

PERTH AND KINROSS COUNCIL

Atholl Estates
c/o James Denholm Partnership
11 Dunira Street
Comrie
Crieff
PH6 2LJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 5th June 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00435/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 8th April 2013 for permission for **Erection of a dwellinghouse Land 20 Metres South West Of Fungarth Farm Cottage Dunkeld** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policies 53 and 54 of the Highland Area Local Plan 2000 as it does meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
2. The proposal is contrary to Policy RD3 - Housing in the Countryside and EP6 - Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
3. The proposal is contrary to the Council's Housing in the Countryside policy as contained within the Housing in the Countryside Guide 2012. The proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
4. The proposal is contrary to policy 2 and 5 of the Highland Area Local Plan 2000 and policy PM1B of the Proposed Local Development Plan 2012, through having an adverse impact on the setting of a neighbouring property through its current proposed position within the site.

Justification

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

Notes

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

Plan Reference

13/00435/1

13/00435/2

13/00435/3

13/00435/4

13/00435/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00435/FLL
Ward No	N5- Strathtay

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 20 Metres South West Of Fungarth Farm Cottage
Dunkeld

APPLICANT: Atholl Estates

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 24 April 2013



OFFICERS REPORT:

Full planning consent is sought for the erection of a dwellinghouse on land at Fungarth, near Dunkeld.

The site extends to around 3100 square metres, with approximately 800sqm dedicated to the site itself. The remainder of the identified red site is linked to an area for upgraded drainage. There is an existing traditional rural cottage to the north east of the site. The site slopes up and away from the south east to North West. The proposed house is a relatively modest, 3 bedroom dwelling (including room in the roof) with traditional materials, including natural stone, timber cladding, timber framed windows and natural slate roof. The proposed house is cut into the sloping site, with wall and banking formed behind (at a height difference of 3 metres approximately).

The site is located within a designated National Scenic Area and within the Lunan Valley Catchment Area.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy/Principle of development

The Adopted Local Plan comprises the TayPlan 2012 and Highland Area Local Plan 2000. The most relevant policies in this instance are Policy 2: Development Criteria, Policy 3: Landscape, Policy 5: Design, Policy 53: Lunan Valley Catchment Area and Policy 54: Housing in the Countryside. Policy PM1: Placemaking, Policy RD3: Housing in the Countryside and EP6: Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 are also relevant material considerations.

The adopted Local Plan is the 2000 Highland Area Local Plan and the Proposed Local Development Plan (2012) and its associated Housing in the Countryside Guide (2012) is a material consideration.

Policy 53 of the adopted local plan states that there is a presumption against built development within the area, except for renovations or alterations to existing buildings and developments necessary for operational need. Policy 54 of the Highland Area Local Plan 2000 sets out a number of criteria that need to be met before the principle of residential development in the countryside can be established. However, as the site is located within the Lunan Valley Catchment Area there is a presumption against new houses unless required on the basis of operational need but encouragement will be given to the restoration and conversion of buildings to form new houses. In this case there are no buildings existing on the site to alter or convert and no justification based on economic need has been submitted. I therefore consider the proposal to be contrary to the adopted local plan.

The proposed Local Development Plan 2012 and its associated Housing in the Countryside Guide is a material consideration.

Policy RD3: Housing in the countryside limits developments in the Lunan Valley Catchment Area to those required for economic need, conversions or replacement

buildings. No economic need has been stated and there are no buildings on the site to convert.

Other Material Considerations

Education

In terms of other material considerations; this involves an assessment against the approved Planning Guidance Note (PGN) on Primary Education and New Housing Developments. The PGN seeks a financial contribution of £6,395 per mainstream residential unit in areas where the local primary school is operating at over its 80% capacity (not formally applied at principle stage of consent). No capacity concerns at this time. No contribution, should the application be supported.

Transport

No objection to the proposal on roads safety grounds, conditions to be attached to any grant of consent.

