

TCP/11/16(400)
Planning Application – 15/01924/FLL – Formation of
caravan site (1 pod unit) (in retrospect), Mill of Logierait,
Logierait, Pitlochry, PH9 0LH

INDEX

- (a) Papers submitted by the Applicant (***Pages 559-568***)
- (b) Decision Notice (***Pages 571-572***)
 - Report of Handling (***Pages 573-578***)
 - Reference Documents (***Page 579***)
- (c) Representations (***Pages 581-586***)

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**PAPERS SUBMITTED
BY THE
APPLICANT**

14 MAR 2016

NOTICE OF REVIEW

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

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	
Forename	PETER	Forename	
Surname	GUINAN	Surname	
Company Name		Company Name	
Building No./Name	MILL OF LOGIERAIT	Building No./Name	
Address Line 1	LOGIERAIT	Address Line 1	
Address Line 2		Address Line 2	
Town/City	PITLOCHRY	Town/City	
Postcode	PH9 0LH	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority		PERTH AND KINROSS COUNCIL	
Planning authority's application reference number		15/01924/FLL	
Site address			
MILL OF LOGIERAIT LOGIERAIT PITLOCHRY PH9 0LH			
Description of proposed development			
CHANGE OF USE OF AGRICULTURAL LAND FOR SITING OF A TIMBER TENT FOR HOLIDAY USE (RETROSPECTIVE)			

Date of application

02 NOV 15

Date of decision (if any)

22 DEC 2015

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure



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

A HEARING SESSION | SITE VISIT TO CONSIDER AN
ANSWER TO FLOODING ISSUES

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

NO REASON FOR UNACCOMPANIED SITE VISIT.
PRIOR NOTICE USEFUL,

8. Statement

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

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

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

PLEASE REFER TO ACCOMPANYING LETTER.

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

Yes ☒ No ☒

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

A SEASONAL USE CONDITION IS NOW BEING
SAUGHT - TO ALLEVIATE FLOODING CONCERNS.

9. List of Documents and Evidence

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

ENCLOSED LETTER FROM APPLICANT
ENCLOSED LETTER FROM FORMER OCCUPIER

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

Signature:



Name:

PETER GUINAN

Date:

10-03-16

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

Mill of Logierait
Pitlochry
PERTHSHIRE
PH9 0LH

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

10.03.2016

Notice of Review: Planning Application Ref: 15/01924/FLL

I, Peter Guinan, and on behalf of my partner Fiona Gordon, request that the Review Committee take the following information into account whilst considering the reasons for refusal of planning of our above application.

1. Background.

The Mill of Logierait Farm has been owned and farmed by myself since 1993. The Farmhouse has been occupied by my parents for ten years, and then subsequently occupied by ourselves for the last twelve years. This is our permanent, and only home. The farmland has been successfully cropped and stocked every year of my ownership, without any crop failure, or loss of animals due to the effect of flooding. This has been achieved by the gaining of valuable local knowledge of the timing, and extent, of potential flooding. The ground is not cultivated over the winter months, and sheep/cattle are not grazed over what can be vulnerable land, nearer the riverbanks. This in effect, adds up to seasonal usage of the land. The farm is not of a size to be entirely viable as an agricultural unit, and we both rely on alternative uses of our farm to provide an income.

2. Consideration.

Planning permission has been refused solely on the comments submitted by The Councils Flood Team. We are asking the Committee to consider what we consider to be a fair request, that permission be granted for Seasonal Use only (March to October). This would be in line with other local caravan sites located within a flood risk area, including **high risk**. (Aberfeldy Caravan Park, Fonab Caravan Park Pitlochry, and Inver Caravan Park).

3. Reasons.

As outlined in the background information, we have good knowledge of the timing of potential flooding, and of managing our business accordingly, and this includes assessing any risk factors. A Seasonal Use restriction would eliminate any access problems for guests, and possible land drainage concerns, caused by the risk of flooding.

We feel it is important to note that a second alternative farm access/exit route is available to guests. This road was constructed in 2008 to provide an a safer route from the farmhouse and steading out onto the A827 main road. (Planning Consent Ref. 08/00519/FLL).

The Pod itself sits on raised ground that has proven to protect any building sited there on. Formally four chicken huts were safely sited there. There was no danger to the pod during the recent major flood of 30/12/2015.

