

LRB-2023-37

23/00581/FLL - Change of use of flat to form short-term let accommodation unit, Flat 4, 38 Bonnethill Road, Pitlochry, PH16 5BS

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Lorraine Currie
Address Flat 4 38 Bonnetthill Road
Pitlochery
Postcode PH16 5BS

Contact Telephone 1 [REDACTED]
Contact Telephone 2

E-mail* [REDACTED]

Agent

Name
Address

Postcode

Contact Telephone 1
Contact Telephone 2

E-mail*

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

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

Planning Authority

Perth and Kinross

Planning authority's application reference number 23/00581/FLL

Site address Flat 4 38 Bonnetthill Road, Pitlochery PH16 5BS

Description of proposed development

To allow for short term rental part of the year

Date of application 30/05/2023

Date of decision (if any) 29/07/2023

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

Nature of application

1. Application for planning permission (including householder application)
2. Application for planning permission in principle
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
4. Application for approval of matters specified in conditions

Reasons for seeking review

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

Review procedure

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

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

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

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

1. The notice of review provides additional information that was not contained within the documentation in the initial application.

2. An independent review by more than one individual would be overall fairer. Hopefully the reviewer(s) will take into consideration this additional information and realise this would not be a permanent loss of a residential home in the area. In addition to this, the review team will recognise I am a valuable member of the local community. I ensure that my property and communal areas are maintained to a very high standard. The decision states "An unacceptable impact on local amenity or the character of a neighbourhood or area". The regular maintenance and improvement I have carried out to my property and the external/communal areas; ensures that it fits in to the character of the surrounding environment.

3. A site inspection will not only show the reviewer(s) that the communal areas are regularly maintained by myself, but will highlight the close proximity of flat 2 to my property. Flat 2 has been granted planning permission, which is within the same block of flats (there are just 4 flats in total). Refusing me planning permission makes no sense, as my neighbour in flat 2 has been granted

permission within very close proximity. The applications for both flats was during the same period of time. This is an inequality and discriminatory towards myself

Site inspection

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

1. Can the site be viewed entirely from public land? No
2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes

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

Can access the communal area's and car park, but need prior arrangements to be accompanied to gain entry to inside the flat.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review.

Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

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

The reason I am requesting a review is as follows:

1. The report states that this will a permanent loss of a residential home. My plan is that the flat is rented out for part of the year. I have had a caravan in Pitlochery for 10-15 years. The plan was to rent the flat out part of the year, whilst the caravan park is open and the flat would remain my residence over the winter period. The caravan allows my family to visit me; as I am alone in Pitlochery and the flat would not be large enough to accommodate them. I did not put this in the initial request, as I did not think this was relevant and was not advised to do so.
2. The plan would be that the flat would be rented out for short term rentals, during peak times from the middle of March to end of October. This would capture the busy times for tourist. The flat will offer a more affordable and flexible accommodation for couples or a family with a child. The rental of this flat will contribute greatly to tourism and the economy with in the area. Particularly over the busy periods when tourist visit; such as the Enchanted Forest. The flat would provide an alternative to a hotel for individuals to rent for short term period; for example trademen/professional person who are coming to the area for short term work. Frequently there are local request on Pitlochery social media groups, by individuals for example who are performing at the theatre. Who are seeking temporary short term rental accomadation. This flat would be a more affordable option than a hotel and less restrictive than a bed and breakfast.

3. Since purchasing the flat in July 22. I have taken the responsibility to facilitate the maintenance of the communal area(s), such as cleaning the shared entrance a few times per week and when required. I ensure that all bins are collected and properly recycling every week. I arranged for the roof to be repaired and collected the money from owners of the three other flats. I maintained and repaired fencing and bin area to improve the environment. Painted the entrance door and removed weeds as well trim the hedges to the front of the flat. This all contributes to ensuring that the "character of the area is maintained". I have already supported local businesses by hiring tradesmen to make repairs to my flat and communal areas.

4. I planned during the rental period to hire a local cleaner. Therefore creating employment. I had someone identified who is currently not working. As part of their recovery from long term physical and mental illness, they are seeking part time employment. This opportunity would be ideal to phase her back into full time employment and build her confidence.

5. There are only four flats in my building. Flat 2 in the same building had their application approved on 14th March 2023. I was in the process of applying for short term licence before this period and was in regular contact with Perth and Kinross Council seeking advice. I was not advised I required planning permission at that time and had been ensuring that all the correct checks are in place such as electric checks, fire and gas (as advised by Perth and Kinross Council). When I had these checks all in place and attempted to submit the short term licence form, I was asked if I had planning permission. I telephoned again to Perth and Kinross Council and staff were unaware I would require planning permission. The council staff then checked with the Planning Department and they eventually confirmed I required this. This lack of accurate information and the incorrect advice caused an initial delay in my planning application form. I then completed the planning permission application in which I was regularly requested to get more information, photos and detailed drawings. The planning permission office provided a good example of the application form and drawings of the flat 2 downstairs. Advising the standard I should submit. I then payed £425 for the same Architect to draw up the plans (also £600 for the planning application). I was asked to re-measure and further submit architect drawings following my initial drawing being submitted, that was completed by the Architect. As requested I submitted further pictures of the flat also.

