LRB-2021-47
21/00976/IPL – Erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty

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LRB-2021-47
21/00976/IPL – Erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty

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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100417206-003

The online reference 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:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Mary ann	Building Number:	290
Last Name: *	Anzfer	Address 1 (Street): *	Main Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kelty
Extension Number:		Country: *	Fife
Mobile Number:		Postcode: *	KY4 0BB
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Land adjacent to Leuchars wood, Blairforge, Kelty

Northing	696308	Easting	314650

Description of Proposal

Please provide a description of your 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)

Refusal of application 21/00976/IPL for erection of dwelling house in principle land 100 meters north east of Blairfordel Farm Kelty

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 a 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 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.

Please see attached statement for reason for seeking review of decision.

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

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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)

3170-PP-SP2 Location Plan 3170 PP SP1 Rural Location Plan Supporting Statement Statement of reasons for seeking review

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.	21/00976/IPL
What date was the application submitted to the planning authority? *	01/06/2021
What date was the decision issued by the planning authority? *	24/08/2021

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

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

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: Mrs Alison Arthur

Declaration Date: 23/11/2021

Arthur Stone Planning
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85 High Street
Newburgh. KY14 6DA

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Chartered Town Planner

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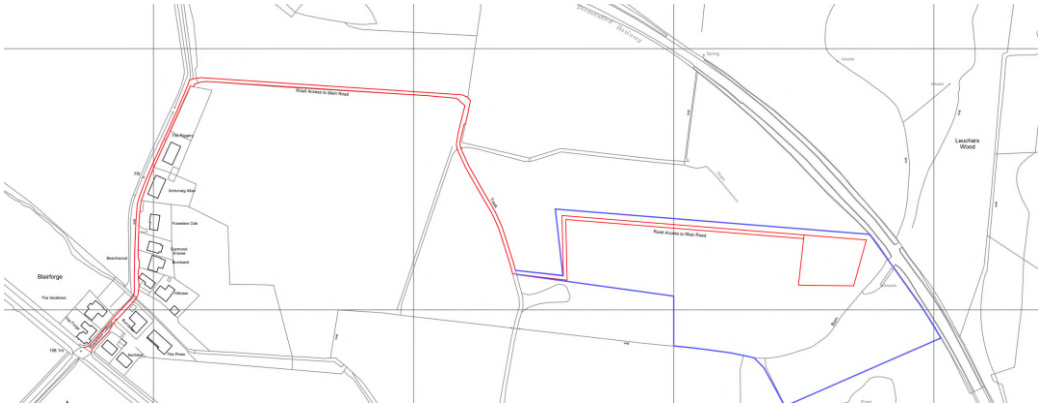
Notice of Review – Perth and Kinross Council Local Review Body

Statement of Reasons for Seeking Review

Application 21/00976/IPL Erection of a dwellinghouse (in principle)

Land 100 Metres North East Of Blairfordel Farm Kelty



We have by asked by our client, Mrs Anzfer, to prepare this submission for consideration by Perth and Kinross Council's Local Review Body. Below is a summary of the application and our client's case.

Our client and her family own the application site at Blairforge where she seeks to establish a new home. The application site is considerably larger than the plot required for a dwelling, providing opportunity to create a small holding; used for growing vegetables and crops, green infrastructure and biodiversity alongside potential livestock grazing. The applicant and her family are currently working alongside the Woodland Trust to reintroduce large areas of former woodland on his site. The applicant has ongoing health problems, which significantly limit her mobility and which require a house suitably designed for her needs. The applicant has been unable to identify a house in the local area suitably designed for her severe lack of mobility and therefore seeks to build her own property for this reason.

In summary, we consider that the Local Plan, under category 3.4 (Houses for Local People) and 3.5 (Sustainable Living) of the current Housing in the Countryside Supplementary Guidance for Perth and Kinross, support our client's planning application for development on this site.

Category 3.5 allows for new houses in a rural setting is essential as an integral part of awork that land sustainably to become largely self-supporting. As noted above the applicant and her family have bought a far larger area of land than required for a single house and intend to work that land sustainably to work towards becoming self sufficient.

Category 3.4 allows houses to be built on land for a local person or family who have lived and/or worked in the area for at least 3 years, and who are currently inadequately housed. The SG elaborates that 'Unsuitable accommodation – where the needs of someone within the household has changed and they now require a different type of accommodation, for example, a house which is suitable for a wheelchair user.' Mrs Anzfer has very poor mobility and degenerative conditions that will unfortunately in the near future result in being wheelchair bound.

The Planning Officer suggests that no evidence has been put forward that there is a lack of or no suitable accommodation available to purchase. However, this was not requested and had the applicant have been given that opportunity would have happily done so based on her experience over the last 5 years. It is not a case as the planning officer suggests that the applicant simply 'desires' to live in a rural setting but that there is a complete lack of availability of single storey housing or indeed housing plots within the local urban area to achieve the design of house that the applicant requires to meet her mobility needs. In addition, it seems contradictory that such a Policy would be contained within a Perth and Kinross Housing in the Countryside Policy were it not meant to be used for housing development in that countryside.

In terms of the siting of the house, it is considered that whilst the site is not adjacent to the grouping of Blairforge itself, it incorporates a landscape structure in that it is well contained by a high railway embankment, lines of trees and woodland, hedgerows and field boundaries. The site feels very much enclosed and it not visible from any main public road or public access.

In transport terms, the access junction to the public road is considered to be acceptable for the development and one dwelling is not considered to result in any significant traffic increase. Therefore, Fife Council Transport Planning have no objection.

A Coal Mining Risk Assessment was been submitted (it was not requested but submitted by the

agent on review of the initial objection from the Coal Authority). The Coal Authority have now removed their objection but have recommended conditions should eb application have been approved.

The site is subject to a concern of surface water flooding, as identified by SEPA flood maps; however, the applicant was not afforded the opportunity to provide details of how this matter may have been dealt with. A seperate planning application close to the site in 2018 and adjacent to the Kinnaird Burn, was approved subject to higher finished floor levels. We consider that this would be a similarly appropriate resolution to any concerns the Council may have, which could be the subject of a condition.

The points below sets out Mrs Anzfer's case in seeking review of the Appointed Officer's decision and their request that members of the Local Review Body approve their proposal.

The application was refused planning permission in August 2021 for the following reasons:

1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups as it detached from the group.

2 The proposal is contrary to Policy 52 of the Perth and Kinross Local Development Plan 2019 as no information has been provided to assess the flood risk of the site.

We have set out our case in relation to each of these reasons for refusal below. We are grateful for the Local Review Body's consideration of this application.

Reason for Refusal 1

1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups as it detached from the group.

Policy 19: Housing in the Countryside and the related Supplementary Guidance support proposals (under criterion 1) Building Groups) for '*houses which extend the group into a readily definable adjacent site'.* Related criteria include that: *'new housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern; new housing will not detract from the visual amenity of the group when viewed from the wider landscape; and a high standard of residential amenity will be provided for both existing and new housing'.*

A detailed case for the proposal complying with Policy 19 and the Housing in the Countryside Supplementary Guidance has been made in the Supporting Statement which accompanied the application. As noted above, it is our client's belief that the proposal is supported by Category 3.4 (Houses for Local People) and 3.5 (Sustainable Living) of the current Housing in the Countryside Supplementary Guidance for Perth and Kinross. In terms of siting and design, which the Planning Officer advises is lacking in this location - the site is considered to have a definite landscape framework, with a backdrop of substantial trees and a railway embankment to the northern edge and by a line of established shrubs and field boundary to the east. The site is not visible from any main public road and feels very much enclosed.

We believe that the site provides opportunity to enhance the character and built form of Blairforge. It can bring benefit to the existing group. The considerable available land within the site enables a well-designed landscaping proposal to provide an enhanced setting and edge to Blairforge.

The proposed house will be single storey, to reflect the character of other properties and will sit well within its existing setting and landscape framework. The proposal will bring further benefits to Blairforge and the wider area from future tree planting to strengthen the existing green infrastructure. The site itself can be easily serviced from an adjacent farm site and the remainder of the land owned by the applicant is intended to be used traditionally as a small holding for grazing animals, tree planting etc.

The application site can provide ample residential amenity for the future dwelling, with no impacts on the amenity of neighbouring properties. The site cannot be vreadily iewed from any public road or view.

View towards Blairforge from B996 from S, showing enclosure and screening with hedging and field boundary trees

We would highlight the application approved recently (Sept 2020) by the Local Review Body for a site to the north of the Blairforge group, extending it into farmland (20/00939/FLL). Similarly,

another recent application was approved under delegated powers (18/01413/FLL), also extending into farmland. We believe that, similarly, this proposal can gain approval through the decision of the Local Review Body.

Reason for Refusal 2

2 The proposal is contrary to Policy 52 of the Perth and Kinross Local Development Plan 2019 as no information has been provided to assess the flood risk of the site.

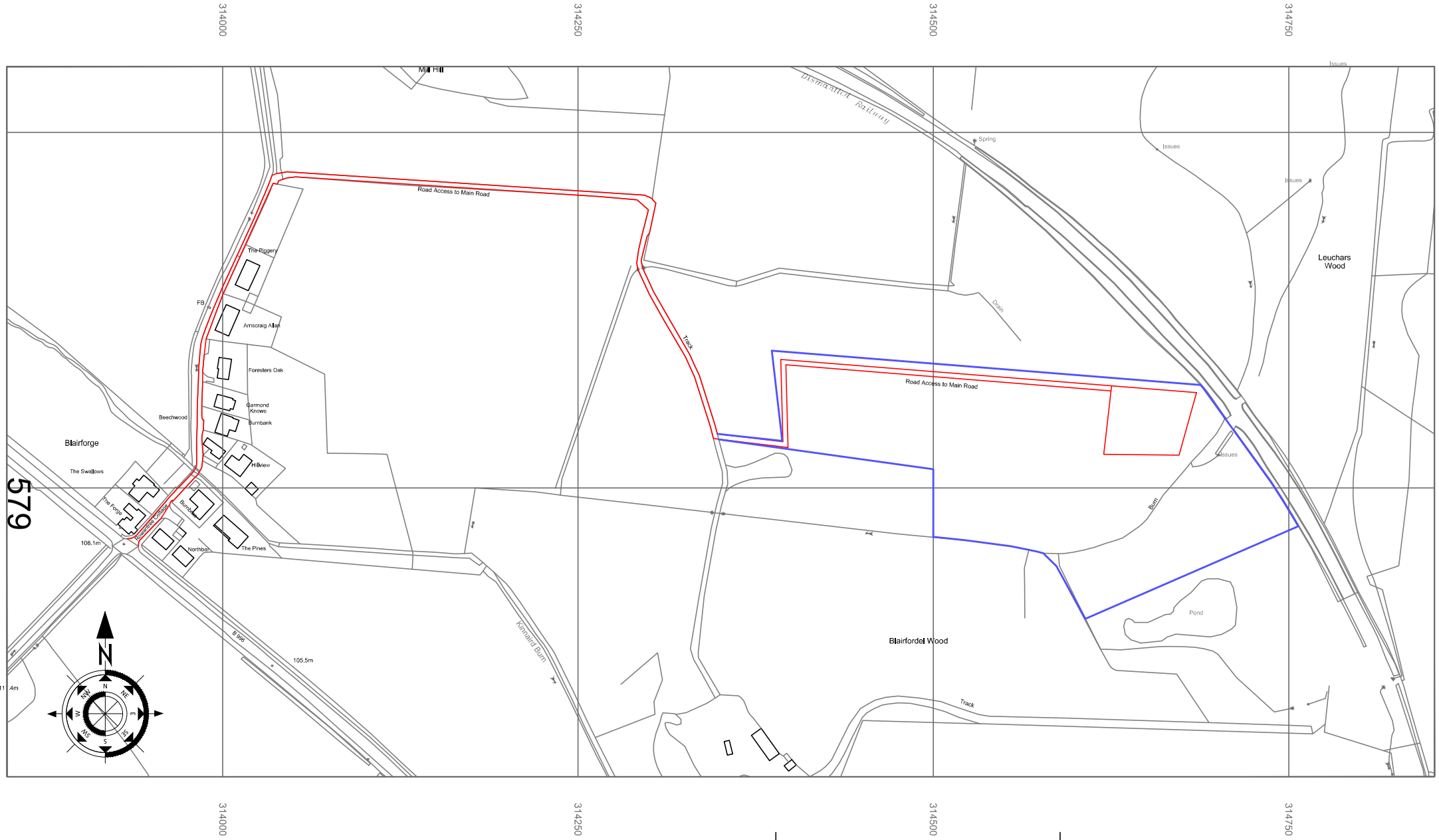
It is noted that **part** of the application site is within an area which **may be at risk from flooding from surface water**, based on SEPA flood maps. The Report of Handling indicates that a Flood Risk Assessment is required and that a Drainage Impact Assessment would be helpful, but that these were not requested as the principle of the development was not supported.

We believe that the lack of a Flood Risk Assessment and drainage information, at this stage, need not be a reason for refusal. The potential risk is from **surface water**, and we suggest that this could be addressed in the details of a further application, with attention paid to the necessary height for finished floor levels and use of appropriate water resilient construction materials. This would be consistent with the Council's approach in other situations where there is a risk from surface water flooding.

A well-designed sustainable drainage system will also deal with surface water. There is ample land within the application site to accommodate this need.

It should also be noted that an application for a new house 30m from Hillview applied for in 2018 (18/1413/FLL) and was approved subject to an increase in height of finished floor levels. The site is very close proximity of the Kinnaird Burn and is subject to the same surface water concerns as the applicant's site. There seems no reason as to why this case cannot be dealt with in the same way, subject to an appropriate flood risk survey, wich the applicant should have been afforded the opportunity to provide.

The applicants will be pleased to provide members of the Local Review Body with further information at this stage should this be required to assist consideration of the application.

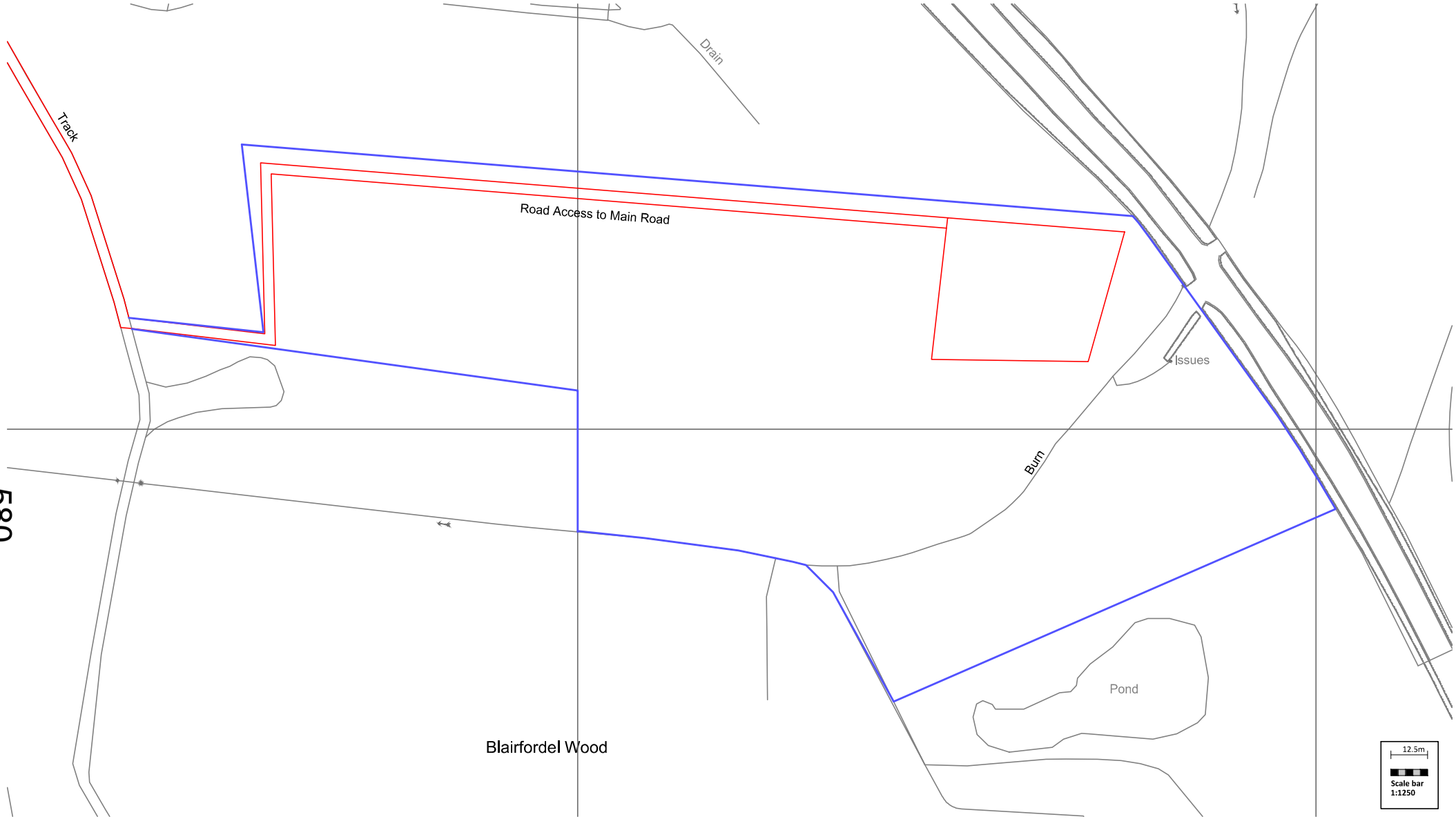


Location Plan

Scale 1:2500

Arthur Stone Planning & Architectural Design

Project				
Mrs Azfer , Kelty				
Title				
Site Location Plan				
Drawn	Date	Scale	Drawing No	Rev
JG	April '21	As Shown @A3	3170 - PP- SP1	



580

Location Plan
Scale 1:1250

Arthur Stone Planning
& Architectural Design

Project				
Mrs Azfer , Kelty				
Title				
Site Location Plan				
Drawn	Date	Scale	Drawing No	Rev
JG	April '21	As Shown @A3	3170 - PP- SP2	

Supporting Statement

Application for Planning Permission in Principle

Erection of a single dwellinghouse

Land at Blairforge, Kelty

May 2021

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Introduction

This statement has been prepared for Mrs Azfer to assist with the Council's assessment of a proposal for erection of a single dwellinghouse on land adjacent to Blairforge, Kelty. The proposed site is currently open ground.

