

LRB-2023-52

**23/01131/IPL - Erection of a dwellinghouse (in principle),
land 50 metres north of The Stackhouse, Hatchbank,
Kinross**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

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

* SEE SEPARATE STATEMENT ATTACHED

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

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

List of documents and evidence

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

DOC 1 DECISION NOTICE 23/01131/IPL
 DOC 2 DELEGATED REPORT
 DOC 3 HATCHBANK HOUSING PATTERN
 DOC 4 SITE PLAN FOR PLANNING CONSENT 13/02238/FLL CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN GROUND AT ANNATREUCH COTTAGE, HATCHBANK

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

Checklist

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

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

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

Declaration

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

Signed [REDACTED]

Date 12/12/2023

Statement

Notice of Review

Erection of a dwellinghouse (in principle) on land 50 Metres North of The Stackhouse, Hatchbank, Kinross KT13 0LF

23/01131/IPL

Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 20th September 2023 for the erection of a dwellinghouse in principle on land at Hatchbank under application 23/01131/FLL (Doc 1)

The reasons for refusal are outlined below, relating to Policy 19 of the adopted local development plan – Housing in the Countryside and Policy 1 – Placemaking and also Policy 17 – Rural Homes of NPF4, where it was considered that the size, shape and relationship of the Review proposal with existing buildings was impacting on the existing character and pattern of the building group.

The reasons for refusal were:-

1. By virtue of the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or building pattern of the existing building group. The proposal would therefore not contribute positively to the quality of the surrounding built environment. Accordingly, the proposal is contrary to Policy 1A (Placemaking) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's statutory Supplementary Planning Guidance on Placemaking, both of which require all new developments to contribute positively to the quality of the surrounding built and natural environment.

2. By virtue of the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group. The proposal would therefore detract from the visual amenity of the group when viewed from the wider landscape and would not integrate successfully into the existing building pattern of the area. Accordingly, the proposal is contrary to the requirements of category 1 (building groups) of Policy 19 (Housing in the countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019), and the Council's statutory Supplementary Planning Guidance on Housing in the Countryside, both of which require all new housing within existing building groups to respect the character and form of the existing group, be 2 integrated into the existing layout and building pattern and do not detract from the visual amenity of the group when viewed from the wider landscape.

3. *As the proposal is on a greenfield site, but the site is not on an allocated site and the development proposed is not explicitly supported by policies in the Local Development Plan, the proposal is contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023). This policy states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.*

4. *By virtue of the nature of the proposal, and the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group. Accordingly, the proposal fails to meet any of the specific circumstances listed in Policy 17 (rural homes) of the National Planning Framework 4 (2023) and would not result in a development which is in keeping with the character of the area.*

In this Review it will be demonstrated that the Review proposal is in fact similar in size and shape as an adjacent existing housing plot to the east (Doc 4) and is indeed smaller than some of the other plots in the building group. As a consequence of this it will be concluded that:-

- The Review proposal represents a satisfactory extension of an existing building group.
- The Review proposal in terms of scale and location will not have a detrimental impact on the character or form of the existing building group.
- The Review proposal is not contrary to NPF4 Policy 9 b) as it is supported by Policy 19 of the local development plan being an acceptable extension of an existing building group.
- The Review proposal is not contrary to NPF4 Policy 17 being acceptable under the LDP Housing in the Countryside Policy, where the development is capable of being suitably scaled, sited and designed to be in keeping with the character of the area.

Current Planning Policy Context

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

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 aims 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 9: Brownfield, vacant and derelict land and empty buildings
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 17: Rural Homes

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 site is located within the landward area of the LDP2, where the following policies are applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 19: Housing in the Countryside
- Policy 46A: Loch Leven Catchment Area
- 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 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Planning Guidance

The following statutory SPG are applicable to the proposal,

- Developer Contributions & Affordable Housing (adopted in 2020)
- Housing in the Countryside (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

Non-Statutory Planning Guidance

The following non-statutory SPG are applicable,

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity

NATIONAL PLANNING GUIDANCE

The Scottish Government expresses its planning policies through 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

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.