I have completed everything asked of me to support my application, to be told my planning permission was refused. It appears to be a 'postcode lottery'. It is extremely unfair that someone in the same building, at same period time has been approved but I haven't. If I had been advised by the staff at Perth and Kinross Council in the first place, when applying for a short term licence that I required planning permission. I would have applied for planning permission first place and would be ahead of the owner's application in Flat 2. I am confused of the reason that I had been requested to provide more pictures, architect drawings and information on many occasions. If the reason I was refused was " loss residential accomadation such loss is not outweighed by demonstrating local economic benefits". If this was the reason for the decision for refusal of my application. Then this should have been decided without the stress, all the additional information and cost to me. This decision has been inconsistent and discriminatory, as the owner in the same block flats has been granted licence and planning permission. Particularly, since purchasing the flat I have been the only owner who actively facilitates repairs, maitanance and proper disposal of the refuse every week. The owner in flat 2 is not a resident in the local area.

6. The flat has its own designated parking area, so will not impact on public parking around the town which is limited and restricted.

7. I was told that the reason that many short term lets have been refused to create long term rental or encourage people to sell their flat/houses. This will not happen in my case. I am a professional person, I work in the Health Service and commute to work. The plan is that I will seek employment within the NHS in Perthshire within the near future, so I do not have as far to travel. The flat will continue to be my residential home and will not be a permanent loss of tenacy. Therefore, on the grounds that the flat will be a 'loss of residential home' is inaccurate. I am seeking authority to rent the flat for short periods throughout the year, over the busy tourist periods and not on a permanent basis.

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

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

1. I was seeking permission/licence for short term rentals for only part of the year but did not realise it may be important in the initial application to highlight this. I did not emphasise that this would not be a permanent loss of residential accommodation. I was not advised to add this in and as process is new to me and was unaware of the importance
2. I wasn't aware when completing form that Flat 2 would have been granted planning permission/ short term rental licence and I would not have. I did not object to Flat 2 being a short term rental when receiving notification and opportunity to disagree. As I expected that the decision would be consistent and (if authorised) that both of us would have had the same positive outcome. Therefore I feel this decision is a discriminatory towards myself

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

I am unable to attach architect drawings so please see additional documents sent with the email

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

Checklist

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

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

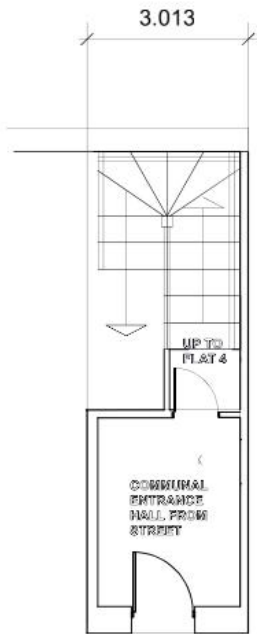
Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Declaration

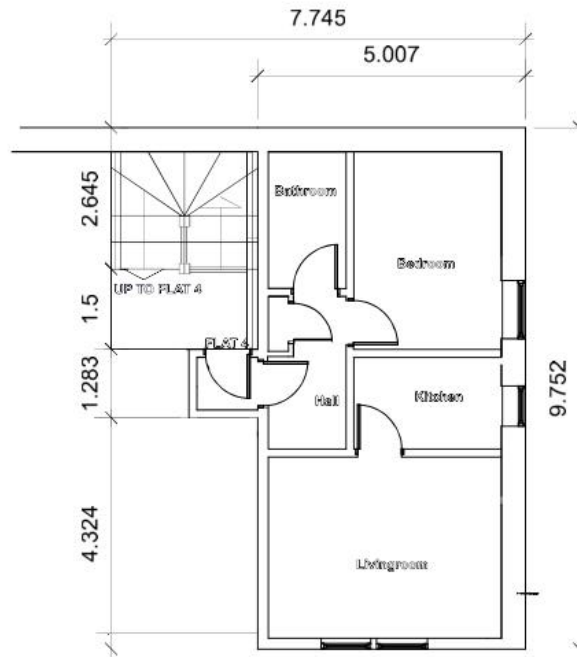
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed: Lorraine Currie

Date: 9th October 2023



EXISTING GROUND FLOOR PLAN @ 1:100




EXISTING FIRST FLOOR PLAN @ 1:100



EXISTING NORTH WEST ELEVATION SHOWING FIRST FLOOR LEVEL @1:100



	w: www.vu-3.co.uk e: interiorarchitects@vu-3.co.uk t: 0131 516 1807	DRAWING TITLE	A3	PROJECT	ADDRESS:	JOB NUMBER:	DESIGNER:	NOTES: arrow showing Flat 4, 38 Bonnethill Road	REV	DETAILS	DATE	DRAWING NUMBER
	EXISTING FLOOR PLAN AND ELEVATION	Change of use Planning Application from (class 9) to (class 7)	Flat 4, 38 Bonnethill Road Pitlochry PH16 5BS	004036	A.G	12/5/2023	SCALE(S) 1:100		1		21/6/23	

