

**LRB-2023-20****22/01986/FLL - Erection of 2 short term let holiday accommodation units (in retrospect), land 75 metres north east of The Steading, Kinfauns, Perth****INDEX**

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**LRB-2023-20**

**22/01986/FLL - Erection of 2 short term let holiday accommodation units (in retrospect), land 75 metres north east of The Steading, Kinfauns, Perth**

**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 100629605-001

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:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Kinfauns Castle"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Kinfauns"/>
Company/Organisation	<input type="text" value="Gloag Foundation"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 7JZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mark.myles@bidwells.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land North East of the Steading, Kinfauns"/>
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Northing	<input type="text" value="722248"/>	Easting	<input type="text" value="313178"/>
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## 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)

Erection of 2 short term let holiday accommodation units (in retrospect) Land 75 Metres North East Of The Steading, Kinfauns, Perth

## 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 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 refer to grounds of appeal statement and accompanying plan along with the supporting background documents and plans that were submitted with the planning application

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)

Grounds of appeal statement, plan identifying the relationship to Perth and routes of paths, cycleways, transport links in the vicinity of the site, planning application forms, submitted plans, photographs, Report of Handling and Decision notice

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/01986/FLL

What date was the application submitted to the planning authority? \*

28/11/2022

What date was the decision issued by the planning authority? \*

15/03/2023

## 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

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To fully assess the relationship of the site to the City of Perth and to the wider countryside and the limited impact within the greenbelt setting

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: Mr Mark Myles

Declaration Date: 29/05/2023



**SELF CATERING  
ACCOMODATION ON  
LAND EAST OF THE  
STEADING  
HILL PARK BY PERTH  
NOTICE OF REVIEW  
STATEMENT**

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## 1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal submitted to Perth & Kinross Council on behalf of The Gloag Foundation.
- 1.2 The appeal relates to the refusal of planning permission (ref 22/01986/FLL) to erect 2 short term let holiday accommodation units (in retrospect) on land 75 metres North East of The Steading, Kinfauns.

## 2.0 Background and Need for the Accommodation

- 2.1 There is no previous planning history relating to this particular site.
- 2.2 The adjacent Class 4 office building located to the southwest was granted planning permission in January 2019 (ref 18/02256/FLL).
- 2.3 The two self-catering structures total 24 sq metres in size and were erected on the application site during the summer of 2021 as an extension of the clients existing self-catering accommodation business currently operating within the Highland Council area. The two units at Kinfauns were erected purely as a trial to see how successful they would perform within the Perth & Kinross Council area.
- 2.4 The applicant identified that there was a lack of this type of small scale self catering accommodation provision within this area immediately to the east of Perth and within the vicinity of the City, suggesting a real gap in the market that this proposal can help to fill. Certainly, the holiday rental bookings that the applicants have secured to date and continue to secure for both of the units provides strong evidence that supports this position.
- 2.5 In September 2021, Visit Scotland confirmed that tourism is a key economic sector in Perthshire, generating over £564 million per annum in economic impact and accounting for around 13% of total employment in the area. In addition, it is recognised that rural and outdoor experiences are a key attractor of visitors to Perthshire. Consequently, they are seeing high demand for all forms of holiday accommodation and a proposal of this nature in close proximity to Perth would be welcomed by visitors and by the tourism industry alike.

## 3.0 Response to General Statements within Report of Handling

- 3.1 In our view the very first paragraph in the Report of Handling (RoH) sets a tone of negativity against the proposal which is then carried forward throughout the entire report.
- 3.2 Against this background of negativity, it is noted that 0 representations were received from any third parties against the proposal.

- 3.3 Despite the RoH highlighting that there is potential surface water flood risk on the site, it's noted that the council's Structures & Flooding Team raised no objections to the application.
- 3.4 The RoH places a great deal of emphasis on the fact that the site is located 1.1 km from the Perth settlement boundary and yet fails to mention that it's located less than 2km to the City Centre with the many cultural, heritage and service offerings that are available to visitors. We expand on this point later in response to the reasons for refusal.
- 3.5 At the same time as placing great emphasis on the distance of the site from a boundary that has been drawn on a plan, rather than the actual connection to Perth, the RoH also ironically points out that the site is actually located within the Perth City Air Quality Management Area. On this point we note that the council's Environmental Health service raised no objections to the application in terms of noise or odour emissions.
- 3.6 The Commercial Waste Team had clearly sought further information which the planning officer did not raise or request during the application process. The fact that the 2 self-catering units only have microwave cooking facilities limits the potential for waste and due to the small scale nature of the units, to date waste has been dealt with by means of the existing bin stores.
- 3.7 The council's policy team raise concerns about compliance with policy which we will address further below as there are contradictions within the statements provided in the RoH.
- 3.8 Arguably the most notable consultations responses received are from Transport Scotland and the council's Transportation and Development Team. Both consultees raised no objections to the application which would have included their remit to consider active travel and suitable and safe pedestrian access. Despite both expert consultees raising no objections, the RoH and reasons for refusal major on the alleged unsafe and inaccessible nature of the site. The planning officer's opinion that this proposal would perpetuate car dependency fails to properly acknowledge that the relevant Development Plan policies only require opportunities for sustainable travel and scope for sustaining public transport services to be available particularly in rural areas. These options are clearly available to this site on the edge of the city.

## 4.0 Response to Reasons for Refusal

### Holiday Accommodation and Tourism Policies

- 4.1 When assessing holiday accommodation, rural development and tourism, the key planning policy considerations are Policies 8 and 9 from Perth & Kinross Local Development Plan 2 and Policy 29 and 30 from NPF4.
- 4.2 The RoH reluctantly accepts that the proposal is consistent with NPF4 Policy 29 b) as the development proposal is suitably scaled, sited and designed to be in keeping with the rural character of the area. However, the RoH states that the development will be car dependent in nature and therefore fails to meet the policy. This is despite the fact that the relationship of the site to Perth City provides enhanced opportunities for non-car dependent trips and no objections being received from Transportation and Development Department or from Transport Scotland.

This rigid interpretation by the planning officer also fails to properly recognise that most if not all rural tourist accommodation is generally car dependent.

- 4.3 LDP Policy 8 also states that the council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. It also adds that there is a preference that this will generally be within or adjacent to existing settlements. This sites proximity to Perth clearly meets this requirement.
- 4.4 It is the sites' location that offers a unique site specific resource that meets with the policy requirement i.e. the site benefits from being accessible to Perth City and associated tourism infrastructure and services, but also having good access to the wider countryside around Perth. It's hard to imagine many other sites where this type of access to the City and countryside are equally available.
- 4.5 Proposals for new tourism related development are also to be supported where it can be demonstrated that they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season. This is provided that permanent employment is created, or additional tourism or recreational facilities are provided, or existing buildings are re-used. All proposals are required to meet all the criteria set out in the policy.
- *The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.* The proposal complies.
  - *The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.* The small scale nature of the units would not result in suburbanisation of the rural area and sustainable travel options are available to/from the site.
  - *The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.* There would be no impact on the amenity of adjacent commercial or residential land uses.
  - *The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.* The RoH accepts that the proposal does not harm the landscape setting of the area or the environmental capacity of the site.
  - *The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.* The proposal provides small scale low key accommodation suitable for the site and the overall landscape/greenbelt setting, and is located in the vicinity of many existing businesses and tourist facilities.
  - *Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.* The structures are quirky and have an appeal that obviously attracts many visitors as evidenced by the occupancy rates that have and continue to be achieved. They are not permanent buildings, have created no adverse impact, and are suitable for the sites rural and landscape context. Due to the non-permanent status of the structures, they could also be limited on the site for a temporary time period e.g. 5 years, if that was thought appropriate by the LRB. This was never raised or discussed in the RoH.
- 4.6 The RoH accepts that the two units make a modest (but positive) contribution to the local economy. The popularity of these two small units and the near full occupancy rate further highlights that those visiting the area will be spending money and supporting the local economy. Options for sustainable travel are available to and from the site and the options and routes are far

better than most tourist accommodations sites located in rural areas. When assessing the opportunities for sustainable travel, NPF4 Policy 30 only requires proposals for sustainable travel to be available. In this instance they clearly are, and the units also offer scope to being able to contribute to sustaining public transport services.

- 4.7 These two self-catering units also provide accommodation for people who may want to stay a couple of nights in the area, visiting friends and family, without them having to turn to existing housing (Airbnb or other self-catering units) many of which are being lost from the existing housing stock. The proposal therefore has a positive impact as it does not hinder the provision of homes and services for local people and is therefore also indirectly supported by NPF4 Policy 30 e).
- 4.8 The appeal is supported by an additional Site Context Plan showing all potential walking and cycling routes from the site to show how accessible the site is to both Perth City and the adjacent countryside. For the RoH to describe the site as being 'relatively remote' is completely disingenuous and continues the negative theme and attitude towards the proposal.
- 4.9 For the reasons set out above the proposal can be supported in accordance with Policies 29 & 30 of NPF4 and Policies 8 and 9 of LDP2.

### **Greenbelt Policy**

- 4.10 As noted above and as shown in the plan submitted in support of this appeal, the sites' location and proximity to Perth and the countryside is the reason why it cannot be sited outwith the greenbelt otherwise it would be more distant from the City and less accessible by sustainable travel options.
- 4.11 The small scale nature and non-permanent structures ensure that the purpose of the greenbelt at this location, where an adjacent office building and car park and motorway interchange already exists, is not undermined. The units are compatible with the surrounding established countryside (located adjacent to the M90) and their size and form help to minimise impact on the greenbelt. These are not permanent structures and therefore there will no significant long term impacts on the environmental quality of the greenbelt. As noted above the LRB may want to consider applying a time limit condition on any approval to provide further control on impacts.
- 4.12 In our original planning statement, we did not misinterpret what the criteria of Policy 43 of LDP2 requires, we simply interpreted the policy differently from the way in which the planners think it should be interpreted. The relationship to the land in this case is the specific site location in that it has unique, excellent and equal access to both Perth City and also to the wider countryside.
- 4.13 As the plan submitted in support of the appeal shows, the proposal also helps to advance the councils aims of improving public access to the countryside around Perth. The concerns raised in the RoH about the location next to an extremely busy trunk road are overstated. If pedestrian and cycle access is so difficult then it surely raises the question as to how the Willowgate Activity Centre, which attracts younger visitors and many more visitors overall, and is located further from Perth City, ever managed to obtain planning permission.



- 4.14 The RoH accepts that the proposal do not have a significant landscape impact. The fact that the site is sandwiched between an existing office and car park development and the M90 interchange does not constitute ribbon development. Quite frankly we consider that its absurd for the RoH to suggest that 2 small units which have a combined floorspace of 24 sq metres somehow erode the identity of the settlement of Perth.
- 4.15 For the reasons set out above the proposal can be supported in accordance with NPF4 Policy 8 and LDP Policy 43.