The statement will address the following considerations:

01 Site Description

02 Planning History

03 Proposal

04 Principle of Development

05 Placemaking—Built Context

06 Placemaking—Environmental Considerations

07 Placemaking—Accessibility

08 Conclusion

Applicant's statement

Site Location

01 Site Description

The application site lies at land to the east of a residential area of Blairforge, on the B996 between Kinross and Cowdenbeath. The land is an area of rough grassland, which is largely enclosed by a mixture of trees and hedgerows. An existing access track is located to the west of the site, further fields directly to the south, fields and woodland to the north and east and by houses (at Blairforge) lie to the west. A former railway embankment is also located directly to the north and east of the site.

The site is accessed via a newly proposed access across fields to the west of the site, linking to an farmer's access track located between fields and by the road running through Blairforge itself. The site is obscured from any wider view from the Blairforge by tree belts. Blairforge is a relatively new, group of residential properties with a recent planning history for new housing. The surrounding area is characterised by other small groups of residential properties that have grown incrementally over time, sited between open countryside and woodland.

There have been 2 recent housing proposals that have gained planning permission close to the application site in recent years as follows:

02 Planning History

- 18/01413/FLL- Land 30m south of Hillview, Blairforge for the erection of a single dwellinghouse (please see map). This application was approved in September 2018 and is located on agricultural land.

- 20/00939/FLL- Land 400m north east of the Old Piggery, Blairforge for the erection of a single dwellinghouse (please see map). This application was approved in September 2020 and is located on agricultural land. A previous PPP application for this site was approved by the Local Review body under Planning Reference 19/01313/IPL in September 2019.

As noted above, Blairforge itself has a relatively recent planning history as a settlement. Land to the south of the Old Piggery site (land outlined in green on map) gained planning approval for 2 new dwellings on agricultural land in 2004 (04/00868/FLL). Similarly, the houses to the south of that site (land outlined in orange on map) appear to have gained planning permission around 2002.

01 Site Description

Wider views of the site from the B996 road and entrance to Blairforge

Arrow illustrates the position the photograph was taken from

Photographs taken from this location at the gated entrance to fields and Farmer's track that leads to the entrance of the applicant's site

Arrow illustrates the position the photograph was taken from

Photographs looking towards and from the application site

Red Circle illustrates proposed location of new dwelling

Arrow illustrates the position the photograph was taken from

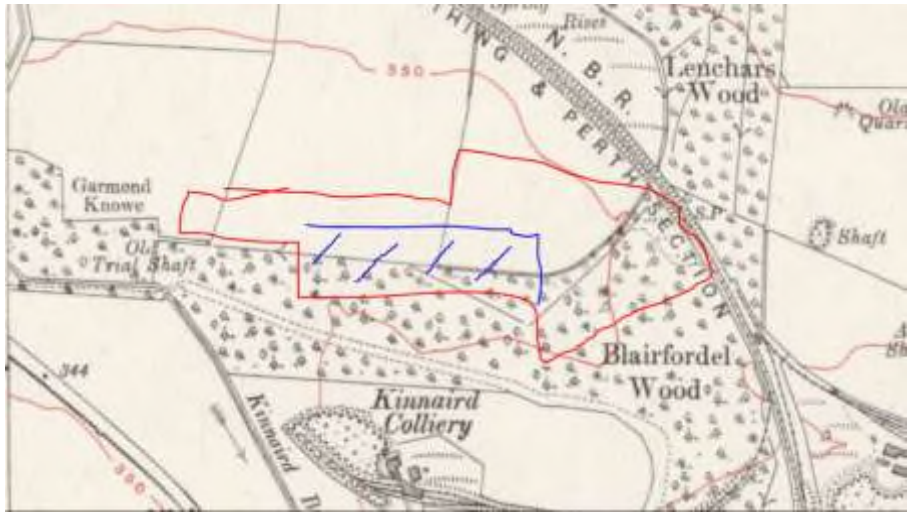
03 Proposal

This application for planning permission in principle seeks the opportunity to form a new dwelling on land to the far east of Blairforge. The site is rough grazing agricultural land and is bounded by a mixture of agricultural land to the south, west and east and by woodland to the north. The site is defined by a mixture of trees, shrubs and a railway embankment to the north.

An indicative site layout can be included to demonstrate the capabilities of the site to accommodate this development if required. It is proposed that a new driveway to the dwellinghouse would link the existing access track into the site itself and which leads out onto the adopted road into Blairforge itself. The site is amply sized to accommodate garaging and parking space along with a turning area.

It is proposed that all requirements necessary to achieve a high quality development, addressing the site layout, design, boundary treatment and landscape strategy would be submitted at the time of a further detailed application.

The applicant has purchased a larger parcel of land than the application site itself, as illustrated and outlined in blue on the map overleaf. The proposal will provide opportunities for the applicant to use the land as a smallholding and to become self sustainable; for livestock grazing including cattle and llamas, home growing vegetables and also to enhance green infrastructure and biodiversity through landscaping and planting. The applicant also intends to reforest a significant portion of the land in her ownership to the south of the site, which is visible on the Parish Map exert overleaf, dated from 1920.



04 Principle of Development

The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2019. Perth & Kinross Council's supplementary guidance is also a consideration in the assessment of this proposal, including the Housing in the Countryside Supplementary Guidance 2020 and Placemaking Supplementary Guidance 2020.

TAYplan Policy 1: Location Priorities (C) Outside of Principal Settlements includes that '*Local Development Plans may also provide for some development in settlements that are not defined as principal settlements (Policy 1A). This is provided that it can be accommodated and supported by the settlement, and in the countryside; that the development genuinely contributes to the outcomes of this Plan; and, it meets specific local needs or does not undermine regeneration of the cities of respective settlement.*'

The proposal site lies within the 'countryside' policy area as identified in the Adopted Local Development Plan 2 (2019).

Local Development Plan 2 Policy 6: Settlement Boundaries indicates that a proposal that is on a site outwith a settlement boundary or for a proposal that does not adjoin a settlement boundary, policy 19: Housing in the Countryside will apply.

Local Development Plan 2 Policy 19: Housing in the Countryside provides support to proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside where they fall within several specified categories.

The **Housing in the Countryside Supplementary Guidance 2020 (SG)** provides further assistance in assessing the acceptability of proposals. This proposal is submitted as being justified in terms of this policy under **Category 3.5** Sustainable Living. The policy allows for new houses in a rural setting is essential as an integral part of an overall scheme for the management or use of land which will allow its occupants to be largely self sufficient. The Policy also requires the new housing to be bespoke and at the forefront of sustainability. They are required to be low impact in terms of their scale, construction materials and methods and sources of energy and heating.

The proposal is also considered to be acceptable in terms of Category 3.4 Houses for Local People. Proposals will be supported for a house for a local person or family who have lived and/or worked in the area for at least 3 years, and who are currently inadequately housed. The SG further elaborates that '*Unsuitable accommodation – where the needs of someone within the household has changed and they now require a different type of accommodation, for example, a house which is suitable for a wheelchair user.*'

In this case it is considered that the applicants meets the spirit of both these policies. The applicant wishes to manage the use of the land in a sustainable manner in order to become self sufficient. The applicant also wishes to give back and enhance the natural surroundings by reforesting the land to reinstate Leuchars Wood to its former size and scale.

The applicant's housing needs have changed dramatically over the past 3 years whereby she now needs a significant degree of physical care in her household and a house that is specifically designed for her mobility concerns on a single level. The applicant has resided in Kelty since July 2007 and the site is approximately 1.2km from the applicant's current home, where she has resided since July 2012. This home was purchased by the applicant prior to any changes to her health occurred, which now severely impede her ability to live independently.

These health conditions include DISH (fusing of bones), spinal calcium build up,

fibromyalgia, incontinence and body-wide osteoarthritis. These conditions are degenerative and mean the applicant lives in chronic pain with severely impeded mobility. The applicant was awarded Daily Living and (mobility) Personal Independence Payments by the DWP in 2017 to enable the purchasing of (for example) a mobility adapted vehicle. In 2017 the applicant was visited by an occupational therapist, who provided mobility aids throughout the house. Unfortunately, these have only helped to a certain extent due to the progressive and degenerative nature of the conditions, which now require an entirely different approach, and due to the physical layout and construction of the house are not able to be carried out. These physical conditions will in the near future lead to the applicant being confined to wheelchair use.

Some of the issues with the applicant's current property include:

- The property only incorporates on street parking, which means that the applicant's ability to leave the property is severely constrained due to the distance from the house and the uneven surfaces, which cannot be controlled or improved by the applicant. Movement is especially constrained during the Winter months due to the ice etc
- The entrance to the house is located directly onto a public pathway with a single high step making it incredibly painful and difficult to enter or exit the house. Given the applicant's mobility needs an exit should incorporate a level access directly adjacent to a level area
- Bedroom accommodation is on a first floor level - to accommodate the applicant's disabilities the bedroom needs be at ground floor level
- The first floor level only has one bathroom, which is too small to adapt to meet the required mobility and incontinence needs of the applicant
- The existing kitchen is not designed for someone with mobility etc concerns e.g. does not incorporate eye level ovens etc

As an example of the applicant's current difficulties in the property, after a recent fall she was bound to the upstairs level of the building for more than 7 weeks as she was unable to walk down the stairs. After this period, the applicant took more than 25 minutes to go down (or up) the stairs for several months with the help of her son, who lives with her to share care responsibilities with his father and operates a business form home. A new house would require a minimum of two bedrooms and a work space to allow him to continue to work from home and to continue his role as secondary carer for his mother.

As illustrated above, the applicant's property is not able to be adapted sufficiently to cater for the applicant's mobility concerns. This has led the applicant to become severely depressed and has effectively left her house-bound for significant periods of time. Given the degenerative nature of her physical conditions, this is likely to more frequent. The applicant has not been able to locate a house of a sufficient size and on a single level in the surrounding area or in Kelty itself despite actively looking for the past 3 years. The applicant has also not been able to locate a plot of land within the urban area of Kelty to build a new house on; those sites being few and very far between. We therefore consider that purchasing this land and small holding will allow the applicant to build a single storey house designed around her own specific mobility requirements alongside both her husband and son as her primary carers.

In terms of the siting of building plot, it is considered that the site has a degree of landscape framework, with a backdrop of substantial trees and a railway embankment to the northern edge and by a line of established shrubs to the east. The site is not visible from any main public road and feels very much enclosed. The land is considered to be rough grassland and is not able to support crops. The applicant's plans to reforest large areas of the land surrounding the plot will continue to create a sense of enclosure.

Design and Visual Amenity

Local Development Plan 2, Policy 1: Placemaking, requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. As this is an application for planning permission in principle, the design has not been detailed in the submitted information. However, it is proposed that the dwellinghouse will be of high quality design and material and would reflect the design on the adjoining houses (and the recently approval on the site to the south), respecting the traditional character of the architecture in the surrounding rural area.

The Supplementary Guidance on Placemaking 2020, in providing guidance on meeting the criteria, sets out four key areas to '*research and respond to in the Placemaking process: Environmental considerations, Built context, Social Issues and Access & Permeability*'.

These key areas have been referred to in the content of the following pages.

Residential Amenity

As an application for planning permission in principle this proposal does not fully address residential amenity at this stage. Future detailed layout and design will ensure that there were no issues of overshadowing of adjacent properties and with appropriate boundary treatments, sufficient private garden ground is achieved for the dwellinghouse. The site provides sufficient space for the property to have appropriate plot ratio and garden ground, appropriate to a rural location along with access to open space in terms of the wider green network in the area. The development of the site will have no adverse impact on the amenity of neighbours. Overall, the proposal can fully comply with the amenity considerations contained within the **Local Development Plan 2 Policy 1: Placemaking** and the related Placemaking Supplementary Guidance 2020.

Natural Heritage

Local Development Plan 2 Policies 38A: Forest and Woodland Strategy, 38B: Trees, Woodland and Development provide support to proposals which meet with several criteria, including proposals which protect existing trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted.

With **Local Development Plan 2 Policy 39: Biodiversity**, the council seeks to protect and enhance wildlife and habitats, both designated or otherwise. **Local Development Plan2 Policy 40: Green Infrastructure** requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure.

Woodland and Trees

There are large areas of young and mature trees bounding the site; particularly on the northern elevation. However, it is not considered that these trees will be threatened at all by the proposed development. It is anticipated that the built development can readily be accommodated on the site out with the canopy or root zone of the trees. The trees/hedging will continue to provide wildlife habitat and screening for the wider site. The applicant also intends to plant a significant number of new trees as part of the wider land she has bought.

Site and species protection

The site and it's immediate surroundings are not known to have any natural heritage habitat status and therefore it is unlikely that the proposal will be significant in terms of any pressure on the features which form the special interest of this designation.

Habitat, shelter, green infrastructure and network connections

The site is set within a wider agricultural landscape, with woodland in the surrounding area potentially creating a wider habitat network. The detailed design stage will enable opportunities to contribute to the enhancement of this network and increase biodiversity with future landscaping and planting proposals. We believe that the proposal can gain support in terms of the policies which address woodland, trees, biodiversity and green infrastructure.

Flooding and Drainage

Local Development Plan2 Policy 50: New Development and Flooding resists proposals on land where there is a significant probability of flooding or where the proposal would increase the probability of flooding elsewhere.

Local Development Plan2 Policy 51A: Water Environment, 51B: Foul Drainage, 51C Surface Water Drainage set out the Council's requirements to connect to the public sewer where available and to use Sustainable Urban Drainage Systems (SUDS) measures.

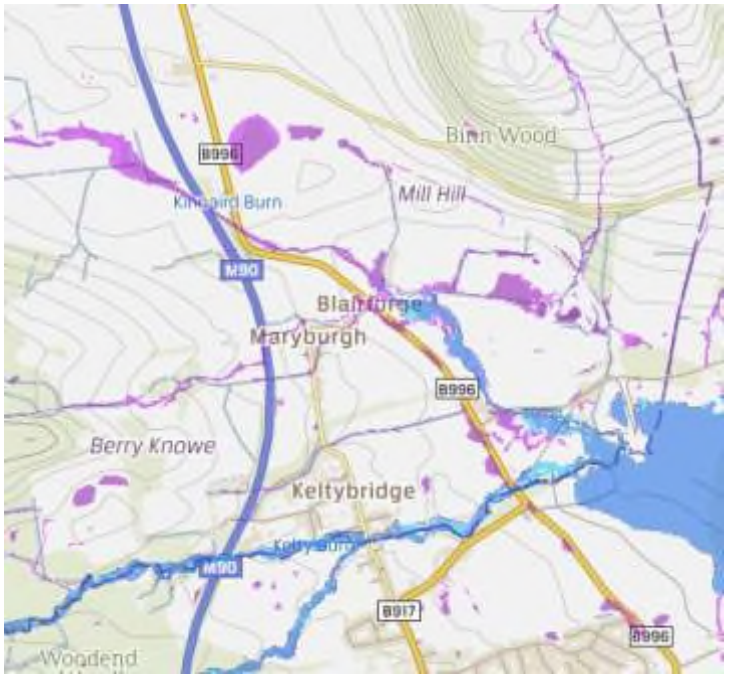
The SEPA Flood Maps shows that the site may possibly be at some risk from surface water. As with a number of the other planning applications that have been approved in this area, it is likely that surface water could be considered at the detailed planning application stage with raised finished floor levels. Conditions could also be attached to the detailed consent in relation to the use of water resilient construction materials and the use of a suitable SUDS outwith any surface water area of concern.

It is anticipated that the proposal can be assessed as fully compliant with the terms of the relevant Policies and Guidance .

Contaminated Land

Local Development Plan2 Policy 58A: Contaminated Land is relevant to this proposal, requiring that site investigation is undertaken and remediation carried out where required.

Given this site is open grazing land with no history of having had building or operations on it there would be no requirement to have any investigatory work in this case.



Exert from SEPA Flood Maps

Transport and Access

Local Development Plan 2 Policy 60: Transport Standards and Accessibility Requirements, B: New Development Proposals promotes the reduction of travel demand by car and ensuring the availability of a choice of access and travel modes, including active travel and green networks. The focus of the policy is development proposal that involve significant travel generation. In this case, the proposal will have minimal travel generation. However, in any case it can be demonstrated that the proposal can meet with the objectives of this policy.

There are many opportunities for active travel to and from this site. The local network of Core Paths and Rights of Way are immediately accessible to the west of the site, leading to both Blairadam and Lochore Meadows. Both Blairadam and Lochore also provide various options for cycling.

Bus transport is accessible to Kelty, Kinross and via the M90.

Travel from the site by car provides quick and direct access to main public transport hubs along with access to the main central Scotland road network with the M90 south of Kinross easily accessible.

The site is served by a Farmer's track, which could potentially be upgraded. The site links out onto the road through Blairforge itself, which is well established. No objections were provided by P&K Council to other proposals for housing on the sites mentioned in the site description section

Source: PKC Interactive Core Path mapping

of this Report, including the site at the Old Piggery, which was approved in 2020. It is therefore assumed that the relevant visibility splays, etc are considered to be acceptable in this vicinity.

