is already primarily evident on site, albeit one which is redundant and no longer suitable to meet the needs of the agricultural unit.

We would therefore like to take this opportunity to reiterate a few points that we feel are worth considering in this unique circumstance:

The Housing in the Countryside Policy – Supplementary Guidance :

The Local Development Plan 2 Policy 19: Housing in the Countryside specifically states the aims of the policy are as follows:

- *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.*

Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside.

We feel the application presented in essence meets all these key criteria set out above.

Siting:

As per the supporting statement submitted as part of the planning application package, the applicants have farmed as tenants on the holding since 2011, following which they purchased the agricultural farmland and shed in 2019 from the previous owners.

The incumbent agricultural shed relating to this application was constructed by the previous owner in 2009 and our clients subsequently bought the shed and land in 2019 in good faith.

Therefore the location of the shed in relation to the previous application was not within our clients control or influence. Whilst it is unfortunate that the shed was built 10m away from the original approved location to some degree this is immaterial to the current application as the shed has been in situ for over 10 years and therefore as noted in the report of handling, is duly accepted because of the time – bar rule.

Notwithstanding this the application in 2009 was approved by Perth and Kinross Council as an agricultural shed and therefore deemed appropriate in terms of massing, siting and general location. Given the shed has been erected since 2009, 14 years, it is also arguably an integral part of the character of the countryside fabric in this area.

The current housing in the countryside policy and guidance specifically notes that ALL sites must firstly meet the siting criteria set within the guidance – copy of which is noted below with our site-specific response noted:

Have designations or constraints that may affect development in the area been considered?

To our knowledge there are no design considerations which effect the proposed development as the building is already in place and the proposed alterations are relatively minimal in nature, given the overall massing and form is in situ.

The designation of the Lunan Valley catchment area, and the appropriate means of dealing with the phosphorous outfall, will result in a technical solution and therefore an aspect that we feel could be conditioned on a successful determination based on the information submitted as part of the original application.

The application we feel therefore meets this part of the criteria.

Does the design respond well to site topography? Is excessive underbuilding avoided?

There is no underbuilding and we believe the shed, as it currently sits, is located well with the local topography as it has a rising landform behind and therefore meets the criteria.

Does the proposal compliment and / or enhance the local vernacular? Are buildings sympathetic in terms of scale and proportion to other dwellings in the locality? Large, single storey, deep plan houses, for example, can appear out of scale in a countryside setting.

The Shed displays a traditional form, akin to that found of buildings of a more residential feel i.e pitched roof and simple plan form in line with that expected given its approved use. It utilises traditional materials such as wetdash render and slate effect tiles, not common of a typical agricultural shed set within the landscape currently, i.e. it is not a steel framed, metal clad, modern agricultural shed.

To some degree this is to the credit of the build that the previous owner had made a conscious effort to conform with traditional materials, so therefore we feel the shed compliments the local vernacular and meets the criteria.

Are roof heights and extensions appropriate in scale and do they avoid dominating the dwelling?

The minor alterations proposed as part of this application are sympathetic and are entirely within keeping of the original essence of the building. A number of the design tweaks would be considered under householder permitted development if these amendments were to be made to an established dwelling. Therefore we feel this aspect of the siting criteria is met.

Does the design and finish of outbuildings reflect the style of the main dwellings?

Not applicable to this application as there are no outbuildings proposed.

Does the design and siting of the house facilitate energy efficiency in terms of solar gain and shelter?

The shed is orientated north / south and sheltered from south westerly prevailing winds by the tree belt, therefore the orientation possess no concern in terms of energy efficiency.

Are materials sourced responsibly? Are existing materials, particularly stone and slate, reused where possible?

This application is the very essence of sustainable development, taking a redundant building and giving it a new lease of life, therefore all materials arguably have the upmost sustainability credentials.

Is the proposal well integrated with the existing landform and does it avoid dominating the landscape?

The shed has strong landscape boundaries to the south east and south west through mature tree belts, a landscape boundary to the north east and north west through existing hedging, shrubbery and self seeded trees, the site therefore displays robust boundaries which is favoured as part of siting criteria.