### Transportation Policies

- 4.16 The RoH argues that the sites' location fails to create a safe, accessible or inclusive environment for guests and discourages pedestrian cycle or public transport usage for all but the most intrepid guests.
- 4.17 That may be the planning officers own personal view but as evidenced by the hundreds of people who have already stayed in the accommodation and the volume of future bookings that are in place, there is also a completely different opinion. If the site was so bad for these reasons, then we would question why Transport Scotland and the council's Transportation Department raised no objections. The site is accessible by a dedicated footpath and cycle route and also located closer to Perth than the Willowgate Centre which was approved and utilises the same stretch of footpath/cycleway/road.
- 4.18 Contrary to the view in the RoH, the site already has safe and segregated links to local facilities via walking, wheeling and cycling networks and is accessible by public transport so can support use of existing services.
- 4.19 As noted in LDP Policy 60B the requirement is to ensure that there is a realistic choice of access and travel modes available. Realistic options are available and in place for this proposal and much better than the vast majority of other rural tourism developments or accommodation which are often poorly served with little or no transport choices other than by the car.
- 4.20 Once again, we consider that the RoH has overstated these concerns to reach a pre-determined conclusion on the proposal.
- 4.21 The proposal has therefore been shown to comply with NPF4 Policies 13 and 14, and Policies 1B and 60 B of LDP2.

## 5.0 Conclusions

- 5.1 The proposal involves the development of 2 small scale self catering holiday units (24 sq m) which have a direct relationship to the site and surroundings as they provide additional good-quality visitor/tourism accommodation as well as contributing to the local economy through the provision of some additional employment (servicing and maintenance of the accommodation). The proposal also has a positive local economic impact as the holiday units attract further tourism into the local area and increase spending on other local goods, attractions and services within Perth and also in the surrounding area.

- 5.2 The site is well located to offer easy access to a wide range of quintessential Scottish visitor experiences i.e. a dynamic city, authentic cultural and built heritage, golf and other outdoor activities such as walking, cycling, fishing and water based sports. There is also an identified shortage of this type of self-catering visitor accommodation on this eastern edge of Perth.
- 5.3 The proposed application sets out two different types and style of accommodation with varying capacities in order to cater for as many market segments as possible. The marketing of the two small units focuses on the domestic UK staycation market.
- 5.4 The use of this site will not result in suburbanisation of the rural area or encourage unsustainable travel patterns. In fact, the location benefits from direct sustainable (pedestrian and cycle) travel options to Perth and also to the wider countryside beyond. There are also bus stops located close by on the approach road into Perth and also on Dundee Road within Perth.
- 5.5 Due to the nature and scale of the pod and shepherds hut the proposed holiday accommodation use is very low key and is compatible with the surrounding land uses and furthermore due to the intervening landscaping, trees and distances involved, will not detrimentally impact on the amenity of the office building adjacent to the site or any other nearby property.
- 5.6 The existing site benefits from a strong established landscape framework particularly when viewed from the adjacent public road network and other public vantage points e.g. from Kinnoull Hill or Moncrieffe Hill.
- 5.7 The proposals can be accommodated within the existing established landscape boundaries of the site without any detriment to the quality, character and appearance of the overall site or to the amenity of the surrounding area. The landscape framework provides a very robust setting for the holiday accommodation and no tree loss is necessary.
- 5.8 There are no issues raised with regards to transportation as confirmed in the consultation responses and the proposed use on the site would not have a significant impact on the wider road network. The site is well connected to the City of Perth and the rural area to the east via existing active travel routes allowing those visiting the option to walk, cycle, and use public transport within the area.
- 5.9 The proposed layout and accompanying photographs also confirm that the two holiday units are nestled sensitively into the edge of the trees and care has also been taken to ensure a minimal environmental impact e.g. timber clad external finishes and the very nature of the accommodation means that no concrete foundations have been required thus ensuring no impact to any tree root protection areas.
- 5.10 The proposed layout therefore takes full account of the existing trees located around the boundaries of the overall site all of which have been retained as part of the proposed development. This not only helps to provide a high quality landscape setting for the development but provides additional shelter and screening from the public road and also enhances the amenity for those visiting the accommodation. The differences in adjacent ground levels and tree cover mean that privacy and screening for existing residents located on the opposite side of the road is maintained.

- 5.11 There would be no loss of trees, shrubs or vegetation through the development and there are opportunities to enhance the biodiversity and ecological value of the site if required.
- 5.12 The proposed layout, siting and design of the proposed units are considered to be sensitive to the natural environment and greenbelt setting and finished to a standard that can be satisfactorily accommodated within the landscape setting and environmental capacity of the site. The low key sensitive nature of the development is further verified by the fact that the units existed on the site for well over a year before the planning department requested the submission of a retrospective application.
- 5.13 The site is accessible by walking, cycling and public transport (bus stops on approach to Perth and also on Dundee Road) as well as for vehicles to and from the local and strategic road network. The proposals will not result in any notable impact on the local road network during peak hours and will not have an adverse impact on surrounding roads and junctions and the site's location and characteristics meet with both local and national policies on sustainable development.
- 5.14 Accordingly, for the reasons set out in this statement and all of the information provided in support of the Notice of Review, the LRB are requested to approve this appeal subject any conditions including any time limit, that may be considered necessary and appropriate.





Gloag Foundation  
c/o Denholm Partnership Architects  
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Comrie  
PH6 2LJ

Pullar House  
35 Kinnoull Street  
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PH1 5GD

Date of Notice: **15th March 2023**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/01986/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 28th November 2022 for Planning Permission for **Erection of 2 short term let holiday accommodation units (in retrospect) Land 75 Metres North East Of The Steading Kinfauns Perth**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to Policies 29: Rural Development (parts a & b) and 30: Tourism (part b) of National Planning Policy Framework 4, and Policies 8: Rural Business and Diversification and 9C: Timeshare and Fractional Ownership of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to meet the relevant criteria for countryside development to be justified, promotes unsustainable travel patterns, fails to provide convenient access to the countryside and natural environment, fails to meet a specific need by virtue of its quality or location in relation to existing businesses or tourist facilities, and is not of a high design quality.
2. The proposal is contrary to Policy 8: Green Belt of National Planning Policy Framework 4 and Policy 43: Green Belt (parts a and d) of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to demonstrate that a green belt location is essential, undermines the purpose of the Perth Green Belt by developing land within it without sufficient justification and therefore eroding the identity of the settlement, fails to support an established use or develop a new business with a direct relationship to the land, and fails to advance public access to the countryside by virtue of its inconvenient location for pedestrians and cyclists.
3. The proposal is contrary to Policies 13: Sustainable transport (part b) and 14: Design, quality and place (part c) of National Planning Policy Framework 4, and Policies 1B: Placemaking (parts a and e) and 60B: Transport Standards and Accessibility

Requirements: New Development Proposals of the Perth & Kinross Council Local Development Plan 2 (2019). The proposal fails to create a safe, accessible or inclusive environment for guests of the holiday accommodation, and discourages pedestrian, bicycle or public transport usage by virtue of its location next to a busy trunk road and motorway junction which is poorly served by streetlighting. The proposal in turn perpetuates car dependency despite its geographic proximity to Perth.

### **Justification**

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

### **Notes**

**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](http://www.pkc.gov.uk) "Online Planning Applications" page**

Plan Reference

01

02

03

04

05

06

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	22/01986/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	27th January 2023	
Draft Report Date	9th March 2023	
Report Issued by	JC	Date 9th March 2023

**PROPOSAL:** Erection of 2 short term let holiday accommodation units (in retrospect)

**LOCATION:** Land 75 Metres North East Of The Steading Kinfauns Perth

### 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 application site is located below the south-eastern cliff-face of Kinnoull Hill, within the Green Belt and the Sidlaw Hills Local Landscape Area. The site is approximately 1.1 kilometres outwith the Perth settlement boundary, and is accessed via a private road from the eastbound A85 Trunk Road as it approaches the Barnhill Interchange with the M90 Motorway.

Part of the site is designated by SEPA as having a high probability of surface water flooding, and the entire site is also within the Perth City Air Quality Management Area and the River Tay SAC Catchment Boundary.

The proposal seeks retrospective permission for two holiday accommodation units, comprising one curved roof cabin and one “shepherd’s hut”, which have been in situ since Summer 2021. This application has been submitted following a planning enforcement investigation.

### SITE HISTORY

*This site:*

22/00075/STL Alleged erection of 2no buildings (cabin/hut)  
25 May 2022 Complaint Received  
Investigation pending outcome of this planning application

*Adjacent site to west:*

18/02256/FLL	Renewal of planning permission 15/01660/FLL (Erection of an office building (Class 4) and ancillary works) 29 January 2019 Application Approved
15/01660FLL	Erection of an office building (Class 4) and ancillary works 11 January 2016 Application Approved

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **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 1: Tackling the Climate and Nature Crisis  
Policy 2: Climate mitigation and adaptation  
Policy 8: Green Belts  
Policy 12: Zero Waste  
Policy 13: Sustainable Transport  
Policy 14: Design, Quality and Place  
Policy 22: Flood Risk and Water Management  
Policy 23: Health and Safety  
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 6: Settlement Boundaries  
Policy 8: Rural Business and Diversification  
Policy 9C: Caravan Sites, Chalets and Timeshare Developments: Chalets, Timeshare and Fractional Ownership  
Policy 39: Landscape  
Policy 41: Biodiversity  
Policy 43: Green Belt  
Policy 47: River Tay Catchment Area  
Policy 52: New Development and Flooding  
Policy 53B: Water Environment and Drainage: Foul Drainage  
Policy 53C: Water Environment and Drainage: Surface Water Drainage  
Policy 53E: Water Environment and Drainage: Water Supply  
Policy 55: Nuisance from Artificial Light and Light Pollution  
Policy 56: Noise Pollution  
Policy 57: Air Quality  
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **OTHER POLICIES**

#### **Non Statutory Guidance**

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

### **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.

#### **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

### **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**

### Internal Consultees

*Development Plan Team* – Criteria (a) and (d) of Policy 43: Green Belt are relevant to this proposal, however neither criteria have been complied with. The proposed new tourism business does not have a direct relationship to the land, and the argument that it would improve public access to the countryside is not convincing, and would set a poor example for future development proposals which could undermine Green Belt objectives, namely to protect and enhance the character, landscape setting and identity of settlements.