Reason for Refusal and Grounds of the Review

The reasons for the review and matters to be considered in the determination of the review refer to the reasons for refusal, which can be summarised and state that because of *“the site’s size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group and was considered contrary to Policies 1A and 19 of the Local Development Plan and Policy 17 of NPF4.”*

Also, it was considered that because the Review proposal was not supported by the above policies the site was considered as greenfield land and contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023).

The above issues will be considered below in the applicant’s statement and argument against the reasons for refusal in support of the Review

The Review proposal represents a satisfactory extension of an existing building group.

NPF 4 Policy 17: Rural Homes is relevant where new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area.

Under the Housing in the Countryside Supplementary Guidance 2020 permission will be granted for houses within building groups providing it can be demonstrated that:

- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
- New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
- A high standard of residential amenity will be provided for both existing and new housing.

Permission may also be granted which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established features.

It is considered in this case that the proposal will allow for the extension of the existing building group into a readily definable adjacent site where the main road and stone wall and farm access road and fencing, provide well-established boundaries containing the site.

Further containment is provided by the stand of mature trees to the north. The grouping of housing at Hatchbank is screened and contained to the wider countryside, as illustrated in the aerial photo below Photo 1. A single dwellinghouse will not have a detrimental impact on the appearance and character of the countryside at this location, in accordance with the Housing in the Countryside Guidance and Policy 17 of NPF4.

In the Delegated Report (Doc 2) it was considered that the proposal should be assessed under policies 1 and 19 of the local development plan. It was accepted that the Review site could be considered as part of a building group...

“In terms of the Housing in the Countryside policies, the existing grouping does have a number of existing properties, and in light of this it is reasonable to make a reasoned argument for this site to be considered to be part of the wider group of buildings within the small existing hamlet. As such, this proposal would constitute a new development which extends that existing grouping.”

Furthermore in the Delegated Report it stated:-

“In terms of site containment, the site has little in the way of natural containment to the east, with the boundary of the site having little established natural landscape framework, with post and fence fencing being the sites principal boundary treatment. All new sites which are acceptable under the building groups section of the HITCPs must have existing boundaries which form a good landscape framework and are capable of absorbing the development proposed.”

In the Council's Housing in the Countryside Guidance 2020 it states that:-

“Permission may be granted, subject to the criteria above, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.”

Photo 1



Photo 2



Photo 3



The Delegated Report states that:-

“The size, and shape of the site is also of a concern. It does not relate to the size or shape of the existing properties to any great degree, and whilst the applicant has suggested the location of a dwelling to the southern portion of the plot, that could in turn simply lead to further development which could result in an entire change in the character of the existing grouping.

Accordingly, a new dwelling on this site, whilst it might be an extension of the group, would result in a development which is out of character with the existing pattern of development and in turn, would (or could) have an adverse impact on the visual amenity of the area.”

It is not accepted that a new dwelling on this site will be out of character with the existing pattern of development. The existing house and garden area at Annafrech Cottage immediately adjacent and to the east of the Review site is of a similar size and shape as the Review site being L-shaped – see Doc 3 - Hatchbank Building Pattern and Doc 4, indicating the approved extension of the garden ground in 2013 under application 13/02238/FLL.

The Review proposal therefore does relate to the size and shape of the existing properties. The premise on which the refusal was based therefore is incorrect.

As stated in the application submission the proposal extends the group into a readily definable adjacent site where this is formed by adjacent housing to the south and east and existing roads on the north and west boundaries, as illustrated in the aerial photo above Photo 1, where the eastern boundary is directly adjacent to the boundary fence and garden ground. The Delegated Report stated that there is little natural landscape framework to the east. To the east as illustrated in Photos 2 & 3 the eastern boundary of the Review site is contained by the building group consisting of houses and garden ground bounded by a long-established fence. Doc 3 - the Hatchbank Housing Pattern clearly shows the Review site contained by existing garden ground to the east and the public road to the north and access road to the west.

In the Delegated Report it stated:-

“The building pattern of the immediate existing grouping is very much set back from the road, with the existing housing separated from the public road by areas of open paddocks – one of which is this application site. It is accepted that there are some roadside properties at the eastern end of the grouping, but the pattern of the grouping does clearly alter when it moves west – and takes in the area subject of this planning application.”