The shed as it currently sits does not in any way dominate the landscape and is effectively screened from any vantage point. Therefore this part of the guidance is also met.

Having reviewed the Criteria for siting, the application in question meets all the required criteria, as outlined above, in our opinion.

In terms of the justification and which aspect of the policy the proposals are to be assessed under is also key to meeting the key aspects of the guidance.

Policy 19 therefore supports 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 following categories:

(1) Building Groups

(2) Infill sites

(3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance

(4) Renovation or replacement of houses

(5) Conversion or replacement of redundant non-domestic buildings

(6) Development on rural brownfield land The application of Policy 19 is limited within the Green Belt to proven economic need, conversions or replacement buildings (Categories 3.3, 4 and 5).

Our understanding is in line with that noted by the planning officer in that the HITC policies offer support for the conversion (or replacement) of non-residential buildings, but this relates to traditional buildings.

We note the definition of Traditional Buildings in the HITC Policy:

For the purposes of this Supplementary Guidance, 'traditional buildings' are defined as buildings **usually** constructed before 1919 of **materials** which would have been available in the local area at that time, largely stone (with or without **harling**) and **slate**.

The wording of the policy is open to interpretation as it is not 'solely or restricted to' Traditional buildings constructed pre 1919, it is **usually** - the definition of usually :

Commonly encountered, experienced, or observed

or In conformity with regular practice or procedure:

We wish to note that in this instance the agricultural building in question is not usual or commonly encountered, in our experience, when considering agricultural sheds erected post 1919.

The building is not as quoted within the policy guidance typical of non- traditional - non-domestic buildings and structures constructed of modern materials such as steel, corrugated iron or concrete; this shed uses none of these materials.

We therefore feel the shed should be considered for what the building displays, it is not a metal clad, steel framed modern agricultural building and more akin to a traditional form and materials as that stated harling and slate effect tiles, albeit erected post 1919.

Furthermore the prior notification planning policy and permitted development circular, adopted in April 2022, permits farmers to convert agricultural buildings, on an agricultural holding, providing

they pre-date November 2019, into housing. There is no stipulation on the age or requirement for these to be 'traditional' either.

In order to meet the prior notification criteria, the footprint area can be no more than 150sqm per unit, of which this sheds current footprint meets. Therefore without the modest small entrance porch this development would potentially meet the criteria of permitted development under agricultural prior notification.

Furthermore the National Planning Framework 4 (NPF4) which has recently been ratified by the Scottish government has also made reference to rural planning policies and our understanding is that applications need to be assessed under the local LDP, however should there be a deviation in relation to the national policy, the national policy takes precedence. Therefore as outlined below Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, in this case reuses a redundant or unused building;

The NPF4 makes no reference to the buildings need to be 'traditional' therefore in our opinion the current proposals also meet the current national planning framework.

Extract from National Planning Framework 4 (NPF4)

Rural homes Policy Principles Policy Intent:

*Policy 17 a) **Development proposals for new homes in rural areas will be supported** where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:*

- i. is on a site allocated for housing within the LDP;*
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;*
- iii. **reuses a redundant or unused building;***
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;*
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;*
- vi. is for a single home for the retirement succession of a viable farm holding;*
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or*
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.*

In conclusion we fully appreciate that planning application proposals require to meet the development policies set out in Perth and Kinross LDP3 and also NPF4. We believe the application presented does whole heartedly fall within the policies as outlined above.

The proposal meets all the required siting criteria and represents the most sustainable form of development through the reuse of a redundant, unsuitable incumbent building.

Our clients, as expressed within the application, have a requirement to be on site to ensure animal welfare and to reduce the unsustainable transport involved in farming the site remotely. The

proposal has no detrimental impact on the countryside and therefore we feel this application should be approved.

Audrey Brown

From: Andy Baxter
Sent: 20 April 2023 15:12
To: Audrey Brown
Cc: Christine Brien; Paul Williamson
Subject: FW: LRB-20220-36 (Request for Comments)
Attachments:

Lunan_Lochs_2020_Adopted (1).pdf

Hello Audrey,

Thanks for the email.

