

LRB-2024-19

**23/01765/FLL - Erection of dwellinghouse, land 80 metres
south west of Gellybank Farm, Kinross**

REPRESENTATIONS

Wednesday, 29 November 2023



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
www.scottishwater.co.uk



Dear Customer,

Land 105M South West Of Fasgadh, Gellybank Farm, Kinross, KY13 0LE
Planning Ref: 23/01765/FLL
Our Ref: DSCAS-0099331-7TJ
Proposal: Erection of dwellinghouse

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 Glendevon 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.

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
 - ▶ 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](#).
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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

▶ 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 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 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at 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.

Yours sincerely,

Angela Allison

Development Services Analyst

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."

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	Council Reference:-	23/01765/FLL
	TS Reference:-	NE/246/2023

Application made by Mr Darren Stewart per Mark Williamson 34 Hermitage Drive Perth PH1 2SY and received by Transport Scotland on 29/11/2023 for planning permission for Erection of dwellinghouse located at Land 105M South West Of Fasgadh Gellybank Farm Kinross affecting the M90 Trunk Road.

Director, Trunk Roads Network Management 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 Route 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 (M90)
0141 272 7100
Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Operating Company:-

North East

Address:-

Amey, Caledonian House, West Kinfauns, Perth

Telephone Number:-

Not Available

e-mail address:-

occr-northeast@amey.co.uk

Transport Scotland

Roads Directorate

Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

Transport Scotland Response Date:-

30/11/2023

Transport Scotland Contact:-

Shaun Phillips

Transport Scotland Contact Details:-

Roads - Development Management

Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Telephone Number: 0141 272 7100

e-mail: 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 Directorate if the recommended advice is not accepted.

Mr Gordon Clark (Objects)

Comment submitted date: Thu 14 Dec 2023

Last year there was a similar application for two properties in this area which was rejected.

The reasons for rejection of two will be similar to rejecting one, I suggest you refer to last years application in this area for the reasons of rejection.

My Objections are;

This is a rural area where houses continue to be added which is inappropriate to rural area.

There is already approved planning for 8 chalets in adjacent area which have not been constructed yet, this will just add to the loss of this rural amenity.

Water pressure in this area can drop to almost zero sometimes. Scottish Water have been aware of this problem for years however have not resolved it as yet. The addition of the chalets and the proposed additional property will only make this worse.

Additional properties add additional traffic onto a narrow rural road (Kinross to Carsegour) which is unacceptable from a safety perspective. P&K council deem this road "rural" in their plans as not part of the council gritting programme.

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01765/FLL

Our ref KIM

Date 15 December 2023

Communities

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Consultation on an Application for Planning Permission 23/01765/FLL RE: Erection of dwellinghouse at Land 105M South West Of Fasgadh, Gellybank Farm, Kinross for Mr Darren Stewart

I refer to your letter email dated 28 November 2023 in connection with the above application and have the following comments to make.

Contaminated Land

Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent.

Comments

There is a disused quarry within the immediate vicinity of the proposed site. The original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built on the site.

There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing.

I therefore recommend the following condition be applied to the application.

Conditions

EH41

Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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

Mrs Mary Freer (Objects)

Comment submitted date: Fri 15 Dec 2023

Ref planning application 23/01765/FLL

Please consider the below objections in regards to the above planning permission:

Residential Amenity:

Contrary to the planning statement the applicant has not clarified the status of the neighbouring farm and livery. Whilst it is correct that it is no longer a working farm or livery the buildings are in regular and increasing use for engineering work as well as for private equestrian use. As a result the noise levels will be similar to that of any working farm or livery.

Access Road:

We have a major concern with the current access road which is in poor repair and actively degrading. This has not been addressed by the applicant and our concerns from the previous application still stand:

As such it will not withstand the extra volume of traffic that further houses will create.

The current occupants of the accessed homes had been providing regular maintenance with pothole filling to manage the road however in March 2022 we received a solicitor's letter from (REDACT) was in sole charge of co-ordinating road maintenance going forward starting from May 2022. As a result negligible further maintenance has been carried out allowing the road to fall into disrepair.

To manage this extra traffic the road will need to be upgraded to a fully tarmacked road with appropriate drainage as a condition of planning at the developers' expense.

Additional traffic along the access road also increase danger to all users, there will need to be warnings and speed restrictions in place as well as the safe passing places.

Road Drainage and Flood Risk:

Appropriate drainage and ditch management is essential.