It is clear that the Review proposal is not the largest of the housing plots at Hatchbank where there are houses with generous areas of garden ground, particularly the house adjacent to the east – Annafreuch Cottage.

An indicative house footprint in Doc 3 shows that a dwellinghouse can be situated comfortably on the site and can be set back from the public road to the north to maintain the open frontage, which was recommended by the Planning Authority and stated in the Delegated Report, above. A condition on any consent can ensure that there is no built development towards the front/north of the Review site to preserve the open frontage beside the public road with a proposed dwellinghouse being set back similar to that of the neighbouring house at Annafreuch Cottage.

It is not accepted therefore that *“by virtue of the site’s size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group.”*

The Review proposal is not out of character with the existing building pattern and is in accordance with Policy 1A (Placemaking) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's statutory Supplementary Planning Guidance on Placemaking.

The Review proposal in terms of scale and location will not have a detrimental impact on the character or form of the existing building group.

As indicated above the Review proposal will not be out of scale or character with the existing housing pattern and density at Hatchbank. This is an in-principle proposal and the siting, scale and design of the dwellinghouse will be confirmed at the detailed planning stage. It is confirmed here that any detailed house design will respect the existing scale, character and appearance of the existing houses at Hatchbank.

The Review proposal is not contrary to NPF4 Policy 9 b) as it is supported by Policy 19 of the local development plan being an acceptable extension of an existing building group.

The Review proposal was deemed to be contrary to Policy 9b) of NPF4 as it was not considered to be an acceptable extension of an existing building group contrary to Policy 19 of the local development plan.

As indicated above the Review proposal is an acceptable extension of the existing group and the size, shape and locational relationship to the existing buildings will not have a detrimental impact on the character or form of the existing building group. It is not contrary to Policy 19 of the local development plan and therefore not contrary to Policy 9b) of NPF4.

The Review proposal is not contrary to NPF4 Policy 17 being acceptable under the LDP Housing in the Countryside Policy, where the development is capable of being suitably scaled, sited and designed to be in keeping with the character of the area.

It was considered in the Planning Officer's assessment of the Review proposal that *"by virtue of the nature of the proposal, and the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group"* and was contrary to Policy 17 Rural Homes of NPF4.

For similar reasons to those outlined above, the Review proposal does respect the existing character and form of the existing building group in terms of it's size, shape and locational relationship to existing buildings and is in accordance with Policy 17 Rural Homes of NPF4.

Other Planning Considerations

As indicated in the Delegated Report there are no objections to the Review proposal from the main consultees in terms of Roads & Access, Residential Amenity, Flood Risk, Cultural Heritage and Natural History & Biodiversity.

Conclusions

It was asserted in the Delegated Report and set out in the reasons for refusal that the Review proposal was out of character with the existing building group as a consequence of it's size, shape and relationship with the existing plots.

As indicated above and in the supporting Documents this is not the case and the Review proposal is not out of character with the existing building pattern. It is an acceptable extension of an existing building group and in accordance with the Council's Housing in the Countryside Supplementary Guidance, Policy 19 of the local development plan and Policy 17 of NPF4.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable in principle and it is respectfully requested that the Review is upheld.



Mr Gordon Muirhead
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **20th September 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01131/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 26th July 2023 for permission for **Erection of a dwellinghouse (in principle) Land 50 Metres North Of The Stackhouse Hatchbank Kinross KT13 0LF** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. By virtue of the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or building pattern of the existing building group. The proposal would therefore not contribute positively to the quality of the surrounding built environment. Accordingly, the proposal is contrary to Policy 1A (Placemaking) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's statutory Supplementary Planning Guidance on Placemaking, both of which require all new developments to contribute positively to the quality of the surrounding built and natural environment.
2. By virtue of the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group. The proposal would therefore detract from the visual amenity of the group when viewed from the wider landscape and would not integrate successfully into the existing building pattern of the area. Accordingly, the proposal is contrary to the requirements of category 1 (building groups) of Policy 19 (Housing in the countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019), and the Council's statutory Supplementary Planning Guidance on Housing in the Countryside, both of which require all new housing within existing building groups to respect the character and form of the existing group, be

integrated into the existing layout and building pattern and do not detract from the visual amenity of the group when viewed from the wider landscape.

