

TCP/11/16(378)

Planning Application – 15/01198/FLL – Erection of ancillary residential accommodation and workshop, The Orchard, Balhormais, Weem, Aberfeldy, PH15 2JE

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TCP/11/16(378)

Planning Application – 15/01198/FLL – Erection of ancillary residential accommodation and workshop, The Orchard, Balhormais, Weem, Aberfeldy, PH15 2JE

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000132155-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Colin A Smith Architect -
CASA

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

Ref. Number:

Building Name:

Treetops

First Name: *

Colin

Building Number:

Last Name: *

Smith

Address 1 (Street): *

Dull

Telephone Number: *

01887 820815

Address 2:

Aberfeldy

Extension Number:

Town/City: *

Perthshire

Mobile Number:

Country: *

UK

Fax Number:

Postcode: *

PH15 2JQ

Email Address: *

colin@casarchitect.co.uk

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Other"/>
Other Title: *	<input type="text" value="Mr and Mrs"/>
First Name: *	<input type="text" value="Ian"/>
Last Name: *	<input type="text" value="Hulbert"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text" value="Orchard House"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Balhormais"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberfeldy"/>
Country: *	<input type="text" value="Perthshire"/>
Postcode: *	<input type="text" value="PH15 2JE"/>

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="The Orchard"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Balhormais"/>	Town/City/Settlement:	<input type="text" value="Aberfeldy"/>
Address 3:	<input type="text" value="Weem"/>	Post Code:	<input type="text" value="PH15 2JE"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="749568"/>	Easting	<input type="text" value="282347"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of ancillary residential accommodation and workshop.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate statement and appendices.

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

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Review Statement, Appendix 1 to 5 inclusive.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/01198/FLL

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

10/07/15

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

07/09/15

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

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

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

One of the reasons for refusal is lack of landscape framework. This is best witnessed at the site of the proposal.

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Colin Smith

Declaration Date: 21/09/2015

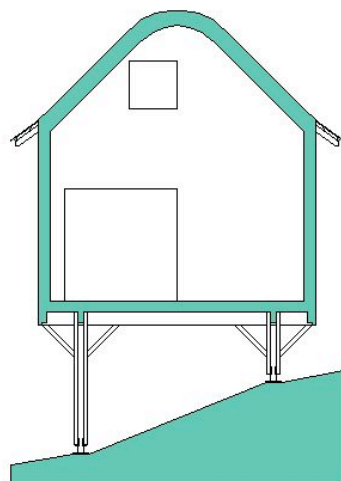
Submission Date: 21/09/2015

**Erection of Ancillary Grandparents Annexe and Workshop at
THE ORCHARD
Balhormais
Aberfeldy
PH15 2JE**

For Mr and Mrs Ian Hulbert

Planning Application Reference: 15/01198/FLL

**SUPPORTING STATEMENT to
NOTICE of REVIEW**



casa

colin . andrew . smith . architect
treetops . dull .
aberfeldy . perthshire . PH15 2JQ
01887 820815
colin@casarchitect.co.uk

1.0 INTRODUCTION

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Mr and Mrs Ian Hulbert for the erection of Ancillary Grandparents Annexe and Workshop at The Orchard, Balhormais, Aberfeldy PH15 2JE. The planning application, (15/01198/FLL), was refused by Perth and Kinross Council on 7th September 2015.
- 1.2 The proposal sought Planning Permission to erect fully accessible ancillary accommodation for grandparents to reside adjacent to Orchard House. The extra accommodation consists of a bedroom with en-suite, sitting, kitchen and dining hall all on one level to allow grandparents to live independently whilst remaining close to the existing house and extended family. The existing house is set into steep topography with no habitable accommodation at ground floor level making it difficult for elderly relatives to reside as well as difficult to extend. The proposed single level ancillary accommodation is situated on land which already has permission for a two storey detached garage.
- 1.3 The Assistant Planning Officers Report of Handling states that she has '**no concerns with the proposed workshop.....allows the proposed building to integrate well.**' This report therefore concentrates on the merits of the Grandparents Annexe, which is clearly the part of development that the officer is concerned about.
- 1.4 We strongly contest the council's reasons for refusal of the planning application for the reasons set out in this statement.

2.0 PERTH AND KINROSS COUNCILS REASON FOR REFUSAL

- 2.1 PM1A and PM1B of Perth and Kinross Local Development Plan 2014 includes reference to a number of criteria, which all developments are required to be assessed against, to ensure acceptable levels of Placemaking. PM1A is a general overview and PM1B has more detailed criteria.
- 2.2 The Refusal Notice suggests that not all of these criteria are met and therefore '**would have an adverse impact on the character of the area, by virtue of the increase in density and the lack of a suitable landscape framework**'. And therefore would not '**contribute positively to the surrounding built and natural environment.**'
- 2.3 It is the applicant's belief that the Planning Authority is incorrect in their determining reasons and the following paragraphs in this section examine the relevant criteria in the above-mentioned reason for refusal.
- 2.4 The first reason suggests there is an increase in density, which has an adverse impact on the character of the area. This relates to Criteria (C) of Policy PM1B, which states '**The design and density should compliment its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.**'
- 2.5 The Report of handling mentions the application 07/02811/MOD, which gave planning approval for a detached garage in the same location as the proposed Annexe. This garage was of considerable mass including first floor accommodation as well as the ground floor footprint of 41m². It had an overall height of 6.4m. It is accepted that the footprint of the proposed annexe is larger; it is, however, only on one level with a very modest height of 4m (the height associated with permitted development). The overall density therefore would be similar. It is incorrect to suggest an increase in density. See Appendix 1, which demonstrates this comparative density.
- 2.6 The materials and colours proposed are the same as the existing house allowing the proposed annexe to be compatible and a good fit with the main house again complying with (C) of Policy PM1B.