There is not to much to comment on I'm afraid.

In order for the proposal to be potential compliant with Policy 45 of the LDP2, the applicant / agents needs to provide detailed information that can demonstrate how they are delivering a 125% betterment in terms of the phosphorus loading on the environmentally sensitive lochs.

This requires more than just a super-efficient new onsite system, and typically requires an existing system either onsite (which is not applicable here) or off site being upgraded - to provide the required mitigation, in combination with the new system (if they are different).

An example of the calculations required can be seen on P8 of the attached guidance. In addition to the working out of the numbers, we also require the names of the property(s) being upgraded, their sizes in terms of bedrooms, the location of their systems and details of both the existing old system(s) and what is (has) going (gone) in as the replacement.

Part of that has been submitted in terms of what is in.

The additional information does not include enough of the required information, so nether I or SEPA can comment further on whether or not acceptable mitigation has been provided, or can be.

I would also add that as per the ROH the existing foul drainage did not benefit from any planning permission, and the application before the LRB does not seek to regulate it- so the planning advisor should be mindful of that.

Lastly, as I've mentioned previously, in terms of their labour units, it is really important that the LRB panel of members fully understand that 0.25 labour units equates to a $\frac{1}{4}$ of a typical full time post, and that the current farm only comprises 8 adult cows, 15 or so calves and 4 lambing sheep (8 lambs yearly?).

Whilst we do try to be as reasonable, pragmatic and helpful as possible to our local farmers and rural workers, the bar for a new house that is solely based on economic need is normally set at getting a minimal justification for at least 1 full time equivalent – which is accompanied by appropriate accounts, stock details, business plan etc to demonstrate that the business is established and viable. We don't have this here.

Moving towards an approval based on 0.25 labour units would set a very difficult precedent for other cases.

Hope this helps.

Andy Baxter
Planning Officer



Lunan Valley Area Dunkeld - Blairgowrie Lochs Special Area of Conservation

Planning advice in relation to phosphorus and foul drainage in the
catchment area (2020)

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1 Introduction

This guidance aims to assist anyone submitting planning applications which are:

- *within the Lunan Lochs Catchment Area*
- *which could affect the water quality of Dunkeld–Blairgowrie Lochs Special Area of Conservation (SAC).*

The guidance provides advice on the types of appropriate information and safeguards to be provided in support of your planning application so that it can be properly and timeously assessed by Perth & Kinross Council, and includes:

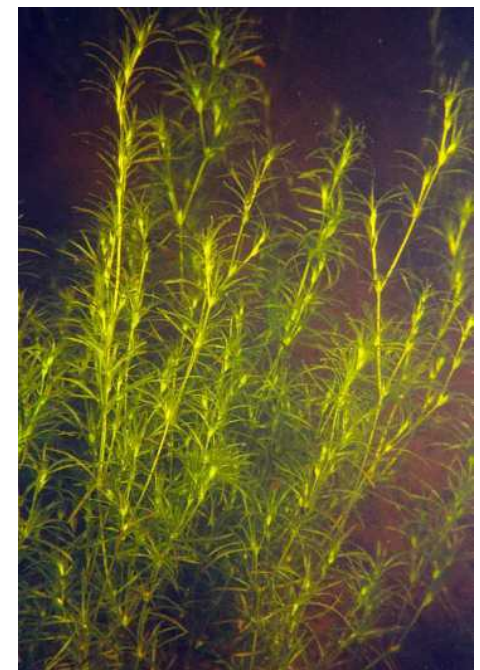
- An explanation of planning authorities' obligations when evaluating planning applications;
- Advice on the nature of developments that may affect the Lunan Lochs Catchment Area; and

Examples of information which you need to submit with your planning application and application for a foul water discharge licence under **The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)** (CAR) – there is a flow chart on page 4 taking you through the key questions and answers/ solutions.