The drainage ditch adjacent to road directly above the proposed building site is at capacity. In Late February/March 2021 it burst its banks and proceeded to flood and damage the road, the flood water travelled on through the proposed development site to the ditch. This damage required the road to be repaired. The ditch has flooded over the road into the proposed plot twice since the previous application, see photos. The flooding occurs above the proposed drainage track and as such it is unclear whether this will mitigate this flood risk.

This is a real and relevant flood risk to the road and the proposed development which will only be compounded once the development at the top of the road has been completed, resulting in an increase in water drainage via the ditch. Has full attention been given to flooding risk in this respect been taken into account, as with current climate change and the development at the top of the road this flood risk is only going to increase putting the road and the proposed development at risk of regular flooding and damage to the access road.

Trees and Biodiversity:

Following the previous planning refusal the applicant aggressively cut back the hedge on the road border, this has not been maintained since and due to the

topography of the land has made little to no difference to visibility. It was however a big detriment to the hedge and its wildlife. See above photo.

Again contrary to the planning statement there will be loss of existing hedging to create the new entrance to the plot.

In addition to this as direct neighbours to the planned property we offered, prior to any planning permission and any hedge planting, to pay for the difference in cost to enable the developers to plant a more environmentally friendly and natural native hedge. This was refused and instead a solely leylandii hedge was planted to border the length of our property. This directly goes against the Perth and Kinross council place making guidance.

Development in Perth and Kinross:

There are a large number of new developments in the Kinross and Milnathort area currently. Gellybank farm has been entirely developed and as such has little to no active farmland remaining as it has all already been developed by the applicant and his family. I question the need to unnecessarily reduce yet more green space in what is already an over populated area, when there is plenty housing development elsewhere not on green land. As stated in the previous refusal the site is not part of an existing building group.

Existing Development:

The developer has an existing development project at the top of the road, which has not been progressing. Despite having planning permission granted in 2019 they are yet to make any progress in building work. We would request that one project was completed prior to a new one being permitted.

Further Development:

We are also concerned that if this single dwelling was approved then the applicant would request planning permission for the original 2nd dwelling, if this was to be realised this would hugely affect our privacy and outlook. Given the extent of building and planning already carried out in this area by the applicant and his family we would request that if this planning is permitted it would be with a no further build clause on this site.


Water Supply:

Our property requires a storage tank and pump to increase water pressure to supply sufficient water supply. In addition to this last winter a frozen pipe resulted in a small leak which immediately drained the communal tank resulting in water shortage for all houses. The water tank currently in place to supply the houses has insufficient capacity for more houses. As a result of this I would question if the infrastructure is capable of supplying another dwelling with sufficient water supply and pressure.

Refuse System:

The current refuse system is not coping with the existing number of houses, the bins are consistently full to bursting and to cope with the extra developments its capacity will need to be increased.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01765/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse		
Address of site	Land 80 Metres South West Of Gellybank Farm, Kinross		
Comments on the proposal	<p>The applicant is proposing to erect a three bedroomed dwellinghouse on former agricultural land.</p> <p>Parking will be provided on site for two vehicles, which is in line with the requirements of the National Roads Development Guide.</p> <p>The vehicle access to the properties will be via the existing track that serves a number of properties including the development site. The track to the site has been formed with a sealed surface for an acceptable distance from the C458 public road network and encompasses the length of the bin storage area for the easy manoeuvrability of the waste containers for the waste collection operatives, as shown in Figure 1.</p>  <p>Figure 1: Vehicle access from Gellybank onto the C458 public road</p> <p>The track to the development is formed with compacted material along the remainder of its length from the vehicle access. In the previous application it was noted that due to white posts, large rocks and an open ditch, there was little opportunity to pass other vehicles, should the need arise. The applicant is proposing to install a new passing place; however, this appears to be outwith the red line boundary of the application. Further details required.</p> <p>As previously advised the previous application, the applicant was requested to provide the visibility splay, which hasn't been supplied. Further details required.</p> <p>The applicant has yet to supply information on the visibility splay for the vehicle access and further details are requested for the passing place, so Transport Planning are not in a position to support this application.</p>		

Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	15 December 2023

**Comments to the Development Management & Building Standards Service
Manager on a Planning Application**

Planning Application ref.	23/01765/FLL	Comments provided by	Lucy Sumner
Service/Section	Planning & Housing Strategy	Contact Details	Development Contributions Officer: Lucy Sumner Email: TESDevelopmentContributions@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse		
Address of site	Land 105M South West Of Fasgadh Gellybank Farm Kinross KY13 0LE		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: 1 x £5,164 Total: £5,164</p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to</p>		

	<p>their own legal agreement option and the process may take months to complete.</p>
<p>Recommended informative(s) for applicant</p>	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ol style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant.