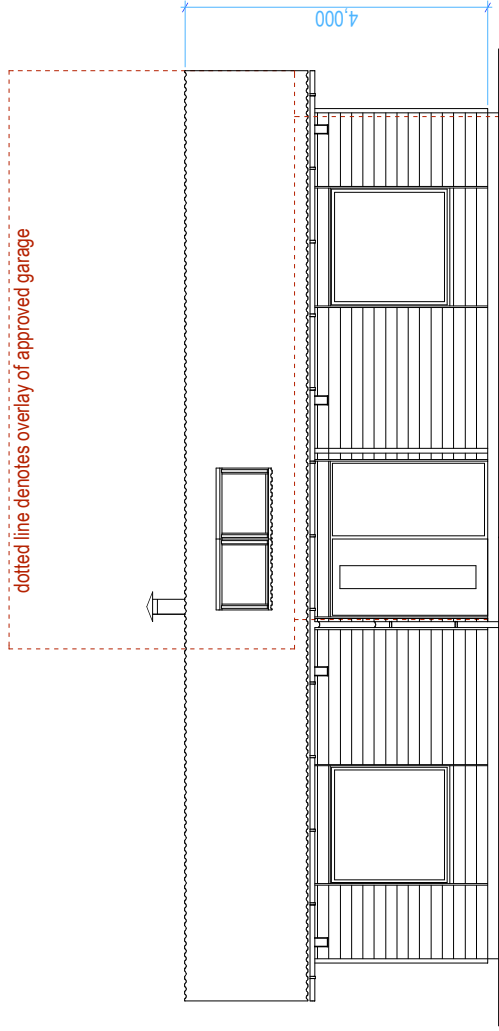
- 2.7 The second reason suggests there is a lack of suitable landscape setting. The Assistant Planning Officer in her report of handling states under the heading '**Landscape**' that '**The proposal will have no impact on the wider landscape setting.**' It is therefore surprising that one of the reasons for refusal is a lack of a landscape setting.
- 2.8 Furthermore the Report of Handling states in the section titled '**Background and Description of Proposal**' that '**The application site is bound to the south by a group of mature trees, to the west by the remains of a stone dyke and post and wire fence and to the east by the remains of a stone dyke and a line of trees.**' This describes a site with an existing landscape framework. It is therefore wrong to refuse the application due to a lack of such a framework when it already exists.
- 2.9 The Report of Handling quite rightly mentions a pre-application enquiry on the same site by the applicants on March 2013 regarding the possibility of a self-catering unit as an alternative to the consented garage. It is also correct that the response was positive in principle. The proposed annexe is no different as both proposals have residential use. The pre-application suggested a preference to the unit being attached to the existing house, however the garage given consent was detached and due to the planning arrangements of the existing house and topography it was difficult to achieve. Additionally detaching the unit reduces the perceived mass and bulk successfully whilst achieving a visual link with the existing stone retaining wall joining the two buildings together. See Appendix 3.
- 2.10 In the '**Policy Appraisal**' section of the Report of Handling it is suggested that there is '**limited residential amenity.....given the lack of useable amenity space within the site.**' When the existing approval was given for Orchard House, amenity levels were never in question. The overall site area is 4 465m² (just over an acre) and the footprint of the existing house and proposed annexe is 247m². This means the house and annexe only take up 5% of the site area. The council's rule of thumb for development is that a house and garage should occupy not more than 25% of a plot. This also further collaborates low-density development.
- 2.11 It is accepted that the site has sloping topography, however, the applicants have formed the land into a series of terraces rendering the majority of the remaining site as useable garden/amenity ground. The Assistant Planning Officer should have noted this when she visited the site instead she states '**The plot is of a generous size, however, in the main unusable due to the topography of the site.**' The Report of Handling is therefore wrong in suggesting that there is a lack of amenity space. See appendix 4 showing existing excellent levels of amenity ground.
- 2.12 The Report of Handling has stated that it may be impossible to achieve parking for the development, under the '**Roads and Access**' section. The Transport Planning Officer was consulted on the application and has made no objections. He suggested two conditions that there should be turning facilities and parking for two cars. He has not highlighted any concerns as to whether this would be impossible to achieve. Notwithstanding this the Assistant Planning Officer should have taken note whilst visiting the site that there is currently suitable parking on site for four cars and indeed scope for another 2 spaces in front of the proposed annexe. See Appendix 5.
- 2.13 Paragraph 3.2.3 of the Placemaking chapter of the Development plan states '**Creating and maintaining sustainable communities are also key national and local policy objectives**' Policy PM1A is also positive about the idea of buildings being able to adapt. The applicants are seeking to adapt their living environment to include for extended family. Fulfilling the ethos of sustainability and adaption in community.
- 2.14 All the above discussions very clearly demonstrate that the proposed annexe complies with Policies PM1A and PM1B of the Local Development Plan and the Planning Authority is therefore wrong in refusing this application.

3.0 FURTHER OBSERVATION

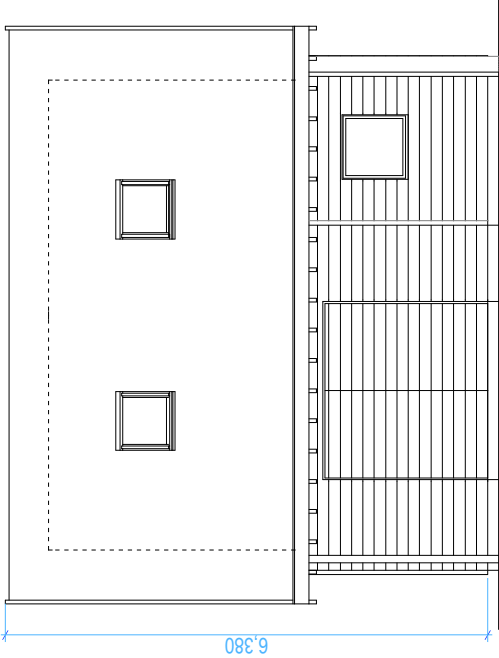
- 3.1 During the process of this application the Assistant Planning Officer had email communication with the clients agent (see Appendix 2). This communication was prior to the officer's site visit. It is clear from the emails that the Assistant Planning Officer prior to visiting the site had made her opinion on the application before fully understanding the merits of the proposal or having an understanding of the lie or history of the site. The officer at this stage intended to refuse the application on Policy RD1 Residential Areas, which was re-buffed by the agent. Please note the reasoned objections to the Officers email in particular the precedents set for similar ancillary accommodation with previous approvals.
- 3.2 The Assistant Planning Officer in the section of the report of handling titled '**Grandparents Annexe**' highlights her concerns with the proposals. She states '**My main concern with this building is that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence.**' This statement is not substantiated by policy or guidance as mentioned in the above email communication.
- 3.3 As highlighted earlier in this report the reasons for refusal were an increase in density and lack of a suitable landscape framework contrary to Placemaking policy PM1A and PM1B. It is surprising that the officers '**main concern**' as discussed above is **not** a reason for refusal.
- 3.4 It is a considered opinion that the officer has had an early-formulated subjective opinion on the applications merits not backed by policy and has tried to find a policy to justify refusal instead of considering the objective reasoning by the agent as to the merits of the application. This is highlighted by the Reason for Refusal in the Report of Handling being different to the Decision Notice Reason for Refusal.

4.0 CONCLUSIONS

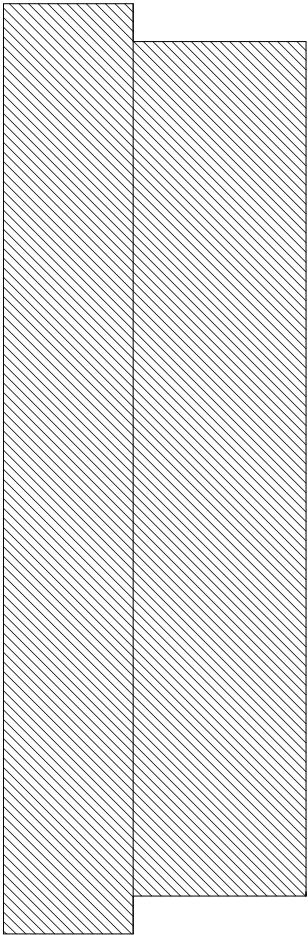
- 4.1 The proposed application seeks to erect an ancillary building for the applicants' grandparents. The annexe provides accommodation to allow grandparents to live an independent life but close to extended family members. It has been accepted that if approved there could be a condition applied to ensure the accommodation remains ancillary and cannot be disposed of separately.
- 4.2 The Planning Authority refusing the application due to an adverse increase in density is wrong, as there is an existing granted permission for a building equally dense.(see appendix 1)
- 4.3 The Planning Authority refusing the application due to a lack of a suitable landscape framework is wrong, as there is an excellent existing landscape framework.
- 4.4 The concerns about the Grandparents Annexe in the Report of Handling are not corroborated by the reasons and policies for refusal.



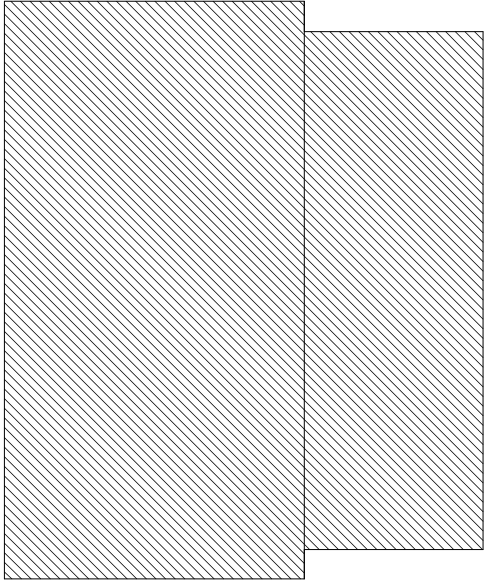
PROPOSED ANNEXE SOUTH ELEVATION



APPROVED GARAGE SOUTH WEST ELEVATION



Silhouette of Proposed Annexe
Total area 47m2



Silhouette of Approved two level Garage
Total area 46.5m2

Amendments:

Erection of Ancillary Grandparents Annexe and Workshop Orchard House Balhonnais, Cansemey Aberfeldy, PH15 2JE	for: Mr and Mrs I Hulbert
	status: Appeal
	title: Density Appraisal
	drawing no: Appendix 1
	scale: 1:100@A4
	Date September 2015
copyright © Colin A. Smith. All rights reserved	

APPENDIX 2.