This guidance relates specifically to water quality of the Dunkeld-Blairgowrie Lochs SAC and phosphorus entering the loch's catchment. There may be other qualifying features of the SAC which could be affected by development proposals e.g. disturbance to otters or habitat change.

2 The Importance of the Dunkeld - Blairgowrie Lochs

The Dunkeld-Blairgowrie Lochs consists of a chain of five kettle hole lochs that are of international importance for their aquatic habitats and species, including slender naiad. The site has the highest wildlife accolade as it is designated as an SAC and is part of the Natura 2000 network – a series of internationally important wildlife sites throughout the European Union.



3 The Nutrient Problem at the Dunkeld - Blairgowrie Lochs

Nutrients such as phosphorus entering the loch catchment from manmade sources have caused problems with water quality for many years. Elevated nutrient levels in warmer months can lead to cyanobacteria or blue-green algae blooms. These bacteria can be toxic to people, pets, livestock and wildlife. An algal bloom can therefore result in a loss of amenity as the public have to avoid the lochs until the bloom has passed and may also result in fish and potentially livestock deaths. As the bloom subsides and the algae breaks down there is an associated depletion in the oxygen level in the loch which will have a further damaging effect on the loch ecosystem.

Much work has been undertaken over the last decade to reduce the input of phosphorus into the lochs. Recent monitoring has shown this is leading to an improvement in the ecological quality of the loch. However, this improvement is still vulnerable to setbacks so there is a continuing need to reduce both phosphorus inputs to the lochs.

The aim is therefore to ensure that there is no increase of phosphorus in the Dunkeld- Blairgowrie Lochs catchment arising from waste water associated with new developments. If there is an increase in phosphorus discharging to the loch, there could be a detrimental effect on water quality, and a knock-on effect for ecology.

4 Planning Authorities' Obligations

The European legislation under which sites are selected as SACs is the Habitats Directive, which sets out obligations on Member States to take appropriate steps to avoid "the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant."

These obligations relate to "Competent Authorities" such as Planning Authorities.

Planning Authorities can only agree to development proposals after having ascertained that they will not adversely affect the integrity of the site. If the proposal would affect the site and there are no alternative solutions, it can only be allowed to proceed if there are imperative reasons of overriding public interest.

Perth and Kinross Council apply Policy 45: Lunan Lochs Catchment Area¹ as laid out in Local Development Plan 2 to assist them in their consideration of a development proposal.

¹ Dunkeld-Blairgowrie Lochs SAC catchment and the Lunan Valley Catchment Area are coincident.

5 Proposed Projects that May Affect the Dunkeld- Blairgowrie Lochs SAC

New developments, conversions or extensions where the potential capacity to house people is being increased may impact on the Dunkeld - Blairgowrie SAC.

If the proposed development lies in the catchment as shown by the red line on the map, you may be required to provide phosphorus mitigation for your development, as detailed in the sections below.

The map is a guide – if a development is near the border confirmation should be sought as to whether it is within the Lunan Lochs catchment.



6 Phosphorus Mitigation Checklist

Is the proposal for a new development, conversion or extension where the potential capacity for housing people being increased; and does the new development have any phosphorus discharge (e.g. foul water drainage, sewage, septic tank or sink discharges)?

Yes

No

Will the drainage be diverted outwith the catchment area?

Yes

Submit normal planning application

No

Phosphorus Mitigation Proposals

Drainage must be put in place mitigation that is capable of removing 125% of phosphorus likely to be generated by the development from the Lunan Lochs catchment (Policy 45) and apply to SEPA for a licence to discharge under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). See section 8 for a worked example of phosphorus mitigation.

Acceptable forms of phosphorus mitigation

Upgrade the septic tank of an existing property within the catchment area to an active system that reduces phosphorus (secondary/tertiary treatment plant) - this may be with a third party.

Unacceptable forms of phosphorus mitigation

- Change in agricultural practice;
- Change in land use;
- Using “capacity” from a previous application.