The site, is considered to be of ample size to accommodate the parking spaces and turning area to meet with the Council's requirements.

08 Conclusion

In conclusion:

- This proposal seeks planning permission in principle on rough grazing land located to the east of the settlement of Blairforge, near Kelty

- The proposal gains support in terms of the Council's Local Development Plan 2 Policy 19: Housing in the Countryside and the up to date Housing in the Countryside Supplementary Guidance 2020

- The applicant believes that the proposal meets the Council's policy both in relation to sustainable living and 'Houses for Local People', with specific reference to the applicant's degenerating physical health and mobility conditions

- The proposed site would form a similar pattern of development to existing properties in Blairforge, which are located at the edge of the field and are enclosed by a strong natural boundaries and landscape framework and would appear as a continuation of the built development

- The proposal would have no adverse impacts on any other residential properties in terms of residential amenity and would propose to be of a similar single storey design

- The site will provide a high quality environment for future residents and provides an effective site

- The proposal is not anticipated to have any adverse impact on the natural heritage

- The applicant intends to replant a significant area of land in trees and use the additional land she has bought to create a self-sustaining small holding for her family

- Infrastructure will be provided to meet the needs of the development and will ensure that there will be no adverse impacts in terms of road safety or in relation to other facilities.

With respect, the applicant seeks the support of Perth and Kinross Council in the approval of this planning application. We would request that the case officer discuss the proposed recommendation with us prior to any decision on the proposal.

Personal Statement from Applicant

My family and I have lived locally, since around July 2007, and most recently in our current home on Main Street Kelty, since February 2012. Our current home is just three-quarters of a mile, or 1.2km, (as the crow flies) from the site of where we propose to build our new forever home.

Our current home was purchased, approx. February 2012, before any of my health needs devolved to where they are now. Over this time, my health conditions, and my family's understanding of my needs have evolved considerably. Sadly, as have some of my health conditions. Some of the worst health conditions I currently face: diffuse idiopathic skeletal hyperostosis (DISH: fusing of a person's bones – currently six fused), spinal calcium build up, fibromyalgia, incontinence and body-wide osteoarthritis. The former, in addition to other ailments not mentioned, means I live daily with chronic pain.

In August 2017, as consequence to the health issues faced worsening, I was awarded both daily living and mobility personal independence payments by the DWP - to assist with the purchase of things to making life easier to cope with. For example, this allowed me to attain a vehicle for example that suits my mobility needs (automatic, electric seats, raised seating position, softer suspension). In addition to this, I was visited by an occupational therapist, who immediately provided additional mobility aids for around the home, and for the bathroom (as best as is possible with the space). This was on top of items I had already purchased myself. Unfortunately, this only helped so much, and as my conditions progress, having a full quality of life now requires a different approach to the layout - and safety features - of the space my family and I occupy. There is only so much that can be done within the physical layout of the home.

There are many issues with our (1920's era) home to start with. The front door is directly onto a main path, with a some 275mm high single-step up into the home. The path is council owned and is near flush with the front door (picture attached). This makes it incredible difficult to even enter or exit my home. Ideally, we could make our home near level with the parking area. One of the biggest issues is that the bedroom accommodation in our home is upstairs. Upstairs, we have only one bathroom between three people, and the size constraints and drainage/pipe positions in the home prevent us from making this a fully usable space to meet my needs. Due to sometimes spontaneous incontinence, a single bathroom upstairs is often an issue. Often, I require use of the bathroom when someone else is (inadvertently) occupying it, and I cannot wait for it to be vacated. This means I must use the stairs - which is very painful for me – to access the downstairs bathroom instead. In our proposed home – the home would be single story with 2 bathrooms – alleviating this issue. Additionally, I recently had a fall which demonstrated exactly the issue with bedrooms being upstairs and living accommodation downstairs. At one point, I was bound to the upstairs for 7 weeks as attempting the stairs caused me pain (even with morphine tablets and 4 hourly morphine drink being prescribed, along with Valium, this pain was indescribably bad). It took some 24 minutes to go one-way down the stairs, as timed by my son, along with my son and husband helping me along the way. This excursion was just to visit the Doctor, and the pain incurred left my mental health so poor, I felt suicidal at the time. In addition, due to the stairs I rely on my family to bring me even basic things in the morning like breakfast, when my conditions are at their worst.

In addition to sleeping and using the bathroom, we need to have a space where it is safe for me to be around my family when cooking. I would like simple things like eye-level ovens so that I can participate in the kitchen safely, as I am currently unable to do this. Even helping in the kitchen is a simple thing that I would like to be able to do again.

In terms of getting out and about, this is treacherous for me in the wintertime. Currently the only parking we have for our home is on a main road. This leaves me a treacherously icy walk during the wintertime. In addition, it means that I must rely on my husband or son to defrost my car – my son is often away during the week for work, and sometimes my husband must leave early as he works at a hospital himself. Being able to park my car in a garage linked to my single-story home, where no defrosting is required, and the space is heated, and non-slip would aid my mobility and quality of life in the wintertime. This is because being out in the cold aggravates my conditions, and I am physically unable to defrost the car without the help of my family.

Personal Statement from Applicant

I find animals very beneficial to my mental health, and my husband is a keen animal lover. Part of his plans on the land next to our home/garden would be to acquire cattle and llamas for breeding, as a smallholding. This would benefit my mental health, by being able to be close to my husband whilst he pursues his pastime. Due to the rural location, there is also the added benefit of naturally occurring wildlife, which is therapeutic to witness. Additionally, my son has an interest in ecology and biodiversity. Part of the land we own used to be a forest, and his plan is to reforest this area to a greater extent that was shown on previous 1920's era maps. Having the home here would allow him to both take care of me, and easily pursue his hobby – plantations such as this require maintenance and being close to it would aid this.

In summary, I cannot go on many more years with a home such as the one we have now - it is not fit for my medical needs. However, I do not want to leave this area – the countryside has a calming effect and helps me cope with my painful and ongoing conditions. We need to have a home on one level, with room for my husband and son (who also runs a small business from home) who support me daily. This is important for me that they are also accommodated, as I have no other family in this area. Please contact my architect if you have any questions on my needs, they will be happy to clarify.

LRB-2021-47
21/00976/IPL – Erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 579-596)*

PERTH & KINROSS COUNCIL

Communities Service

Mrs Mary Ann Azfer
c/o Arthur Stone Planning & Architectural Design Limited
Sam Stone
85 High Street
Newburgh
KY14 6DA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice :**24th August 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/00976/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 1st June 2021 for permission for **Erection of dwellinghouse (in principle) Land 100 Metres North East Of Blairfordel Farm Kelty** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups as it detached from the group.

2. The proposal is contrary to Policy 52 of the Perth and Kinross Local Development Plan 2019 as no information has been provided to assess the flood risk of the site.

Justification

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

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

Plan Reference

01

02

03

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**21/00976/IPL**	
Ward No	**P8- Kinross-shire**	
Due Determination Date	**31st July 2021**	
Draft Report Date	**23rd August 2021**	
Report Issued by	**JF**	**Date 23.08.21**

PROPOSAL: Erection of dwellinghouse (in principle)

LOCATION: Land 100 Metres North East Of Blairfordel Farm Kelty

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.

SITE VISIT:

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

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

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

The proposal is for erection of a dwelling in principle at Land 100 Metres North East Of Blairfordel Farm Kelty. The site is located to the east of a building group and is

accessed from a private road and field track. The site is detached from the building group located within the corner of a field/paddock.

The proposal is for the erection of a dwelling in principle and the supporting statement indicates that part of the site would be utilised as a small holding.

SITE HISTORY

No site history

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 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking
Policy 1B: Placemaking
Policy 5: Infrastructure Contributions
Policy 19: Housing in the Countryside
Policy 53B: Water Environment and Drainage: Foul Drainage
Policy 53C: Water Environment and Drainage: Surface Water Drainage
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Policy 31: Other Historic Environment Assets
Policy 52 Flood Risk and New Development
Policy 27A: Listed Buildings
Policy 55: Nuisance from Artificial Light and Light Pollution
Policy 58A: Contaminated and Unstable Land: Contaminated Land
Policy 58B: Contaminated and Unstable Land: Unstable Land
Policy 39: Landscape

OTHER POLICIES

Housing in the Countryside Supplementary Guidance
Developer Contributions Supplementary Guidance

CONSULTATION RESPONSES

Scottish Water	No objection
Transport Planning	No objection
Development Contributions Officer	Condition would be required
The Coal Authority	Initial objection removed, condition requested
Structures And Flooding	Further information required.
Scottish Gas Network	No objection
Cleish And Blairadam Community Council	Object to proposal various concerns

REPRESENTATIONS

The following points were raised in the 15 representations received (14 objections 1 letter of support)

Objections

- No change of use in description
- Contrary to LDP2
- Damage to bridge/access tracks
- No information on drainage, water supply
- No Coal Report
- Flood Risk
- No supporting documents
- Impact on listed buildings
- Adverse Effect on Visual Amenity
- Loss Of Open Space
- Out of Character with the Area
- Road Safety Concerns
- Impact on biodiversity not considered

- Contaminated land
- Construction Traffic impacts
- Pollution through construction
- Detrimental impact on right of way
- No right of access/land ownership of track

Support

- Support for development
- Positive impact on visual amenity
- Need for development

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Coal Report Submitted

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

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 site is not located within a settlement boundary and the principle of development is therefore considered under Policy RD3 Housing in the Countryside and the associated supplementary guidance (SG).

The proposal is considered in turn against the categories in the policy/guide;

1. Building Groups
2. Infill sites
3. New houses in the open countryside
4. Renovation or replacement of houses
5. Conversion or replacement of redundant non-domestic buildings
6. Development on rural brownfield land

The supporting statement indicates that the site could be considered under Category 3.4 or 3.5 of the policy.

Category 3.5 isn't relevant primarily as it's an in principle application which the SG states won't normally be accepted under this category. Furthermore under Category 3 proposals are required to meet the siting criteria, as the site comprises of the corner of a field and is not defined it would not comply.

Category 3.4 is intended to allow households who already live in the area i.e. the rural area, to build a new house where they're either in insecure or un-suitable accommodation. This is also referred to in the intro paragraph to category 3 where it states that in some cases there will be a genuine need for a new house in the open countryside. From the supporting statement it seems clear that the applicant's existing house is unsuitable for her needs but there doesn’t appear to be a requirement to live in a rural countryside location rather there is a preference/desire. Whilst the applicant feels living in a rural area would be beneficial to her health it is not required.

The agent indicates that the applicant has searched within Kelty and the surrounding area for 3 years for a new home to suit her needs and has also not been able to source a plot within the urban area of Kelty. There would still however been a need for the applicant to fully demonstrate that no alternative accommodation is available to them in the local area. However, this information has not been requested as the site proposed does not meet the siting criteria and it is not considered it meet the policies criteria of providing accommodation under Category 3.4.

Whilst the Planning Authority is sympathetic to the applicants’ personal circumstances the proposal cannot be supported as the case has not been made under 3.4 of the policy and the site does not have adequate containment to meet the siting criteria.

Design and Layout

The application is in principle and no detailed information on the design or layout have been provided.

Landscape

The site is within an open area of grazing land, whilst there are some landscape features such as the tree lined embankment to the east there is no contained site which would provide an acceptable house plot.

Residential Amenity

The application site is remote from the existing dwellings. The site does not comply with policy but it is considered that the development of the site would not have a detrimental impact on the residential amenity of existing dwellings.

Coal Authority

The proposed development lies in an area where there was extensive historical coal mining activity. Old mine workings can generate significant amounts of ground gases which may pose a high risk to developments. It is also possible that land around the mining may have been used for the disposal of mine spoil. A Coal Mining Risk Assessment has been submitted (it was not requested but submitted by the agent on review of the initial objection from the Coal Authority). The Coal Authority have now removed their objection but have recommended conditions should eb application have been approved.

Roads and Access

A number of objections have raised road safety concerns, traffic, road maintenance issues, right of way and right of access.

The access to the site is via an informal field track which links to a private road then it joins the junction with the B996 where part of the road is adopted.

The access junction to the public road is considered to be acceptable for the development and one dwelling is not considered to result in any significant traffic increase. Transport Planning have no objection. If the development was considered acceptable a condition would have been recommended to cover all access issues.

It is noted in letters of representation that there is a bridge which forms part of the private road and concerns regarding its condition have been raised. As with the rest of the private track the owners and/or those who have right of access would have maintenance/repair responsibilities. The owner of this site, should they have a right of access, would be liable to contribute and this would not be a planning issue.

The right of way (ROW) runs along the existing private road then extends to the north (application site veers to the east). There is a site currently being developed along this track. It is considered that the application site could be developed with mitigation in place to protect the ROW during construction.

Drainage and Flooding

The Flood Team confirm that the land on which the site lies is graded between 'Low' and 'High' risk of surface water flooding, according to SEPA flood maps. A Plan for managing flood risk or Flood Risk Assessment required. A Drainage Impact Assessment would also be helpful to understand what the developer intends to do with the surface water management at the property. This information has not been requested as the principle of development is not supported however it will be noted as a reason for refusal as this is information that would be required at the IPL stage.

Conservation Considerations

There is a listed building located over 650m from the site. This building is screened by the existing dwellings and the development of the site is not considered to impact the setting. There are a number of other historical assets in the area noted within letters of representation. However these are not adjacent to the application site therefore the ROW and its associated historic route is not considered to be detrimentally impacted by the low traffic generation from the development of one dwelling.

Natural Heritage and Biodiversity

There has been no information submitted in relation to landscape impact or biodiversity. This is partly due to the fact that the proposal is in principle. If the principle was acceptable any subsequent detailed application could address these issues.

Developer Contributions

The application is in principle so if approved a condition would be required to ensure the appropriate contributions are sought at the detailed stage.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly, the proposal is refused on the grounds identified below:

Conditions and Reasons

1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups as it detached from the group.

2 The proposal is contrary to Policy 52 of the Perth and Kinross Local Development Plan 2019 as no information has been provided to assess the flood risk of the site.

Justification

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

Informatives

None required

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01, 02, 03

LRB-2021-47
21/00976/IPL – Erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty

REPRESENTATIONS

[redacted]

From: [redacted] Plant Location SGN <plantlocation@sgn.co.uk>
Sent: 17 June 2021 12:55
To: Development Management - Generic Email Account
Subject: RE: Planning Application Consultation for Application No 21/00976/IPL

Classified as Internal

Thank you for emailing our Safety Admin team.

Our gas pipe locations are now available online at www.linesearchbeforeudig.co.uk. Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies' assets at the same time.

All requests for maps and plant location information must now be submitted through this online service.

Please note your email has not been processed on this occasion.

Please visit www.sgn.co.uk/help-and-advice/digging-safely for safety information and links to www.linesearchbeforeudig.co.uk, where you can register for our online service and view our gas pipe locations.

Our online service is not currently available in Northern Ireland. If you have emailed us about plant location or maps for Northern Ireland, we will respond to your email within 15 working days.

If you have any questions about our new plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact Linesearch on 0845 437 7365

Regards

Safety Admin team

Please note, it's your responsibility to follow SGN's Data Protection Policy at all times when handling personal data.

Janet MacCuish, SHE Admin
[redacted] Fullarton House, 1 Fullarton Drive, Cambuslang, Glasgow G32 8FD
sgn.co.uk Find us on Facebook and follow us on Twitter: @SGNgas

Smell gas? Call 0800 111 999 (GB)
Find out how to protect your home from carbon monoxide

SGNNaturalGas.co.uk

SGN Natural Gas, 14 Silverwood Industrial Estate, Silverwood Road, Lurgan, County Armagh, BT66 6LN

Smell gas? Call 0800 002 001 (NI)
Stay safe from CO – install a carbon monoxide alarm

[redacted]

Friday, 18 June 2021

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

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

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

Dear Sir/Madam

SITE: Land 100 Metres North East Of Blairfordel Farm, Kelty
PLANNING REF: 21/00976/IPL
OUR REF: DSCAS-0042678-DXG
PROPOSAL: Erection of dwellinghouse (in principle)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

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

- There is currently sufficient capacity in the Glendevon Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

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

To find out more about connecting your property to the water and waste water supply visit:

So, how are we doing?
We'd love to know what we're doing well or could do better.
We promise we're listening.
click here to tell us...

Please Note

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

Surface Water

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

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

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

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

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

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

Non Domestic/Commercial Property:

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

Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject “Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.
- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

Angela Allison
Development Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

To find out more about connecting your property to the water and waste water supply visit:
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The Coal Authority

INVESTOR IN PEOPLE

RTPI Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Ms J. Ferguson – Case Officer
Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

21 June 2021

Dear Ms Ferguson

PLANNING APPLICATION: 21/00976/IPL

Erection of dwellinghouse (in principle) at Land 100 Metres North East of Blairfordel Farm, Kelty

Thank you for your consultation letter of 17 June 2021 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: **Fundamental Concern**

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the application site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment, or an equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority **objects** to this planning application.

The Coal Authority would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:
www.gov.uk/planning-applications-coal-mining-risk-assessments

Guidance on how to produce a Coal Mining Risk Assessment and a template which the "competent body" can utilise is also contained at:
www.gov.uk/planning-applications-coal-mining-risk-assessments

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further

guidance can be obtained from the Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to the Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

Planning Department 23rd June 2021

Perth and Kinross Council

Planning Applications 21/00867/IPL and 21/00976/IPL

Dear Sirs,

I received two notifications of Planning Application on land formerly part of Blairfordel Farm. I have already raised objections to activities on this site with Mr Rennie your Planning Enforcement Officer and in a lengthy letter to Councillor Watters.