On 28 Jul 2015, at 09:03, Gillian Peebles wrote:

Good Morning Colin

I refer to the recently submitted planning application for the above property and prior to visiting the site I would like to bring to your attention that the proposal as submitted does not constitute "ancillary" accommodation. As "ancillary" is generally something that serves an ancillary function the proposal would need to be dependent on the main house. In this particular case the proposal is not dependant on the main house and can function as a standalone unit, therefore, is not considered to be ancillary accommodation. The functionality of the proposal is a dwellinghouse in its own right.

Although not in all cases, ancillary accommodation would form an extension to the existing house which may consist of a small living area, bedroom and a bathroom interconnected to the main dwellinghouse sharing the kitchen. In many circumstances extending the dwellinghouse is not possible and a standalone unit may be acceptable, however, this would be of a much smaller scale and its function supplementary to the use of the existing residence.

By way of its design, scale and location the proposal is considered tantamount to a new dwelling. As previously indicated I have not been to the site as yet, however, from a desktop exercise the proposal is contrary to Policy RD1 Residential areas.

I appreciate it is early on in the planning process, however, I felt an early indication of the outcome would be advantageous.

Kind Regards

Gillian Peebles
Assistant Planning Officer
Planning and Development
Perth and Kinross Council

APPENDIX 2.

Dear Gillian

I have to disagree with your initial opinion that a grandparents annexe cannot be ancillary to a house, detached or not. It is expected that a grandparents annexe would have its own kitchen facilities this is normally desirable for this type of accommodation. I am not aware of a policy which is restrictive on how spacious a grandparents annexe should be or informative as to what constitutes ancillary accommodation. The function of this annexe is supplementary to the function of the house inasmuch as it is designed for housing grandparents. As you have clearly stated ancillary accommodation does not need to be attached to a dwelling house but can be standalone, in this instance due to site conditions it is difficult to have the accommodation attached. Many houses have detached double or triple garages with upper floor accommodation which would easily surpass the size of the proposed annexe.

If in your opinion this application appears like a standalone dwelling this in itself is not wrong a dwelling can be ancillary to another and I fully accept a condition to that effect to ensure this accommodation remains ancillary to the main house so as it cannot be disposed of separately.

I know of at least 2 applications nearby which were approved with similar levels of ancillary accommodation as follows:

09/00960/FUL is an extension to an existing house it is not interconnected and in effect forms a semi detached house, the granny annexe has 2 bedrooms a lounge and a kitchen.

12/02054/FLL is a detached triple garage/workshop with upper floor flat accommodation of a bedroom and living/dining/kitchen accommodation. The officer who approved it states that it is 11x7m by 7.8m high - of similar dimensions to this application except this application is 3.8m lower and clearly subordinate to the main house.

The officers involved in both these applications have accepted their use as ancillary to the main house.

Policy RD1 Residential Areas is about protecting residential amenity. I cannot see any reason why the use of a grandparents annexe would affect amenity as it clearly has a compatible residential use. Policy RD6 encourages this type of accommodation.

I trust your initial thoughts are only that and you will see the strengths of this application once you have visited the site. Please note that the location of the grandparents annexe is where a substantial garage/workshop was previously granted permission under the previous approval for the house.

Regards

Colin

Colin A Smith Architect - CASA

Treetops

Dull

Aberfeldy

Perthshire

PH15 2JQ

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colin@casarchitect.co.uk

www.casarchitect.co.uk



Existing Armour wall
giving enclosure and
making a visual link
to the main house

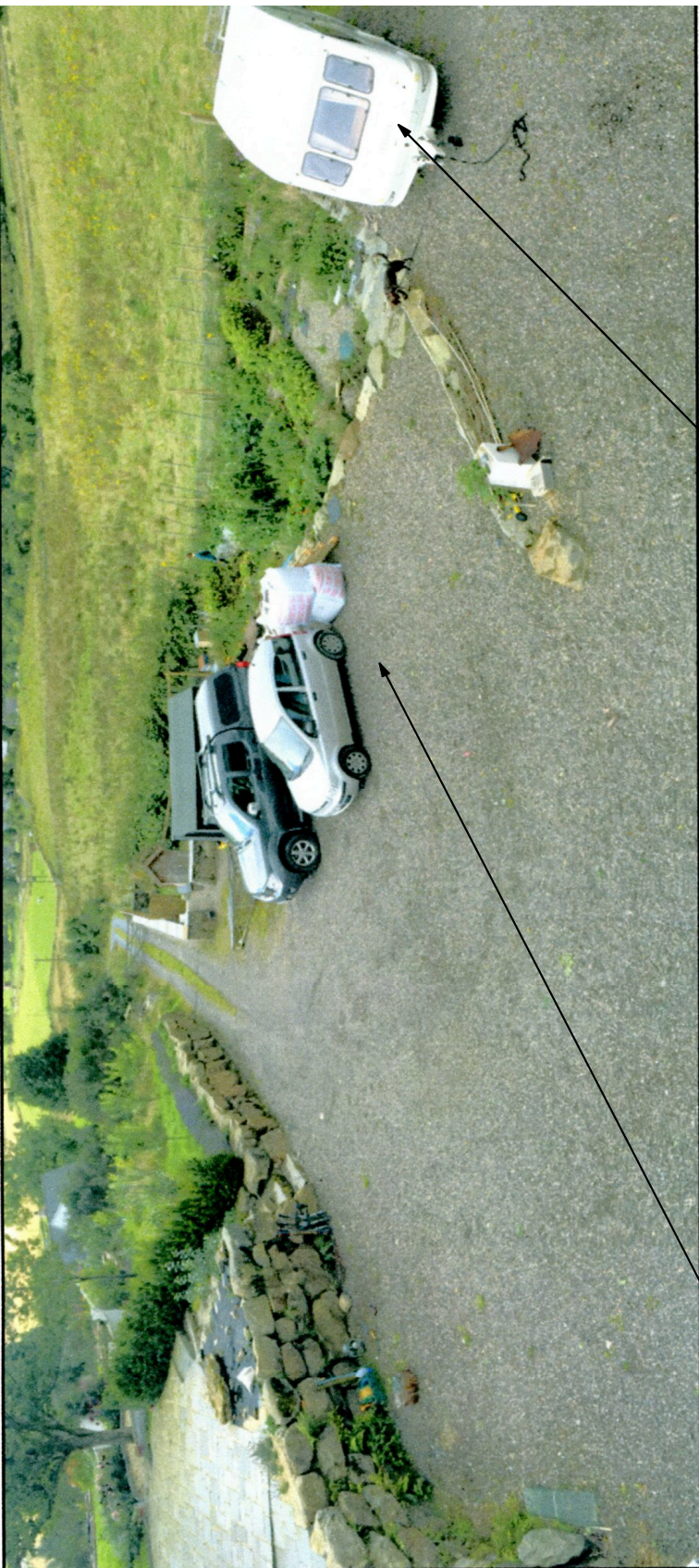
main house accommodation at one level
above proposed site for annexe

entrance level of house built into landscape
making a connection at ground floor impossible
hence the proposed detached arrangement.

Site of existing 2 level garage and
position of proposed annexe

APPENDIX 4 depicting excellent levels of amenity





Existing Parking for 4 Cars and
generous turning facility .

Caravan in location where extra future
parking could be located if necessary

TCP/11/16(378)

Planning Application – 15/01198/FLL – Erection of ancillary residential accommodation and workshop, The Orchard, Balhormais, Weem, Aberfeldy, PH15 2JE

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Mr and Mrs Ian Hulbert
c/o Colin A Smith Architect - CASA
Colin Smith
Treetops
Dull
Aberfeldy
Perthshire
PH15 2JQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 07.09.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/01198/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 10th July 2015 for permission for **Erection of ancillary residential accommodation and workshop The Orchard Balhomais Weem Aberfeldy PH15 2JE** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the proposal would have an adverse impact on the character of the area, by virtue of the increase in density and the lack of a suitable landscape framework, the proposal is contrary to Policies PM1A and PM1B of Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new developments contribute positively to the surrounding built and natural environment.