7 Submitting a Planning Application

With your full planning application or AMM (approval of matters specified in conditions) you will need to provide details of:

- a. the proposed development;
- b. an existing property to be upgraded – which has not already been identified as mitigation for another planning application;
- c. phosphorus mitigation calculations – include numbers of potential bedrooms of all properties, and methods of drainage (primary/secondary/tertiary treatment plant).¹ Treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities. You will need to demonstrate that the total phosphorus loading from the existing property can be reduced by at least 125% of the phosphorus loading likely to be generated by the new development (Policy 44) – see worked example overleaf

Any treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities in accordance with this standard. To obtain certification to EN12566,3 plants must undergo rigorous independent testing which results in a documented mean discharge standard. The mean standard in the EN12566:3 certificate is a clear and unambiguous assessment of the performance of the plants, and is used in CAR licences for unsampled licenced sewage discharges (i.e. discharges of less than 200 PE). EN12566:3 is normally used to assess performance against BOD and ammonia, but can also be used to assess performance against total phosphorus.

- Discharge from all the properties will require authorisation by SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) who will set discharge limits through licensing. The licensing process has a 4 month determination period from the date of application. Progressing the CAR applications at the same time as the planning application will ensure an applicant is aware of whether a proposed scheme is capable of being consented under CAR. (see section 11 below).
- The discharge limits set by SEPA must be complied with at all times.
- Foul water treatment plants need to be frequently maintained to work properly and discharge within the licensed limits. Evidence of regular maintenance contracts must be provided as part of the SEPA water use licence.
- Sites which will not connect to the Scottish Water Network which have 50>p.e. should contact SEPA at the earliest opportunity as additional investigatory work will be required prior to a discharge licence application being submitted.
- In cases of great complexity or uncertainty the Precautionary Principle will be adopted. The assumption being that where there are real threats of damage to the environment, lack of scientific information should not be used as a justification for postponing measures to prevent such damage occurring.

1. The latest version of **British Water Code of Practice - Flows and Loads** has details of loadings from a variety of sources

8 Phosphorus Mitigation Calculation: worked example²

Background	
Average amount of water per person per day	150 L
Primary treatment: septic tank, standard discharge of phosphorus as a mean	10mgP/L
Daily discharge of phosphorus per person	1500mgP
Secondary treatment: package treatment plan as a mean	5mgP/L
Daily discharge of phosphorus per person	750mgP
Proposed Development	
3 bedroom house in Person Equivalent (PE) Secondary treatment to be installed	5 PE 5mgP/L
Daily Discharge of phosphorus (750mgP x 5PE)	3750mgP/day
Phosphorus Mitigation	
Mitigation required is 125% of P discharged from new development: 125% x 3750mgP/day	4688mgP/day
Proposed mitigation to upgrade septic tank for named 5 bedroom house (7PE) to secondary treatment plant	
Existing discharge 150L x 10mgP/L x 7PE	10,500mgP/day
Discharge after upgrade@5mgP/L: 750mgP x 7PE	5,250mgP/day
Mitigation offered: 10,500mgP/day - 5250mgP/day Mitigation in excess of requirement	5250mgP/day

9 Additional Points for Phosphorus Mitigation Proposals

Existing properties should not be removed from a larger foul drainage treatment system to provide mitigation for a new development. The applicant should seek to upgrade the larger system in its entirety, regardless of how much in excess of 125% mitigation value this provides. Also, wherever possible, applicants should seek to use a single treatment system for a proposed multi-property development, rather than separate systems for individual properties.

Any novel proposals where mitigation is not from a single existing property, should be discussed with SEPA at the earliest stage possible, in order to ensure the proposal is acceptable.

For the purposes of mitigation, ascribed values will be used for calculations, where a septic tank is assumed to discharge 10mg/l of phosphorus, and an existing secondary treatment system 5mg/l. New treatment system discharge standards will be based on the system being installed. Alternatives to the ascribed values may be considered where there is adequate historical data which meets approved quality standards. In these cases contact should be made with SEPA at the earliest opportunity. Please note that we do not accept any discharge quality standard below 2mg/l at present.