The two proposed developments are on land designated for agricultural purposes. I am sure the two applicants were aware of this when they purchased the plots, if not their legal agents were negligent in discharging their duty of care to their client. Further the price paid would be well below the cost of a single house plot, easily established through property websites. How the application forms in both cases could be completed stating that change of use was not required or that the land was not part of an agricultural holding is beyond credibility. I would further add that it was negligent of their legal advisers not to seek coal authority reports at the time of purchase as advised in, Law Society of Scotland's Guidance Notes 2006 section 1.1, as the property is in an affected area. This would have saved the council time and effort in processing planning applications.

There are no mains services nor internet to the sites so these would require to be led in. As the sites are effectively landlocked this would present difficulties not to mention the high cost of providing these services. Photovoltaic cells would be incapable of producing enough electricity from one pitch of a roof particularly when snow covered in winter. According to Local Development Plan 2 2019 the area is designated group 2 discouraging the use of wind turbines. Internet speeds in Blairforge are extremely poor, particularly if several different parties are using it.

There appear to be several anomalies and erroneous assumptions in the supporting statements. The agent is, unusually, the same for two presumably unrelated parties. As would be expected, the agent has been extremely selective in picking sections of the Council's Local Development Plan and Housing in the Countryside. It is noted that

large sections of the statements are the same in both applications and I would comment firstly on common points.

There is an assumption that properties within the orange box in Blairforge were “new builds” dating from 2002. Although constructed in 2003 Burnbank and Garmond Knowe were built on a brownfield site, that of the original Garmond Knowe, Beechwood existed prior to 1990 and Forresters Oak was built about 1990. The Willows was built on a brownfield site formerly St Margarets not agricultural land as stated, although part of the site is classified for agricultural purposes because of former livestock grazing. I had a discussion with Mr Panton, of your office regarding this, when the planning application was made for this site. These facts regarding these buildings could have been easily established through analysis of the planning website pertaining to Blairforge rather than jumping to conclusions.

Assumptions have been made regarding access and egress from Blairforge onto the B996. As one who enters and leaves the hamlet virtually every day, I would dispute that this is a straightforward exercise. There are no warning signs in either direction of the crossroads that exist between the entrance to Blairforge and the narrow road to Maryburgh. The speed of the traffic in both directions is at least 60mph probably more. When exiting Blairforge the car engine is cold and to avoid damage to the engine hard revving and acceleration cannot be used. The closing speed of approaching vehicles is very high and these may not have been visible because of the bends. If the local residents did not trim the vegetation on both sides sighting would be difficult, as it is currently with the full height vegetation on the exit from the Maryburgh road. Even accessing Blairforge is not straightforward, I have been overtaken, travelling Northwest, despite indicating and tapping my brake pedal well before the junction. This would be even more hazardous if the overtaking vehicle is the second car behind, who cannot see indicators through the vehicle in front and assumes that the cars in front are just travelling slowly. The standard of driving on this section of road can be seen by the number of gaps in hedges and fences, demolished street hardware, (the Blairforge sign shown on the unattributed Google Street view digital image) and debris on the verges. There have been 7 or 8 accidents in the last 3 years.

With reference to section 04 Principle of development comments. The position of both proposed properties is not in compliance with the requirements of a compact building group relating to Blairforge as shown in the illustrative example on page 9 of Housing in the Countryside. There are no longstanding or established boundaries as defined in siting criteria page 12 “The sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically to create a site will not be accepted” as can be seen on site or from the digital images provided, the fences are new dating from the recent subdivision of the farm.

With reference to section 06 Environmental Considerations. Protection of existing trees has never been a priority on Blairfordel farm. If Google Earth is checked, as I suggested Councillor Watters did, one can see the number of felled trees on this farm. Since we moved in some 3 years ago the sound of chainsaws has been relatively common.

The agricultural land in this section of Blairfordel farm has been poorly managed over the years and not fully grazed prior to the sections being sold off. It is therefore possible that rare native plants have established themselves although this will be difficult to confirm as grazing animals are now on some of the plots.

The comments relative to potential flooding and past development (Blairforge) are irrelevant as there is no flooding in the immediate vicinity of the existing properties notwithstanding and possibly because of the proximity of the Kinnaird Burn and the unnamed burn running to the Northwest of the roadway to Parenwell Cottage. How would floor levels be raised without excessive underbuilding, which it is stated is unacceptable on page 6 of Housing in the Countryside? Flooding will also present problems relative to the sewage treatment and disposal systems. This may allow contaminated water through the drainage channels into the Kinnaird Burn. I believe contamination of the watercourses running into Loch Ore is a concern to SEPA because of algal bloom, I note that P&K council protect the Loch Leven catchment area but as Loch Ore is in Fife, they seem unconcerned.

The surface may be open grazing but if the agents had any knowledge of this location, they would be aware of extensive past recorded and unrecorded mineworkings. Once again analysis of the planning website pertaining to Blairforge would have revealed this.

The sites are possibly over peat deposits, a medium we are advised must be preserved at all costs because of carbon capture. The Scottish Soils map may clarify the situation relative to peat deposits, but testing may be necessary.

Judging by the siteworks required at the site presently being developed Northeast of the Old Piggery, extensive groundworks will be required to the subject sites. The sites may need to be piled with concrete or alternatively concrete rafts may be required. Concrete is considered to be amongst the least environmentally friendly of building materials. The groundworks carried out Northeast of the aforementioned site, according to Mr Rennie for stabling, although no application has been made, have used extensive amounts of hardcore. These proposed sites, presumably, would require the same. This would mean more heavy lorries travelling over the bridge over the Kinnaird Burn and up a roadway, neither of which were designed for this type of traffic and which may well have been weakened as commented on in letters to Mr Rennie and Councillor Watters. They would also compact the soil of the farm tracks. The dumping of hardcore may also affect the water table in the fields and, bearing in mind the past mineworkings in this area, could cause dangerous chemicals in solution to move to the surface contaminating the land or the number of drainage channels clearly visible on the Ordnance Survey map. The drainage channels run into the Kinnaird Burn then to Loch Ore.

With reference to section 7 Transport and Access. The access to these sites as already advised to Mr Rennie and Councillor Watters is over a narrow and unlit roadway with no official speed restriction which is a right of way used by ramblers, cyclists and horses being exercised. The right of way is between Blairforge and

Parenwell Cottage. I am sure this was never intended as an access to Blairfordel Farm whose buildings and former buildings are all accessed from Benarty Road. The title to my own property advises that at the disposition of Blairfordel Farm from Blairadam Estate access to the farm is by Benarty Road. It is therefore possible that there is no right of access to the proposed sites through Blairforge. I feel this should be checked by the Planning Department. I am in the process of making my own enquires through an agent but as I have researched titles when I was working I will, if necessary, deal directly with the Land Registry Scotland. The subdivision of the farm and the change of access has already led to a noticeable increase in traffic which has caused our dogs distress leading to them barking when vehicles pass. I have already passed comment on the access and egress onto the B996.

Then specifically related to 00976

Firstly, the historic plan with the application clearly shows Kinnaird Colliery and a trial shaft close to the proposed site. I have passed comment about undermining previously. This plan also shows the extent to which removal of trees has occurred in the past,

Secondly, the applicants housing needs are surely the responsibility of Fife Council where she stays, not Perth and Kinross. There have been a number of bungalows on the open market which would have been available to purchase without the problems and costs pertaining to all new builds. There is for example, currently on the market, a 4-bed bungalow at John Smith Place Kelty at £214,950. This price is well below the cost of a new build to the standard of existing properties in Blairforge particularly bearing in mind the likely high costs in site stabilisation and provision of services.

Thirdly, the level of disability suggested is incompatible with the onerous task of keeping livestock. Livestock would also require the construction of shelters or barns.

Fourthly, Perth and Kinross are within NHS Tayside's remit. The nearest health centre is in Kinross and the hospital facilities are Perth, Dundee and Strathcathro. I know from recent experience that Strathcathro is, at the moment, the preferred hospital for elective orthopaedic surgery. By car from Blairforge this takes 80 to 90 minutes the fastest journey by public transport is over 6 hours. Even PRI is over an hour away by public transport, requiring a long walk, over the access shown by the applicant, to the bus stop at Blairfordel and a walk, of about 4 minutes for a fit person, in Perth to change busses or alternatively 25 to 30 minutes by car. The applicant currently has a health centre in Kelty and hospitals in Dunfermline and Kirkcaldy. Local service busses use Main Street in Kelty.

Fifthly, the winter weather conditions here are considerably worse than in Kelty and the surfaced access road is not subject to clearing or salting by Perth and Kinross whereas the main roads in Kelty are by Fife council. The long access over the farm track could easily become blocked.

Sixthly, with local discussion regarding the reopening of a rail link to Kinross should development be allowed so close to the bed of the former rail line.

Access would be difficult for emergency vehicles, such as fire engines over unmade farm tracks. Refuse collection is from the adopted section of road in Blairforge a long way from either of the sites. Do the applicants intend using vehicles to move their refuse to the collection point, thereby adding to pollution? The condition of these tracks is shown on the agent's supporting digital images.

I note that although Maryburgh, a hamlet of comparable size to Blairforge and Blairfordel, is shown in the Local Development plan as having a settlement boundary, Blairforge and Blairfordel do not. This would have stopped the current and doubtless future planning applications. Perhaps the planning department can address this point. I understand earlier plans may have shown settlement limits to Blairforge. Why, if this is the case, were these removed?

It does not take the foresight of the Brahan Seer to predict what would happen when Blairfordel Farm was split into smaller parcels. I am not sure whether the Planning Department would have any right to prevent the break-up of what was a farm but designating settlement boundaries would certainly have helped prevent what could well become a flurry of planning applications. It would also appear that the timing of these applications and the unauthorised works carried out have coincided, possibly deliberately, with the current restrictions under the pandemic. It would be helpful if the planning department were to write to all purchasers of the plots to advise them of the planning constraints.

If no consents are granted either because of non-compliance with the planning regulations, undermining, or weight of opposition from the residents, what will happen to the land effectively owned by parties who no longer want it? This is not a valid reason to grant planning permission.

We were advised that action would be taken by the beginning of this month relative to the unauthorised structures, all of which are still in place and some of which appear to be occupied. I query where these, if occupied even on a temporary basis, are obtaining potable water and where they are disposing of human and other waste. It was reported to both Mr Rennie and Councillor Watters that spoil had been transported from a site within Blairfordel farm and dumped and levelled on plot 6, which according to Planning Application 19/00798/FLL, was likely to contain contaminated mining waste. Again, no action has been taken.

I note that there were several objections to the proposed equestrian centre at Blairfordel, also part of the original farm and many of the reasons for objection there are also pertinent here.

With regards,

J M Dallas

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00976/IPL	**Comments provided by**	Lucy Sumner
Service/Section	Strategy & Policy	**Contact Details**	**Development Contributions Officer:** Lucy Sumner
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 100 Metres North East Of Blairfordel Farm Kelty		
Comments on the proposal	**Primary Education** With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Cleish Primary School.		
Recommended planning condition(s)	**Primary Education** **CO01** The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these. **RCO00** Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020. **RCO00** Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.		
Recommended informative(s) for applicant	N/A		
Date comments returned	24 June 2021		

P&KC IDM1/7/202109:28:58

30th June '21

26.06.20

[redacted]

Planning Department-Perth and Kinross Council
Planning Application 21/00976/IPL- Objection

Dear Sirs,

My Wife and I are writing to object to the above planning application. Our reasons for writing to this objection are listed below:-

The HIC 2020-SG policy 19 items 1-6 cannot be satisfied.
There is no linkage with an existing building group.
The HIC 2020-SG states that there should be no conflict with any other policy or proposal in LDP2. The proposals do no satisfy Policy 1 items i-viii.
They may meet a low carbon place to live through design but no information is supplied with this IP application.
There are no proposals as to how the new dwelling house will not contribute to the loss of biodiversity.
There has been no study done on the impact of what needs to be protected on this proposal.
Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement.
The proposal under HIC-2020 does not meet the requirements under the heading- connected place.
The proposal does not comply with the Key Design Considerations checklist.
The proposal does not comply with Category-1 Building groups as can be seen from the photographs.
It is not ribbon development it is an island site.
It does not meet the criteria of Category-2, 3 items 3.1-3.5.
Nor Categories 4, 5, 6.
The existing track condition is poor and the bridge parapets are cracked down to the foundations.
The existing private road surface is also very poor and almost impassable in the winter time.

For further reference on items of objection please refer to the objections submitted by The Swallows, Blairforge, KY4 0JD.

Kind Regards
Sheena and Tom Matheson

[redacted]

27.06.20

[redacted]

Planning Department-Perth and Kinross Council

Planning Application 21/00976/IPL- Objection

Dear Sirs,

My Wife and I are writing to object to the above planning application. Whilst this planning application is objected to in principal as an individual application, there are additional planning applications for similar developments in progress. Specifically we object on the following basis:

The HIC 2020-SG policy 19 items 1-6 cannot be satisfied. There is no linkage with an existing building group.

The HIC 2020-SG states that there should be no conflict with any other policy or proposal in LDP2. The proposals do no satisfy Policy 1 items i-viii.

They may meet a low carbon place to live through design but no information is supplied with this IP application.

There are no proposals as to how the new dwelling house will not contribute to the loss of biodiversity.

There has been no study done on the impact of what needs to be protected on this proposal.

Policy 53B: foul drainage. No information on the drainage requirements on this site are provided with the supporting statement.

The proposal under HIC-2020 does not meet the requirements under the heading- connected place.

The proposal does not comply with the Key Design Considerations checklist.

The proposal does not comply with Category-1 Building groups as can be seen from the photographs.

It is not ribbon development it is an island site.

It does not meet the criteria of Category-2, 3 items 3.1-3.5. Nor Categories 4, 5, 6.

The existing track condition is poor and the bridge parapets are cracked down to the foundations.

The existing private road surface is also very poor and almost impassable in the winter time.

The B996 Maryburgh junction at Blairforge which has been presented as the main access to this and related developments, is a cross junction with no speed restriction or limiting measures. Speeding is sadly regularly experienced with the 'straight' between Blairforge and Blairfordel used to overtake including cases where traffic is turning right into Blairforge. Any additional traffic as a result of several singular developments presents a significant additional safety risk.

The junction is also used as a school bus pick up and drop off point. Our daughter stands at the junction to be picked up and dropped off with the school bus stationary blocking the junction during this time.

For further reference on items of objection please refer to the objections submitted by The Swallows, Blairforge, KY4 0JD.

Kind Regards

Graeme and Susan Stephen

[redacted]

NOTICE OF OBJECTION – 21/00976/IPL – ERECTION OF NEW DWELLINGHOUSE

We are writing to formally object to the planning application 21/00976/IPL for the following reasons.

The proposed site is on agricultural land and not rough grassland as described in the application.

HIC2020-SG policy 19, items 1-6 cannot be satisfied. There is no linkage with an existing building group. The policy states there should be no conflict with any other policy or proposal in LDP2. The proposals do not satisfy Policy 1, items i-viii.

The proposed development may meet a low carbon place to live through design but no information is provided with this application. There are no proposals as to how the new property will not contribute to the loss of biodiversity. There is no evidence of any study having been undertaken on the impact of what needs to be protected on this proposal.

Policy 53B – Foul drainage. The properties at Blairforge are served by septic tanks. There is no information regarding the drainage requirements on this site. It is recognised by SEPA and stated in the Statement of Support that the area is prone to surface water. Also, there is no information regarding the dispersal of rain water.

The proposal under HIC-2020 does not meet the requirements under the heading – Connected Place. The proposal does not comply with the Key Design Considerations checklist. The proposal does not comply with Category 1 Building Groups as can be seen from the photographs accompanying the application.

This is not a ribbon development, but is an island site.

It does not meet the criteria of Category – 2, 3, items 3.1-3.5, 4, 5, 6 .

It is intended to access the proposed site from the B996, through Blairforge to the access gate to the field. The access road through Blairforge is a partially tarmac, narrow, single track with no pedestrian pathway, cycle path or lighting. It is popular with walkers, dog walkers, families and cyclists. The volume of traffic has already increased due to the increased use of internet shopping and it is now becoming common place to meet another vehicle head on, requiring one of the vehicles to reverse. The tarmac area of the track is showing severe signs of wear and tear necessitating the recent need for extensive repairs to be carried out at the expenses of those residents on the north side of the bridge. The bridge parapets themselves have cracks down to the foundation. This is a major concern for us along with the other eight houses north of the bridge as this is our only means of access to our house. The risk to the safety of both the residents of Blairforge and those walking/cycling/horse riding on the track is becoming more prevalent and any increase in traffic can only increase the risk.

No information is provided with regard to refuse collection.

(contd.)

It is clear that the land around Blairforge is not stable. There are a number of mine workings and pit shafts. The area around Blairforge/Blairfordel was the site of an opencast mine. There are concerns the land is contaminated. Sink holes have appeared recently in the area and any development work will no doubt result in further instability.

Despite assertions in the Statement of Support that the most recent houses built at Blairforge have been built on agricultural land, this is not the case. The proposed development however is on agricultural land. This is an area of natural beauty and the concern is that this will set a precedent for future development. The Council had previously rejected planning applications in the Blairfordel area which is a similar area to Blairforge. Concern was expressed by the planners that approval could set a precedent allowing further development in the area. I would ask that the Council take this into account when considering this application, particularly as an application for a second property in the area has also been lodged (21/00867/IPL). It is clear from this other application that the same access route will be used.

For further reference on items of objection please refer to the objections submitted by The Swallows, Blairforge.

Gary & Jane Mercer

[redacted]

Planning Department 30th June 2021

Perth and Kinross Council

Planning Application 21/00976/IPL

Dear Sirs,

I have received notification of the above Planning Application on land formerly part of Blairfordel Farm. I have already raised objections to activities on this site with your Planning Enforcement Officer and in a lengthy letter to a local Councillor.