Justification

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

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

15/01198/1

15/01198/2

15/01198/3

15/01198/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/01198/FLL	
Ward No	N4- Highland	
Due Determination Date	09.09.2015	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of ancillary residential accommodation and workshop

LOCATION: The Orchard Balhomais Weem Aberfeldy PH15 2JE

SUMMARY:

This report recommends **refusal** of the application 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.

DATE OF SITE VISIT: 30 July 2015

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought for the erection of ancillary accommodation and the erection of a workshop within the garden grounds of The Orchard, Balhormais, Weem. The dwellinghouse sits on a sloping, triangular site to the north of an existing group of residential properties. The application site is bound to the south by a group of mature trees, to the west by the remains of a stone dyke and post and wire fence and to the east by the remains of a stone dyke and a line of trees.

The site rises from south to north and the existing dwellinghouse is fairly central within the plot. The 3 bed dwellinghouse has been constructed over 3 levels and is split level due to the sloping topography of the site. Approval was also given for the erection of a detached garage to the north west of the existing dwellinghouse, however, the garage has not been constructed. The garage was proposed to be built into the slope of the hill side. In March 2013 a pre application enquiry was submitted seeking advice on the possibility of erecting a self-catering unit as an alternative to the consented garage. A reasonably positive response was given dependant on design and scale and a recommendation against designing it as a stand-alone unit as this would give the appearance of two dwellings within the site which would not be appropriate.

The annexe is proposed to the north west of the existing dwellinghouse and the workshop is proposed at the southern end of the site on the entrance into the site.

SITE HISTORY

06/02515/FUL	Erection of a dwellinghouse (Application Permitted)
07/02811/MOD	Modification of existing consent (06/02515/FUL) to amend position and design of garage and fenestration and materials of house (Application Permitted)

PRE-APPLICATION CONSULTATION

No pre-application enquiry has been received in relation to this specific proposal; however a pre-application for the erection of self-catering accommodation was lodged by the applicant in 2013. The advice offered by the Planning Service as that any new accommodation should be an extension to the existing dwelling, and not a stand-alone, detached building.

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.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Within the approved Strategic Development Plan, TAYplan 2012, the primary policy of specific relevance to this application is:-

Policy 2: Shaping Better Quality Places

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary'.

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

OTHER POLICIES

Housing in the Countryside Guide 2012

Developer Contributions Guidance (November 2012)

CONSULTATION RESPONSES

Internal

Transport Planning – no objections subject to condition

Education And Children's Services – no response within statutory timescale

Contributions Officer – no objections

REPRESENTATIONS

The following points were raised in the 4 representation(s) received:

- Density of houses
- Over intensive development
- Increased traffic/unsafe access/deterioration In track surface
- Increased noise levels from proposed workshop
- Concerns over possible business use of workshop.

The points noted above are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	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 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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 Appraisal

Policy PM1A and PM1B require development to relate to the established character and density levels within a particular area. It is noted that this area is made up of detached properties located within relatively large plots. In my view the erection of the Grandparents annexe would result in a development which does not relate to the established character of the area nor the existing density levels. Approval of a proposal such as this may set a dangerous precedent for similar development on small scale plots elsewhere in the area which would result in the erosion of the character of the area on a larger scale. I am also concerned about the limited residential amenity which would be available to the occupier of the proposed accommodation given the lack of useable amenity space within the site. In planning terms I do not consider the proposed Grandparents annexe appropriate and believe it would fail to meet the above policies.

The proposed ancillary building would create a detached self-contained residential dwelling and is considered tantamount to a new dwelling. As the site lies within the landward area within the adopted Local Development Plan 2014, I consider it reasonable to also assess the proposal against Policy RD3:

Housing in the Countryside and its associated SPG on Housing in the Countryside (2012), which is the most recent expression of Council policy towards new housing in the open countryside.

In this particular instance, the category of the policy/guide that this application is considered against is 1) Building Groups. This category states that consent will be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which provide suitable setting. All proposals must respect the character, layout and building pattern of the group.

The Housing in the Countryside Guide 2012 offers support in principle for new housing adjacent to existing building groups, providing that the new site would extend the group into a clearly definable site that is formed by existing topography and or well established landscaped features which will provide a suitable setting for a new dwelling(s). In addition, a building group is typically defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature.

There are 7 existing residential dwellinghouses within the existing building group, however the proposal site is fairly open and does not have a clear landscape framework which could reasonably be considered as a definable site and, therefore, does not extend the group.

Although I cannot justify refusing the proposal as being contrary to Policy RD3: Housing in the Countryside as the application has not been applied for as a new dwellinghouse, I have considered it in relation to this Policy and my findings are that the proposed building is contrary to HITCG by virtue of the site not having a suitable landscape framework which is capable of absorbing the proposed development.

Design and Layout

The proposal is in 2 parts and relates to the erection of an ancillary residential accommodation annexe and the erection of a workshop.

Ancillary Accommodation Annexe

The proposed annexe is to be located to the west of the existing dwellinghouse. It is a completely self-sufficient standalone building with a footprint measuring approximately 84 square metres. The building has one level of accommodation comprising of a sitting room, dining hall, kitchen, sauna, 2 bedrooms and an en-suite. A wood burning stove is also proposed within the dining area.

The building is contemporary in its appearance. Finishing materials comprise of larch cladding on the walls and a corrugated metal roof finish, both to match the existing dwellinghouse. The flue is proposed on the north elevation. There is no indication as to the proposed finish of the flue, however, this should be a recessive colour other than stainless steel.

My main concern with this building is that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although in addition to, a separate doorway access will also be acceptable. Perth and Kinross Council has seen a rise in the number of applications for ancillary accommodation such as this which are detached self-sufficient residential units, however, in the main are dependent on the main dwelling in terms of providing care and assistance.

There may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances. In this particular case it would appear that the proposed building is for the applicant's Grandparent's to reside in as a permanent home

The proposed location of the accommodation entirely separate from the main dwelling is considered inappropriate for the purpose of providing ancillary accommodation. The location and use of the proposed accommodation is considered tantamount to a new dwelling as it is entirely divorced from the main dwelling house with no shared facilities.

The plot is of such a generous size, however, in the main is unusable due to the topography of the site. I am not convinced there is adequate parking and turning space to accommodate an additional unit and there is not adequate garden ground to allow the unit to be completely self-contained. Effectively the development forms a separate planning unit given the degree of separation and lack of any relationship between the use of the structures. The proposal is not considered to be ancillary to the main dwelling and will not function as an annex.

Workshop

The proposed workshop is to be located to the south of the dwellinghouse to the east of the access track. It is modest in scale measuring approximately 18 square metres. It will be finished in larch cladding with a corrugated metal roof to match the existing dwellinghouse.

I have no concerns with the proposed workshop in terms of scale, layout and design. The workshop building has been designed in a manner which is compatible with the host building. The use of matching materials allows the proposed building to integrate well.

Landscape

The proposal will have no impact on the wider landscape setting.

Residential Amenity

The proposal will not result in overlooking or overshadowing of neighbouring properties due to its location. Concerns have been raised that the workshop building may be used for business purposes, however, there is no evidence to suggest this. This can be controlled in any event by an appropriately worded condition. Concerns have also been raised that due to the close proximity of the proposed workshop to the boundary that there will be an increase in noise levels. The workshop building is proposed within the curtilage of a residential property and its use, therefore, is at a domestic level. I do not consider it will increase noise levels to a detrimental degree which will impact on the residential amenity of neighbouring properties.

Visual Amenity

I consider the proposed annexe building will create an unacceptable visual impact on the surrounding area. Although the finishing materials will allow the proposed building to integrate into the surrounding natural environment, the scale of the building gives the appearance of a new dwellinghouse which is out of character with the surrounding area. As the proposal is for the formation of a separate residential unit within close proximity to the existing dwellinghouse, it will have an impact on the visual appearance of the established character of the area which is generally detached dwellinghouses set within large plots.