Whilst there may be scope for some support of this proposal within Policy 8: Rural Business and Diversification, this does not sufficiently justify the setting aside of Green Belt policy. The new NPF4 looks likely to include increased support for rural development, but the policy in relation to green belts looks set to remain a restrictive one.

*Commercial Waste Team* – It is noted that there is provision on site for waste services, however it is unclear if there is enough capacity in the current bin stores for the proposed development. It is also unclear whether any amendments to the access road is proposed. General advice has been provided regarding access specifications for Refuse Collection Vehicles (RCVs).

*Environmental Health (Contaminated Land)* – Condition requested regarding potential of past contamination and associated decontamination measures.

*Transportation And Development* – No objections.

*Structures And Flooding* - No objections.

*Environmental Health (Noise Odour)* – No objections, subject to conditions regarding noise and lighting, and an informative regarding stove smoke and the requirement for the applicant to apply for a caravan licence.

#### External Consultees

*Transport Scotland* - No objections.

*Scottish Water* - No objection, subject to standard advice. Private waste water treatment required.

### **REPRESENTATIONS**

0 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 principle of this proposal is considered in terms of Rural Development, Tourism and the Green Belt policies within the Development Plan.

### **Rural Development & Tourism**

NPF4 Policy 29 – Rural Development states that:

a) *Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported.* Ten sub-criteria are listed, however none of them have direct relevance to the current proposal, which is not a land use business, a diversification of an existing business, a production and processing facility, an essential community service, essential infrastructure, reuse of a building, use of a heritage asset, reuse of brownfield land, small scale development to support new ways of working, or improvement or restoration of the natural environment.

b) *Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.* The scale and siting, at least within the application boundary itself may meet this criterion in part, however the proposal is unlikely to contribute towards local living and be car-dependent in nature.

Criteria (c) and (d) of Policy 29 are not relevant to this proposal, as they relate to the sustaining of fragile rural communities, and resettlement of previously inhabited areas.

As such, the proposal does not fully meet the relevant requirements of NPF4 Policy 29.

LDP Policy 8: Rural Business and Diversification is also of relevance in this instance. This states that *“The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity”*. It goes on to state that

*“Proposals for new tourism-related developments, and the expansion of existing facilities, will be supported where it can be demonstrated that they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season. Proposals for new tourism-related developments must be justified through a business plan.”*

This site is outwith a settlement boundary, within Green Belt and between the south-eastern cliff face of Kinnoull Hill and the eastbound A85 Trunk Road at the Barnhill Interchange. The proposal is not accompanied by a Business Plan, and the submitted Planning Statement fails to identify a site-specific resource or opportunity to justify this tourism development in the countryside. Whilst the current prices of the accommodation appear to be affordable, this does not alone justify the creation of tourist accommodation in a countryside location.

LDP Policy 8 also requires new countryside business proposals to meet several criteria. The applicable criteria to this proposal are listed in italics with the consideration of each criterion thereafter:

*a) that the proposal will contribute to the local economy through the provision of visitor accommodation* - the proposal will provide visitor accommodation.

*b) the proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns* – Whilst the proposal is small in scale, it results in development of a countryside location where travel to this site is predominantly car-dependent. Whilst the access track to the site leads towards Kinfauns Castle, it is not part of the Core Path network and the primary approach is via the A85T trunk road which is unwelcoming to pedestrians and cyclists, including guests who would wish to use the nearest bus stops. Furthermore, whilst Kinnoull Hill is adjacent, the means of gaining access to the hills are rather far away owing to the substantial sheer cliff face adjacent to the application site. As such, the likelihood is that visitors will predominantly travel to and from by car, with a lack of local facilities and services close by.

*c) the proposed use is compatible with surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site* - There is sufficient distance from nearby residences not to be adversely affected by the proposed development, as discussed further in the Residential Amenity section of this report.

*d) the proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site* - the site comprises a field which is enclosed on all sides by trees and the access track along its northern side. An existing office building is located to the west. Whilst visible in views from the trunk road and the access track, particularly during the winter months, the proposal does not harm the landscape setting of the area, or the environmental capacity of the site.

*e) the proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities – The proposal comprises a fairly standard design of cabin with curved pitched roof, and a shepherd’s hut. The design does not respond in a high quality manner to the existing site, and is not conveniently located relative to nearby tourism infrastructure without reliance on a private car, be it the Willowgate Activity Centre, Perth City Centre, or the path network on the opposite northern side of Kinnoull Hill. Indeed, there are no site-specific qualities which set this proposal apart from any other countryside location in Perthshire. As such, this criterion has not been met.*

*f) where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings – As mentioned in the response to criterion (e) above, the huts are of a standard construction which are more suited to the curtilage of an existing residence or an established holiday accommodation site. The proposal cannot be considered a high design quality which reflects the rural nature of the site.*

Therefore, the proposal is considered to conflict with the aims of Policy 8 - Rural Business and Diversification.

### **Holiday Accommodation**

NPF4 Policy 30 – Tourism outlines the following criteria relevant to this application:

*(b) Proposals for tourism related development will take into account:*

- (i) the contribution made to the local economy;*
- (ii) Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;*
- (iii) impacts on communities, for example by hindering the provision of homes and services for local people;*
- (iv) Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;*
- (v) Accessibility for disabled people;*
- (vi) Measures taken to minimise carbon emissions;*
- (vii) Opportunities to provide access to the natural environment.*

*(d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.*

In this instance, the two cabins make a modest contribution to the local economy by providing visitor accommodation near Perth. The nature and scale of the proposal is also modest, and the impact on the local community is low. However, the site does not promote sustainable travel, accessibility for disabled people, and is silent on carbon emissions. The proposal has also overstated the opportunities for access to the natural environment, because of its inconvenient location for guests who do not own a private car, and the fact

that the extensive Kinnoull Hill walking routes are accessed via the opposite side of the hill to this site, which lies near the base of the sheer cliff face of the hill.

The landscape impact of the proposal is not significant, however the proposal is contrary to rural development and green belt policies, and sustainable travel aspirations as stated elsewhere in this report.

As such, the proposal fails to accord with the aims of NPF4 Policy 30 – Tourism.

Also of relevance is LDP Policy 9C – Chalets, Timeshare and Fractional Ownership, and the relevant criterion (c) requires Developments to “*meet a specific need by virtue of its quality or location in relation to existing tourism facilities*”.

In light of the relatively remote, car-dependent location of the proposal and its location at the base of the Kinnoull Hill cliffs, some distance from the walking routes on the opposite northern side of that hill, the proposal cannot be said to meet a specific need in terms of quality or location. As such, the proposal is considered to conflict with the aims of LDP Policy 9C.

### **Green Belt**

NPF4 Policy 8 – Green Belts requires that “*development proposals within a green belt designated within the LDP will only be supported if they are for*” (the following relevant criterion): “*outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths)*”. In addition, the following requirements must be met:

- *reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;*
- *the purpose of the green belt at that location is not undermined;*
- *the proposal is compatible with the surrounding established countryside and landscape character;*
- *the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and*
- *there will be no significant long-term impacts on the environmental quality of the green belt.*

The proposal is for tourism but does not provide convenient opportunities for access to the open countryside. It has not been demonstrated why the green belt location is essential other than being in the applicant’s ownership, and the unjustified development of the site undermines the purpose of the green belt to restrict development immediately outwith the Perth settlement boundary.

As such, the proposal fails to accord with NPF4 Policy 8.

LDP Policy 43 - Green Belt lists the following relevant criteria where development may be permitted if one of them is met:

*(a) it can be demonstrated that the development either supports an established use, or develops a new business within the Green Belt which has a direct relationship to the land;* The applicant has not demonstrated this and appears in the Planning Statement to have misinterpreted what this criterion actually requires. The concept of a new business having a “direct relationship to the land” is not merely the siting of a proposed development on a given piece of land – if so, most proposals could be justified, which is contrary to the spirit of a green belt designation. Rather, the direct relationship is between the new business proposal and the existing use, function, or attributes of the land, such that only that location is suitable for that particular new business. In this instance, the site is beside an existing office building, but the retrospective holiday units have no particular relationship to the site or its established use, other than being within the applicant’s ownership. The proposal therefore fails to meet this criterion.

*(d) it constitutes uses which advance the Council’s aims of improving public access to the countryside around Perth, including recreational, educational and outdoor sports.* The proposed location is next to an extremely busy trunk road / motorway junction at Barnhill, and is quite hostile to pedestrians and cyclists. The Planning Statement rightly points out that Kinnoull Hill is adjacent, however from a practical point of view, most guests staying at the application site will be forced to travel by car to the opposite side of Kinnoull Hill where most of the path network on the hill converges at several car parks. There is no direct route up Kinnoull Hill from this site, as it is located at the base of the hill’s sheer south-eastern cliff face. Similarly, the rather convoluted 1.3 kilometre route that pedestrians would be forced to take along the junction approach roads between the application site and Willowgate Activity Centre is so hostile and frankly dangerous to pedestrians that their natural preference would be to make this journey by car. Cyclists would also be subject to a hostile environment having to navigate across multiple lanes of the one-way approach roads of the motorway junction before reaching their destination in either direction.

The remaining criteria of the policy are not relevant as they do not relate to agriculture, horticulture, forestry, the conversion, renovation or replacement of existing countryside buildings, or essential infrastructure.

LDP Policy 43 also requires that *development must be appropriate to the overall objectives of the Green Belt to protect and enhance the character, landscape setting and identity of settlements.* In this instance, the proposals do not have a significant landscape impact, however they have eroded the identity of Perth settlement by introducing unjustified ribbon development into Green Belt, which is intended to prevent the city from sprawling outwards on an unplanned basis.

Therefore, the proposal is considered to conflict with the aims of LDP Policy 43 – Green Belt.



## **Placemaking**

LDP Policy 1A Placemaking states that *“the design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical beyond the site”* whereas Policy 1B(a) and (e) expects proposals to *“create a sense of identity by developing a coherent structure of streets, spaces and buildings, safely accessible from its surroundings”* and *“create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport”*. In this instance, the proposal’s location next to and accessed from the A85 Trunk Road at Barnhill Interchange fails to create a safe, accessible or inclusive environment for guests of the holiday accommodation, and discourages pedestrian, bicycle or public transport usage for all but the most intrepid guests. Therefore, the proposal is also considered to conflict with Policy 1B - Placemaking.

NPF4 Policy 14 – Design, quality and place supports development proposals which are consistent with the six qualities of successful places: health; pleasant; distinctive; sustainable; and adaptable. Conversely, poorly designed developments, or those inconsistent with the six qualities will not be supported. In this instance, the proposal conflicts with the first three criterion by locating holiday accommodation in an area which is not pleasant or safe to access by walking or wheeling, particularly after dark with the lack of street lighting on a delimited trunk road, which in turn perpetuates car dependency. Therefore, the proposal conflicts with NPF4 Policy 14(c).