The proposed development is on land designated for agricultural purposes. I am sure the applicant was aware of this when they purchased the plot, if not their legal agents did not discharge their duty of care to their client. Further the price paid would be well below the cost of a single house plot, easily established through property websites. How the application form could be completed stating that change of use was not required or that the land was not part of an agricultural holding is beyond credibility. I would further add that if the legal advisers did not to seek coal authority reports at the time of purchase they again did not discharge their duty of care as advised in, “Law Society of Scotland’s Guidance Notes 2006” section 1.1, as the property is in an affected (mining) area. A local solicitor should have known this. This would have saved the council time and effort in processing planning applications.

There are no mains services nor internet to the site so these would require to be led in. As the site is effectively landlocked this would present difficulties not to mention the high cost of providing these services. Photovoltaic cells would be incapable of producing enough electricity from one pitch of a roof particularly when snow covered in winter. According to Local Development Plan 2 2019 the area is designated group 2 discouraging the use of wind turbines. Internet speeds in Blairforge are extremely poor, particularly if several different parties are using it at the same time, evidenced by home working in the pandemic.

The agent is, unusually, the same for 21/00976/IPL and 21/00867/IPL acting for two presumably unrelated parties There appear to be several anomalies and erroneous assumptions in the supporting statement. As would be expected, the agent has been selective in picking sections of the Council’s Local Development Plan and Housing in the Countryside

There is an assumption that properties within the orange box in Blairforge were “new builds” dating from 2002. Although constructed in 2003 Burnbank and Garmond Knowe were built on a brownfield site, that of the original Garmond Knowe, Beechwood existed prior to 1990 and Forresters Oak was built about 1990. The Willows was built on a brownfield site formerly St Margarets not agricultural land as stated, although part of the site is classified for agricultural purposes because of former livestock grazing. I had a discussion and email correspondence with one of your Planning Officers regarding this, when the planning application was made for this site. These facts regarding these buildings could have been easily established through analysis of the planning website pertaining to Blairforge rather than jumping to conclusions.

Assumptions have been made regarding access and egress from Blairforge onto the B996. As one who enters and leaves the hamlet virtually every day, I would dispute that this is a straightforward exercise. There are no warning signs in either direction of the crossroads that exist between the entrance to Blairforge and the narrow road to Maryburgh. The speed of the traffic in both directions is at least 60mph probably more. When exiting Blairforge the car engine is cold and to avoid damage to the engine hard revving and acceleration cannot be used. The closing speed of approaching vehicles is very high and these may not have been visible because of the bends. If the local residents did not trim the vegetation on both sides sighting would be difficult, as it is currently with the full height vegetation on the exit from the Maryburgh road. Even accessing Blairforge is not straightforward, I have been overtaken, travelling Northwest, despite indicating and tapping my brake pedal well before the junction. This would be even more hazardous if the overtaking vehicle is the second car behind, who cannot see indicators through the vehicle in front and assumes that the cars in front are just travelling slowly. The standard of driving on this section of road can be seen by the number of gaps in hedges and fences, demolished street hardware, recently replaced, (the Blairforge sign shown on the unattributed Google Street view digital image) and debris on the verges. There have been 7 or 8 accidents in the last 3 years.

With reference to section 04 Principle of Development Comments. The position of the proposed property is not in compliance with the requirements of a compact building group relating to Blairforge as shown in the illustrative example on page 9 of Housing in the Countryside. The property, a single dwelling, is some distance from both Blairforge and Blairfordel and the address is given as Blairfordel. There are no longstanding or established boundaries as defined in siting criteria page 12 “The sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically to create a site will not be accepted” as can be seen on site or from the digital images provided, the fences are new dating from the recent subdivision of the farm.

With reference to section 06 Environmental Considerations. Protection of existing trees has never been a priority on Blairfordel farm. If Google Earth is checked, as I suggested to a local Councillor did, one can see the number of felled trees on this farm. Since we moved in some 3 years ago the sound of chainsaws has been relatively common.

The agricultural land in this section of Blairfordel farm has been poorly managed over the years and not fully grazed prior to the sections being sold off. It is therefore possible that rare native plants have established themselves although this will be difficult to confirm as grazing animals are now on some of the plots.

The comments relative to potential flooding and past development (Blairforge) are irrelevant as there is no flooding in the immediate vicinity of the existing properties notwithstanding and possibly because of the proximity of the Kinnaird Burn and the unnamed burn running to the Northwest of the roadway to Parenwell Cottage. Floor levels could floor levels be raised without excessive underbuilding, which it is stated is unacceptable on page 6 of Housing in the Countryside. Flooding will also present problems relative to the sewage treatment and disposal systems. This may allow contaminated water through the drainage channels into the Kinnaird Burn. I believe contamination of the watercourses running into Loch Ore is a concern to SEPA because of algal bloom, I note that P&K council protect the Loch Leven catchment area but as Loch Ore is in Fife, they seem unconcerned.

The surface may be open grazing but if the agents had any knowledge of this location, they would be aware of extensive past recorded and unrecorded mineworkings. Once again analysis of the planning website pertaining to Blairforge would have revealed this.

The site is possibly over peat deposits, a medium we are advised must be preserved at all costs because of carbon capture. The Scottish Soils map may clarify the situation relative to peat deposits, but testing may be necessary.

Judging by the siteworks required at the site presently being developed Northeast of the Old Piggery, extensive groundworks will be required to the subject site. The site may need to be piled with concrete or alternatively concrete rafts may be required. Concrete is considered to be amongst the least environmentally friendly of building materials. The groundworks carried out Northeast of the aforementioned site, according to your Planning Enforcement Officer for stabling, although no application has been made, have used extensive amounts of hardcore. The proposed site, presumably, would require the same. This would mean more heavy lorries travelling over the bridge over the Kinnaird Burn and up a roadway, neither of which were designed for this type of traffic and which may well have been weakened as commented on in letters to the PEO and the Councillor. They would also compact the soil of the farm tracks. The dumping of hardcore may also affect the water table in the fields and, bearing in mind the past mineworkings in this area, could cause dangerous chemicals in solution to move to the surface contaminating the land or the number of drainage channels clearly visible on the Ordnance Survey map. The drainage channels run into the Kinnaird Burn then to Loch Ore.

With reference to section 7 Transport and Access. The access to the site as already advised to the PEO and the Councillor is over a narrow and unlit roadway with no official speed restriction which is a right of way used by ramblers, cyclists and horses being exercised. The right of way is between Blairforge and Parenwell Cottage. I am

sure this was never intended as an access to Blairfordel Farm whose buildings and former buildings are all accessed from Benarty Road. The title to my own property advises that at the disposition of Blairfordel Farm from Blairadam Estate access to the farm is by Benarty Road. It is therefore possible that there is no right of access to the proposed sites through Blairforge. I feel this should be checked by the Planning Department. I am in the process of making my own enquires through the Registers of Scotland, I have researched titles when I was working. Unfortunately the pandemic has meant that the public have no access directly to the records and enquires have to be made through the internet. The subdivision of the farm and the change of access has already led to a noticeable increase in traffic which has caused our dogs distress leading to them barking when vehicles pass. I have already passed comment on the access and egress onto the B996.

The historic plan with the application clearly shows Kinnaird Colliery and a trial shaft close to the proposed site. I have passed comment about undermining previously. This plan also shows the extent to which removal of trees has occurred in the past, probably at the time of mining activities.

The applicants housing needs are surely the responsibility of Fife Council where she stays, not Perth and Kinross. There have been a number of bungalows on the open market which would have been available to purchase without the problems and costs pertaining to all new builds. There is for example, currently on the market, a 4-bed bungalow at John Smith Place Kelty at £214,950. This price is well below the cost of a new build to the standard of existing properties in Blairforge particularly bearing in mind the likely high costs in site stabilisation and provision of services.

The level of disability suggested is incompatible with the onerous task of keeping livestock. Livestock would also require the construction of shelters or barns.

Perth and Kinross are within NHS Tayside's remit. The nearest health centre is in Kinross and the hospital facilities are Perth, Dundee and Strathcathro. I know from recent experience that Strathcathro is, at the moment, the preferred hospital for elective orthopaedic surgery. By car from Blairforge this takes 80 to 90 minutes the fastest journey by public transport is over 6 hours. Even PRI is over an hour away by public transport, requiring a long walk, over the access shown by the applicant, to the bus stop at Blairfordel and a walk, of about 4 minutes for a fit person, in Perth to change busses or alternatively 25 to 30 minutes by car. The applicant currently has a health centre in Main Street Kelty and hospitals in Dunfermline and Kirkcaldy. Local service busses use Main Street in Kelty.

The winter weather conditions here are considerably worse than in Kelty and the surfaced access road is not subject to clearing or salting by Perth and Kinross whereas the main roads in Kelty are by Fife council. The long access over the farm track could easily become blocked.

Bearing in mind recent reported local discussion regarding the reopening of a rail link to Kinross, should development be allowed so close to the bed of the former rail line, which may lead to future compensation claims.

Access would be difficult for emergency vehicles, such as fire appliances over unmade farm tracks. Refuse collection is from the adopted section of road in Blairforge a long way from the site. Does the applicant intend using vehicles to move their refuse to the collection point, thereby adding to pollution. The condition of these tracks is shown on the agent's supporting digital images.

I note that although Maryburgh, a hamlet of comparable size to Blairforge and Blairfordel, is shown in the Local Development plan as having a settlement boundary, Blairforge and Blairfordel do not. This would have stopped the current and doubtless future planning applications. Perhaps the planning department can address this point. I understand earlier plans may have shown settlement limits to Blairforge. If this is the case, surely these should not have been removed.

There have been 3 applications for planning consent over land formerly part of Blaifordel Farm. It did not take the foresight of the Brahan Seer to predict what would happen when Blairfordel Farm was split into smaller parcels. I am not sure whether the Planning Department would have any right to prevent the break-up of what was a farm but designating settlement boundaries would certainly have helped prevent what could well become a flurry of planning applications. It would also appear that the timing of the application and the unauthorised works carried out have coincided, possibly deliberately, with the current restrictions under the pandemic. It would be helpful if the planning department were to write to all purchasers of the plots to advise them of the planning constraints.

If no consents are granted either because of non-compliance with the planning regulations, undermining, or weight of opposition from the residents, what will happen to the land effectively owned by parties who no longer want it. This is not a valid reason to grant planning permission.

I note from the Planning website that several applications in this area have been turned down because of non-compliance with Housing in the Countryside requirements, as should be the case here.

With regards,

J M Dallas

Objection against planning application 21/00976/IPL. Erection of dwelling house (in principle), land 100 Meters North East of Blairfordel Farm Kelty.

Introductory Statement

This is only the second time that I have objected about a planning application and it appears to me that all of the power still lies with the planning applicant and his agent (Arthur Stone Planning and Architectural Design). What I mean by this is that the agent has a set of "guidelines" and or a set of "rules" to follow (the Supporting Statement has a structure). The agent can call upon all of the additional Planning Acts and document e.g. TAYplan, Local Development Plan or Housing in the Countryside Act. I, as a member of the public cannot see any advice provided for me by Perth and Kinross Council (PKC) showing how to object and the format that this objection should take. There does not appear to be any guidelines or set of rules for me to follow. If there is to be real transparency or true equality then these guidelines or rules would be available for me to follow and made clear on any correspondence sent to me regarding a planning application. There should also be a list of documents (Planning Acts) or organisations SEPA, Coal Authority, etc, which members of the public, who wish to outline their concerns, could visit, and extract information to support any objection. The Housing in the Countryside Supplementary Guidance 2020 document (HIC/SG) clearly defines Building Groups. I don't see Blairforge purely as a "Building Group" but as a "Community" with complex needs and wants. There is no place in the Supporting Document for the Community's needs and wants to addressed. If we can call Blairforge a hamlet, then at what point does this hamlet (Building Group) become a village, the village becoming a town and the town developing into a city. It is difficult to remove all subjectivity to this objection and be totally objective. However, I will try to create my own rules and guidelines and follow the Agents "**Supporting Statement**" document as the foundations for my objections and concerns and try to be as objective as possible. The information provided by the applicant's agent is approximately 90% similar in content to Planning Application 21/00867/IPL. **If the applicant's agent is allowed to cut and paste between different planning applications, then it is therefore appropriate for my comments to be of a similar nature and content**.

I wish to **object** against the above planning application for the following reasons:-

1. I have real safety concerns regarding this application as approximately 90% of the access road to this development through Blairforge, is a private vehicular Right of Way and the road is single track and measures only 2.8 meters at its narrowest point. There are no pavements, passing places or street lighting and the road is thinly surfaced. A number of residents maintain this private vehicular Right of Way from their own funds. I find it strange that the

photograph on page 4, top right, is where the access road is at the widest point and is the only 40 metre section that is adopted by PKC. There are no photographs of the remaining 90% of the road in Blairforge. If this document is to provide information to PKC and a wider audience then surely this information should be included. This may an honest mistake or an attempt to mislead.
A further concern is in the event of an emergency – Emergency vehicles could be greatly impeded due to the nature of the road.

2. As there is no amenity space in Blairforge my grandchildren and others have to play in the street with adult supervision. All of our residents drive with care when using the road as they are fully aware of the possibility that children might be distracted while playing nearby. The increase in traffic will make it dangerous for children, walkers, cyclists and other road users to access the road safely.

3. The mid 1700s bridge crossed by all vehicles accessing the proposed development has cracks on both balustrades. The surface of the bridge is showing signs of failure. There are no pictures of the cracks or the deterioration of the bridge surface.

4. The small part (approx. 40 metres) of this access road into Blairforge is adopted and the road surface is in need of repair. The Suggestion in the "Supporting Statement," document (Section 03- Proposal, paragraph 2, page 7) "The access to the dwelling house would use the existing access track into the site itself and which leads out onto the adopted road into Blairforge itself". This statement is inaccurate as the "access track" leads on to the Private Vehicular Right of Way, passing eight houses and over the mid -1700s bridge before it reaches the adopted road.

5. The road to and from Blairforge is accessed via the B996. This road has seen a number of accidents over the past years. Six accidents since December 2020. These accidents are reported to the Police and this topic is frequently on the Community Council agenda. There are three photographs on page four showing the B996. If the photographer taking these pictures turned to the left, the evidence is clearly showing gaps in the hedge where some of the car accidents had been. This type of pictures is not included. This section of the B996 is recognised as a local 'accident hot spot'.

6. In Section 02- Planning History, page 3, it states that a number of planning applications in Blairforge were on Agricultural land. My understanding is that all of this land, has historically had buildings on them and would be classified as brownfield sites.

7. I strongly disagree with the agent's statements in Section 04- Principles of Development, p9, that indicate, "that this proposal site falls within the definition of a Building Group". The Housing in the Countryside Supplementary Guidance 2020 (HIC/SG) clearly identifies Category 1 - Building Groups, p8, as "building groups are those groups of buildings which do not have a defined settlement boundary in local development plan 2." Blairforge clearly meets all of this criteria and falls within a "Compact Building Group" as shown in the examples of building groups in p9, of HIC/SG. A Building group is also explained in p9, (HIC/SG) "which when viewed within their landscape setting, appear as a group". This planning application is between 600 to 700 meters away from Blairforge and in no shape or form can it be suggested it can be part of the compact building group, that is Blairforge. This application is closer to Blairfordel than it is to Blairforge. This proposal does not meet the Category 1- HIC/SG criteria of:- "New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern. New housing will not detract from the visual amenity of the group viewed from the wider landscape". This proposal does not meet other HIC/SG criteria of, Category 2-Infill Sites, or Category 3- New Houses in the Open Countryside, or Category 4, 5 and 6- Brownfield sites. Finally, the agent states in the Principles of Development p9, "the proposal would mimic and enhance this pattern of development and would appear as a clear extension to that Group". This statement is misleading and clearly totally different to the HIC/SG criteria. What is totally misleading is that the agent is suggesting that the proposed building is part of the Building Group in Blairforge and yet, the postal address for this is "Land 100 Metres North East of Blairfordel Farm Kelty." The postal address should read, Land 700 Meters North East of Blairforge.

8. Section 06- Placemaking -Environmental Considerations, heading Natural Heritage, page 11, the agent askes the reader to consider the "Forest and Woodland Strategy…" and mentions "increase biodiversity with future landscaping and planting proposals" and that "the site and its immediate surroundings are not known to have any natural heritage habitat status…". There is no mention the Scottish Natural Heritage or other recognised environmental organisations i.e. (RSPB) have been consulted or will be consulted in the future. I do not feel that the agent is qualified to make such

sweeping statements and the best way to allow "biodiversity" is to leave the land as it is and allow nature to flourish. This application does not comply with the landscape Supplementary Guidance 2020, policy 39: Landscapes that states "they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality" and "they safeguard the tranquil qualities of the area's landscapes."

9. Section 06- Environmental Considerations, Heading, Contaminated land, page 12. I totally disagree with the agent's statement "given that the site is open grazing land with no history of having building or **operations** on it there would be no requirement to have any investigatory work in this case". The total area of Blairfordel farm was once an opencast mine. How the agent could state that **no** investigation is required is beyond me. The former owner of this farm was illegally disposing of hundreds of loads of unknown material across different parts of the farm and SEPA has recently stopped this illegal activity There was no license for the disposing of this material. The PKC Enforcement Officer is aware that contaminated material has been spread across different areas of Blairfordel farm and an enforcement notice is currently in place to remove such contaminated material. This contaminated material from the opencast mine is likely to have been dispersed across the entire surface of what was formally known as Blairfordel farm. It is my understanding that SEPA are concerned that contaminants from the Farm are entering the watercourse at Lochore Meadows. I am aware that asbestos material was placed into the opencast mine many years ago. There is no mention of the former Opencast Mine and its "Operations''. This section is misleading.