Drainage

SNH were not officially consulted in this application. Notwithstanding, it is anticipated that SNH were not likely to officially object to this proposal, the drainage strategy could satisfy the required improved effluent levels to avoid any adverse impact on the protected features of the Dunkeld-Blairgowrie Lochs (SAC).

Design/siting

The scale of the proposed dwelling within the associated site is considered largely appropriate, of a rural scale and detail; largely considered consistent with the wider architecture and scale of the surrounding area. Due to the slope of the site and the relationship with the neighbouring stone built cottage, it is considered that there may be an adverse impact on the setting of the neighbouring cottage, not fully investigated at this stage. If the principal of a dwelling at this site was to be supported, additional assessment would be required to fully assess the impact on neighbouring property, with the suggestion that the siting of the building could be revised to improve the setting of the neighbouring cottage from the south west and better relate to the natural slope of the site.

Conclusion

I consider that the proposal is contrary to Policy 53 and 54 of the Adopted Local Plan and to Policy RD3 and EP6 of the Proposed Local Development Plan. On the basis of the aforementioned, I cannot support the application, which is now recommended for refusal.

DEVELOPMENT PLAN

The Development Plan comprises TAYPlan 2012 and the Highland Area Local Plan 2000.

TAYPlan

Policy 1 – Location Priorities - focus the majority of development in the region's principal settlements.

Policy 3 - Managing TAYPlan's Assets - safeguard the countryside and designated areas; manage long term planned growth.

Highland Area Local Plan 2000

Policy 3 – Landscape

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Policy 5 - Design

The Council will require high standards of design for all development in the Plan Area. In particular, encouragement will be given to:

- a) the use of appropriate and high quality materials.
- b) Innovative modern design incorporating energy efficient technology and materials.
- c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
- d) Ensuring that the proportions of any building are in keeping with its surroundings.
- e) Ensuring that the development fits its location.

The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

Policy 18 Designated Landscapes

The Council will oppose developments which would have an adverse impact on the landscape character and visual amenity of the National Scenic Areas identified on Proposals Map 1.

Policy 53 Lunan Valley Catchment Area

The Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley catchment area identified on Proposals Map 1. In particular :-

- (a) There will be a presumption against built development within the area, except for renovations or alterations to existing buildings and developments necessary for operational need, which can be shown by the developer to have no adverse impact on the environmental assets of the area and not result in an unacceptable increase in traffic volumes.
- (b) There will be a presumption against recreational pursuits, such as powered water sports, likely to cause disturbance in and around the sites of nature conservation interest.
- (c) All tree planting should be designed in such a way as to complement the landscape.

Note: See also Policy 54

Policy 54 Housing in the countryside

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

(a) Building Groups

- (i) Development within existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group.
- (ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an

application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

(b) Renovation or Replacement of Houses

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

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

(c) Conversion or Replacement of Non-Domestic Buildings

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

- (i) Where the building:
 - is of traditional form and construction,
 - or is otherwise of architectural merit,
 - or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,
 - and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness, encouragement will be given to its conversion rather than its replacement.
- (ii) Any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.
- (iii) If the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:
 - sufficient of the existing building remains to enable its size and form to be identified,
 - it is located on an established site with a good landscape setting and a good 'fit' in

- the landscape and on a site acceptable on planning grounds,
- the new house is, in essence, a replacement of the existing building, in terms of size,
- character, building form and constructed of traditional materials, reusing where possible existing materials,
- the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which
- are explicitly excluded from this policy .

(iv) A satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.

(v) Applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.

(vi) Applications to create more than one house through a replacement building will only be permitted if it can be demonstrated that the original building would have been of sufficient size to have contained more than one house.

(vii) Applications for conversion of non-domestic property will not be approved within fifteen years of the date of their construction.

d) Operational Need

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

(e) Western Highland Perthshire

In the western half of the landward area, as shown on Proposals Map 1, Consent may be granted for houses within scattered but recognisable building groups or places where:

- (a) The existing pattern of settlement is reflected and respected.
- (b) The site has a good landscape or topographical setting.
- (c) The amenity of existing houses is respected.
- (d) The house has a safe access to the public road network.
- (e) The development does not conflict with any other policy or proposal contained in the Local Plan.