### **Design and Layout, Visual Amenity**

The site itself isn’t particularly badly designed in terms of the positioning of the holiday accommodation units relative to each other, their physical appearance, and the access track behind. However, this cannot be viewed in isolation from the wider principle of developing in green belt land, the car-dependent nature of the proposals, and the lack of local facilities in the immediate area.

### **Landscape**

Whilst the proposal is within the Sidlaw Hills Local Landscape Area and somewhat visible from the trunk road to the south-east, its siting and scale does not adversely impact the visual and scenic qualities of the surrounding landscape.

### **Residential Amenity**

The proposed holiday accommodation units are sufficiently distant from nearby residences to not pose any concerns in terms of residential amenity. Conditions relating to noise and flue smoke would have been placed in the event that approval had been recommended.

### **Roads and Access**

NPF4 Policy 13(b) – Sustainable transport is supportive of development proposals which demonstrate that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: (i) provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; and (ii) will be accessible by public transport, ideally supporting the use of existing services.

LDP Policy 60B – Transport Standards and Accessibility Requirements: New Development Proposals states that *“The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks.”*

In this instance, sufficient on-site car parking provision has been provided. However, as discussed elsewhere in this report, the proposal fails to reduce private car dependency. This is because the pedestrian route from Perth is unwelcoming and fairly hostile along the western side of the busy A85 Trunk road as it approaches Barnhill Interchange and requires guests of the proposed accommodation to cross busy slip roads twice before reaching their destination or bus stops in either direction. The nearest westbound bus stop is 430 metres from the application site (Willowgate Fishery), and the nearest eastbound bus stop is approximately 900 metres on the opposite side of the interchange (West Road End). The route from that bus stop to the application site is so convoluted as to discourage its use by guests, and the westbound stop immediately before that at Branklyn Gardens is approximately 1.45 kilometres north within the Perth settlement boundary. This is combined with the fact that the approach roads at Barnhill junction itself are not served by streetlights, which further discourages pedestrian use after dark.

Whilst it is accepted that many countryside tourism locations will be poorly served by public transport provision or opportunities for active travel to and from a given site, this must be weighed against the relevant countryside development policies which may otherwise offer support for such proposals. In this instance, however, the proposal is already in conflict with both countryside and green belt policies, despite its relative geographic proximity to Perth.

In addition, insufficient information has been submitted to demonstrate how waste collection is managed. In the event that officers were minded to approve the proposal, further clarity would have been sought from the applicant regarding this matter.

As such, the proposal fails to accord with NPF4 Policy 13(b) and LDP Policy 60B.

### **Drainage and Flooding**

Whilst it is noted that the south-eastern side of the site is vulnerable to surface water flooding, the Structures and Flooding Team have not objected and as such, this does not constitute grounds for refusal of the application.

## **Conservation Considerations**

There are no adverse heritage implications which relate to this proposal.

## **Natural Heritage and Biodiversity**

No information has been provided in respect of the impact on trees or ecology. Had the application been likely to be considered acceptable in principle, further detail regarding this would have been sought from the applicant.

## **Developer Contributions**

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

## **Economic Impact**

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

## **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 29: Rural Development (parts a & b) and 30: Tourism (part b) of National Planning Policy Framework 4, and Policies 8: Rural Business and Diversification and 9C: Timeshare and Fractional Ownership of the Perth and Kinross Council Local Development

Plan 2 (2019). The proposal fails to meet the relevant criteria for countryside development to be justified, promotes unsustainable travel patterns, fails to provide convenient access to the countryside and natural environment, fails to meet a specific need by virtue of its quality or location in relation to existing businesses or tourist facilities, and is not of a high design quality.

2 The proposal is contrary to Policy 8: Green Belt of National Planning Policy Framework 4 and Policy 43: Green Belt (parts a and d) of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to demonstrate that a green belt location is essential, undermines the purpose of the Perth Green Belt by developing land within it without sufficient justification and therefore eroding the identity of the settlement, fails to support an established use or develop a new business with a direct relationship to the land, and fails to advance public access to the countryside by virtue of its inconvenient location for pedestrians and cyclists.

3 The proposal is contrary to Policies 13: Sustainable transport (part b) and 14: Design, quality and place (part c) of National Planning Policy Framework 4, and Policies 1B: Placemaking (parts a and e) and 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth & Kinross Council Local Development Plan 2 (2019). The proposal fails to create a safe, accessible or inclusive environment for guests of the holiday accommodation, and discourages pedestrian, bicycle or public transport usage by virtue of its location next to a busy trunk road and motorway junction which is poorly served by streetlighting. The proposal in turn perpetuates car dependency despite its geographic proximity to Perth.

### **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

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01  
02  
03  
04  
05  
06



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 100605995-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Retrospective planning application for 2 no Holiday Accommodation Units (Kinnoull Hideaway and Shepherd's Hut).

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

01/06/2021

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Our client undertook this work and did not appreciate that planning would be required for the Shepherd's Hut and the pod. They were adjacent to an office building, which was a replacement for a previous building and our client had gone through the full planning process to renew that building.

## 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:	Denholm Partnership Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Denholm	Building Name:	
Last Name: *	Partnership Architects	Building Number:	11
Telephone Number: *		Address 1 (Street): *	Dunira
Extension Number:		Address 2:	Street
Mobile Number:		Town/City: *	Comrie
Fax Number:		Country: *	Scotland
		Postcode: *	PH6 2LJ
Email Address: *			

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	
Last Name: *	Gloag Foundation	Address 1 (Street): *	
Company/Organisation	Gloag Foundation	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

## 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 East of The Steading, Kinfauns, Perth, PH2 7JU

Northing

722262

Easting

313191

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

2829.40

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Land associated with office building.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

New/Altered septic tank.

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Treatment plant and soakaway.

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).



## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bin store already adjacent at office building.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Don't Know

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

24

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Small scale self catering accommodation.

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Denholm Partnership Architects

On behalf of: Gloag Foundation

Date: 08/11/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

Supporting Statement.

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

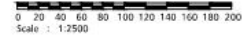
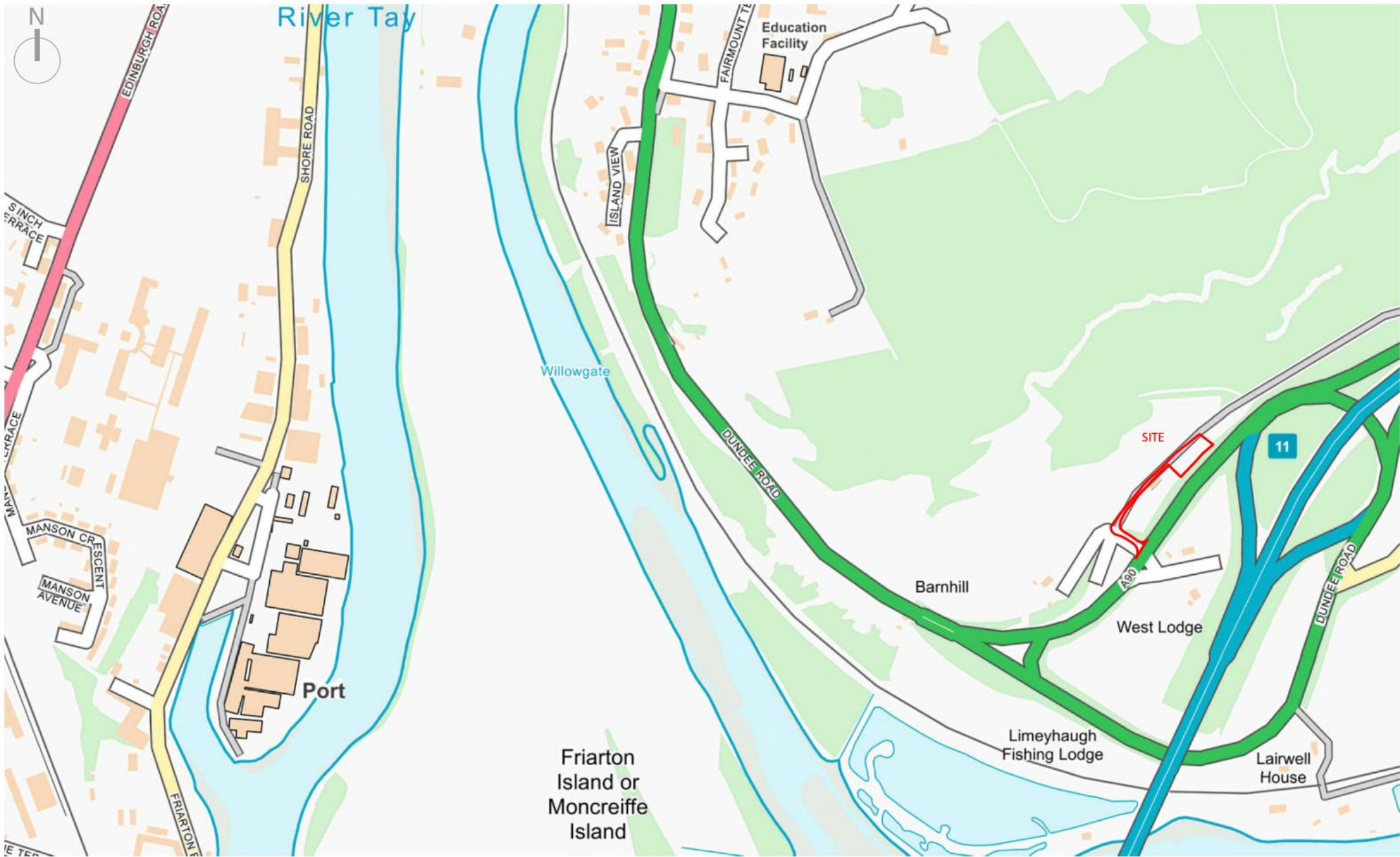
Declaration Name: . Denholm Partnership Architects