	<p>f) Your e-mail address so that a receipt may be issued directly.</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	12 December 2023

Mr & Mrs R Smith

17 December 2023

Planning Department
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PWERTH
PH1 5GD

Dear Sir / Madam,

Planning Application 23/01765/FLL

We are writing to object to the above planning application at Gellybank Farm and would be grateful if you would take the following into consideration:

Overdevelopment at Gellybank Farm

[REDACTED] this was the only residential property on the farm. The old steading was under development to form two further houses. There have been an additional four homes and three 'agricultural' sheds built by the Stewart family. Three of these homes were lived in by the Stewarts and then subsequently sold for financial gain.

Planning was granted for 8 holiday chalets in 2019 and although limited groundwork has started the progress is extremely slow. This new application is being undertaken by Darren Steward, the son of Tom and Ellen Stewart, the owners of Gellybank Farm. The applicant is occupying one of the static caravans on the chalet development site and has done since just after planning was granted. The proposed chalet site is not aesthetically pleasing, and only limited groundworks have taken place since planning was granted in 2019. Surely this chalet development should be completed before any consideration is given to further development at Gellybank Farm. Assuming this development is granted, and all chalet development is eventually completed there will be a total of 8 houses and 8 holiday chalets on what was originally a farm with one farmhouse.

If this application is for the applicant's manager's house for the chalets it is not located near the chalet development and if permission is granted this house should be tied to that business.

Development location

The above 'plot' used to be a grass field and perfectly adequate for sheep or ponies. It has been 'landscaped' to now look like two building plots with planting of trees and non-native leylandii. The 'plot' will be in isolation and does not sit next to other existing houses. The drainage ditch on the farm road is an open ditch at this point which struggles to cope with the amount of water after heavy rainfall and the other side of the road is beginning to collapse.

Planning was refused for this site under application number 22/01356/FLL and this application should follow the same decision.

Access Road

There are ongoing issues with the access road. Before the applicant resided at Gellybank Farm we had a community road fund and agreement that worked extremely well. Since the applicant took over the maintenance of the farm road and told us that we could not fill in any potholes, the road has deteriorated. Adding further construction traffic and ultimately another house is only going to have a detrimental effect on the road. If planning is granted, then in the interest of safety we would ask that a condition is applied to upgrade the road to a tarmac surface with passing places.

Transport

The main road is a C classed road and although a designated cycle path is not on a public transport link. This road is classed as low priority and does not benefit from snow/ice clearing, which was very apparent earlier this month. This road is increasingly busy and there are no designated passing places, with cars regularly having to mount the verge to avoid other road users.

Water

There are known water pressure issues, [REDACTED] and adding a further house will not help.

Bins

The owners of the farm did put in a bin storage area which is much appreciated, however is already too small for the amount of bins, adding further houses will only make this worse and cause a possible hazard to vehicles accessing the farm. If planning is granted, then we would ask that a condition is applied to

upgrade the bin area to ensure proper drainage to stop flooding and ensure safe passage of vehicles.

In conclusion we feel that this development does not fully conform to the newly adopted National Planning Framework 4. If granted it will only be a matter of time before a second house will be applied for. There is also another site that has been landscaped by the entrance to the farm which will no doubt follow.

Yours sincerely

Ross and Alison Smith




18 December 2023


Dear Sir,

Planning Reference 23/01765/FLL

We refer to the above and would like to object on the following grounds.

