

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 18 March 2024.

Present: Councillors B Brawn, I James and R Watters.

In Attendance: L Tierney (Planning Adviser), G Fogg, (Legal Adviser) and J Guild (Democratic Governance Officer) (all Corporate and Democratic Services).

Also Attending: A Brown and R Ramsay (both Corporate and Democratic Services) and C McLaren (Communities).

### 1. WELCOME

Councillor Brawn welcomed all present to the meeting.

### 2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

### 3. MINUTES

The minute of meeting of the Local Review Body of 12 February 2024 was submitted and noted.

### 4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-58**  
**Review of Condition 3 on Planning Permission 23/01202/FLL (Change of use of builder's yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect), Woodstock, Dinnie's Lane, Comrie, Crieff PH6 2DR) – Ms S Hawkins**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer on Condition 3 of Planning Permission 23/01202/FLL (Change of Use of builder's yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect), Woodstock, Dinnie's Lane, Comrie, Crieff PH6 2DR).

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

(ii) the review application for Condition 3 on Planning Permission 23/01202/FLL (Change of Use of builder's yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect), Woodstock, Dinnie's Lane, Comrie, Crieff PH6 2DR) be refused and Condition 3 remains as follows:

3. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the Preliminary Risk Assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
  - I. the nature, extent and type(s) of contamination on site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measure to deal with contamination during construction works
  - IV. condition of the site on completion of contamination measures

Prior to the completion or bringing into use any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason – In order to deal with any potential contamination of the site as a result of its former use.

#### **Justification**

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

(ii) **LRB-2023-59  
Planning Application – 23/01495/FLL – Change of use from flat to short term let accommodation unit (in retrospect), 5 Garry Place, Toberargan Road, Pitlochry PH16 5AH – Mr and Mrs Horne**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to short term let accommodation unit (in retrospect), 5 Garry Place, Toberargan Road, Pitlochry PH16 5AH.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was

before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for change of use from flat to short term let accommodation unit (in retrospect), 5 Garry Place, Toberargan Road, Pitlochry PH16 5AH, be refused for the following reasons:
  - 1. The proposed retrospective change of use is contrary to Policy 30(e): Tourism of National Planning Framework 4 (2023) as the proposal would result in:
    - i. An unacceptable impact on local amenity and character of the area, and
    - ii. The loss of residential accommodation where such loss is not outweighed by demonstratable local economic benefits
  - 2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14(c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A Placemaking and Policy 17 (d) Residential Areas as the short term let accommodation would adversely impact on the amenity of neighbouring residents and the short term let use would not be compatible with the amenity and character of the surrounding, predominantly residential, area.

#### **Justification**

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

#### **Note**

Councillor James dissented from the majority opinion. He considered that, given the circumstances of the property owners, it is unlikely the property would be placed on the open market for sale and contribute to availability of residential accommodation in the area, and would have granted the review.

#### **(iii) LRB-2023-60 Planning Application – 23/01079/FLL – Change of use of flat to form short term let accommodation unit (in retrospect), 4 Monart Road, Perth PH1 5UQ – Mrs M Deans**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit (in retrospect), 4 Monart Road, Perth PH1 5UQ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.

- (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

**(iv) LRB-2023-61  
Planning Application – 23/01091/FLL – Change of use from flat to short term let accommodation (in retrospect), 14 Monart Road, Perth PH1 5UQ – Mrs M Deans**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to short term let accommodation (in retrospect), 14 Monart Road, Perth PH1 5UQ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

**(v) LRB-2024-01  
Planning Application – 23/01433/FLL – Change of use of flat to form short term let accommodation (in retrospect), Park Gardens, 26 Well Brae, Pitlochry PH16 5HH – Mr M Langer**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to short term let accommodation (in retrospect), Park Gardens, 26 Well Brae, Pitlochry PH16 5HH.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for change of use of flat to short term let accommodation (in retrospect), Park Gardens, 26 Well Brae, Pitlochry PH16 5HH be granted subject to the imposition of relative terms, conditions and informatives.

**Justification**

Members considered that given the siting of a Youth Hostel in close proximity to the property, and other Short Term Let accommodation present within the same building, amenity is already impacted and therefore not a relevant consideration in this case.

**(vi) LRB-2024-03  
Planning Application – 23/01423/FLL – Change of use of flat to form short term let accommodation unit (in retrospect), Upper South Flat, Annesley Cottage, Aberfeldy PH15 2AU – Ms J Birse**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit (in retrospect), Upper South Flat, Annesley Cottage, Aberfeldy PH15 2AU.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

## 5. DEFERRED APPLICATIONS FOR REVIEW

### (i) **LRB-2023-36 Planning Application – 23/00962/FLL – Change of use of flat to short term let accommodation unit (in retrospect), 21 Raeburn Park, Perth PH2 0ER – Mr and Mrs Hall**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to short term let accommodation unit (in retrospect), 21 Raeburn Park, Perth PH2 0ER.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 16 November 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let, (ii) the applicant to review and comment on the response from Development Management as per (i) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for change of use of flat to short term let accommodation unit (in retrospect), 21 Raeburn Park, Perth PH2 0ER, be refused for the following reasons:
  1. The proposed retrospective change of use is contrary to Policy 30, Tourism (e) of National Planning Framework 4 (2023) as the proposal will result in:
    - I. An unacceptable impact on local amenity and character of the area; and;
    - II. The loss of residential accommodation where such loss is not outweighed by demonstratable local economic benefits.
  2. Due to the shared entry arrangements and the flatted nature of the property, the proposal would result in an increased potential for noise nuisance and general disturbance to occur that would impact adversely on the character and amenity of the local area, particularly the residential amenity of those living permanently in the residential block. The proposal is therefore contrary to National Planning Framework 4 (2023) Policy 14(c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019) Policies 1A Placemaking

and Policy 17(d) Residential Areas which all seek to safeguard residential amenity and ensure that proposals contribute positively to the surrounding environment.