Roads and Access

A number of concerns have been raised regarding the existing private road which is owned by 7 properties including the application site. The concerns raised relate to the condition of the road and if approval was given the track would deteriorate further as it is unsuitable for construction vehicles. Concerns have also been raised that the track is not capable of increased vehicles as a result of the proposal.

The issue of maintenance is not a material consideration in the determination of this application and is a private legal matter between all owners of the road. My colleagues in Transport Planning have been consulted on the application and do not consider the proposal will place an excessive burden on the existing road or access.

One point raised in a letter of representation was that sufficient turning facilities should be provided within the site. The comments received from Transport Planning also recommended 2 conditions; one being that turning facilities are provided in the site and the other being a minimum of 2 parking spaces are provided within the site.

Due to the topography of the site and the differing site levels to the east and west of the access track the parking area will be very restrictive insofar as it will be difficult to achieve parking for 2 vehicles as well as a turning area.

Drainage and Flooding

The site is not within an area at risk of flooding. There are no concerns with drainage as part of this proposal.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. As a result of the sites lack of a dThe development is considered contrary to Policy PM1A and PM1B of the Perth and Kinross Local Development Plan 2014 in that the proposed ancillary building would create a detached self-contained residential dwelling and is considered tantamount to a new dwelling for which there is no overriding justification.

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

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

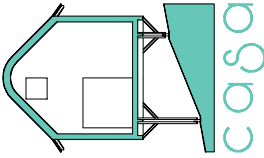
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15/01198/2

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15/01198/4

Date of Report 26.08.2015

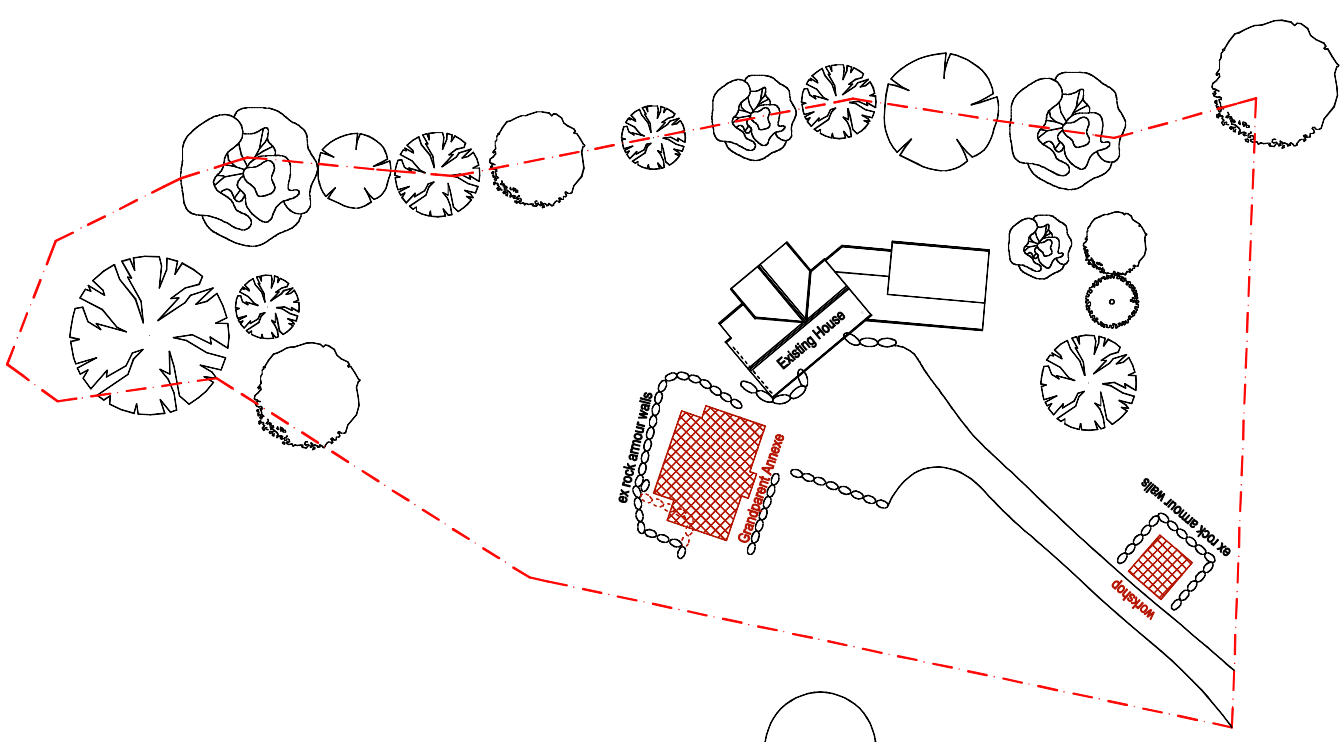


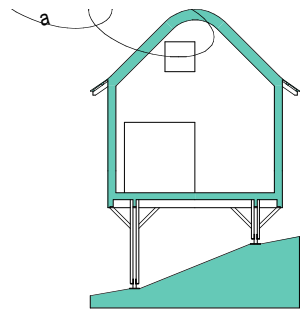
coll. andrew, smith, architect
architects
aberfeldy, perthshire PH15 2JQ
01887 820815
coll@casarchitect.co.uk



Amendments:

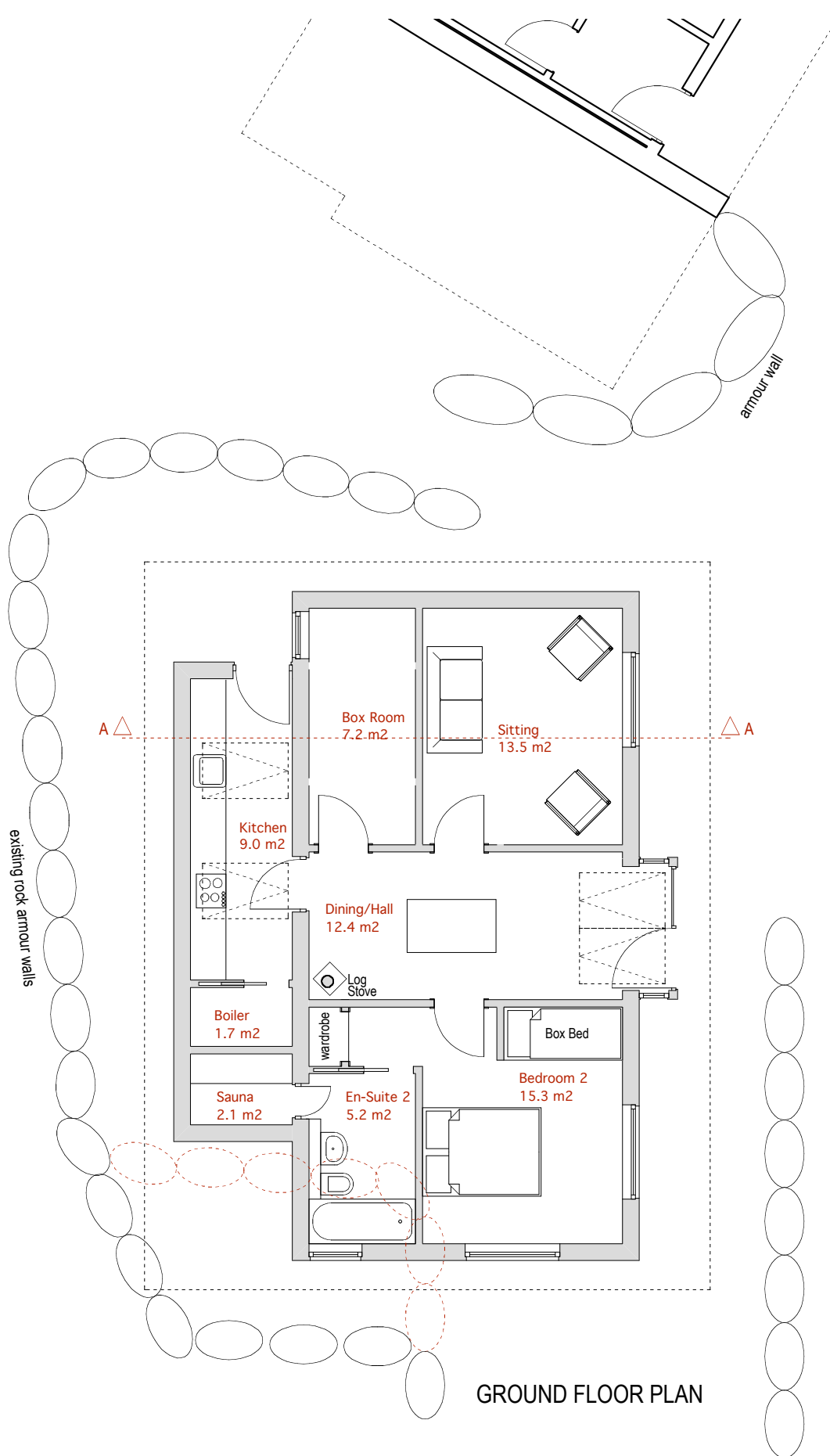
Erection of
Ancillary Grandparents Annex and
Workshop
Orchard House
Balhormais, Camserney
Aberfeldy, PH15 2JE
for: Mr and Mrs I Hubert
status: Planning
title: site/location Plan
drawing no: 2/16-00P
scale: 1:500 and 1:2500 @A3
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colin@casarchitect.co.uk