Access and Parking

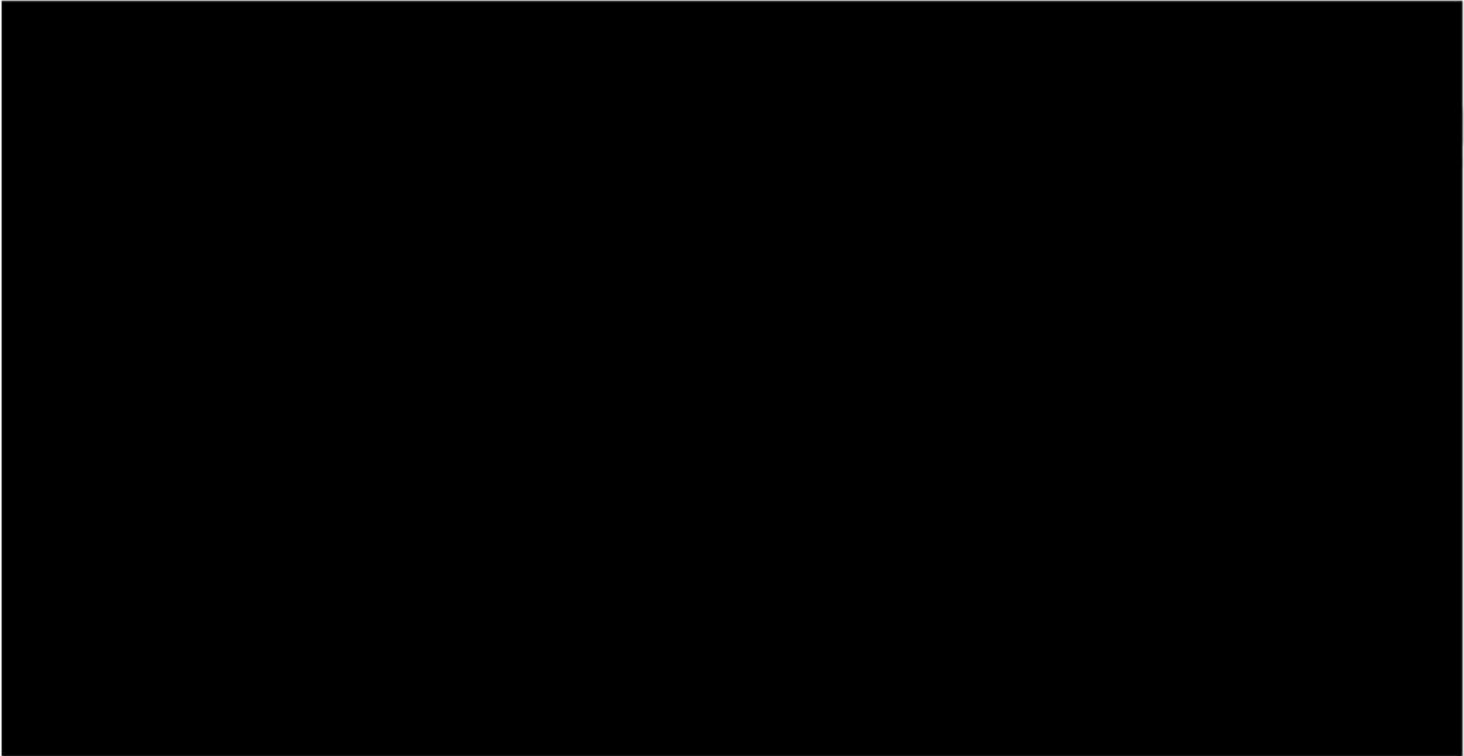
In March 2022 we received a letter 

 The letter advised that Darren Stewart was taking over responsibility for the maintenance and administration of all matters relating to Gellybank Farm access road. We were informed that Darren Stewart had created a new administration system and that the new administration would commence of 1st May 2022. Unfortunately, the new system never materialised, albeit the applicant remains responsible for the co-ordination of all road maintenance.

As things stand, the construction of the road is not suitable to sustain the increase in vehicular traffic that the proposed development of a new house will generate. To facilitate the increase in traffic the road would require to be upgraded to a tarmac road with additional drainage, passing places and speed bumps, so that the road is fit for purpose. This upgrade would require to be at the expense of the applicant.

Since 2014 all families at Gellybank have contributed yearly to a road maintenance fund and arranged the maintenance of the farm road, with the consent of the owner, Mr Thomas Stewart. This agreement was put in place as the road had previously been maintained on an ad-hoc basis by the Stewart family and it was in a very poor state of repair.

Following the decision of PKC Planning Department to refuse the previous application (Planning Reference 22/01356/FLL), the owners of the road have regrettably decided to withdraw their support for the road maintenance fund. In addition, the applicant sent the following email communicating this decision on 20 February 2023 and also forbidding any ad-hoc upkeep by the Gellybank Community.



The following pictures give an indication of the deterioration of the road as at 14 December 2023.





Planning was given in 2015 to Mr and Mrs T and E Stewart for a chalet development at Gellybank Farm. The decision notice dated 13th August 2015, point 7 states The access road from the public road to the application site shall be upgraded in accordance with details to be agreed in writing by and to the satisfaction of this Council as Planning Authority prior to the commencement of any other development.