The ground drainage over the summer months is excellent, the land type consists of sand and gravel, providing an extremely efficient soak away system. Again we have never had any issues.

The Mill of Logierait Farm lies within the 1 in 200 year flood envelope, but as indicated by the SEPA flood map, has within it three areas of risk, the piece of land in this application for change of use, lies within a **medium risk area**.

4.Related Cases

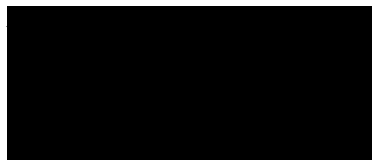
We note that a property adjacent to our property was given consent on 14 January 2016 (Ref. 15/01973/FLL Ferry Cottage), for conversion to light industrial use. This property lies on exactly the same flood plain as ourselves, with a septic tank system draining into similar ground. Consent has been granted for increased occupancy, without any access conditions. Additional car parking has also been granted. This particular house and adjoining ground can be totally inundated with flood water.

We also note permission was granted on 27 September 2013 for a new build house opposite the farm, with a septic tank soak away onto this flood plain.
(Ref. 13/00204/FLL Clais-an-Deor).

5.Conclusion

We sincerely hope the Committee will consider this case in so much that it is solely the flood risk element that has led to refusal of permission. The application would appear to be supported otherwise, and we hope that given the foregoing information covering issues raised by the flood team, a condition of Seasonal Use would alleviate concerns over access, and drainage, and consent may be granted.

The pod has proved over the few summer months it was open last year, to be a very popular and enjoyable experience for those who stayed here. The pod has only a maximum of two adults, (or two adults and two young children), and provides cosy en-suite overnight glamping accommodation. The additional income provided by the pod business would help make the longer term prospects for this small farm more secure.



Peter Guinan
Mill of Logierait

Enclosed : Letter from former occupier, Mrs D. Gray

Dunmay House

Logierait

PH9 0LH

[REDACTED]

10.03.2016

Ref: Mill of Logierait Farm PH9 0LH

To Whom It May Concern

This letter is to confirm that, along with my late husband Jim Gray, and our family, I resided at the property in question, the Mill of Logierait from 1972 - 1992.

During that time we farmed beef cattle, sheep, and cereal crops.

At no time during this period did we ever have flooding of any significance over the farm, or in the buildings between the months of March - October.

I still reside in Logierait , and am happy to be contacted to verify the above.

[REDACTED]

Mrs Diana Gray.

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Logierait, Pitlochry, PH9 0LH

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Mr Peter Guinan
c/o Montgomery Forgan Associates
David Queripel
Eden Park House
Eden Park
Cupar
KY15 4HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 22.12.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/01924/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 9th November 2015 for permission for **Formation of caravan site (1 pod unit) (in retrospect) Mill Of Logierait Logierait Pitlochry PH9 0LH** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy EP2 New Development and Flooding of the Perth and Kinross Local Development Plan 2014 as the site and surrounding area is completely within the 1 in 200 year flood envelope and there is a presumption against proposals for built development where there is a significant probability of flooding.

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

- 1 The pod unit shall be removed from the site within 3 months of the date of this decision notice. Failure to remove the structure within this timescale will result in enforcement action being taken.

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

15/01924/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/01924/FLL	
Ward No	N5- Strathtay	
Due Determination Date	08.01.2016	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of caravan site (1 pod unit) (in retrospect)

LOCATION: Mill Of Logierait Logierait Pitlochry PH9 0LH

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: 3 December 2015

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for formation of a caravan site (1 pod unit) (in retrospect) at Mill of Logierait, Logierait. The application site is located to the north of the existing dwelling and outbuildings.

The pod unit is a timber ‘wigwam’ which falls under the definition of a caravan and therefore permission is only required for the formation of a caravan site.

SITE HISTORY

08/00432/PN Erection of agricultural shed 28 March 2008 Application Permitted

08/00519/FUL Formation of farm access 12 April 2008 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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 ED4C - Caravan Sites, Chalets and Timeshare Dev

Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

Local Flood Prevention Authority

Objection

Transport Planning
Internal Discussions

No objection, no conditions

REPRESENTATIONS

No letters of representation received

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	Submitted
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

The application site is not located within a settlement boundary and is therefore considered under Policies PM1 Placemaking, Policy ED4 Caravan Sites, Chalets and Timeshare Developments and Policy EP2 New Development and Flooding.