3. As the proposal is on a greenfield site, but the site is not on an allocated site and the development proposed is not explicitly supported by policies in the Local Development Plan, the proposal is contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023). This policy states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
4. By virtue of the nature of the proposal, and the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group. Accordingly, the proposal fails to meet any of the specific circumstances listed in Policy 17 (rural homes) of the National Planning Framework 4 (2023) and would not result in a development which is in keeping with the character of the area.

Justification

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

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 “Online Planning Applications” page.

Plan Reference

01

02

03

04

05

06

Doc 2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01131/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	25th September 2023	
Draft Report Date	5th September 2023	
Report Issued by	AMB	Date 19 September 2023

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 50 Metres North Of The Stackhouse,
Hatchbank, Kinross, KT13 0LF

SUMMARY:

This report recommends **refusal** of a planning in principle application for a single dwelling on a site along Hatchbank Road, near Kinross 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

This planning application seeks to obtain a planning in principle permission for a new dwelling on a site adjacent to an existing small hamlet of residential properties located on Hatchbank Road, outside of Kinross. The site is roughly an 'L' shaped, with the public road to the north, residential curtilages to the south, and an existing private access track to the west.

To the east there is little established site containment with a post and wire fence separating the eastern boundary from an extended area of garden ground which is associated with a neighbouring property.

The site is located within the environmentally sensitive Loch Leven Catchment Area.

The application site has been visited by the case officer.

SITE HISTORY

None relevant to this proposal.

PRE-APPLICATION CONSULTATION

A pre-application enquiry for a larger site was made in 2022 (22/00025/PREAPL), and advice was offered. That advice raised concerns over a slightly larger development which included an area of land to the west.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4), Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

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 9: Brownfield, vacant and derelict land and empty buildings
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 17: Rural Homes

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 site is located within the landward area of the LDP2, where the following policies are applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 19: Housing in the Countryside
- Policy 46A: Loch Leven Catchment Area

Statutory Supplementary Planning Guidance

The following statutory SPG are applicable to the proposal,

- Developer Contributions & Affordable Housing (adopted in 2020)
- Housing in the Countryside (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

OTHER PKC POLICIES

Non-Statutory Planning Guidance

The following non-statutory SPG are applicable,

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity

NATIONAL PLANNING GUIDANCE

The Scottish Government expresses its planning policies through 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

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.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and have raised no objections.

INTERNAL COUNCIL COMMENTS

Transportation And Development have commented on the proposal and raised no objections at this (planning in principle) stage.

Development Contributions Officer has commented on the proposal and indicated that in the event of any approval being forthcoming, a standard condition in relation to Primary Education contributions should be attached to any permission.

Perth And Kinross Heritage Trust has commented on the proposal and raised no concerns over local archaeology.

REPRESENTATIONS

Two letters of representations have been received, both of which are objecting to the proposal. The main issues raised within objections are,

- Contrary to the Development Plan
- Flooding issues
- Road safety concerns
- Impact on visual amenity

These issues are addressed in the main appraisal section below.

ADDITIONAL STATEMENTS RECEIVED

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required at this stage as refusal recommendation.
Design Statement or Design and Access Statement	Planning statement submitted.
Report on Impact or Potential Impact	No drainage details submitted.

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory approved SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

In terms of other material considerations, this involves consideration of the Council's other non-statutory approved policies and supplementary guidance, these are discussed below only where relevant.

Policy Appraisal

There are relevant policies contained within all parts of the Development Plan.

Within the NPF4, support for new homes in the countryside is offered through *Policy 17 (Rural Homes) and Policy 9 (Brownfield, vacant and derelict land and empty buildings)*, but only in certain instances. The NPF4 also looks to protect our environmentally sensitive assets through *Policy 4 (Natural Places)* and places bio-diversity front and centre of all planning decisions through *Policy 3 (bio-diversity)*. The NPF4 also looks to encourage high

quality design for all developments through *Policy 14 (Design, Quality and Place)*.