Mitigation of an existing system can only be linked to a development at full planning stage. SEPA will only comment on phosphorus mitigation proposals at full planning application stage.

2. Calculations based on British Water Code of Practice "Flows & Loads - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems

10 Why 125%?

Bearing in mind the Precautionary Principle and the fact that the measurement of potential phosphorus output is not an exact science, then mitigation measures must seek to exclude from the catchment area in excess of the phosphorus likely to be generated by the proposed development in order to be sure that there is no net increase.



11 SEPA Authorisation

SEPA regulates discharges to water and land under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). All CAR Registration level private sewage discharges in the Lunan Lochs catchment area will be escalated to simple licence level, to allow adequate assessment of the discharge. Progressing the CAR applications at the same time as the planning application will ensure the applicant is aware of whether a proposed scheme is capable of being consented under CAR.

Please note that additional authorisation for development activities adjacent to, and in the vicinity of watercourses may be required under the Controlled Activities Regulations. A higher level of licence protection may also be required for activities that may impact on the loch SPA, such as engineering works in inland waters, water abstraction, impoundment or discharge to land and water. Any such authorisation will also need to first consider the effects on the SPA.

For details on these activities including CAR requirements see www.sepa.org.uk/regulations/water/

Activities should also comply with:

- SEPA's Pollution Prevention Guidance including: GPP4 Treatment and disposal of wastewater where there is no connection to the public foul sewer; and
- SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements

12 Before Development Can Commence

Before development can commence you must:

- have obtained planning permission; and
- have obtained a CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended) for the foul water discharge of the development; including for any remote mitigation property.
- submit copies of the CAR licence(s) to the Planning Authority;
- have a receipt for the above documentation from the Planning Authority.

Where phosphorus mitigation measures are to be delivered at a location separate from the development site then before the development can commence:

- the phosphorus mitigation measures must be installed using a treatment system which delivers the discharge quality standards specified in the mitigation calculations – and approved by Building Standards where a building warrant has been required; and
- evidence of the installation of the phosphorus mitigation measures must be provided to the Planning Authority such as installation invoices and photos of the treatment plant in place.

Before the completion certificate will be accepted and the new development can be occupied:

- The new drainage infrastructure installation at the development site must be approved by Building Standards as part of building warrant process.

13 Further Considerations

Other Impacts on the Lunan Lochs Designations

Although this guidance is specifically for the water quality of Dunkeld - Blairgowrie Lochs SAC, further information may be required of the impact of the development on the qualifying features and conservation objectives of the Loch. See:

- **NatureScot Guidance on Protection of Natura Sites**
- **NatureScot Sitelink** for further details on the Dunkeld - Blairgowrie Lochs SAC designations including conservation objectives.

Protected Habitats and Species

There may be other natural heritage interests such as protected species such as water voles, bats, otters and beavers affected by development proposals which also need to be considered. See Perth & Kinross Council's **Planning for Nature** guidance for more information on surveys that may be required.

Building Warrant

In addition to any planning consents that may be required, any development which includes an element of drainage will require building warrant approval. This process includes a requirement to submit detailed plans and specifications for the entire drainage system to show compliance with the Building (Scotland) Regulations 2004. See www.pkc.gov.uk/Buildingstandards

14 Contact

NatureScot, SEPA and Perth and Kinross Council are working closely to protect the interests of Dunkeld-Blairgowrie Lochs SPA a by reducing phosphorus loading on the lochs. Perth & Kinross Council are happy to assist you where required in submitting your application, including **pre-application discussion**.

Perth and Kinross Council

For planning enquiries:

- DevelopmentManagement@pkc.gov.uk
- www.pkc.gov.uk/makingaplanningapplication

For building warrant enquiries:

- BuildingStandards@pkc.gov.uk
- www.pkc.gov.uk/buildingstandards

NatureScot

- www.nature.scot
- tayside_grampian@nature.scot

Scottish Environment Protection Agency

- 0800 807060
- www.sepa.org.uk
- planning.se@sepa.org.uk

Scottish Water

- 0845 600 8855

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