Declaration Date: 08/11/2022

## Payment Details

Pay Direct

Created: 08/11/2022 12:42



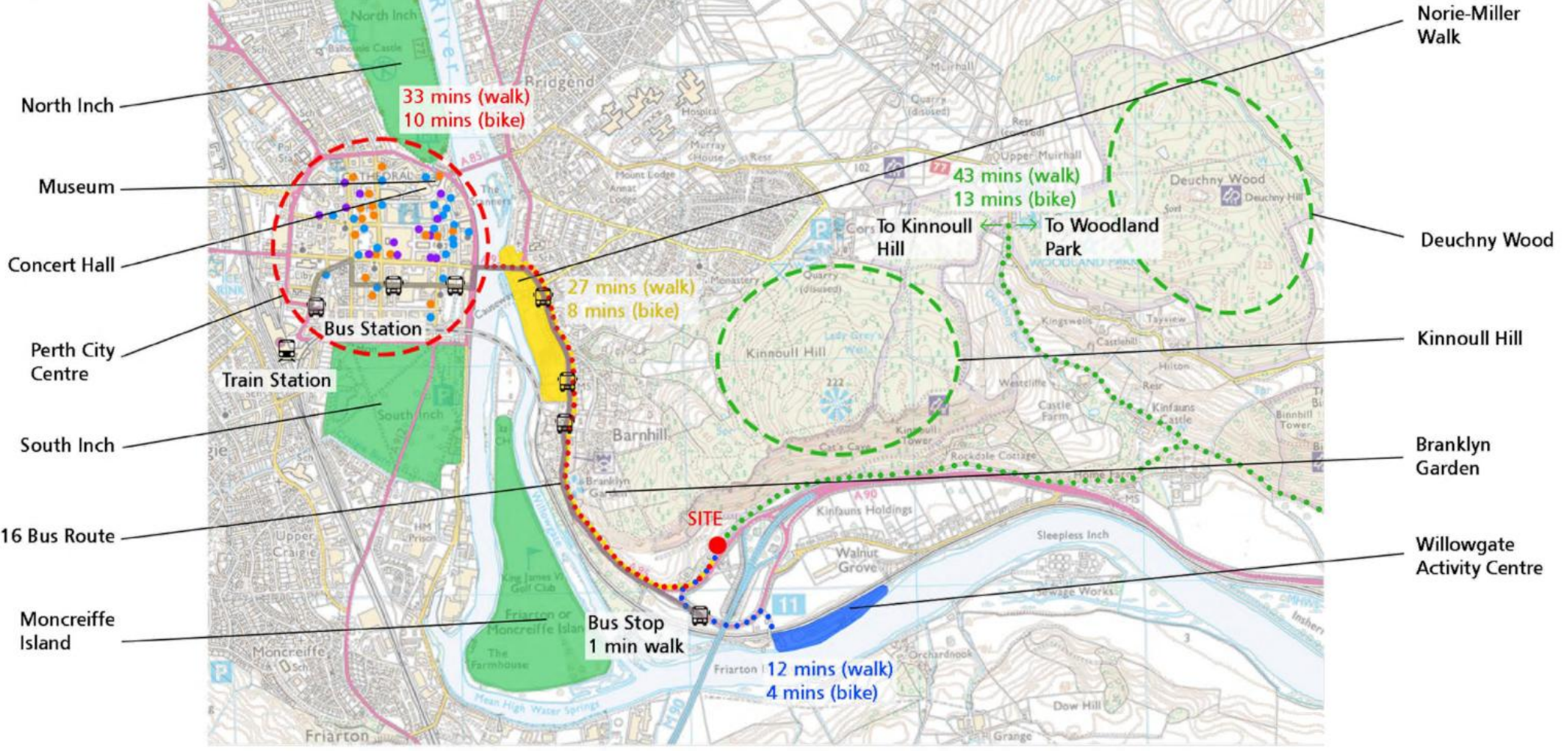
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 Access  
 Health Hazards  
 Structure Instability  
 Ground Conditions  
 Contamination  
 Buried and Overhead Services  
 Underground Structures  
 Adjacent Activities  
 Site Features  
 Other (Specify)

PRESENT	DESCRIPTION	ACTION/NOTES

REVISIONS	REV	DATE	BY	DETAILS

- Bars
- Restaurants
- Cafes



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**HEALTH AND SAFETY NOTES:**  
 DESIGNER: GARY MCNEIL, HAZARDS  
 Hazards  
 Health Hazards  
 Structural Instability  
 Ground Conditions  
 Contamination  
 Buried and Overhead Services  
 Underground Structures  
 Adjacent Activities  
 Site Features  
 Other (Specify):

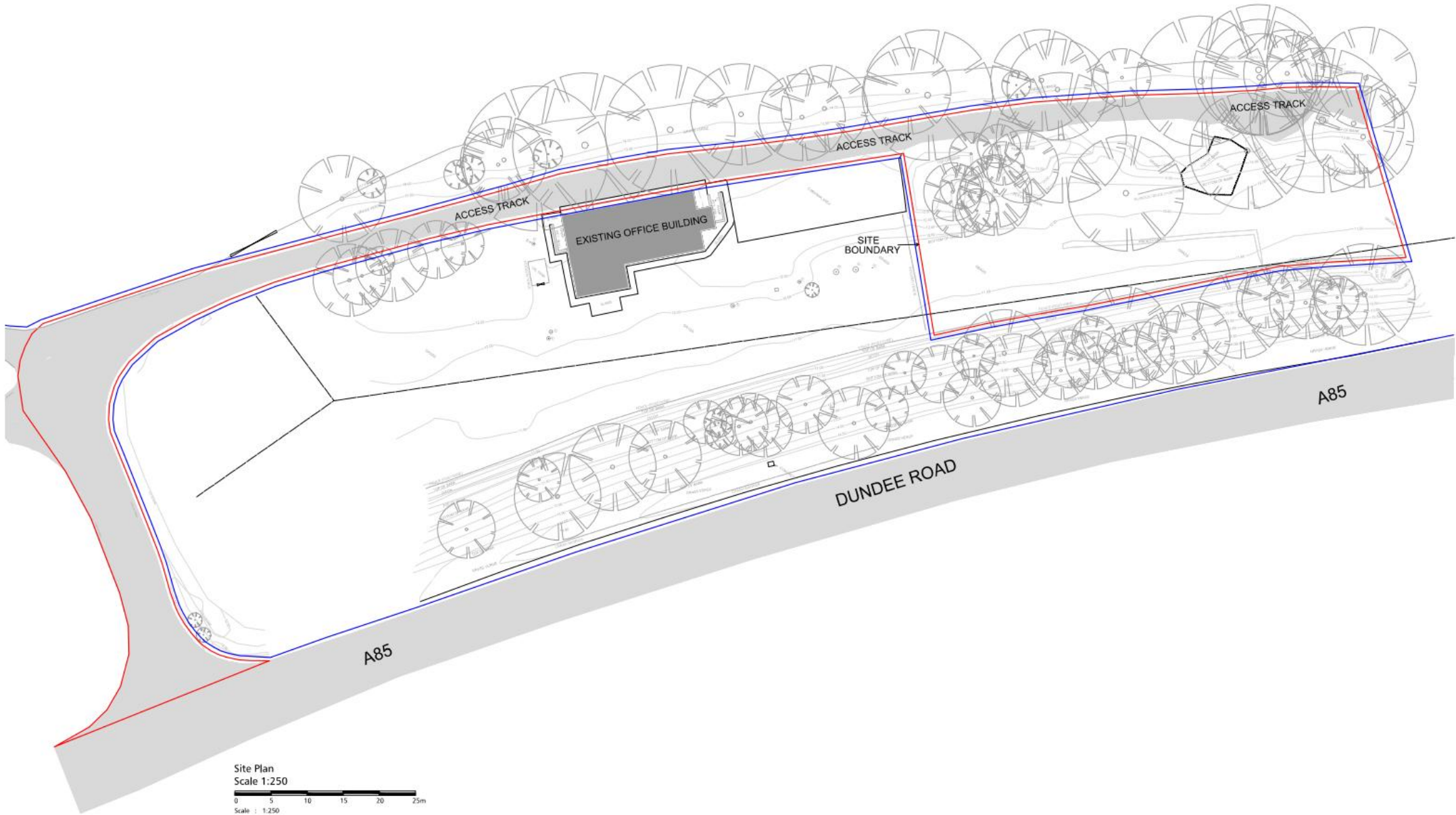
PRESENT	DESCRIPTION	ACTIONS / NOTES
█		

**REVISIONS**

REV	DATE	BY	DETAILS
A	30.09.2023	ER	Additional Information added

**CLIENT:** Ann Gloag  
**PROJECT:** Planning Permission Retrospective Land East of The Steading, Kinfauns Perth  
**DATE:** 25.05.23  
**SCALE:** NTS  
**NO. REVISED:** A3  
**NO. SHEETS:** 55/16  
**NO. DRAWINGS:** PDS  
**NO. SHEETS:** A

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 ISO 9001:2015 REGISTERED  
 Address  
 Health systems  
 Structural integrity  
 Ground conditions  
 Contamination  
 Natural and Constructed Sounding  
 Underground Structures  
 Aligned Address  
 Site Specificity  
 Other (Specify)