Reason – In the interests of road safety.”

We feel that this statement by PKC planning department sets a precedent and should be applicable to all planning applications and future developments at Gellybank Farm. The farm road should be upgraded for safety reasons, prior to any further planning applications being granted at Gellybank Farm.

Flood Risk

The access road to the proposed development runs adjacent to an open drainage ditch. Mr Thomas Stewart, owner of the road, maintains the ditch. The ditch is becoming wider each time it is cleared, resulting in the access road narrowing.

This ditch has overflowed on several occasions over the past few years the most recent incident being in 30 December 2022 (pictures attached).

The resultant flooding caused significant damage and subsidence to the road, with the excess water flowing into the development site.

The water drainage is hampered as it has to flow uphill in the ditch that lies adjacent to the boundary south of the proposed planning site and new access road. The water from the ditch should run freely into a drainage pipe which runs underneath the road and discharges into the Gellybank Burn. This matter requires to be addressed as a priority with the drainage ditch being altered and fully piped to ensure that any flooding risk is mitigated. It is unclear from the plans submitted whether the proposed piping will mitigate this flood risk.

We believe that the ditch would have to be piped to allow ample room for the new access road to be made.





Existing Development of Gellybank Farm

The farm has already seen significant diversification as Mr and Mrs Thomas Stewart and family have already built 7 houses in Gellybank.

In 2015, Mr and Mrs Thomas Stewart had outline planning granted for the development of 8 holiday lodges. A renewal of permission was granted in 2018 and full planning permission was granted in 2019. In the subsequent 4 years only some groundworks have been completed with no sight of any further progress being made. Mr Darren Stewart and his partner currently live on site in a caravan and are responsible for the development of the holiday lodges. We believe that the applicant should complete this unfinished development prior to this application for a further property being considered.

Yours faithfully

Euan and Laura Smith

Mr David and Rachel Charity (Objects)

Comment submitted date: Tue 19 Dec 2023

With regards to the submission of a planning application for the erection of another dwelling at Gellybank Farm we are concerned about additional housing being built on a site which has an outstanding application for 8 holiday chalets yet to be built and therefore its impact on the surrounding local road and community is still undetermined. We expressed concern when the previous application was submitted for two dwellings at this site and these concerns remain. This rural area has been increasingly subject to sporadic housing putting increased stress on a narrow, twisting local access road. Coupled with a general change in shopping habits traffic from delivery vehicles has increased. This, in conjunction with traffic from other local enterprises, has turned the road into a thoroughfare. This road is not gritted in winter and is treacherous and is used as a cycle route in summer adding to traffic.

THE KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

President – Professor David Munro MBE. Chairman – Mr Alistair Smith.

Secretary – Mrs Eileen Thomas. Treasurer – Mr Ken Miles.



Planning and Development Management
Perth and Kinross Council

by email to: developmentmanagement@pkc.gov.uk

22 December 2023

Dear Sir/Madam

23/01765/FLL

Erection of dwellinghouse, land 80m SW of Gellybank Farm, Kinross

Kinross-shire Civic Trust objects to the above application, which is similar to refused application 22/01356/FLL which was for two dwellings.

Housing in the Countryside

As the site is not within the settlement boundary, the application requires to be assessed under Housing in the Countryside policy in Local Development Plan 2 (LDP2), adopted 2019. As noted in the Report of Handling for 22/01356/FLL, the application site is not located within a building group but adjacent to it. A landscape framework is required. The Report of Handling noted that “there is some landscaping on the western boundary although this is partly due to the recent planting of some small scale trees”. The Perth & Kinross Housing in the Countryside Supplementary Guidance (2020) states that “Fencing or young trees or hedging planted with the specific intention of creating a site will not be accepted as existing features for the purposes of this Supplementary Guidance ...” The Report of Handling also noted there was no suitable landscape framework on the north boundary. Although the application site is smaller for this application, being for one dwelling rather than two, this may still be a consideration.

Rural Homes

The Scottish Government adopted the new National Planning Framework 4 earlier this year. As the more recent adopted policy, where there is any conflict with the LDP, NPF4 takes precedence. A relevant policy in NPF4 is Policy 17 Rural Homes. The proposal does not appear to comply with any of the criteria listed for Policy 17 in NPF4.

Trees and Landscaping

LDP2 Policy 40B requires that “Tree surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where there are existing trees on a site”. Although there are trees on site, no tree survey has been provided.