10. Section 07-Placemaking -Accessibility, page 13, heading Transport and Access. The agent states "There are many opportunities for active travel to and from this site" and that there are a "local network of Core Paths and Rights of Way are immediately accessible leading to Blairadam and Lochore Meadows". This is correct and the Right of Way the Agent is referring to, is the Private Vehicular Right of Way through Blairforge. This is the very road that I have identified in my first section with all of the road issues. The proposed increase in traffic will have a negative effect on the safety of all the road users accessing these Core Paths (Pilgrims Way). In this section the agent also states that "The site is served by a farmers track which could potentially be upgraded". The agent does not mention wishing to upgrade our Private Vehicular Right of Way. I would suggest that the cost of engineering works to upgrade this road could be too prohibitive. It appears that the safety of all the road users is of no concern to the agent or applicant.

11. Blairfordel Farm has been divided into 10 parcels of land and all of the landowners are now accessing their land via Blairforge. This increase in traffic is considerable and the road is continuing to show additional signs of damage. The access road to Blairfordel Farm is not suitable for any additional vehicular access through Blairforge.

12. I find it hard to believe that there are no details in the "Supporting Statement" document of the Coal Authority letter stating that this is a "Development High Risk Area" and The Coal Authority "objects to this type of planning Application". A letter from the Coal Authority dated 2nd June 2021 states "The recorded mining features may expose occupiers of the site to a public safety risk, including the risk of mine gas". This letter also states that "The Coal Authority records indicate the presence of 3no recorded mine entries (2no mine shafts and 1no mine adit)".

13. I am concerned with a number of the statements in the" Supporting Statements" Section 04- Principles of Development, page 9. The applicant's agent states that "the applicant's ability to leave the property is severely constrained due to distance from the house and the uneven surface" and "Movement is especially constrained during the winter months due to the ice etc". This proposed development is along 700 hundred meters of unmade roads and PKC does not clear any snow or ice during the winter months from Blairforge. I have been a resident in Blairforge for over 23 years and no PKC vehicle has appeared during the winters to clear snow and ice. I disagree with the statement in section 5- Placemaking-Build Context, Residential Amenity, page 10, statement where it suggests that, "The development of the site will have no adverse impact on the amenity of neighbours". Or in page 14, 08 Conclusion section where it states in the fifth bullet point that "The proposal would have no adverse impacts on any other residential properties in terms of residential amenity….". Finally, the ninth bullet point in the Conclusion section states, "Infrastructure will be provided to meet the needs of the development and will ensure that there will be no adverse impacts in terms of road safety or in relation to other facilities". This potential development will have an adverse negative impact on the residents in Blairforge, due to the increase in traffic. All my potential safety issues have been outlined above.

14. Conclusions.

- The access to and from this application is totally unsuitable due to the poor condition and construction of the Private Right of Way

- There are real Health and Safety concerns for all road users due to the increase in the volume of traffic.
- This proposed development will have a negative impact on the residents of Blairforge
- The infrastructure at Blairforge does not meet the needs of the proposed developments especially with someone with a physical disorder as described in page 9.
- There is no case made for the securing the biodiversity of the site or the environmental impact on all wildlife.
- There are real concerns for the potential contaminants on the site and the wider environment.
- Members of the public who are accessing the Core Paths will be affected by an increase in traffic.
- The application does not meet the criteria in Housing in the Countryside Supplementary Guidance 2020.
- The Postal Address is misleading.
- I am of the opinion that the applicant's agents Supporting Statement is not helpful and includes statements that are inaccurate and has the potential to mislead.

Concluding Statement.

The residents at Blairforge who are at the heart of this proposed development appear to be ignored throughout this entire process. We are not just a "Group of Houses" but a Community no less, with needs and wants. There is no space in the planning application process to take the Community's views on board. The only place to record community/resident's views is at the point of lodging an official complaint. I suggest that this is not the best time for views to be gathered. I will go as far to say that if this planning application is approved it will have a negative impact on the communities well -being.

Robert Neilson, [redacted]

Date:- 30th June 2021

Comments for Planning Application 21/00976/IPL

Application Summary
Application Number: 21/00976/IPL
Address: Land 100 Metres North East Of Blairfordel Farm Kelty
Proposal: Erection of dwellinghouse (in principle)
Case Officer: Joanne Ferguson

Customer Details
Name: Mrs Gillian Caulfield
Address: [redacted]

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area
- Road Safety Concerns

Comment:I wish to object to this planning proposal mainly due to the fact that it is contrary to Housing in the Countryside, Scottish Guidance 2020 Policy 19, Cat 1-6.

Having lived in this area for over 25 years, initially the land was an opencast mining site. It was recently sold in several different plots in 2020 to various buyers - none of which I believe have any farming connections to the area. This open agricultural land should be farmed not built on in remote island sites as proposed (no linkage with existing buildings)

Blairforge is a small ribbon development having now reached it's full potential from rural brownfield land.
The access to the proposed site is via a 'dirt track' through a farmer's wrought iron gate - it is compacted earth, which in winter will be totally impassible - in fact we have seen tractors needing towed out after becoming stuck.

Also access through Blairforge is totally unreasonable - it is a single track 'right of way' very narrow and the upkeep is at the cost of all the residents. Safety concerns with increased traffic is another reason to object.

We need to protect our landscape and wildlife in this area, not over develop it. There are no

natural boundaries, no access to services or refuse collection, and any dwelling proposal would look totally out of place.

[redacted]

Planning Department-Perth and Kinross Council

Planning Application 21/00976/IPL- Objection

Notice of objection-Planning Application 21/00976/IPL-Erection of a new dwelling house

I propose to take each item of objection in turn and start with the type of application followed by supporting statements and analysis of the relevant areas, where the application fails to meet the necessary criteria upon which this application will be based (Housing in the Countryside, LDP2 Landscape areas and LSG2020 SG.)

Type of Application.

This application appears to be a fact-finding exercise aimed at assessing the likelihood of a successful application for a new dwelling house based on the PKC policy on Housing in the Countryside. The agent appears to suggest that the application is based on a compliant application based on the HIC including supplementary guidance notes.

Site address details on the application should be Blairfordel farm, as this parcel of land formed part of Blairfordel farm which was recently sold off in 10 different lots. This is a convenient inaccuracy from the agent as it suits the purpose of the application. The land is further than 400m away from the nearest adjacent house in Blairforge.

The existing use is described as rough grazing land. The land is and always has been agricultural land since the formation of Blairfordel farm. Why does the application, which is for planning in principle, not include a change of use application from agricultural to residential housing?

The site area is shown as 3000m2.

Access and parking is shown with the box ticked for proposing a new altered vehicle access to or from a public road. This is inaccurate. Firstly, I understand that currently the vehicular farming right of way is from the Parenwell track and not through Blairforge. Any access through Blairforge would be from a vehicular right of way, from an adopted road, then through a private road/lane. There are no proposals for changes to the existing private road/lane. The lane is 2.70m wide. In summary, there are no details of an alteration to the right of way, nor of the impact on an altered right of way, the private road, the bridge or the adopted road, and no details of foot paths or lighting within the application.

The bridge dates back to the early 1700s and is clearly an historic main travel route from Maryburgh to Kinross. Environment Scotland cites the route as being of significant historical value. The bridge is

showing severe signs of additional stress with the balustrades on the east and west elevations severely cracked. The cracks extend to the foundations of the bridge. The bridge was not designed for heavy motorised vehicular traffic. The bridge deck is higher than the supporting incoming roads. If this bridge fails then there will be 9 houses without suitable road access and emergency vehicles, for example, would not be able to access properties. In the application there are no suggested details of how this bridge could be made to support additional heavy motorised vehicular transport. Further reference is under LSG 2020 at the end of this objection.

The box is ticked for not changing the public paths, public right of ways, or affecting public right of ways. The lane is not hard standing. It is only 2.70m wide. There are no paths or street lighting. This route is used by walkers, horse riding, cars, vans, caravans, septic tank vehicles and deliveries by small vans. Increased levels of heavy traffic will result in the existing private roads deterioration, the bridge will fail and the right of way will be lost. To reiterate, no details of these required alterations or upgrades are provided by the agent.

The SUDS box is ticked as no. There is no public drainage network in Blairforge. A private system will be required and in any case the drainage run would be very long due to the location of the proposed site. A SUDS system will be the only option for this site as it has no access to a burn, drainage system nor existing private system due to it being located on agricultural ground.

Both deep and open cast mining has taken place within the proposed area – please refer to the Coal Board report for the recent application at Blairfordel farm for an equestrian centre with dog walking area. The Coal authority said the site was contaminated and mine gases were of a high risk.

Public water supply is not in the vicinity of the proposed site. Connection to a supply may be too long for a residential connection.

The SEPA flood risk is ticked as don't know. The LDP2 logs states that the area is susceptible to flooding.

Trees are stated in the application on or adjacent to the site.

The site is not located in the category belonging to the category of local developments. The site is at least 700m away from any existing house and is being proposed on current land allocation listed as agricultural, not rough grazing land.

Site layout plan is all that has been provided with the application. **There are no supporting documents to cover the following:-**

- Environment statement
- Design statement or design and access statement
- Flood risk assessment
- DIA
- SUDS
- TA or TIA or travel plan
- CLA
- Habitat survey
- Processing agreement

2-Supporting Statements and analysis of relevant areas.

Site Description- the description of the site is incorrect. The site is covered with spoil from the recent open cast works and has been allowed to be over grown over the last 15 years. The site is not enclosed by trees nor hedge rows. It is open rough ground. The site is fully visible from all areas. The existing access track to the site is a recently formed access in a fence near the SGN pipeline marker. This application states that it is a newly formed access whereas application 21/00867/IPL states it is existing. Both are using the same farm access track to leave the vehicular right of way. There was no vehicular access on this site provided for residential purposes previously. The access is over a non-hard surfaced earth track. The access is north of the most northerly hard surfaced road by approximately 50m. The length of access track to the proposed site is over a shared access route as detailed in App 21/00867/IPL. Therefore all the land is not owned by the applicant. In addition, the access lane belongs to another party and is shared. The vehicular right of way also does not belong to the applicant.

The site is not obscured in any way from Blairforge. There is no tree belt covering the wider view from Blairforge.

The description of the surrounding area is inaccurate and misleading. The boundary line of the Blairforge group was in existence just before LDP1. Records will show that the boundary line was removed. The logs of LDP2 make reference to this boundary having been removed. There was no open countryside or woodland development in Blairforge. This is wholly inaccurate. See reference below and later in objection for recent planning history approvals and why they were approved by PKC.

Site Description (photographs) - The photographs provided are of the B996 end of the site. The arrows depicting the site area is grossly inaccurate and misleading.

The photographs of the site description are also inaccurate and misleading. The type of access lane and road is readily apparent from the photos but the location of the proposed new dwelling is nowhere near the location of the proposed site. The photos also show no trees on the site just some bushes.

The photos do show the shared farmers' access track. The red star shows how far the proposed site is from Blairforge. As previously stated, the access track, once on the farm track is shared. The plan photo shows clearly how far the access track will need to be formed in relation to the proposed new dwelling house site. It also shows how far the required services will have to travel to accommodate the proposed new house.

Planning History-The reference to 2 recent applications for residential housing proposals 18/01413/FLL and 20/00939/FLL being located on agricultural land is not accurate. They were both located on brownfield sites which were on the original redline boundary prior to LDP1.

The 18/01413/FLL application was located on the original St Margaret's house site.

20/00939/FLL and the previous application 04/00868/FLL was the original house and garden ground belonging to the Garmond Knowe dwelling.

The orange block site marked on the agent's supporting statement was approved circa 2002 which was obtained for the demolition of the Garmond Knowe dwelling and the erection of 2 dwelling houses, both contained within the boundary of the demolished house.

Proposal - The land is bounded by farm land. There are very few trees sheltering this proposed application. The notional site plan shows that this site is not located in the building group of Blairforge. The boundary line shown on the OS map shows the original boundary line marked previously in red on the pre LDP1 plan. The capabilities of this site are very poor and the access to the adopted road is misleading. The adopted road extends to circa 50m in length only and stops adjacent to The Swallows house. The statement of livestock and grazing ground is also not appropriate in relation to the statement of an attractive high quality addition to the housing group at Blairforge. The proposed site is nowhere near the housing group at Blairforge.

It is clear that the agent has not been on this site and has taken instruction from the old OS plan only. These trees as shown were removed as part of the more recent open cast works. They were never reinstated. The OS map is clear that the proposed development is located at Blairfordel adjacent to the now removed Blairfordel wood. The site is located over a deep mine and recent open cast mine works.

Principle of development- The definition of a building group is clear within the Category 1-Building groups:

Building groups are those groups of buildings which do not have a defined settlement boundary in LDP2. The size, layout and form of building groups vary widely across the council area ranging from compact groups to areas which are characterised by a more dispersed building pattern. Defining a group clearly is clearly explained within policy and is clearly defined as a group.

The proposal fails to meet the definition of category 1 – building group as it does not meet the criteria of:-

- *The new residential proposal will respect the character, scale and form the existing group and can integrate into the existing Blairforge layout and building pattern.*

The new house will detract from the visual amenity of the existing Blairforge group when viewed from the wider landscape. The agent suggests that the site will be obscured but, as the Hill Road to Ballingry is much higher than the site it will ultimately be very visible. The high standard of residential amenity for both existing and the proposed new residential building become irrelevant.

The proposals do not meet the examples provided nor can they be substituted or adapted to meet the suggested layouts. The site is an island. The site cannot be classed as ribbon development as it does not border an existing road. The agent states that the LDP2 policy 19 applies to the proposed site but HIC 2020 supplementary guidance states that policy 6 applies for housing in the countryside.

The agent contends that the site falls within a building group. It does not according to HIC Category 2 guidelines.

Category 2- Infill sites is not applicable.

Category 3- New houses in the countryside, in the open countryside, is covered by SG 3.1-3.5. Siting criteria is also covered and relates to Category 3. None of the proposed application meets the Category 3 Supplementary Guidance criteria.

The agent's statement regarding the mimicking and enhancement of the existing building group of this pattern of development with apparent extension to the current building group is clearly inappropriate and incorrect. It does not meet the criteria in any shape or fashion with HIC- SG 3.1-3.4.

The agent's statement regarding HIC-SG 3.5 seem to address how difficult it will be for the applicant to embark on such an ambitious project of this nature due to the current and degenerating state of ill health.

Having such a high level of immobility and the requirement to have aids with the eventuality of being confined to a wheel chair makes this type of application seem inappropriate. The access is from a farm track and no support or emergency vehicles will make the trip over this 700m plus rough track in extreme weather conditions.

The proposal does not meet the criteria for place making as provided in HIC-SG 2020-see below.

Place making-Built Context - The LDP2, Policy 1 Is not relevant in this circumstance as the HIC- SG 2020 guidance criteria has not been and cannot be met.

The assessment for new proposals cannot be fulfilled.

Brownfield Sites (Categories 4, 5 and 6) does not apply.

The place making statement on forest and woodland strategy in local development plan 2 policies 38A and B are probably ineffective and cost prohibitive.

The site is shown on LDP2 logs as at flood risk.

The statement that there have been other planning application approvals in this area are inaccurate. If the agent makes reference to Blairforge in this proposal then this is farfetched.

The agent states in the application form that SUDS is not required but suggests this in the supporting statements-06 Place making-Environmental Considerations.

Existing sewer connection is ticked as no. A septic tank is the only option for drainage on this site. No mention of this in the application form.

The statement for no investigations being required is inaccurate and misleading. I refer to the recent application at Blairfordel for an equestrian centre and dog walking facility and the coal authority report and refusal - contamination and mine gases being the reason for their refusal.

The statement on LDP2 Policy 60 Transport Standards and Requirements, B New development proposals is inaccurate. Accessibility for active travel and links to core paths and rights of way is not immediately accessible at all. Access to the meadows requires coming back to Blairforge then returning to Blairfordel. The track will require to be upgraded as well as the remainder of the right of way, that being the existing private road/lane servicing the existing properties. Reference to existing houses being allowed to upgrade the private road/lane is now proving to be a problem. The existing road/lane is totally incapable of heavy traffic. There are no passing places nor turning points.

The private road/lane is 2.7m average width with no paths, no street lighting and no drainage. The road/lane is treacherous in the winter. Cars reverse onto the road/lane as there are no internal turning points within the grounds of existing houses.

Conclusion

The proposal does not meet the criteria for LDP2 Policy 19: HIC 2020

The proposal does not comply with sustainable policy for housing local people. The applicant lives in Fife.

The proposal will not form a similar pattern of development to that of Blairforge.

The road safety for current residents in Blairforge and users of the frequently used right of way will be affected by this proposal as the current private road/lane, after the adopted road, at Blairforge is inappropriate and deficient in its design and functions, especially in extreme winter conditions.

The B996 is also a hot spot for accidents at the Maryburgh/Blairforge road intersection, with 6 accidents reported since Christmas 2020. There are 7 holes in the hedges with PKC signs taken down and fences also. There is a continual item in the Community Council agenda for this item of road safety.

LDP2 Landscape areas

LSG2020 makes reference to the historical statement of significance to the deep links with the monastic heritage of Scotland and with the life of Mary Queen of Scots. This historical relevance extends to the route off the B996 up to Parenwell Bridge. The Blairforge Bridge was built around the same time as Parenwell Bridge. The 1826 map located in Kinross Museum shows the main linkage of the main road prior to the B996 being constructed. The map shows the linkage extends from the coast to Keltybridge and Maryburgh and then through Blairforge up to Parenwell. Visitors use the right of way to obtain the route of travel to Parenwell Bridge. The objectives for conserving and the enhancing of these 2 bridge structures and rights of ways must be held as per the objectives of LDP2 SG 2020 page 43 and 48.

Interestingly, Blairfordel Bridge is listed as C-LB49958. Blairforge Bridge isn't listed yet. Seems very odd that this main arterial road route bridge has not been listed given its significant historical significance. The Parenwell Bridge and spring as well as the Smiddy are located on the right of way which is covered in this application.