**Justification**

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

**(ii) LRB-2023-37  
Planning Application – 23/00581/FLL – Change of use of flat to form short term let accommodation unit, Flat 4, 38 Bonnethill Road, Pitlochry PH16 5BS – Ms L Currie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit, Flat 4, 38 Bonnethill Road, Pitlochry PH16 5BS

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 16 November 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let, (ii) the applicant to review and comment on the response from Development Management as per (i) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. It was further noted that the planning officer who dealt with the original application had advised the Clerk to the PKLRB that, having regard to the Non-Statutory Guidance, he now supported the granting of the application. With the requested information provided, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for change of use of flat to form short term let accommodation unit, Flat 4, 38 Bonnethill Road, Pitlochry PH16 5BS, be granted subject to the imposition of relevant terms, conditions and informatives:

1. This planning permission will last only for three years from the date of the decision notice, unless the development has been lawfully started within that period.

Reason – this is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by the decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

3. The development hereby approved shall be used solely as a short term let accommodation, and shall not be occupied as the sole or main residence of any occupant.

Reason – In order to clarify the terms of this planning permission.

### **Informatives**

Part of the approved development includes holiday accommodation or Short term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>

### **(iii) LRB-2023-38**

**Planning Application – 23/00636/FLL – Siting of 3 accommodation units and a laundry/storage unit for use as short term letting or workers accommodation, and associated works (in retrospect), land 170 metres north east of Keepers Cottage, Amulree, Dunkeld – Culfargie Estates & Tay and Torridon Estates**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of 3 accommodation units and a laundry/storage unit for use as short term letting or workers accommodation, and associated works (in retrospect), land 170 metres north east of Keepers Cottage, Amulree, Dunkeld.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 December 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) the applicant to produce a business plan as per the requirements of Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019), including a monthly breakdown detailing seasonal worker versus tourist use of the accommodation and (ii) Development Management to review and comment on the business plan provided. With the requested information provided, the Local Review Body reconvened.

### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was

before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for siting of 3 accommodation units and a laundry/storage unit for use as short term letting or workers accommodation, and associated works (in retrospect), land 170 metres north east of Keepers Cottage, Amulree, Dunkeld, be refused for the following reasons:
1. The proposal is contrary to Policies 14(c): Design, quality and place and 29(b): Rural Development of National Planning Framework 4 and Placemaking Policies 1A and 1B (parts b, c and d) of the Perth and Kinross Council Local Development Plan 2 (2019) as the development does not respect the character and amenity of the place in which it is located. The development lacks an established landscape framework and is poorly related in terms of form, design of layout to the existing buildings or surrounding environment it would as a result, appear visually incongruous and out of keeping within the wider landscaped setting.
  2. The proposal is contrary to Policy 29(a): Rural Development of National Planning Framework 4 and Policy 8 Rural Business and Diversification of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal does not relate to the expansion of an existing business and fails to demonstrate that the site presents a site-specific site resource or opportunity. The proposal has also failed to satisfactorily demonstrate how it will improve the quality of new or existing tourism facilities, allow a new market to be exploited, or extend the tourism season or that the development can be satisfactorily accommodated within the landscape capacity of the site.
  3. The proposal is contrary to Policy 30(b): Tourism of National Planning Framework 4 and Policy 9C: Chalets, Timeshare and Fractional Ownership of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal would not involve expansion or replacement of existing tourist accommodation, would be remote from sustainable transport options, would not be compatible with the surrounding area and it has not been satisfactorily demonstrated that the proposal meets a specific need by virtue of its quality or location in relation to existing tourism facilities.

#### **Justification**

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

#### **Note**

Councillor James dissented from the majority opinion. He considered the proposal would provide expansion of an existing business and diversification of the area when not being used by workers.

(iv) **LRB-2023-43**  
**Planning Application – 23/00466/FLL – Siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, Land 30 metres south east of Fairygreen Cottage, Kinrossie – Dunsinnan Farm and Estates**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, Land 30 metres south east of Fairygreen Cottage, Kinrossie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 December 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) the applicant to produce a business plan as per the requirements of Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019) and (ii) Development Management to review and comment on the business plan provided. With the requested information provided, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, Land 30 metres south east of Fairygreen Cottage, Kinrossie, be granted subject to the imposition of relevant conditions, terms and informatives.

**Justification**

Members considered that although the proposal is not in accordance with the Development Plan, there is a requirement for economic development in rural areas and requirements of business to expand and diversify, and therefore unanimously granted the review.