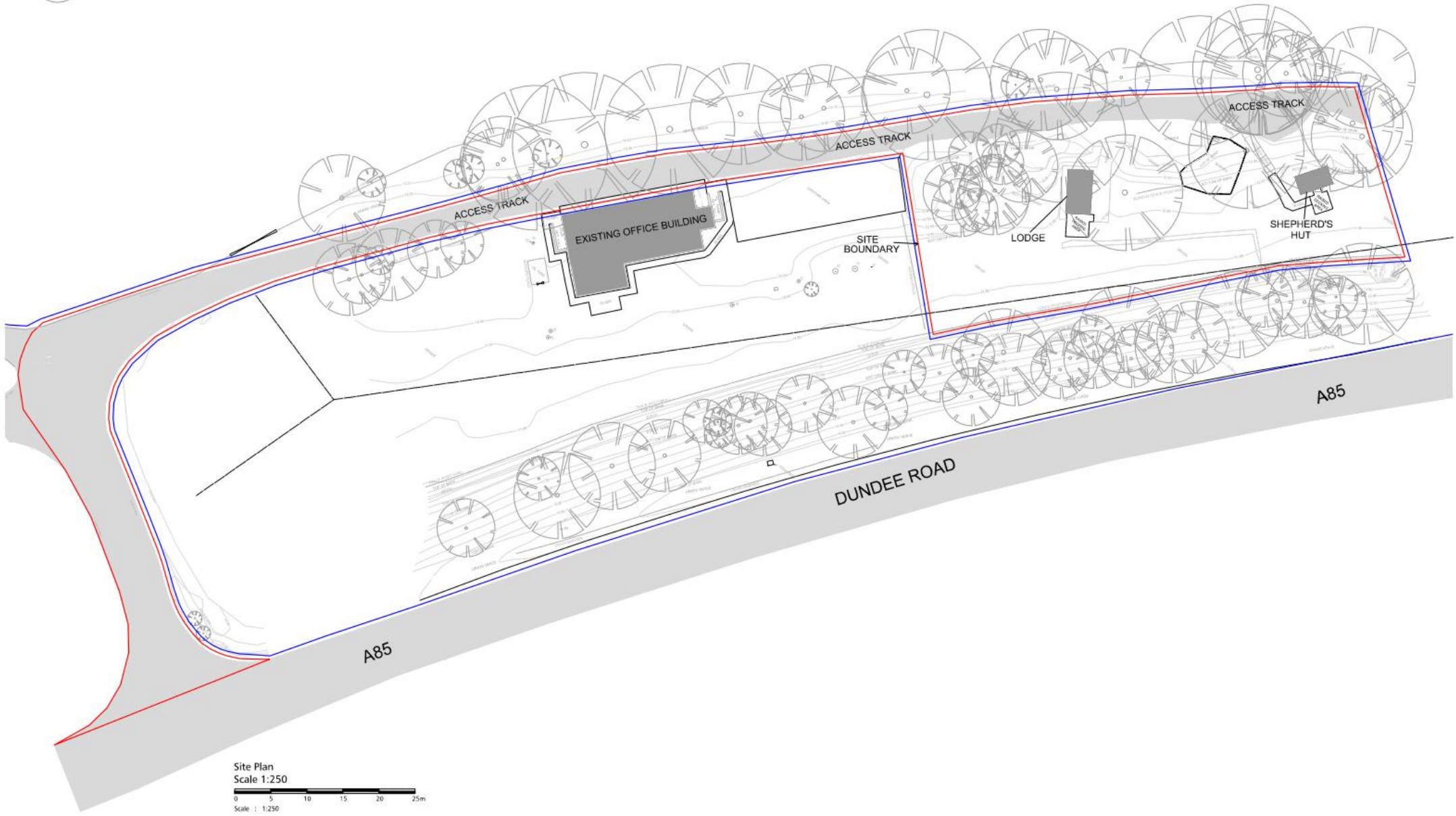


PRESENT	DESCRIPTION	ACTIONS / NOTES

**REVISIONS**  
 REV DATE BY DETAILS

DATE: Ann Gloag  
 PROJECT: Planning Permission Retrospective Land East of The Steading Perth  
 PURPOSE: Planning  
 DRAWN BY: ER  
 DATE: 20/09/2022  
 DRAWING NO: 5518  
 E01  
 1st

ISSUE NO/TITLE: Existing Site Plan  
 SCALE: 1:250  
 PAPER SIZE: A1  
**DENHOLM PARTNERSHIP ARCHITECTS**  
 www.denholmpartnership.co.uk 1:017640 678899



Site Plan  
Scale 1:250



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SIGNIFICANT RESIDUAL HAZARDS:  
Access  
Health Hazards  
Structure Instability  
Ground Conditions  
Contamination  
Barrical and Overhead Services  
Underground Structures  
Adjacent Activities  
Site Restrictions  
Other Hazards



DESCRIPTION

ACTIONS / NOTES

REVISIONS  
REV. DATE BY DETAILS

DRAWN BY: Ann Gloag  
PROJECT: Planning Permission Retrospective Land East of The Steading Perth  
PURPOSE: Planning

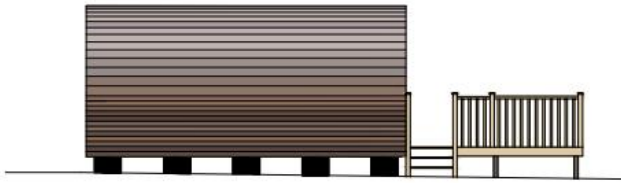
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SCALE: 1:250  
JOB NO: 5518  
REVISION: P01

PAPER SIZE: A1

REVISION: 1st

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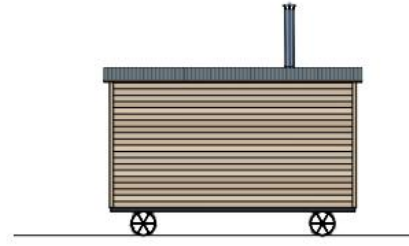




Lodge West Elevation  
Scale 1:50



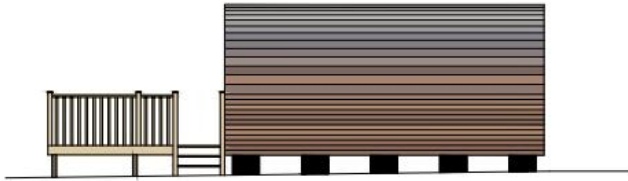
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Scale 1:50



Shepherd's Hut North  
Elevation  
Scale 1:50



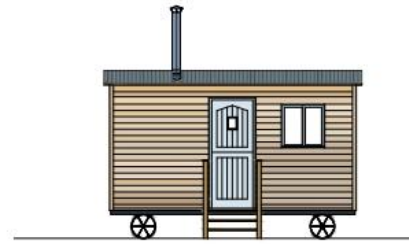
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Elevation  
Scale 1:50



Lodge East Elevation  
Scale 1:50



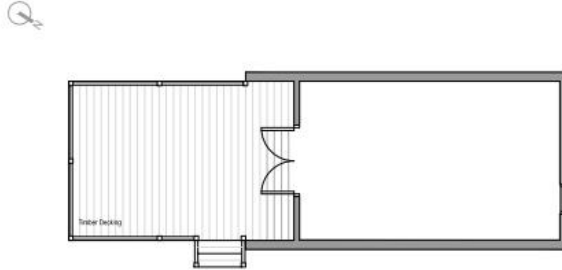
Lodge South Elevation  
Scale 1:50



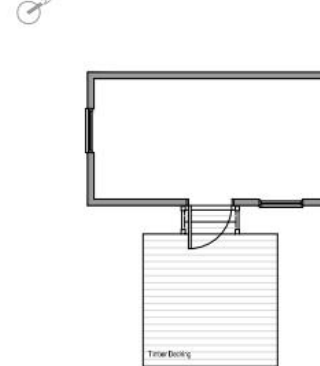
Shepherd's Hut South  
Elevation  
Scale 1:50



Shepherd's Hut East  
Elevation  
Scale 1:50



Lodge Plan  
Scale 1:50



Shepherd's Hut Plan  
Scale 1:50



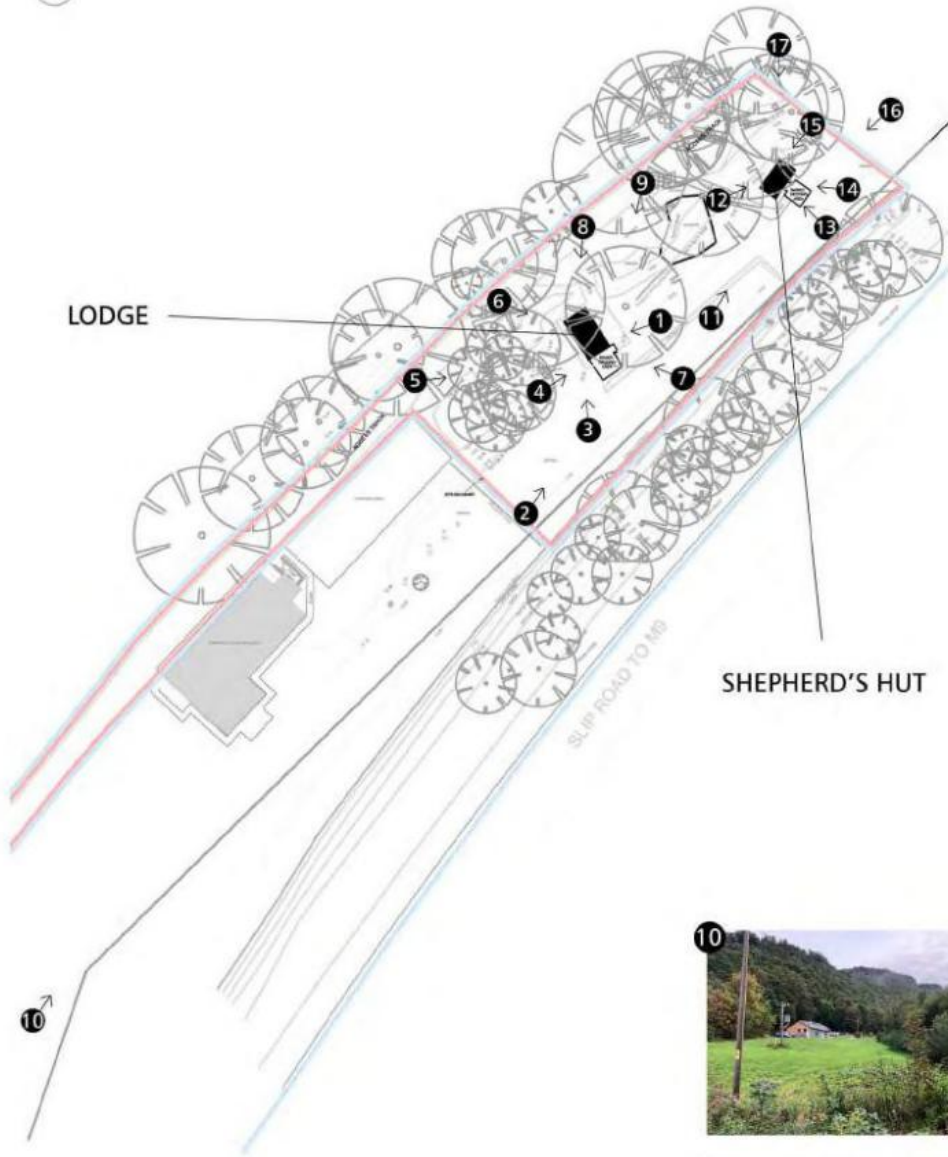
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SIGNIFICANT RISKS/HAZARDS  
Asbestos  
Health Hazards  
Structural Instability  
Ground Conditions  
Contamination  
Buried and Overhead Services  
Uninspected Structures  
Adjacent Activities  
Site Hazards  
Other (Specify)

PRESENT	DESCRIPTION	ACTIONS / NOTES

REVISIONS	REV	DATE	BY	DETAILS

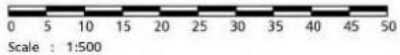


LODGE

SHEPHERD'S HUT

SLIP ROAD TO NB

SITE PLAN



### LODGE



### SHEPHERD'S HUT



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**HEALTH AND SAFETY NOTES**  
 356978017 REGIONAL NOTES  
 Asbestos  
 Health Hazards  
 Structural Integrity  
 Ground Conditions  
 Contamination  
 Buried and Overhead Services  
 Underground Structures  
 Adjacent Activities  
 Site Restrictions  
 Other (specify)

DESCRIPTION

ACTIONS/NOTES

REV. DATE BY DETAILS REVISIONS

CLIENT  
**Ann Gloag**  
 PROJECT  
**Planning Permission  
 Retrospective Land East  
 of Steading**  
 DRAWING TITLE  
**Photo Sheet**

