

LRB-2023-38

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

PLANNING DECISION NOTICE *(included in applicant's submission, pages 508-509)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 510-528)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00636/FLL	
Ward No	P5- Strathtay	
Due Determination Date	12th August 2023	
Draft Report Date	10th August 2023	
Report Issued by	JF	Date 10.08.2023

PROPOSAL: Siting of 3 accommodation units and a laundry/storage unit for use as short-term letting or workers accommodation, and associated works (in retrospect)

LOCATION: Land 170 Metres North East Of Keepers Cottage
Amulree Dunkeld PH8 0EE

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The existing caravan site was established 4/5 years ago on the basis that it was for temporary accommodation for seasonal workers (in line with GDPO and Caravan Act). It is confirmed that this continues to be the case, albeit the caravans are also used for occasional holiday lets.

Planning permission is sought (in part retrospect) for the change of use of the site to regularise the continued use of the existing caravans for short periods of time either by seasonal workers or by short stay visitors.

Three caravans exist on the site and a separate laundry / washroom (within a storage container).

SITE HISTORY

No recent site history

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

Policy 14: Design, Quality and Place
Policy 13 Sustainable Transport
Policy 29: Rural Development
Policy 30: Tourism

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 8: Rural Business and Diversification
Policy 9C: Caravan Sites, Chalets and Timeshare Developments: Chalets, Timeshare and Fractional Ownership
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

Environmental Health (Noise Odour)	No objection, conditions recommended
Development Contributions Officer	No contributions required
Environmental Health (Private Water)	No objection, information recommended
Transportation And Development	No objection

REPRESENTATIONS

No representations were received.

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

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 units have been initially used for seasonal workers accommodation and no permission was required (GDPO and Caravan Act). It has been stated within the supporting information that there are no alternatives to re-siting the accommodation (although plans appear to indicate a large land holding) and there are no vacant buildings suitable for re-use or conversion (again not evidenced).

The site is not within a settlement boundary and firstly will be considered under the policies contained within NPF4 which represents the most up to date policy position.

NPF4 Policy 30 Tourism supports sustainable tourism development but notes considerations such as b)i) contribution to local economy, ii) compatibility with the surrounding area in terms of nature and scale of the activity and iv) opportunities for sustainable travel. Policy 29 Rural Development supports the diversification of existing rural businesses but there is no reference to the existing business and there are overall concerns about the type and siting of the development within the landscape (detailed later).

Local Development Plan 2 Policy 8: Rural Business Diversification and 9: Caravan Sites, Chalets and Timeshare Developments are the applicable policies and provide more detailed consideration criteria following on from NPF4.

Policy 8 is directly applicable. The proposal is for a new site and the submission is required to seek to demonstrate, in planning terms, why this specific site has been chosen for the development and identify which specific site resource or opportunity is involved and that the proposal meets a new market or extends the tourism season. This site appears to lack any site-specific resource, the provision of additional tourist accommodation even if it can be justified as a need in the area does not give this piece of land a site-specific resource required by policy. The submission is also not supported by a business plan as required by policy.

Overall The Scottish Government and Visit Scotland do seek to ensure investment in tourism uses. Perth and Kinross Council does generally seek to support business and tourism related development but this requires to be located in the correct places and justified in accordance with policy. There are numerous parts of Perth and Kinross which are located close to popular tourism areas and it noted that there has generally been an upsurge in "staycations" however this is not enough to justify tourism based development alone. There are specific criteria contained within policy 8 which require to be met and demonstrated in supporting information. In particular even if site specific justification could be provided the proposal fails to comply with criteria d) that the proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site and furthermore f) as the design is not high quality in particular for this isolated site. (detailed in subsequent sections)

Policy 9C provides favourable consideration to new chalet and timeshare/ fractional ownership developments where it is clear these cannot be used as permanent residences. Such developments must also: (a) involve the expansion of an existing hotel, guest house, chalet park, caravan park or timeshare or fractional ownership development where the development does not constitute either overdevelopment of the site or its setting; or (b) replace static caravans with more permanent structures; or (c) meet a specific need by virtue of its quality or location in relation to existing tourism facilities. The proposal does not comply with policy 9C based upon the information submitted as it has no relationship to any existing site, and it hasn't been detailed that it meets a specific need by virtue of its quality or location in relation to tourism.

This piece of land offers no site-specific resource and is not dissimilar to many other rural plots throughout Perth and Kinross. In addition in this rural location with the design of the units and exposed location it is considered the principle of development would not comply with policy.

Design and Layout

Three caravans exist on the site and a separate laundry/washroom within a storage container. Native tree planting is proposed to the north and southeast sides of the site in an attempt to reduce the landscape impact.

Whilst it is accepted caravans are sited in a number of locations throughout Perth and Kinross there is always an attempt to ensure the right location is selected within a landscape framework which has the capacity to mitigate the impacts of these temporary structures. It is considered that the siting and design of this development on an exposed and undefined rural site would not contribute positively to the surrounding natural environment and is therefore contrary to Policy 1 Placemaking and the supplementary guidance and Policy 14: Design, quality and place of NPF4.

Landscape/Visual Amenity

Although the site does not fall within any statutory designations it is within a rural area characterised by traditional roadside developments and a generally sparsely populated area.

The application site sits detached from the building group (which lies to the southwest), with tree planting proposed in an attempt to mitigate the impact and contain an otherwise exposed site.

Whilst it is accepted the site isn't readily visible from the public road the sporadic siting of temporary buildings (of this form and design – caravans/storage container) in exposed rural locations is not conducive to the landscape character.

Whilst the council has little control over caravans sited for temporary workers there must be a consistency applied for tourist accommodation which is a desirable development type within rural Perthshire.

Residential Amenity

Environmental Health note that given the location and distance to neighbouring residential properties out-with the ownership of the applicant they do not foresee the proposed units having a significant impact on the residential amenity of neighbouring properties.

Roads and Access

The vehicle access to the public road network for the site will be via the existing private track which is taken directly off the A822.

No changes are proposed for the existing vehicle access and changes are proposed for the number of parking spaces. Transport Planning have no objection.

Drainage and Flooding

The site is in a rural area with private water supplies (including North Amulree Farm and Tighnabraich supplies) believed to serve properties in the vicinity. Informatives would have been added in this regard had the development been acceptable.

Developer Contributions

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

Economic Impact

The economic impact of the proposal would have been in the provision of tourist accommodation and local spending when the caravans were used as holiday accommodation.

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 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 Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Conditions and Reasons

- 1 The proposal is contrary to Policies 14: Design, quality and place (part c) and 29: Rural Development (part b) of National Planning Framework 4 and Placemaking Policies 1A & 1B (parts b, c & d) of the Perth & Kinross Council Local Development Plan 2 (2019) as the development does not respect the character or 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 or 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: Rural Development of National Planning Framework 4 (part a) 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 would 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 be accommodated within the landscape capacity of the site.
- 3 The proposal is contrary to Policy 30: Tourism of National Planning Framework 4 (part b) 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.

Informatives

N/A

Procedural Notes

The caravans can remain on site if used as per the GDPO and Caravan Act. The storage container does not have permission and shall be removed from the site.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04