The route between Blairforge and Parenwell covers 3 listed buildings. The Smiddy at Blairforge Listed as B-LB6408, Parenwell Bridge Listed as B-LB5283 and the Binns Cottage and Monument place on the garden wall LB5285. Parenwell spring originated some 100m south of the Parenwell Bridge Monument. This Bridge/Monument is visited regularly by people walking the Historical walk between Maryburgh and Parenwell using the existing tracked right of way.

Blar, (Scots) under the Ballingry parish descriptor-Open, level land, Muir. It would appear that Blair was the name of extensive lands which straddled the Cleish and Ballingry boundary. Later the county boundary between FIF and KNR, but completely within FIF up until 1685, when the parish of Cleish became part of KNR. It seems also to have included the northern part of BEA (formerly DFL). It has generated the following names: in Cleish parish, Blairadam. Known as Blair until the purchase of the estate by the architect William Adam in the early eighteenth century (Lang 1951, 31), Blairfordel, Blairforge, Blairhill wood and North Blair (all on OS Path F). Also, Blaircrambeth – (or Blair of Crambeth) near Dowhill, formerly Crambeth; in Ballingry, Blair Mill and Blaircushnie or East Blair (now Benarty House NT56965); and in BEA Blairenbathie, and probably Blairathie. All the above areas date back to the early 1700s and were linked to the main road to Kinross which was the sole main arterial road to Kinross. The road was used up until the formation of the B996 which was constructed around 1760.

Interestingly Blairfordel Bridge is listed as C but Blairforge Bridge isn't listed yet. -LB49958. Blairforge Bridge isn't listed yet. Seems very odd that this main arterial road route bridge has not been listed given its significant historical significance. The Parenwell Bridge and spring as well as the Smiddy are located on the right of way which is covered in this application.

The planning harm generated with this type of development would be significant.

Regards

Craig and Dorothy Gilmour

Objection to Planning Application 21/00976/IPL, Mrs Azfer

Land 100 metres North East of Hillview, Blairforge

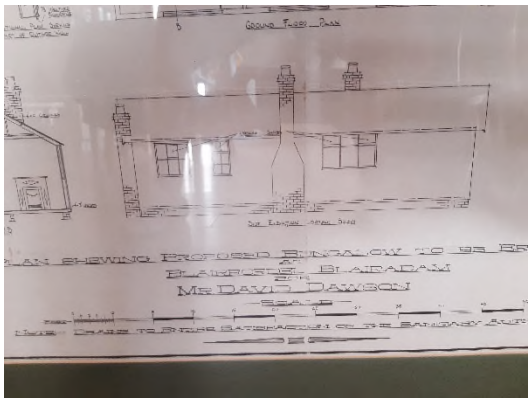
As owners of Plot 1 (north of The Old Piggery) we are lodging objection to the above development.

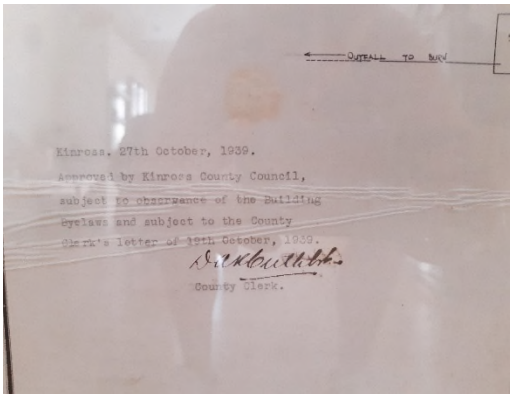
However, before doing so, we would like to address a few inaccuracies present in application.

Because the application refers to our past and current building applications, we feel it is only fair and correct that we address these inacurracies.

1) **Situation of proposed development:**
   The proposed development does not sit within the hamlet of Blairforge. This ground was recently developed following the break up and sale of Blairfordel Farm and formed, until then, part of an agricultural field. We have photos of cattle grazing there a couple of years ago.
   This land was, until recently always accessed via Blairfordel Farm.

2) **Blairforge as a hamlet**
   Blairforge is not a 'new group of residential properties'. Some properties go as far back as 1800s and early 1900s. As can be seen, it is described in the 1959 OS map as a 'hamlet'. The original Garmonde Knowe, which we purchased with all land attached, and as part of the deeds, was built in 1939. We still have plans of original dwelling, framed. See photos below.





3) Access Road
   The road into Blairforge is only adopted up till the little stone bridge.
   After this, the road has been privately funded and is maintained/repaired by Blairforge residents who use it. Any application, granted with this access, would need to take this into consideration.

Also, applicants may not be aware but the Waste Bin lorries do not go beyond the entrance to Blairforge. Residents living beyond the little stone bridge, have to wheel their wheely bins up to that point. The distance from the proposed site would be around 1km.
The road, being non adopted, does not get cleared of snow in bad weather. Access would be significantly restricted in harsh weather, impeding access for any emergency vehicles, especially considering the significant health concerns experienced by applicant.

4) Past Planning
Application relates to past Planning Applications in 2002, 2005 and more recently Planning Application granted in 2019.
As owners of that land, we would like to clarify that these 5 developments over the last 19 years, were all developed on Blairforge land.
We include OS Map showing that this ground clearly belonged to the hamlet of Blairforge as far back as 1950.

Applicants state that these developments were built on previous agricultural land. We purchased Garmonde Knowe and attached land over 30 years ago and we have never used it for agricultural purposes.
Indeed, our last planning application was initially refused but following clarification of land ownership, land use, and the evidence that land belonged to hamlet, its topography and support from local residents and community council, the review panel agreed to grant planning for *'a last house in Blairforge'*, to bring *'a natural end to the hamlet'*.

Objections to development in relation to Planning in the countryside:

From our understanding of guidance provided, we do not feel that this proposal falls within category 1, category 2 or category 3 of guidance.

This site does not have long-established, identifiable boundaries. It forms part of a field recently portioned off.

Building groups:

The proposed development, in our view, does not form part of any existing building group. It certainly is way across a field to Blairforge as a hamlet and situated as it is we struggle to see how it may fit into any building group.

It obviously is not an Infill site as there are no other houses around.

Category 3: New houses in the open countryside.

The proposal does not seem to fall within any of the sub categories 3.1 to 3.5.

The guidance clearly states that *'The sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically in order to create the site, will not be acceptable.'*

The above is our understanding of the guidelines and we trust that the Planning Department will apply their professional knowledge and experience.

We are slightly concerned about the pertinence of Mrs Azfer's disability in relation to the application, but we do not feel it appropriate for us to comment on this.

Again, we trust the Planning Department will consider this, or not, as per their remit.

05.07.2021

[redacted]

Planning Department – Perth & Kinross Council

Notice of Objection-Planning Application 21/00976/IPL- Erection of new dwelling house.

- There does not seem to be any change of land use from agricultural to residential use!

- This land is part of Blairfordel Farm and always has been. There is no linkage with an existing building group plus it is 400 – 500 yds from Blairforge. This does not meet the requirements under the heading – Connected Place.

- Why is access to the proposed site not via Blairfordal Farm as access to this area has always been this way? During the last few years hundreds of heavy lorries have used this route delivery loads of waste to the dump on this land at Blairfordel Farm. The proposed route via Blairforge is not fit to carry the additional traffic which also includes passing over a 1700s bridge which already is showing significant signs of failure. The private road through Blairforge is in poor condition with the maintenance of it being provided by some of the residents of Blairforge.

- The coal authority has already submitted a refusal report to a near by development due to contamination and mine gases.

- The fact that thousands of tons of waste has been tipped in this area over the past few years must also add to the possibility of more contamination!

- There is no burn on land drainage system near the proposed site, so a SUDS system may be the only option!

- There has been no study done on the impact of what needs to be protected on this proposal.

Regards
R J Carver

Louvain Pentley

From: david forsyth[redacted]
Sent: 05 July 2021 14:15
To: Development Management - Generic Email Account
Subject: Planning Application 21/00976/IPL

We are writing to formally object to the Planning Application 21/00976/IPL for the undernoted reasons.

Proposed site is on agricultural land and not rough grassland as described in the application.

The HIC2020-SG Policy 19 items 1-6 cannot be satisfied. There is no linkage with an existing building group.
The Policy states there should be no conflict with any other policy or proposal in LDP2. The proposals do not satisfy Policy 1, items i-viii.

Policy 53 Foul drainage. No information on drainage requirements on site are provided. All properties at Blairforge are served by septic tanks.

The proposal does not comply with Category -1 building groups.
It is not ribbon development, it is an island site.
It does not meet the criteria of Category -2, 3 items 3.1-3.5 or categories 4,5,6.

Concerns the land is contaminated.

Access to the proposed site is from the B996 through Blairforge to a field gate via a long farm track which is used by the various owners of land purchased from Blairfordel Farm. The bridge through Blairforge is severely cracked on both sides and should this fail access to nine homes will be left with no suitable road access. The road is narrow with no passing places or street lighting. The volume of traffic has already increased significantly and this makes it very dangerous for Blairforge residents, their animals and walkers and cyclists who frequently use this road. Deterioration to the road is evident and this will only continue with increased use by motorised vehicles.

Please acknowledge receipt of this email.

David and Jennifer Forsyth

[redacted]

Comments for Planning Application 21/00976/IPL

Application Summary
Application Number: 21/00976/IPL
Address: Land 100 Metres North East Of Blairfordel Farm Kelty
Proposal: Erection of dwellinghouse (in principle)
Case Officer: Joanne Ferguson

Customer Details
Name: Mr David Forsyth
Address: [redacted]

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Road Safety Concerns

Comment:We are writing to formally object to the Planning Application 21/00976/IPL for the undernoted reasons.

Proposed site is on agricultural land and not rough grassland as described in the application.

The HIC2020-SG Policy 19 items 1-6 cannot be satisfied. There is no linkage with an existing building group.
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Please acknowledge receipt of this email.

David and Jennifer Forsyth

[redacted]

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

President – Professor David Munro MBE. Chairman – Mr Alistair Smith.
Secretary – Mrs Eileen Thomas. Treasurer – Mr Ken Miles.

Planning and Development Management
Perth and Kinross Council

by email to: developmentmanagement@pkc.gov.uk

9 July 2021

Dear Sir/Madam

21/008976/IPL Erection of a dwelling house (in principle), land 100m NE of Blairfordel Farm, Kelty

Kinross-shire Civic Trust objects to the above application.

The proposed development site is in open countryside which until recently was farmland. The site is not within a defined settlement boundary so the proposal must be considered under the Housing in the Countryside policy (policy 19) of the Perth and Kinross Local Development Plan (adopted November 2019) and the Housing in the Countryside Supplementary Guidance (March 2020).

The Supporting Statement seeks justification for the application under category 3.5 (Houses for Sustainable Living) of the Housing in the Countryside Supplementary Guidance.

In the Supporting Statement, the agent lists in detail the health problems of the applicant and the corresponding unsuitability of her existing dwelling in Kelty, presumably also as justification under 3.4 (Houses for Local People). However, as Kelty is outwith the Perth & Kinross local authority area, it would be more appropriate for the applicant to seek a solution with Fife Council.

Details of the requirements for acceptance under 3.5 are given on page 18 of the Supplementary Guidance. The Guidance states:

> *"To be acceptable under this category it must firstly be demonstrated that a new house in a rural setting is essential as an integral part of an overall scheme for the management or use of land which will allow its occupants to be largely self-sufficient. Whilst there are some everyday goods which cannot be produced locally, proposals must include the cultivation of land to produce crops and rear livestock at a scale so as to ensure that the household will not be dependent on car travel elsewhere in order to meet the majority of their basic food shopping needs".*

It is imagined that the applicant's significant health problems would make it impossible for her to operate a small holding to the extent of being almost self-sufficient as required by 3.5 of the

Guidance. Reference is made to her son being a secondary carer and "working from home" but not operating a small holding to the point of self-sufficiency.

The Supporting Statement suggests that land not used for the proposed house or garden would be used for woodland. Page 9 of the Supporting Statement says: "The land is considered to be rough grassland and is not able to support crops." This therefore renders the proposal contrary to category 3.5 which "must include the cultivation of land to produce crops and rear livestock".

Applications under category 3.5 must comprise proposals that are at the forefront of sustainability, going beyond renewable technologies such as solar panels, passive heating etc. The Supplementary Guidance says: "Detailed plans and full information are essential to making an informed assessment as to whether the proposal can be classed as a house for sustainable living. **As such, applications in principle will not normally be acceptable under this category**."

As 21/008976/IPL is an in principle application relying on category 3.5 of Policy 19 for justification, it should be refused.

There are other reasons why the application should be refused.

We understand that the former owner of Blairfordel Farm has sold the farm off in the form of ten parcels of land, of which this proposed development site is one.

Access to this site and all parcels of land sold by the owner of Blairfordel Farm would be via a redundant farm track – part of a Core Path – that passes through the hamlet of Blairforge. This will have an adverse effect on the character of the hamlet and will result in a loss of amenity.

The integrity of the B Listed Blairforge Smiddy will be adversely affected by the increased traffic gaining access to the development site. The Core Path mentioned above leads to the Paranwell Bridge, also B Listed. The setting of both the Smiddy and the Paranwell Bridge may be adversely affected by the piecemeal development of the 'plots' of the former Blairfordel Farm.

The site is in the Loch Leven and Lomond Hills Local Landscape Area (LLA). The development would have an adverse effect on the special character of the LLA and is therefore contrary to policy 39 (Landscape) of the LDP.

The introduction of artificial light by a dwelling or dwellings in this situation (outwith a settlement, in open countryside, and within the Loch Leven and Lomond Hills LLA) is considered to be contrary to policy 55 (Light Pollution) of the LDP.

The proposal is contrary to policy 1A (Placemaking) of the LDP as it would not "contribute positively to the quality of the surrounding built and natural environment" and the siting would not "respect the character and amenity of the place".

The proposal is contrary to policy 1B (Placemaking) sub section b as it does not "… respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area".

The site is in a former coal mining area. The Coal Authority states that the site is a Development High Risk Area. A Mining Risk Assessment should be submitted but has not.

On the application form, in answer to the question "Are there any trees on or adjacent to the application site?" the "Yes" box has been checked. If trees are on or adjacent to an application site, the trees are supposed to be marked on the drawings and an indication given if any are to

be cut back or felled. No drawing has been submitted showing trees. Policy 40B of the LDP states: "Tree surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where there are existing trees on a site." No tree report has been provided. The application is therefore contrary to policy 40B of the LDP.

In summary, Kinross-shire Civic Trust considers the application to be contrary to at least the following policies of the Local Development Plan:

- Policy 19 (Housing in the Countryside)
- Policy 39 (Landscape)
- Policy 1A and 1B (Placemaking)
- Policy 55 (Nuisance from Artificial Light and Light Pollution)
- Policy 40B (Trees, Woodland and Development)

The Trust understands that planning contraventions have taken place on some of the parcels of land formerly constituting Blairfordel Farm, such as the formation of hard surfaces, the siting of caravans and the siting of storage containers. The Trust urges the local authority to take all available enforcement action to deal with these infractions.

Yours faithfully

Kinross-shire Civic Trust

cc Kinross-shire Ward Councillors

Erection of Dwelling House (in principal) Land 100metres North East of Blairfordel Farm Kelty

Comments re Concerns

- Concerns about the access road to this development through Blairforge via the single track right of way. The land at Blairfordel Farm has been divided into 10 plots each of which is being accessed via the road outside our house. The traffic that has specifically been travelling to the plot that the application applies often travels at considerable speed. Our driveway is also being used as a passing place given the volume of traffic on a very narrow single track road.
- This privately adopted Road has already seen increased wear following large weight bearing lorries using the access Road to carry out work to the site proposed for development prior to planning permission having been sought. I am concerned that there will be a general continued disregard of any planning rules should permission be granted. Trees and shrubs have already been removed in some places and rubbish has been brought to the site to be burned and so I am sceptical about the planning applicant's environmental credibility.
- As things stand repairs to this Road will be funded in part by myself. I am not prepared to do this and would expect the Councils Planning process to take account of this potential cost implication to private individuals.
- I would assume any future developments would involve lorries of similar weight causing further damage to the road and the applicant makes no mention of how they are going to contribute to its upkeep. The application does, in fact, assume that the road and access are already suitable for their building and access needs.
- My septic tank pipe leads under the Road. Presumably increased compaction will occur due to transportation of heavy loads during the building process which puts further pressure on repairs to the Road and additional cost to myself.
- The bridge that leads towards my home is showing several cracks which have not been evident prior to the recent traffic to this site evidencing disregard for planning regulations by using heavy weight bearing lorries on a route clearly unsuitable for this purpose. Have risk assessments been carried out to protect existing residents from such additional costs?
- Two of this household have worked throughout the Pandemic as essential workers. Without ease of access we would be unable to fulfil work

obligations and I am concerned that continual use of this bridge and Road would cause additional stress and disrepair to bridge and Road leaving us completely confined to our Home. Of course whether one works out with Blairforge or not, the bridge is the only access and exit point for those on this route.

- Additionally my wife has been working from home for the last 18 months and has become increasingly aware of the increase in fast moving cars, vans and lorries to and from the 10 plots sold by the owner of Blairfordel Farm. This has had a negative impact on her mental wellbeing due to worries about our pets, the road surface and the fact that the community is starting to have considerable concerns about the very old bridge and the need for access to our house.
- As I have cats I am very concerned that increased traffic is putting their safety at risk. Additional traffic travelling at inappropriate speeds leading up a quiet, single track route is extremely concerning.
- We chose to come to this area some sixteen years ago and this disregard for safety by some has increased considerably in a fairly short time frame.
- Occasionally our grandchildren come to visit, again their safety is my concern and increased traffic on a route that was not planned for such has meant I do not allow them to play in the front garden.
- During the 16 years I have lived in the area I have noticed a species decline in birdlife due to the destruction of natural habitat by uncensored cutting of trees, gorse and broom. The removal of such flora clearly affects the ecosystem hence the habitat is irreparably damaged. The quieter access way has been interrupted by increased traffic also altering species behaviour.
- Increase in Housing can only lead to further decline in biodiversity.
- Finally, the main Road on exiting Blairforge is continually used as a race track. Frequent accidents have occurred at the bend to the North of Blairforge. For those that negotiate the bend safely some accelerate out of the corner at great speed posing risk to the school bus and residents leaving the hamlet. Additional traffic into Blairforge can only increase safety risks.