PURPOSE  
**Planning**  
 DATE  
**04/10/2022**  
 SCALE  
**1:500**  
 JOB NO.  
**5518** DWG. NO.  
**P04** REVISION  
**1st**

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**ER**  
 PAPER SIZE  
**A2**  
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**LRB-2023-20**

**22/01986/FLL - Erection of 2 short term let holiday accommodation units (in retrospect), land 75 metres north east of The Steading, Kinfauns, Perth**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 27-28)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 29-42)*

**REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 51 and 53-55)*



**SELF CATERING  
ACCOMODATION ON  
LAND EAST OF THE  
STEADING  
HILL PARK BY PERTH  
PLANNING POLICY  
STATEMENT**

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## Table of Contents

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## 1.0 Introduction

- 1.1 This supporting planning statement should be read in conjunction with the detailed planning application that has been submitted to Perth & Kinross Council by Denholm Partnership Architects on behalf of The Gloag Foundation. The retrospective application relates to the erection of self catering accommodation consisting of two units (a lodge/pod and a shepherd's hut) on land to the East of the Steading at Hill Park by Perth.
- 1.2 The site consists of a rectangular area of ground with clearly defined landscape boundaries on all sides. A new office building and car park (also within the applicant's land ownership) are located to the south west, an access track that leads to Kinfauns and the wider Kinnoull Hill woodland area is located along the north west boundary, and the landscaped embankment of the slip road that leads to the A90/M90 road interchange is situated to the south east.
- 1.3 The site extends to xx ha. and the planning application has therefore been submitted as a 'local application' under the Town & Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and Town & Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

## 2.0 Background and Need for the Accommodation

- 2.1 There is no previous planning history relating to this particular site.
- 2.2 The adjacent Class 4 office building that's located to the south west was granted planning permission in January 2019 (ref 18/02256/FLL).
- 2.3 The self catering structures were erected on the application site during the summer of 2021 and Perth & Kinross Council subsequently requested the submission of a retrospective planning application through correspondence received from Mary Barr (Enforcement Officer) dated 18<sup>th</sup> August 2022 ref 22/00075/ALUNDV.
- 2.4 There is a lack of this type of small scale self catering accommodation provision within this area immediately to the east of Perth and within the vicinity of the City, suggesting a real gap in the market that this proposal can help to fill. Certainly, the holiday rental bookings that the applicants have secured to date for both of the units provide strong evidence that supports this position. Details of the occupancy rates can be provided to the planning department if required.
- 2.5 In September 2021, Visit Scotland confirmed that tourism is a key economic sector in Perthshire, generating over £564 million per annum in economic impact and accounting for around 13% of total employment in the area. In addition, it is recognised that rural and outdoor experiences are a key attractor of visitors to Perthshire. Consequently, they are seeing high demand for all forms of holiday accommodation and a further facility of this nature in close proximity to Perth would be welcomed by visitors and by the tourism industry alike.

## 3.0 National Planning Policy Context

### National Policy and Guidance

- 3.1 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### National Planning Framework

- 3.2 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### Draft National Planning Framework 4 (NPPF4)

- 3.3 Published in November 2021, the NPF4 draft provided insight into the key themes of the framework: where addressing the climate emergency is most prominent. Draft NPF4 also details policy relating to rural developments which advocates strong support towards sustained economic growth and the provision of enhanced tourism opportunities in all rural areas.
- 3.4 The finalised version of NPF4 is set to be approved by Scottish Parliament in the Autumn of 2022. NPF4 will then form part of the new Development Plan system in Scotland and also help to guide the policy framework for the next generation of LDP's.

### Scottish Planning Policy 2014

- 3.5 Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. SPP also encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. This proposal provides significant environmental quality and tourism/business benefits within the local setting.
- 3.6 SPP refers to the Tourism Development Framework for Scotland, though this framework is a 2020 strategy, it highlights some insightful points: the framework and VisitScotland encourage planning authorities to consider further tourism accommodation in locations where there is evidence of market demand, specifically encouragement should be given to forms of holiday accommodation such as new self-catering accommodation and novel low carbon development.
- 3.7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35



- Placemaking: paragraphs 36 – 57
- Promoting Rural Development: paragraphs 74-83
- Supporting Business and Employment: paragraphs 92-108
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219-233
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

## 4.0 Development Plan

- 4.1 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 (approved in October 2017) and the Perth and Kinross Local Development Plan2 (adopted November 2019).

### **TAYPlan Strategic Development Plan 2016-2036**

- 4.2 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:
- “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.”
- 4.3 The following sections of the TAYplan 2017 are of importance in the assessment of these applications.
- 4.4 Policy 1 : Location Priorities
- Requires a settlement hierarchy approach to accommodating the regions additional development needs and the LDP is required to implement a greenbelt boundary for Perth and to define the types and scale of development that is appropriate in the greenbelt.
- 4.5 Policy 2: Shaping Better Quality Places
- Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.
- 4.6 Policy 3: A First Choice for Investment
- Highlights that Local Development Plans should further assist in growing the year-round economy including the role of the tourism, visitor and sporting and recreational sectors.
- 4.7 Policy 6: Developer Contributions
- Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and

amenities brought about by development. This may include contributions towards transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

## 5.0 Perth and Kinross Local Development Plan 2019

5.1 The Local Development Plan2 (LDP) was adopted by Perth and Kinross Council in November 2019. The relevant policies are;

5.2 Policy 1A - Placemaking

- Development must contribute positively to the quality of the surrounding built and natural environment, and the design, density and site of development should respect the character and amenity of the place including improvement to links within and where practical beyond the site. All development should be planned and designed with reference to climate change, mitigation and adaption.

5.3 Policy 1B – Placemaking - All proposals should meet all eight of the placemaking criteria.

- *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- *Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- *The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- *Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- *All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- *Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind where possible.*
- *Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
- *Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks*
- *Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).*
- *Sustainable design and construction.*

5.4 Policy 5 - Infrastructure Contributions

- Where the cumulative impact of new developments will exacerbate a current or generate a current or generate a future need for additional infrastructure provision or community

facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

5.5 Policy 8 – Rural Business and Diversification

- Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity.

5.6 Proposals for new tourism related development will be supported where it can be demonstrated that they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season. This is provided that permanent employment is created, or additional tourism or recreational facilities are provided, or existing buildings are re-used. All proposals are required to meet all the criteria set out in the policy.

- *The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.*
- *The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.*
- *The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.*
- *The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.*
- *The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.*
- *Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.*
- *The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact. Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement from Transport Scotland.*
- *Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.*
- *Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation.*

5.7 Policy 9B & 9C - Caravan Sites, Chalets and Timeshare Development

- Proposals for new sites for holiday related uses will be supported where the proposals are compatible with Policy 1.
- Favourable consideration will be given to new chalet and timeshare /fractional ownership developments where it is clear that these cannot be used as permanent residences and

where they meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

5.8 Policy 43 – Within the area designated as Greenbelt, development is only permitted where it meets one of the criteria including a) that the development either supports and established use, or develops new business within the greenbelt which has a direct relationship to the land or d) it constitutes uses which advance the Council’s aim of improving public access to the countryside around Perth, including recreational, education and outdoor sports. All development proposals must be appropriate to the overall objectives of the greenbelt to protect and enhance the character, landscape setting and identity of settlements.

5.9 Policy 60B – Transport Standards and Accessibility Requirements

All development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, prior to private car journeys. The aim of all development should be to reduce travel demand by car and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks. All development proposals (including small-scale proposals) should:

- be designed for the safety and convenience of all potential users;
- incorporate appropriate mitigation on-site and/or off-site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;
- incorporate appropriate levels of parking provision not exceeding the maximum parking standards laid out in SPP, including application of maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport;
- fit with the strategic aims and objectives of the Regional Transport Strategy and the Tay Cities Deal;
- support the provision of infrastructure necessary to support positive changes in Low and Ultra Low Emission Vehicle transport technologies, such as charging points for electric vehicles, hydrogen refuelling facilities and car clubs, including for residential development.

In certain circumstances developers may be required to:

- prepare and implement travel plans to support all significant travel generating developments;
- prepare a Transport Assessment and implement appropriate mitigation measures where required.

## 6.0 Planning Appraisal

- 6.1 In general land use planning terms, the current Development Plan i.e. Tayplan and Perth & Kinross Council's current adopted (LDP2) as well as Scottish Planning Policy all provide clear and strong support towards the development of holiday uses and tourism related facilities and accommodation, including in rural locations which are able to use a site specific resource or are within close proximity to existing settlements (policy 8). Proposals for new holiday related uses will also be supported under Policy 9B where the proposals are compatible with Policy 1. Some of the detailed placemaking criteria set out under Policy 1 are repeated under the criteria set out under Policy 8.
- 6.2 Proposals for new tourism related development are therefore supported where it can be demonstrated that they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season, or where they meet a specific need by virtue of its quality or location in relation to existing tourism facilities. Proposals for new development are also supported provided that permanent employment is created, or additional tourism or recreational facilities are provided, or existing buildings are re-used.
- 6.3 In this case the site is also located within the designated Greenbelt around Perth where development is only permitted where it meets certain criteria including a) that the development either supports an established use or develops new business within the greenbelt which has a direct relationship to the land or d) it constitutes uses which advance the Council's aim of improving public access to the countryside around Perth, including recreational, education and outdoor sports. All development proposals must be appropriate to the overall objectives of the greenbelt to protect and enhance the character, landscape setting and identity of settlements.
- 6.4 The proposal involves the development of 2 small scale self catering holiday units which have a direct relationship to the site and surroundings as they provide additional good-quality visitor/tourism accommodation as well as contributing to the local economy through the provision of some additional employment (servicing and maintenance of the accommodation). The proposal will also have a significant positive local economic impact as the holiday units attract further tourism into the local area and increase spending on other local goods, attractions and services within Perth and the surrounding area.
- 6.5 The application sites particular relationship to the City of Perth, the nearby Willowgate Activity Centre and to Kinnoull Hill thus will specifically help to facilitate improved recreational access to the countryside around Perth, all provide a range of attractions and services that meet the needs of a wide range of tourists to the area and therefore satisfy the relevant requirements of Policy 43 – Greenbelt.
- 6.6 The site is therefore well located to offer easy access to a wide range of quintessential Scottish visitor experiences i.e. a dynamic city, authentic cultural and built heritage, golf and other outdoor activities such as walking, cycling, fishing and water based sports. There is also an identified shortage of this type of self catering visitor accommodation on this eastern edge of Perth.
- 6.7 The proposed application sets out two different types and style of accommodation with varying capacities in order to cater for as many market segments as possible. The marketing of the two small units focuses on the domestic UK staycation market.