In terms of the LDP2, *Policy 1 (Placemaking)* looks to ensure that all new developments do not have an adverse impact on the areas in which they are located, whilst *Policy 19 (HITC)* is the LDP2 version of the housing in the countryside and needs to be read in conjunction with the relevant SPG. *Policies 38 (Designated sites) and 46 (Loch Leven)* looks to protect the environmental interests associated with Loch Leven.

In terms of statutory SPGs, the Council's policies on Placemaking, Developer Contributions and Housing in the Countryside are all applicable.

Land Use Acceptability

Policy 17 of the NPF4 lists states that development proposals for new homes in rural areas will be supported where the development is suitability scaled, sited and designed to be in keeping with the character of the area, and when the development meets one of the acceptable instances for new homes in the countryside.

These instances relate to allocated LDP2 sites, the reuse/development of existing brownfield land, enabling development, new homes associated with (rural) economic and essential need, replacement of existing homes and subdivision of existing dwellings. None of these instances would be applicable to the physical characterises of this site, which is greenfield opportunity land.

The proposal is therefore contrary to *Policy 17* of the NPF4.

However, *Policy 9* of the NPF4 states that (new) proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. As this site is not allocated within the LDP2, for this site, this essentially means that compliance with *Policy 9* of the NPF4 relies on compliance with *Policies 1 and 19* of the LDP2 (HITC), and their associated SPGs.

In terms of the Housing in the Countryside policies, the existing grouping does have a number of existing properties, and in light of this it is reasonable to make a reasoned argument for this site to be considered to be part of the wider group of buildings within the small existing hamlet. As such, this proposal would constitute a new development which extends that existing grouping.

This was also the view taken at the pre-application stage.

There does however remain some concerns over this proposal.

In terms of site containment, the site has little in the way of natural containment to the east, with the boundary of the site having little established natural landscape framework, with post and fence fencing being the sites principal boundary treatment. All new sites which are acceptable under the

building groups section of the HITCPs must have existing boundaries which form a good landscape framework and are capable of absorbing the development proposed. It is therefore questionable whether the site does have a suitable landscape framework. Nevertheless, in light of the fact that the other three sides are 'better' contained with more established boundaries and features, it could be argued that it is marginally on balance acceptable from a containment perspective.

The building pattern of the immediate existing grouping is very much set back from the road, with the existing housing separated from the public road by areas of open paddocks – one of which is this application site. It is accepted that there are some roadside properties at the eastern end of the grouping, but the pattern of the grouping does clearly alter when it moves west – and takes in the area subject of this planning application.

Accordingly, a new dwelling on this site, whilst it might be an extension of the group, would result in a development which is out of character with the existing pattern of development and in turn, would (or could) have an adverse impact on the visual amenity of the area.

The size, and shape of the site is also of a concern. It does not relate to the size or shape of the existing properties to any great degree, and whilst the applicant has suggested the location of a dwelling to the southern portion of the plot, that could in turn simply lead to further development which could result in an entire change in the character of the existing grouping.

For these reasons, the proposal is considered to be contrary to the HITCP as contained within the LDP2 and the SPG, and as these are not being complied with the proposal is also considered to be contrary to *Policy 9* of the NPF4. It should also be noted that notwithstanding the fact that a mainstream dwelling on a greenfield site is not supported by the various parts of *Policy 17*, this development would comply with the second requirement that seeks to ensure that all new developments are suitably scaled, sited and designed to be in keeping with the character of the area.

In terms of Placemaking issues, as the development by virtue of changing the characteristics of the existing group and introducing a plot which does not reflect the character of the area, the proposal would not contribute positively to the area and as such it is considered to be in conflict with both *Policy 1A* of the LDP2 and the associated SPG on Placemaking.

Visual Amenity, Design and Layout

As outlined above, the development would, by virtue of being out of character with the existing pattern of development in the area have an adverse impact on the visual amenity of the area, which would be contrary to the Council's Placemaking Standards.

In terms of other design and layout matters, in isolation these can be appropriately considered at any detailed planning application stage in terms of the scale, design and placement of the dwelling.