Erect flagpole
6M high

GROUND FLOOR PLAN

Amendments:

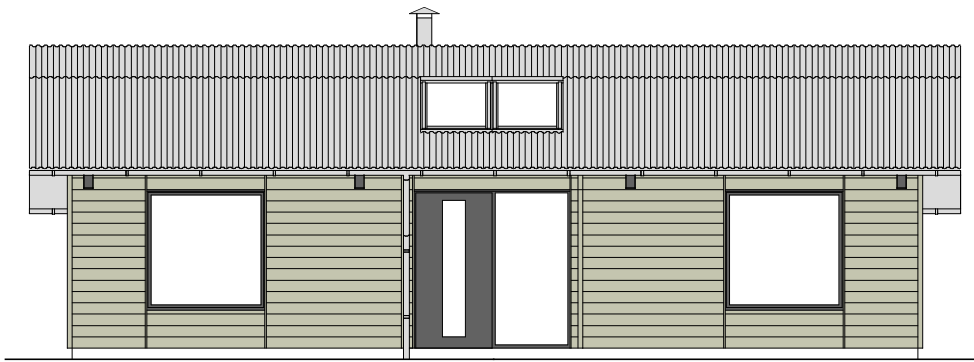
**Erection of
Ancillary Grandparents Annexe and
Workshop
Orchard House
Balhomais, Camserney
Aberfeldy, PH15 2JE**

for: Mr and Mrs I Hulbert
status: Planning
title: Ground Floor Plan
drawing no: 216-01P
scale: 1:100 @A4
Date: March 2015

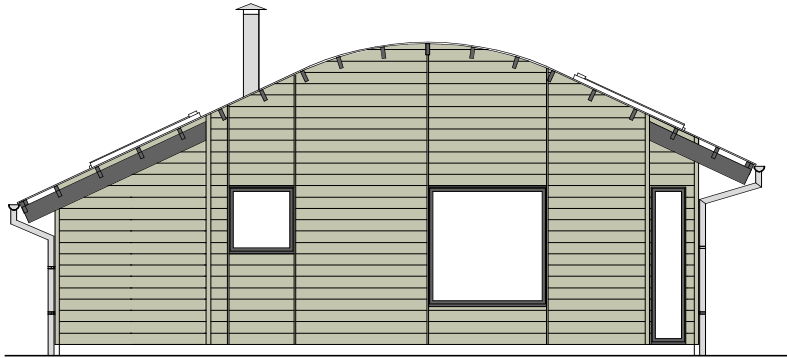
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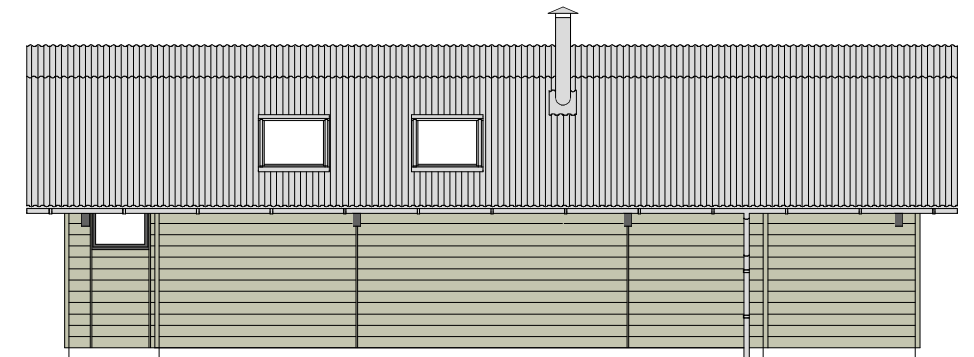
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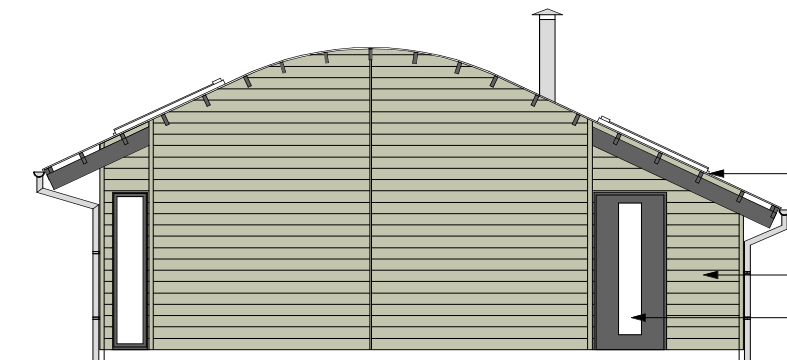
SOUTH ELEVATION



WEST ELEVATION



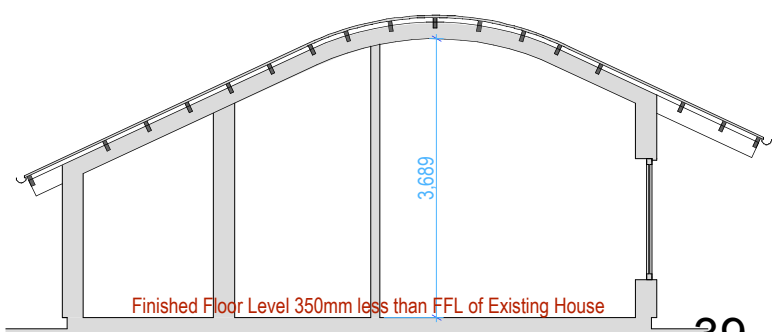
NORTH ELEVATION



EAST ELEVATION

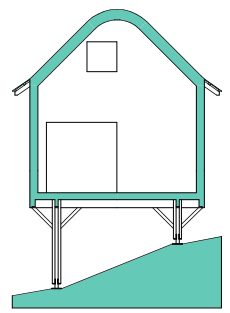
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- Exposed painted timber
- Metal Rainwater Goods
- Larch Cladding to match house
- Aluclad windows and doors

Amendments:



SECTION AA

39



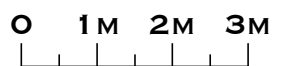
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aberfeldy . perthshire . PH15 2JQ
01887 820815
colin@casarchitect.co.uk

**Erection of
Ancillary Grandparents Annexe and
Workshop
Orchard House
Balhormais, Camserney
Aberfeldy, PH15 2JE**

for: Mr and Mrs I Hulbert
status: Planning
title: Elevations
drawing no: 216-02P
scale: 1:100@A4
Date: March 2015