The general development of the site, as it is located near the existing building grouping and that the scale and design of the pod is acceptable, would not raise any issues in relation to Policy PM1.

Policy ED4C states that the council will give favourable consideration new chalet and timeshare/fractional ownership developments where it is clear they cannot be used as permanent residences.

However the site and the surrounding area is completely located within the 1 in 200 year flood envelope where under Policy EP2 there is general presumption against proposals for built development within areas of flood risk.

Due to the flood risk, which is further detailed in the report the proposal is contrary to the Local Development Plan.

Design and Layout

The applicant has already sited the timber wigwam within the application site which until recently has been used for the siting of 4 hen huts. As the wigwam falls under the definition of a caravan, permission is only needed for the formation of the caravan site.

I have no concerns about the use of the site as a caravan site and further development on the site would be acceptable and could be accommodated.

Residential Amenity

The site is within a wider area of land within the applicant's control. There are no other close neighbouring dwellings. I therefore do not consider the proposal would have any impact on residential amenity.

Visual Amenity

The site is located adjacent to the existing building grouping set back from the main road. The proposal would not have any impact on the visual amenity of the area.

Roads and Access

The access to the site already exists and Transport Planning has no objection to the proposal and no conditions to recommend.

Drainage and Flooding

The site and the surrounding area is completely located within the 1 in 200 year flood envelope. The agent has stated in the supporting information that the ground was raised by approximately 0.8metres around 10 years ago to accommodate the chicken huts so as to prevent any possibility of flooding in extreme circumstances.

The Councils Flood Team has objected to the proposal. I have drawn their attention to the land raising however they have taken this into consideration and state that the entirety of Logierait mill falls within the 1 in 200 year flooding probability. They don't believe the raising that has occurred would play a great benefit on a flood of that magnitude hence why they maintain their original assessment. They also note that the land soakaway drainage would not be suitable within this area of flooding along with the addition of a new/alterd septic tank.

Therefore the proposal must be refused on the flood risk associated with the site.

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 considered not 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

The proposal is contrary to Policy EP2 New Development and Flooding of the Perth and Kinross Local Development Plan 2014 as the site and surrounding area is completely within the 1 in 200 year flood envelope and there is a presumption against proposals for built development where there is a significant probability of flooding.

Justification

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

Informatives

The pod unit shall be removed from the site within 3 months of the date of this decision notice. Failure to remove the structure within this timescale will result in enforcement action being taken.

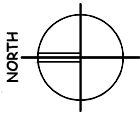
Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/01924/1

Date of Report 21.12.2015



MONTGOMERY, FORGAN, ASSOCIATES

ARCHITECTS +
TOWN PLANNING
CONSULTANTS

GREEN PARK HOUSE
COPRA, 177E KYRIE AVE, TEL: 01234-456789
www.montgomeryforghan.co.uk



Project

CHANGE OF USE OF AGRICULTURAL
LAND FOR SITTING OF HOLIDAY
WIGWAM AT
MILL OF LOGIERAIT FARM,
LOGIERAIT, PITLOCHRY, PH9 0LH

Drawing

LOCATION PLAN

Scale Date

1:1250 @ A1 OCTOBER 2015

Drawn

MA Checked

Drawing Number

5492 / C / 01

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Typical Wigwam



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REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/01924/FLL	Comments provided by	D.Lynn
Service/Section	TES - Flooding	Contact Details	dlynn@pkc.gov.uk
Description of Proposal	Formation of caravan site (1 pod unit) (in retrospect)		
Address of site	Mill Of Logierait Logierait Pitlochry PH9 0LH		
Comments on the proposal	<p>Objection</p> <p>Looking at SEPA indicative flood maps it can be seen that the entire site and surrounding area is completely within the 1 in 200 year flood envelope.</p> <p>Also the drainage supposed of a land soakaway would not be suitable within this area of flooding along with the addition of a new/altered septic tank.</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	N/A		
Date comments returned	11/11/15		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/01924/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Formation of caravan site (1 pod unit) (in retrospect)		
Address of site	Mill Of Logierait Logierait Pitlochry PH9 0LH		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	02 December 2015		