Residential Amenity

This is only a planning in principle application, and to this end no details concerning the position and design of the dwelling are known. However, subject to an appropriately designed and sited dwelling being brought forward at the detailed stage, it would be unlikely that there would be any conflict with existing residential amenity or the requirements of the Placemaking Standards.

Likewise, in terms of being able to provide for a suitable level of residential amenity for future occupiers of any dwelling on this site, providing that a suitable house type and position is brought forward.

Roads and Access

At the planning in principle stage, the proposal raises no issues in terms of access and parking related matters. Transport Planning have commented on what they would expect to see as part of any detailed submission and any decision notice should reflect these comments.

Drainage and Flooding

It is noted that some of the representatives raise flooding as an area of concern. The site is not identified as an area of risk from either fluvial flooding or surface water on the SEPA flood maps. It might be that some soil conditions are challenging for drainage, which has perhaps led to localised flooding in the past, however a technical solution should be achievable.

Loch Leven Catchment Area / SPA

No drainage calculations have been submitted in relation to this proposal.

Whilst it would have been beneficial for the applicant to provide such details, as a planning in principle stage such details are not necessarily required.

Any approval would be subject to explicit conditions which requires any detailed submission to provide detailed drainage information which demonstrates that a 125% betterment in terms of phosphorus loading can be achieved. The grant of any in principle application, would not guarantee that suitable drainage mitigation measures would be deliverable or consent able through both the planning and CAR processes.

In the event of an approval being forthcoming, the Council should undertake an appropriate assessment which, subject to suitable mitigation measures will indicate no adverse impact on the SPA.

Conservation Considerations

The proposal does not affect any Listed Building, Conservation Area or local archaeology.

Natural Heritage and Biodiversity

No ecological work has been submitted, however the site would most likely be limited in its ecological significance. In the event of any approval being forthcoming, some degree of bio-diversity enhancement measures should be a conditional requirement to ensure that some positive enhancements are delivered as part of any detailed submission.

Developer Contributions

In the event of any approval being forthcoming, a standard condition in relation to Primary Education development contributions must be attached to any permission.

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

The application has not been varied.

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.

- 1 By virtue of the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or building pattern of the existing building group. The proposal would therefore not contribute positively to the quality of the surrounding built environment. Accordingly, the proposal is contrary to Policy 1A (Placemaking) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's statutory Supplementary Planning Guidance on Placemaking, both of which require all new developments to contribute positively to the quality of the surrounding built and natural environment.

- 2 By virtue of the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group. The proposal would therefore detract from the visual amenity of the group when viewed from the wider landscape, and would not integrate successfully into the existing building pattern of the area. Accordingly, the proposal is contrary to the requirements of category 1 (building groups) of Policy 19 (Housing in the countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019), and the Council's statutory Supplementary Planning Guidance on Housing in the Countryside, both of which require all new housing within existing building groups to respect the character and form of the existing group, be integrated into the existing layout and building pattern and do not detract from the visual amenity of the group when viewed from the wider landscape
- 3 As the proposal is on a greenfield site, but the site is not on an allocated site and the development proposed is not explicitly supported by policies in the Local Development Plan, the proposal is contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023). This policy states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- 4 By virtue of the nature of the proposal, and the sites size and shape, and its locational relationship to the existing buildings, the proposal does not respect the existing character or form of the existing building group. Accordingly, the proposal fails to meet any of the specific circumstances listed in Policy 17 (rural homes) of the National Planning Framework 4 (2023) and would not result in a development which is in keeping with the character of the area.

Justification

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

Informatives

None refusal.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01-06

Hatchbank
Housing Pattern



Existing Houses + Garden Ground



Review Site + Indicative House Footprint



Public Road



Existing Access Roads

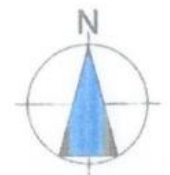


Adjacent House Plot
at Annafrench Cottage
(Application 13/02238/FU
extended garden ground)



PERTH AND KINROSS COUNCIL
 DRAWING REF: 13/02238/1

1:1250



Promap