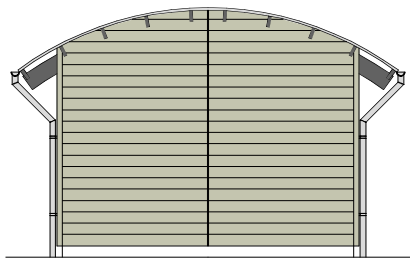
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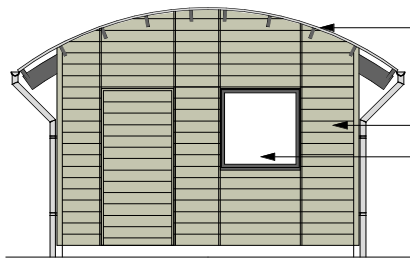




WORKSHOP SOUTH ELEVATION

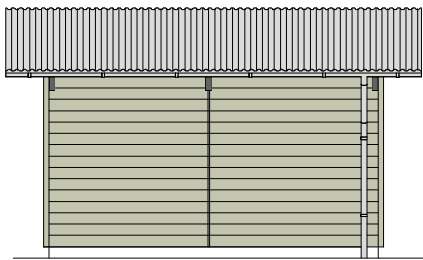


WORKSHOP EAST ELEVATION

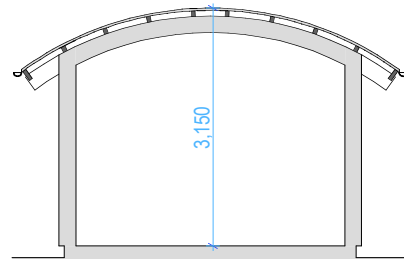


WORKSHOP WEST ELEVATION

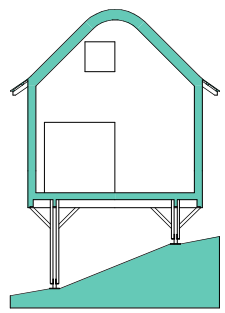
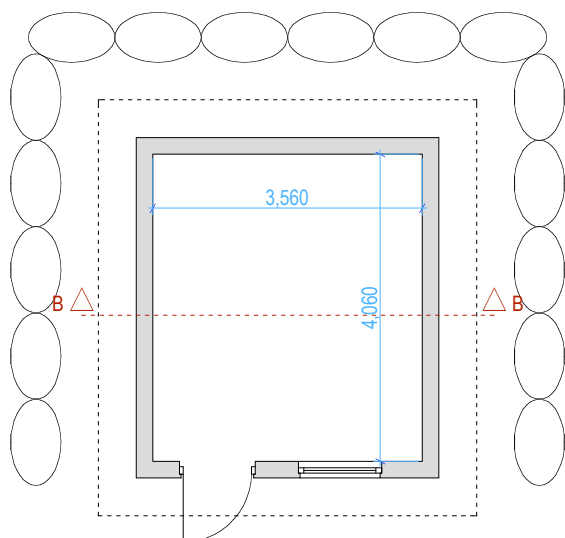
- Corrugated metal roof finish to match house
- Exposed painted timber
- Metal Rainwater Goods
- Larch Cladding to match house
- Aluclad windows and doors



WORKSHOP NORTH ELEVATION



SECTION BB



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Amendments:

**Erection of
Ancillary Grandparents Annexe and
Workshop
Orchard House
Balhomais, Camserney
Aberfeldy, PH15 2JE**

for: Mr and Mrs I Hulbert
status: Planning
title: Workshop
drawing no: 216-03P
scale: 1:100@A4
Date: March 2015

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TCP/11/16(378)

Planning Application – 15/01198/FLL – Erection of ancillary residential accommodation and workshop, The Orchard, Balhormais, Weem, Aberfeldy, PH15 2JE

REPRESENTATIONS

Tracy McManamon

From: [REDACTED]
Sent: 25 July 2015 14:25
To: Development Management - Generic Email Account
Subject: ref: 15/01198/FLL

To The Development Quality Manager,

ENTERED IN COMPUTER

From Lynn & Adam Gallie

[REDACTED] Balhomais Croft

[REDACTED] Aberfeldy

[REDACTED] PH15 2JE

27 JUL 2015

Re: Planning Application 15/01198/FLL, Orchard House, Balhomais, Aberfeldy,
PH15 2JE

We wish to comment as follows:

The plans submitted to PKC planning department do not show an annexe to a property, the plans

submitted to PKC show a stand alone two bedroom house with a sauna, which may be used for business purposes.

We wish the council to take into consideration that the road leading to Orchard House,

Balhomais, is a private road, the road is owned by seven properties in Balhomais and

the residents have to pay for the upkeep and maintenance of this road. Each house

owning the section of road in front of their property.

The road is an aggregate road and extremely unsuitable for heavy plant and lorries,

as vehicles of this size and weight churn the road up. As Orchard House is the last

property along this road this would mean that if the road is damaged by plant used to

build a new house the residents of Balhomais will have to pay to repair someone

else's damage.

A planning condition to ensure that a new stand alone two bedroom house has legal access across

a privately owned road would need to take place. Solicitors fees being paid for by the persons

submitting the plans to Perth & Kinross Council.

Yours sincerely

Adam & Lynn Gallie

Mr David Lee (Objects)

Comment submitted date: Thu 30 Jul 2015

Number1 - The access road to and beyond Achnacloch is unsuitable for any further increase in traffic. This is due to the dimension , construction and proximity of open plan housing to the road.

I would object unless controlled by a planning condition which stipulated a new independent access road be constructed to the proposed site.

Number2 - The access road is unsuitable for any construction traffic. Unrepaired damage was caused during the construction of the Orchard not only to the road but to the grounds Of Achnacloch and other houses.

I would object unless the same controls as comment 1 were applied.

The deeds for all the houses in this group were written specifically to prevent the running of any business from these houses. This was specifically to prevent any increase in traffic gaining access to the road.

I would object to these proposals unless a planning condition was applied to prevent the operation of any business for this location

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/01198/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of ancillary residential accommodation and workshop		
Address of site	The Orchard Balhormais Weem Aberfeldy PH15 2JE for Mr and Mrs Ian Hulbert		
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>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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Breadalbane Primary School.</p> <p>The proposal is ancillary to the existing house. Subject to the application of an occupancy condition regulating the occupation of the unit no contributions towards Primary Education will be required in this instance.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: N/A</p> <p><u>Total:</u> N/A</p>		
Recommended informative(s) for applicant			
Date comments returned	31 July 2015		

Paige Crighton

From: A WALSH [REDACTED]
Sent: 05 August 2015 12:15
To: Development Management - Generic Email Account
Subject: Planning Application 15/01198/FLL, The Orchard /Orchard House
Attachments: Comment re. Planning Application 15_01198_FLL, Orchard House .pdf

In response to neighbour notification regarding **Planning Application 15/01198/FLL, The Orchard/Orchard House** please find our comments attached.

Best Regards Tony and Christine Walsh

ENTERED IN COMPUTER

- 5 AUG 2015

Mr. and Mrs. A.J.Walsh

Broombrae

Balhomais Farm

Aberfeldy

PH15 2JE

Perth and Kinross Council
Planning and Development
Pullar House
35 Kinnoull Street
Perth
PH15 5JD

**Planning Application 15/01198/FLL, Orchard House , Balhomais ,
Aberfeldy, PH15 2JE**

Regarding the above application we wish to comment as follows:

1. We object to the addition of a two bedroom house to the existing group which I believe is contrary to guidance contained in Housing in The Countryside 2012 in so far as a new separate, sizeable dwelling over - extends the existing building group in a way that a smaller, less obtrusive alteration to the existing house may not.
2. We object to the siting of a "Workshop" close to the boundary with Broombrae particularly if it is for Business use, which is contrary to the note of prevention written into the deeds of all the houses within this group. In addition, siting close to the entrance gate will add to existing traffic congestion and may increase noise levels dependent upon the activities therein.
3. We object on the grounds that the road leading to The Orchard from the corner of Achnacloch becomes a narrow single track of blind corners and no passing places. Despite efforts to improve the track, past construction works and the frequency, speed and weight of current traffic to The Orchard, have added disproportionately to deterioration of the track. This has caused wear, potholing and deep rutting particularly at its steepest parts. The additional traffic generated by a further house will exceed the track capacity. The bringing in of construction equipment necessary for the build will also place additional loads and damage to a track not designed for such traffic. A separate access road from or close to the end of the tarmac road is our preferred solution.