Regards

Ian B Saunders

[redacted]

Cleish and Blairadam Community Council

Secretary
[redacted]

Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

7th July 2021

Dear Sirs,
21/00976/IPL Land 100m NE of Blairfordel Farm, Kelty

The Community Council has received concerns from several residents of Blairforge and Blairfordel regarding cumulative, unplanned and alleged unauthorised developments on some of the land to the north east of the B996 as is referenced in the Enforcement Officer's Case File ref 21/00013/UNAWSE and interim report. It is not implied that this application is retrospective.

The Community Council objects to the above application (part of area 9 on the attached overmarked Case File map) as it does not accord with Local Development Plan 2 .

The application adversely affects the designated Local Landscape Area (policy 39 and its Supplementary Landscape Guidance). The landscape is characterised by close knit building groups such as Blairforge, Blairfordel, Kinnaird and Benarty Road, interspersed amongst tracts of open agricultural land and woodland. The application proposes an isolated development remote from the building groups which will erode and impact on the distinctiveness of this landscape character.
There are Historic Environment Assets the setting of which Policy31 seeks to protect and preserve which relate to the Blairadam Estate lands, (formerly Blair Crambeth). Paranwell Bridge which has connections with Mary Queen of Scots, Binn Cottage, Blairforge Smiddy, Blairfordel Lodge gates and piers are all B listed buildings.

Light pollution would create an adverse effect on the wider dark background of the landscape (policy 55).

The application does not contribute positively to the quality of the surrounding built and natural environment and is therefore contrary to Placemaking policy 1A, nor does the proposal respect the wider landscape character of the area, policy 1B(b).

The application is contrary to Policy 19 Housing in the Countryside in that it does not meet the siting criteria or categories contained within the Supplementary Guidance. While the needs of the applicant's health issues are appreciated, there are concerns that the remoteness of the site and its private access along a rough unmetalled farm track may present challenges to community and support services, especially in winter months.

Access to the site is proposed from the B996 through the hamlet of Blairforge, the character of which is a quiet cul-de-sac. Any increase in traffic of any kind through Blairforge will therefore not contribute positively to the quality of its environment which Placemaking policy1 seeks to protect. Vehicles will have to cross a stone bridge of perhaps 17thc date which is likely to be weakened by frequent increased traffic.
An access route from the top of the track at the unclassified Paranwell road to the north may alleviate these issues and avoid a dangerous junction with the B996.

It is noted that the access track is a Core Path between Blairforge and Paranwell.

The Community Council supports, in particular, the content of Mr & Mrs Gilmour's letter of objection.

We ask that these points are taken into consideration.

Yours faithfully

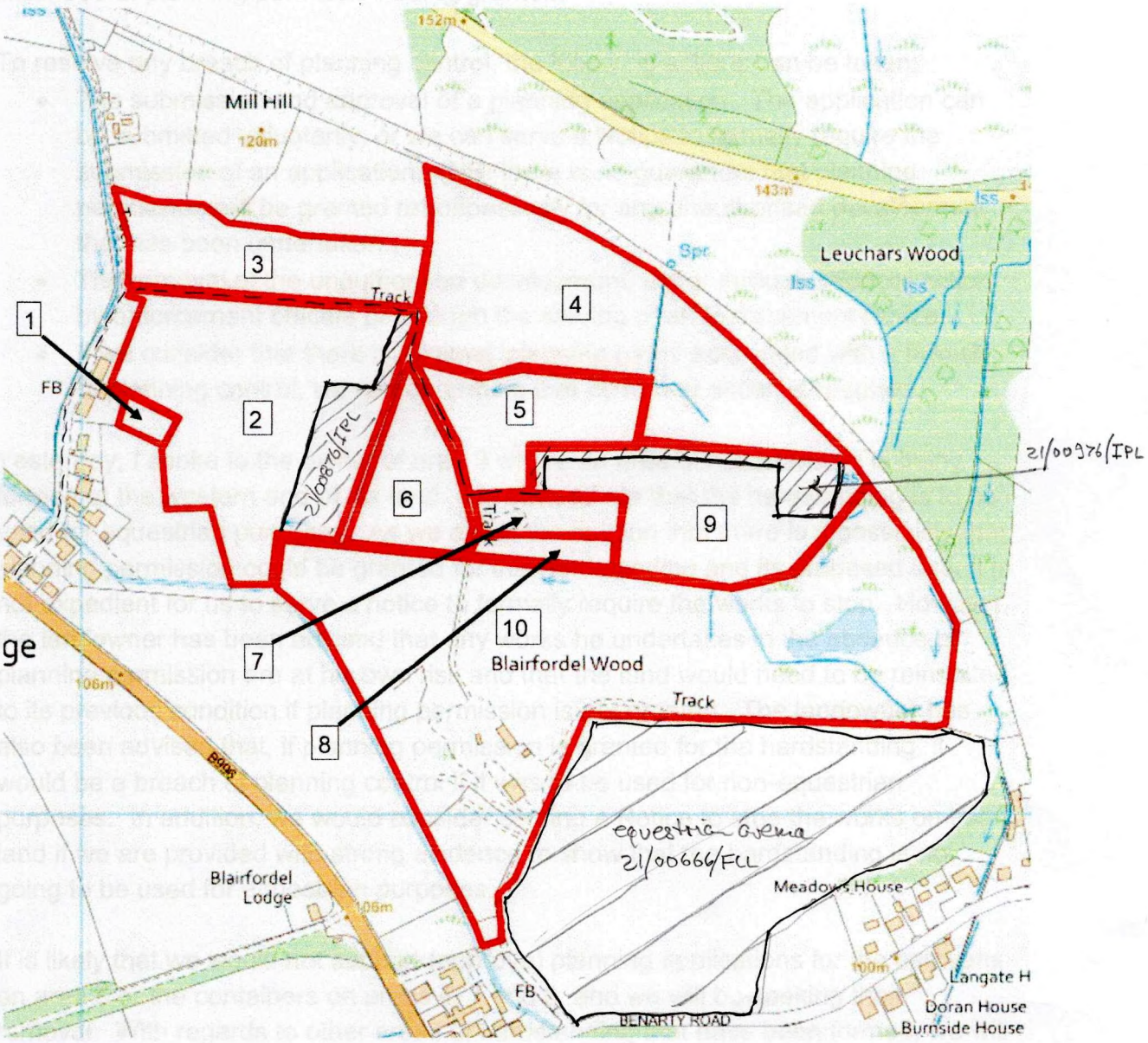
Secretary,
Cleish & Blairadam Community Council

c/c Local members

Interim Report on Concerns Raised about Works and Activities on Land at Blairfordel Farm

This report provides an update following a visit to the above site on 15 April 2021. This report has been produced to update all parties who have raised concerns about the site.

The plan below shows areas of Blairfordel Farm that are being, or have been, sold. (NB: the inclusion of any area on the plan does not imply that there is a breach of planning control on that area of land.)



[redacted]

July 9th, 2021

Planning and Development
Pullar House
Kinnoull Street,
Perth
PH1 5GD

Dear Sir/Madam,

Letter of support - planning application ref. 21/00976/IPL

As one of the applicants' carers, and I am writing in support of this planning application, reference listed above. Often with planning applications, it will be people coming from a big city, looking to escape to the countryside and build a mansion. In this case, it is a local person, looking to stay in her local area, due to the absence of suitable accommodation to meet her needs. In doing so, creating something that suits her specific needs, provides amenity space to those who care for her, and keep her close to her support network of close friends that are in essence family.

Although the site is not close enough to be part of the building group at Blairforge, Local Development Plan 2, Policy 19: Housing in the Countryside provides support to proposals for the erection of single houses in the countryside where they fall within several specified categories. For example, category 3.5 and category 3.4 clearly apply in this case, as explained in the architect's documentation uploaded to the planning portal.

In addition to the above, the applicant will use her network of local friends to further the enhancement of the area, as she is unable to do manual labour herself. One of the core goals here is to reforest a significant part of the site owned by the applicant, and Local Development Plan 2, Policies 38A: Forest and Woodland Strategy and 38B: Trees, Woodland and Development provide support to proposals where new woodland planting is promoted. With Local Development Plan 2 Policy 39: Biodiversity, the council seeks to protect and enhance wildlife and habitats, both designated and otherwise. Given the above policies, and the possibility of 1-2 acres to be reforested as part of this development, this puts the applicant favourably within these policies. In addition, should the application progress to a full planning application, and a SUDS pond is needed, this could further be engineered to encourage wildlife, and aid biodiversity.

Although this is simply an application for outline planning permission, I believe the full/detailed planning permission stage would be an excellent opportunity to create conditions, to ensure benefits are brought to the natural environment of the site.

I have walked through this area for many years, and it has always struck me as being more like brownfield, than anything else. It would benefit from a proper land management strategy, and in doing so this would improve the biodiversity of the area overall. It is unquestionable that this would benefit visual amenity, even if the site itself is not visible except from higher ground.

Kind regards,
Jonathan Gray

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00976/IPL	**Comments provided by**	Mike Lee Transport Planning Officer
Service/Section	Transport Planning	**Contact Details**	77233 [redacted]
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	Land 100 Metres North East Of Blairfordel Farm Kelty		
Comments on the proposal	I would advise the applicant that in regards to accessing the proposed property, considerable upgrading of the farm track would be required. Insofar as the Roads matters are concerned I have no objections to this proposal based on the following condition.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant			
Date comments returned	3/8/21		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00976/IPL	**Comments provided by**	Andrew Gemmell
Service/Section	HE/Flooding	**Contact Details**	[redacted]
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	Land 100 Metres North East Of Blairfordel Farm Kelty		
Comments on the proposal	Objection – More Flood Info Required Drainage layout and FRA would be required in order to further understand flood risk at this development		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.		
Date comments returned	06/08/2021		

The Local Review Body 13/12/2021

Planning Department

Perth and Kinross Council

LRB-2021-47

Appeal of planning refusal 21/00976/IPL

Dear Panel Members,

In order to assist the panel, after discussion following a meeting with Ward Councillors, rather than provide multiple documents the 11 objectors, residing in Blairforge, will give one comment as below.

We all stand by our original objections and endorse those of the Community Council and Kinross Civic Trust.

There have been no material changes in the grounds for the Council's original refusal.

Since the original refusal there has been a refusal for a similar application, number 21/00867/IPL which gives the same reasons for refusal. There has also been a refusal of application 21/00966/FLL which although not for a similar building, the bulk of the reasons for refusal were the same.

We feel that this proposed development should not be looked at in isolation but should be taken in context with the 9 other plots sold in the breakup of Blairfordel Farm. These are subject to three failed planning applications, three planning Enforcement Notices and a Section 33a Notice, all on different plots. One of the remaining plots is used for animal grazing, an agricultural use and the other is lying fallow. The granting of the appeal would likely lead to further applications, particularly as the agents have been acting for another of the failed applications.

Because of ongoing problems, well known to the Planning Department and as indicated above we have continued to carry out research. We would advise that the Registers of Scotland show that this plot KNR5139 was disponed by Mr Andrew Adams to a Mrs Azfer and a Mr Gray both residing in the same property in Main Street, Kelty. Mr Gray's name does not appear on the planning application despite being a co-owner. He did however write an "independent" letter of support to the application.

The Reports on Handling for the three refusals all state that access is via a private road they also state, should they have right of access. Surely before considering this appeal the panel should confirm whether there is a servitude right of access either via Blairforge or through the Blairfordel farm buildings from Benarty Road.

Should the argument be made that the track from Blairforge to Parenwell is a Right of Way, then this argument is incompetent. According to case law on this subject the use of a Right of Way must be from a publicly accessible terminus to a publicly accessible terminus in a

continuous journey, the termini being in different locations. There is no right to deviate from a Right of Way.

Since the refusal of this application two of the Enforcement Notices have been issued over Area 7, KNR5119 and Area 8, KNR5056, parts of the same subdivision of Blaifordel Farm. In the Notices comment is made by the planning officer "access to the land is along a private road and a private track both of which are narrow and lack sufficient passing spaces. The road and track may not be able to accommodate any additional traffic". The Notices are dated 17/11/21 and 16/11/21 both of which predate the appeal. The planning officer or officers involved considered that the road and track were probably not able to take extra traffic. There is therefore a change of opinion by the planning department about whether access should be allowed for any development on this former farm through Blairforge. It could be contended that the officer was aware that there had been planning refusals and that there would be little or no traffic to other sites.

The applicant's name is incorrect site address details are missing from the notice of review. The notice states that there are no matters raised which were not before the appointed officer at the time the determination was made, in other words no new evidence. The notice states that the property can be seen from the road contrary to the advice in the supporting statement. It is also stated that the site can be accessed safely and without barriers to entry. This has been commented upon in the three paragraphs above.

The supporting letter to the appeal raises several points which deserve an answer.

"The application site is considerably larger than the plot required for a dwelling" The farm was split into plots of varying sizes for sale by the landowner. There is therefore every likelihood that under normal commercial disposal of property that this was the only plot available and the landowner saw no merit in further splitting the plot. It would be very unusual in a disposal of this type for the purchaser to dictate terms particularly bearing in mind the areas and shapes of other plots.

Comment has been passed in the original objections regarding the applicant's health and the ability to work a smallholding.

"The Planning Officer suggests that no evidence has been put forward that there is a lack of or no suitable accommodation available to purchase" By analysis of a major property website which lists property sales on information obtained from the Registers of Scotland it is possible to show that there is plenty evidence of suitable properties. Without checking the whole lengthy list of sales, evidence has been obtained of 10 dwellings within 1 mile of Kelty. Through checking photos and floor plans, it was established that these all had ground floor bedrooms and bathrooms. These were registered by the Registers of Scotland, between August 2020 and December 2020. These would have been on the market prior to these dates particularly as the registration dates have been delayed by the pandemic, as confirmed by the Registers. They would have been available to the applicant prior to purchasing the plot.

The railway embankment referred to may be brought back into use in common with many other former railway lines, particularly bearing in mind the expansion of new building of what can only be commuter dwellings, for example in Milnathort.

There was yet another accident on the 16th of November on the B996 at Blairforge. This is an accident blackspot, no matter what the agent thinks FIFE Council Transport Planning have to say.

The Coal Authority letter dated 18th August 2021, which was not available prior to the deadline for objections, imposes conditions on the applicant and is not really a substantial change in policy. The summary from the letter follows.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. ***No development shall commence until;***

   a) ***a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and***

   b) ***any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.***

   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. ***Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The amount of flooding on the general farmland after the recent heavy rain was extensive although the applicant may be able to provide a solution to the problem relative to the building, they would also have to provide solutions to the flooding of the access track.

How, when the site is so remote from the existing properties, will the construction "enhance the character" and "bring benefit to the existing to the existing housing group" unless benefits are considered to be increased traffic and pollution.

If "the site itself can be easily serviced from the existing farm buildings" the implication is that SSE Networks and Scottish Water have been consulted to establish that the services to the farm buildings can support a further property. There is no statement to this effect.

The site can be sighted from the Ballingry road particularly at this time of year when the trees are denuded.

The site being developed, 20/00939/FLL, has not been agricultural land and has been owned by the parties constructing the property since 1990. The plot was part of the original Garmond Knowe in the 1940s there being the original house and grounds and a further plot containing the old piggery buildings. It was therefore a brownfield site developed as Arriscraig, The Old Piggery and the vacant site. The site was redlined as being within the curtilage of Blairforge under LDP1 but changed under the introduction and adoption of HIC 2020.

As stated in Mr Dallas's objection to the application, page two, first paragraph regarding 18/01413/FLL, The Willows was built on a brownfield site, the structure replacing St Margarets, which was demolished. The original property was on the bank of the Kinnaird Burn but the new property was moved away from the site of the original property. The site was sold for development as an Unum Quid and after construction was also sold as one unit. During discussions with Mr Panton of the planning department at the time he advised that planning considered that the site was in two parts, that around the house and the former outbuildings being residential and the remainder agricultural, notwithstanding the title being one entity. No neighbourhood notifications were served on Burnbank, Garmond Knowe or Forresters Oak, all contiguous properties as they were considered by planning to abut the agricultural section of the site. It is surprising that the agent did not check the original objections before regurgitating the same argument.

The agent's comment regarding the Kinnaird Burn is of no relevance, as if they understood the topography of the land between the burn and the subject site and understood that water does not run uphill, they would have realised that SEPA's concerns about flooding were from

another source. As already advised the whole farm site floods, possibly because of compaction or poor field drainage through years of neglect and mismanagement.

The agent appears to lack local knowledge and has made assumptions that cannot be supported, further there are several errors in the application, including the applicant's name and in the script showing a slipshod attitude to the brief. This after taking the full 3 months to appeal.

In conclusion we consider that there is no valid reason for the panel overruling the original decision.

On behalf of

Mr & Mrs Carver, [redacted]	Mr & Mrs Cauldfield, [redacted]
Mr & Mrs Dallas, [redacted]	Mr & Mrs Forsyth, [redacted]
Mr & Mrs Gilmour, [redacted]	Mr & Mrs Matheson, [redacted]
Mr & Mrs McCleary, [redacted]	Mr & Mrs Mercer, [redacted]
Mr & Mrs Neilson, [redacted]	Mr & Mrs Saunders, [redacted]
Mr & Mrs Stephen, [redacted]	