- 6.8 The use of this site will not result in suburbanisation of the rural area or encourage unsustainable travel patterns. In fact, the location benefits from direct sustainable (pedestrian and cycle) travel options to Perth and also directly to Kinnoull Hill and beyond. There are also bus stops located close by on the approach road into Perth and also on Dundee Road within Perth.
- 6.9 Due to the nature and scale of the pod and shepherds hut the proposed holiday accommodation use is very low key and is compatible with the surrounding land uses and furthermore due to the intervening landscaping, trees and distances involved, will not detrimentally impact on the amenity of the office building adjacent to the site or any other nearby property.
- 6.10 The existing site benefits from a strong established landscape framework particularly when viewed from the adjacent public road network and other public vantage points e.g. from Kinnoull Hill.
- 6.11 The proposed layout and accompanying photographs also confirm that the two holiday units are nestled sensitively into the edge of the trees and care has also been taken to ensure a minimal environmental impact e.g. timber clad external finishes and the very nature of the accommodation means that no concrete foundations have been required thus ensuring no impact to any tree root protection areas.
- 6.12 The proposed layout therefore takes full account of the existing trees located around the boundaries of the overall site all of which have been retained as part of the proposed development. This not only helps to provide a high quality landscape setting for the development but provides additional shelter and screening from the public road and also enhances the amenity for those visiting the accommodation. The differences in adjacent ground levels and tree cover mean that privacy and screening for existing residents located on the opposite side of the road is maintained.
- 6.13 There would be no loss of trees, shrubs or vegetation through the development and there are opportunities to enhance the biodiversity and ecological value of the site if required.
- 6.14 The proposed layout, siting and design of the proposed units are considered to be sensitive to the natural environment and greenbelt setting and finished to a high standard that can be satisfactorily accommodated within the landscape setting and environmental capacity of the site. Although it's not considered necessary in this case there are further opportunities to protect and enhance the character, landscape setting and identity of settlements if required. The low key sensitive nature of the development is further verified by the fact that the units existed on the site for well over a year before the planning department requested the submission of a retrospective application.
- 6.15 The site is accessible by walking, cycling and public transport (bus stops on approach to Perth and also on Dundee Road) as well as for vehicles to and from the local and strategic road network. The proposals will not result in any notable impact on the local road network during peak hours and will not have an adverse impact on surrounding roads and junctions and the site's location and characteristics meet with both local and national policies on sustainable development.

- 6.16 In accordance with Tayplan Policy 6 and Policy 5 of LDP2, and the council's Developer Contributions guidance, any contributions towards transportation infrastructure can be provided as part of any planning permission.
- 6.17 Overall the small scale self catering holiday accommodation development on this site is considered to be acceptable and in accordance with the Development Plan as it meets all of the relevant criteria set out within Policy 3 of Tayplan and Policies 1, 8, 9 and 43 of the LDP2.

## 7.0 Conclusions

- 7.1 The principle of holiday accommodation use on this is considered to be acceptable under the terms of the criteria set out in Policy 1 Placemaking, Policy 8 Rural Business & Diversification, Policy 9 Caravans sites, chalets and timeshare development and Policy 43 Greenbelt of the LDP2, and Scottish Planning Policy which support the creation of tourism and accommodation businesses in all rural areas especially those located in close proximity to settlements.
- 7.2 The proposals can be accommodated within the existing established landscape boundaries of the site without any detriment to the quality, character and appearance of the overall site or to the amenity of the surrounding area. The landscape framework provides a very robust setting for the holiday accommodation and no tree loss is necessary.
- 7.3 There are no issues raised with regards to transportation and the proposed use on the site would not have a significant impact on the wider road network. The site is well connected to the City of Perth and the rural area to the east via existing active travel routes allowing those visiting the options to walk, cycle, and use public transport within the area. Any developer contributions towards general transportation infrastructure improvements can be secured by means of agreement prior to the issuing of any planning permission.
- 7.4 On the basis of the above and when reviewing the application drawings and information that has been provided in support of this planning application, it is considered that the proposals can be supported as being in accordance with the Development Plan subject to any conditions that may be considered necessary and appropriate by the council.





**LRB-2023-20****22/01986/FLL - Erection of 2 short term let holiday accommodation units (in retrospect), land 75 metres north east of The Steading, Kinfauns, Perth**

## **REPRESENTATIONS**



## Comments to the Development Quality Manager on a Planning Application

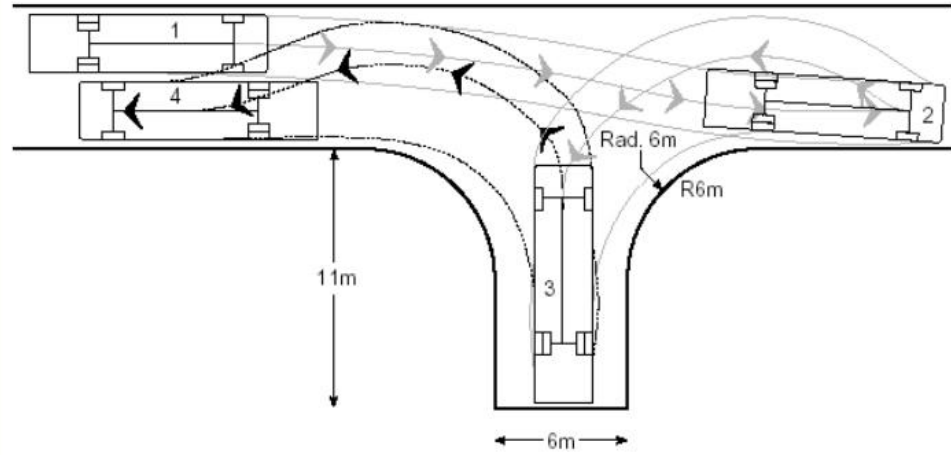
<b>Planning Application ref.</b>	22/01986/FLL	<b>Comments provided by</b>	Daniel Tannock
<b>Service/Section</b>	Commercial Waste Team – Waste Services	<b>Contact Details</b>	01738 476434
<b>Description of Proposal</b>	Erection of 2 short term let holiday accommodation units (in retrospect)		
<b>Address of site</b>	Land 75 Metres North East Of The Steading Perth		
<b>Comments on the proposal</b>	<p>We note that there is already a provision on site for waste services, however, we will need to know if there is enough capacity in current bin store for the additional bins that will be required for the erection of these units.</p> <p>We will also need to know if there will be any amendments to access road to accommodate the new units.</p>		
<b>Recommended planning condition(s)</b>	<p>Waste must be contained, and the collection point must be provided.</p> <p>We would expect that the waste will be collected on site and therefore road specifications need to allow access for RCVs. Specifications are as follows:</p> <ul style="list-style-type: none"> <li>• Surfaces: The refuse collection operative must have clear access to the bin storage area and where possible the surfaces must be a paved or hard finished, which must be smooth, where possible, without steps or kerbs with a minimum width of 1.5 metres and clear headroom of 2 metres.</li> <li>• Working Area Dimensions; Where a refuse vehicle is required to drive onto a site or to work under any structure there should be a minimum height clearance of 4.5 metres, with a minimum working area of 3.5 metres width by 4 metres length where the emptying of the containers will take place.</li> <li>• The lengths of refuse collection vehicles vary between 10 to 12 metres, with a width of 2.54 metres (width of mirrors extra) the working length should take account of the size of the container, making the length of the vehicle with the container in emptying position one metre longer. A further 3 metres is required for</li> </ul>		

operatives to stand clear of the bin whilst being lifted, therefore a minimum of 16 metres is required.

- The emptying position that the vehicle manoeuvres to and operates from should be relatively level and flat for the entire length of vehicle and container. Any slopes or gradients (other than those necessary for surface water drainage) should be avoided
- Access Roads; Loading: All vehicle access roads that the refuse collection vehicles will be required to use must be constructed to withstand a gross vehicle weight of 32 tonnes and axle loading of 11.5 tonnes. Manhole covers, gratings etc. situated in the road must also be capable of withstanding the loads indicated.
- Look towards a minimum of 4 metres in width and the layout should permit the vehicle to travel in a forward direction. The turning circle for refuse collection vehicles is approximately 24 metres. See FTA diagram
- Refuse collection vehicles should not be expected to reverse over any great distances to or from the collection point. Attention is drawn to the Health and Safety Executive publication Workplace Transport Safety Guidance for Employers. Page 32 - examples of safe working practices – states in paragraph 129:
- Nearly a quarter of all deaths involving vehicles at work occur while vehicles are reversing. Many other reversing accidents do not result in injury but cause costly damage to vehicles, equipment and premises.
- Paragraph 130 continues:  
  
The most effective way of dealing with the risk of reversing accidents is to remove the need for reversing altogether.

Therefore, roads with inadequate width or turning facilities that would be inaccessible to collection vehicles should have designated collection points on or near a nearby public highway.

**FTA Large rigid design vehicle  
Side road stub**



**Recommended  
informative(s) for  
applicant**

If the applicant has different types of waste or expects different quantities than mentioned above information on services available can be obtained from [www.pkc.gov.uk/commercial](http://www.pkc.gov.uk/commercial)

**Date comments  
returned**

07/12/22

Response On Development Affecting Trunk Roads and Special Roads

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To Perth and Kinross Council Pullar House, 35 Kinnoull Street, Perth PH1 5GD	Council Reference:-	22/01986/FLL
	TS TRBO Reference:-	NE/160/2022

Application made by Gloag Foundation per Denholm Partnership Architects , 11 Dunira Street Comrie PH6 2LJ and received by Transport Scotland on 07 December 2022 for planning permission for erection of 2 short term let holiday,accommodation units (in retrospect) located at Land 75 Metres North East Of The Steading Perth affecting the A90 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary , contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A90) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
NORTH EAST
Caledonian House, West Kinfauns, Perth, PH2 7XZ
occr-northeast@amey.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

**Transport Scotland Response Date:-** 08-Dec-2022

**Transport Scotland Contact:-** Shaun Phillips

**Transport Scotland Contact Details:-**

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland , Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted .

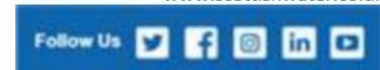
Monday, 12 December 2022



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land 75 Metres North East of The Steading, Perth, PH2 7SZ**  
**Planning Ref: 22/01986/FLL**  
**Our Ref: DSCAS-0077747-FCJ**  
**Proposal: Erection of 2 short term let holiday accommodation units (in retrospect)**

**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. Please read the following carefully as there may be further action required. Scottish Water 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 Perth 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.



## 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.

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## 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](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://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](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non-Domestic 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 laundrettes. 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](mailto: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 waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@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."*