Failing this, the developer, should, in agreement with the owners and users of the access, not least in respect of a duty of care, take responsibility for:

- bringing the track up to an agreed standard of repair and safety suited to heavy use, prior to the build
- Include sufficient turning space within the site to avoid the reversing of vehicles down the track. The present plot size and orientation does not easily accommodate parking and turning space for additional cars.
- enforce a speed limit of 5 mph

- ensure that the track is regularly inspected and repaired during the build

Furthermore it may be appropriate for the Council, developer and owners to seek advice regarding the implications of the proposed developments on the existing right of access, maintenance and repair agreements in the light of the above comments, making particular reference to law and responsibilities as contained in The Roads (Scotland) act 1984 and its complexities not least with regard to a duty of care to users. A separate access route could easily resolve this.

Mrs. Christine Walsh and Mr. Anthony Walsh

05/08/2015

Mrs Morag Pugh (Objects)

Comment submitted date: Sat 08 Aug 2015

More development in such a small rural area will increase the traffic using this road which already has many delivery vehicles using the road to this house. The workshop is quite large for a family house which begs the question, is it for a commercial use, which would not be acceptable for a quiet rural area.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/01198/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Erection of ancillary residential accommodation and workshop		
Address of site	The Orchard Balhomais Weem Aberfeldy PH15 2JE		
Comments on the proposal	<p>Whilst I note the comments from the objectors I feel that I must point out that a road is a public right of way and that the issue of maintenance is more properly a civil matter, rather than a planning issue. I also do not feel that the addition of one additional unit would place an excessive burden on the existing road.</p> <p>Therefore I do not object to this proposal, provided that the conditions indicated below are applied in the interests of pedestrian and traffic safety.</p>		
Recommended planning condition(s)	<ul style="list-style-type: none"> • Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. • Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site. 		
Recommended informative(s) for applicant			
Date comments returned	13 August 2015		

Dear Review Group,

Further to our objection letter dated August 5th and subsequent correspondence, we would wish to add the following:

Whatever past applications and permissions have been made in relation to The Orchard (and we do not recall being given any opportunity to comment at the time) and other properties in different contexts, as referred to in the notice of review, we would like to believe that this application is being judged as a new application in its own unique context. It should be judged against the current Development Plan, related policies and guidance and as such is, we believe contrary in fact and intention as supported by the Planning Officer's detailed report and supporting correspondence. These reflect some of the comments made by a majority of notified neighbours.

With reference to the substantial ancillary/annex build, as mentioned in our letter of August 5th, we would be more sympathetic if the submission followed the generally accepted definition of accommodation created for the extended family as presented in national and local planning guidance as correctly referred to in The Planning Officer's preliminary correspondence. For example, **"they should not normally be wholly self contained and such that the annex is ancillary, it would not be expected that there would normally be more than one bedroom."** The proposal is contrary to these two principles in so far as it is self-contained with no functional link to the main dwelling and has more than one bedroom. The "box room" lends itself to being a second bedroom, the main bedroom, labelled bedroom 2 on the plan, includes space for a "box bed" and the living areas could easily accommodate extra sleeping. Perhaps one could be forgiven for thinking that the application is more akin to luxury self-catering accommodation than a "Granny Annex". Therefore, may we suggest that if the meeting goes against the Planning Officer's sound decision and consent is perhaps agreed at a later date to a modified plan more in keeping with local policy and guidance, it should include a condition that prevents commercial use. For example, **"the annex accommodation shall only be occupied by members of the family, or non paying guests, of the dwelling and shall not be used, sold or let at anytime as a separate residential unit of accommodation"** or words to this effect. This I believe is in line with accepted policy and guidance for such applications.

Similarly and in accordance with what I believe is contained in the deed of title drawn up by the estate proprietor and suggested by the planning officer a condition should be applied that restricts the workshop to strictly non-commercial use and to a distance of no less than 3 metres from our boundary. These clauses apply to all properties in the hamlet and are clearly intended to reduce traffic and general disturbance and nuisance.

Regarding the road and track, as mentioned in previous comments submitted, we strongly disagree with the Transport Officer's assertions in matters of fact and observation. This track is not a public right of way. Right of access has only been granted for one dwelling and this build may arguably be contrary to this agreement. I do not think due consideration has been given to the legal implications and real impact on the quality of life of other residents. Whether or not there is sufficient turning space on the site, the build would obviously reduce this, too often vehicles approach a closed gate and have to reverse along a considerable length of the steepest and most hazardous part. The track is not suited to heavy construction traffic. Damage caused by previous and recent activity related to initial build and subsequent works at The Orchard have yet to be made good. In the meantime, in an effort to improve safety for pedestrians and traffic, some of the rest of the residents have carried out repairs and placed signage to encourage a 5 mph limit. A substantive build, unless placed under a number of conditions and restrictions as mentioned in previous submissions would further damage the road in the short and long term. The increased traffic would exacerbate the risk to pedestrians and vehicles.

In conclusion, we believe the Planning Officer is right in her assertions that this application in its particular rural context is contrary to some key principles and criteria written into The Development Plan and associated guidelines and policies. We do believe that if applicant's sole intention is to

accommodate their parents then there are other ways that that applicant could explore that would have a less detrimental effect on the landscape, density of the hamlet and traffic. However, we would expect any permission includes clear conditions that do not permit any form of commercial use.

Regards
Tony and Christine Walsh
23/10/2015

CHX Planning Local Review Body - Generic Email Account

From: [REDACTED]
Sent: 24 October 2015 11:59
To: CHX Planning Local Review Body - Generic Email Account
Subject: [MAYBE SPAM] Planning review 15/01198/FLL

Dear Sir or Madam

REF: 15/01198/FLL The Orchard, Balhormais, Aberfeldy.

We wish to comment further on Mr Colin Smiths comments that he has put forward to the review body.

Firstly Mr Smith is wrong when he says the site can not be seen from the road. The site very definately can be seen from the main road. As Mr Smith does not live on the Balhormais track he has no idea of the traffic difficulties the residents of Balhormais deal with, on a constant basis, we have vans and lorries reversing down the track that have been delivering to The Orchard, Balhormais, these include parcelforce, fedex, ups, yodel and MGM timber all of the drivers of these vehicles have been asked why they are reversing back down to the road and the answer from them is always they have not had room to turn around and come down the track in forward gear. This has on occasion resulted in damage to other peoples gardens, the family of one elderly resident are so concerned for their family member that they have taken it upon themselves to erect 5mph road signs to try and make drivers aware that they are reversing through other peoples garden ground.

Yours sincerely

Mr & Mrs A Gallie

Balhormais Croft

Aberfeldy

Perthshire.

Dear Councillors sitting on the Local Review Body

Regarding the further objections presented by Mr and Mrs A Gallie on the 24th October 2015 and Tony and Christine Walsh dated 23rd October 2015 we would like to respond as follows:

- 1.0 The concerns mainly consist of disagreements regarding the use of the access track. We would like the councillors to note that during the course of the application the Transport Planning Officer was consulted and has made no objection regarding the access. Much of the objections regarding the access track are in respect of the legal rights. This is not a planning matter but rather a legal matter, which as you will know is not material in any planning application.
- 2.0 Further objections are regarding the use of the buildings. The proposed use is residential as per the application and we are more than willing for a planning condition to ensure the accommodation remains ancillary to the main house and therefore cannot be disposed of separately.
- 3.0 We would like to draw the councillor's attention to the reasons for refusal. They were in respect of an increase in density and the lack of a landscape framework. The density reason is rebuffed by the fact that prior planning approval 15/01198/FLL gives full planning consent in perpetuity to a substantial sized garage in the location of the proposed annexe. We could build this large garage as drawn without the need for a further application. The lack of a landscape framework is rebuffed as the site has excellent existing landscaping as the Assistant Planning Officer alluded in the Report of Handling.
- 4.0 We would like to stress that it is these reasons for refusal, which are in question in this review and would be pleased if the councillors could judge the application accordingly.

Regards

Ian and Fiona Hulbert
Applicants