This policy will apply to Gallin; Bridge of Balgie; Innerwick and Invervar in Glen Lyon, and Killichonan; Bridge of Gaur; Finnart and Camghouran on Loch Rannoch as well as to other appropriate locations in the area. Where pressure for a number of houses is concentrated in a single location the Council will defer consideration of applications until an Advisory Plan has been approved by the Council for the area. Planning applications for outline consent for new housing in these areas are unlikely to be acceptable without detailed plans including elevations showing the new building in its setting.

Within the Lunan Valley catchment area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

For all Proposals

- (i) Satisfactory access and services should be available or capable of being provided.
- (ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas with particular regard being paid to Policies 4 and 5 of the Plan.
- (iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- (iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- (v) Full applications should be submitted for all proposals, but where an outline application is made this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

Proposed Local Development Plan 2012

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

The principal relevant policies are in summary:

Policy RD3: Housing in the Countryside

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- (a) Building Groups
- (b) Infill
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- (d) Renovation or replacement of houses
- (e) Conversion or replacement of redundant non-domestic buildings
- (f) Development on rural brownfield land.

This policy does not apply in the Greenbelt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

All proposals must also meet a list of criteria. Further guidance is contained within the Housing in the Countryside Guide.

Policy PM1: Placemaking

Development must contribute successfully to the quality of the surrounding built and natural environment.

EP6: Lunan Valley Catchment Area

There will be a presumption against built development except; within settlements; for renovations or alterations to existing buildings; and developments necessary for economic need which the developer can demonstrate will have no adverse impact on the environmental assets of the area nor are likely to result in an unacceptable increase in traffic volumes.

Note: The Policy on housing in the countryside is limited to economic need, conversions or replacement buildings within the Lunan Valley Catchment Area.

OTHER POLICIES

Housing in the Countryside Guide November 2012

The Council's revised Housing in the Countryside Guide 2012 supports policy RD3 and stipulates the criteria under which new housing may be considered outwith settlement boundaries. The Guidance has been approved by the Council and subject to the Housing in the Countryside Policy being approved by Scottish Ministers it will form statutory supplementary guidance when the new Local Development Plan is adopted.

Development Contributions 2012

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

SITE HISTORY

12/00769/PREAPP – seeking direction on the principle of a single dwelling. Officer confirmed it would be difficult to overcome policy restrictions of policy 53.

CONSULTATIONS/COMMENTS

Environmental Health	No objection subject to conditions and informatives being attached to any consent with regard to private water supply.
Scottish Water	No objection.
Transport Planning	No objection.
Education And Children's Services	Education & Children's Services have no capacity concerns in this catchment area as at today's date.
Countryside Access Officers	No objection subject to condition with regard to Core Path.

TARGET DATE: 07.06.2013

REPRESENTATIONS RECEIVED:

Number Received: 0

Summary of issues raised by objectors: n/a

Response to issues raised by objectors: n/a

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Drainage and Access Strategy Submitted.
Report on Impact or Potential Impact	None.

Legal Agreement Required: - n/a

Direction by Scottish Ministers - n/a

Reasons:-

- 1 The proposal is contrary to Policies 53 and 54 of the Highland Area Local Plan 2000 as it does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
- 2 The proposal is contrary to Policy RD3 - Housing in the Countryside and EP6 - Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
- 3 The proposal is contrary to the Council's Housing in the Countryside policy as contained within the Housing in the Countryside Guide 2012. The proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
- 4 The proposal is contrary to policy 2 and 5 of the Highland Area Local Plan 2000 and policy PM1B of the Proposed Local Development Plan 2012, through having an adverse impact on the setting of a neighbouring property through its current proposed position within the site.

Justification

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

Notes

None.