The proposed access appears to be the same as for Plot 1 in the earlier, refused, application. The Report of Handling referred to a need to remove an existing boundary hedge for access but found there was a lack of clarity in the proposal. The same applies with this application.

Residential Amenity

The proximity of the existing operational farm may be detrimental to residential amenity. There is no noise impact assessment. The proposal may therefore be considered contrary to LDP2 Policies 1A, 19 and 56.

Summary

In conclusion, the Trust considers the application to be contrary to at least the following:

- LDP2 Policy 19 Housing in the Countryside, and its Supplementary Guidance
- NPF4 Policy 17 Rural Homes
- LDP2 Policy 40B Trees, Woodland and Development
- LDP2 Policy 1A Placemaking
- LDP2 Policy 56 Noise Pollution

Yours faithfully

Kinross-shire Civic Trust



CDS Planning Local Review Body

From: gavin freer [REDACTED]
Sent: 25 April 2024 21:06
To: CDS Planning Local Review Body
Subject: Planning application 23/01765/FLL

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

Regarding planning application 23/01765/FLL.
This application has been sent for review by the applicant.

[REDACTED]

This application has been refused twice by the planning authority because the plots do not meet the criteria that Perth & Kinross planning have adopted, placemaking guidance & housing in the countryside guidance. No. 5 on the planning appeals guidance it says that the review decision by law has to be made in line with development plan.

Aswell as not meeting any place making guidance, the property planned does not fit in with the others and will not contribute to or enhance the area in any way.

Thanks Gavin & Mary Freer

CDS Planning Local Review Body

From: Rachel Charity [REDACTED]
Sent: 30 April 2024 18:07
To: CDS Planning Local Review Body
Subject: LRB-2024-19

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Sirs,

With regards to Planning Application : **23/01765/FLL** which was refused in January 2024 for a number of reasons, particularly that it is contrary to Policy 9(b) of National Planning Framework 4 and Policy 17: Rural Homes of NPF4, as the application has been resubmitted under appeal, please could our comments which were submitted in objection to the original application be taken into account where relevant.

Thank you in advance for your attention.

Kind regards,

David and Rachel Charity

Sent from my iPhone

Dear Sir/Madam,

23/01765/FLL | Erection of dwellinghouse | Land 80 Metres South West Of Gellybank Farm Kinross

I refer to the above planning application which was refused by PKC Planning Committee on 17 January 2024.

I can confirm that all the reasons for our objection detailed in our letter dated 18 December 2024 still stand namely:

- Access and Parking
- Flood Risk
- Existing Development of Gellybank Farm

In addition to the information contained within our letter, it is clear from viewing historical satellite imagery contained within the PKC Report of Handling – Delegated Report dated 16.01.2024 that the applicant and his family, over a number of years, have developed a greenfield site to build 2 houses and create an additional 2 housing plots.

This proposal is therefore contrary to Policy 19 of the Perth and Kinross Local Development Plan 2, the associated SG and therefore also Policy 9 of NPF4 as this is a greenfield site which is not explicitly supported by policies of the LDP as outlined in Policy 9(b) of NPF4.



On the basis that the application does not meet the legislative criteria required for planning permission to be granted, I would urge you to refuse this appeal.

Yours faithfully

Laura & Euan Smith

CDS Planning Local Review Body

From: [REDACTED]
Sent: 30 April 2024 19:30
To: CDS Planning Local Review Body
Cc: 'A Alison Smith (ICE)'
Subject: RE: LRB-2024-19

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sir / Madam,

Further to the recent email advising that Mr D Stewart is appealing the decision to decline the application to build a dwelling house at Gellybank Farm, we would like to re-confirm our original objections. We are not experts in planning matters and are basing our objections on observations made from living at Gellybank for the last 22 years. This is the second planning application that has been made on this green field site which has been duly and rightfully declined by planning.

* Overdevelopment - There was only one house on this site in 2000, if this was granted there would be 8 dwelling houses and 8 Chalets. The applicant has only completed some groundwork on the chalet development, surely this should be completed before undertaking another building plot.

* Contrary to LDP(2019) and to the new NPF4 on at least 10 different policies. This proposed site and a further two 'gap' sites have all been **artificially created boundary** by the owners of Gellybank Farm. This can clearly be seen in the photographs included in the Report of Handling.

* Road safety - clear site entering and exiting Gellybank Farm is very poor. The main road is a 'C' classed road and as such does not get gritted in the winter and many sections are not possible to have two cars passing without going onto the verge. This road is also heavily utilised by local farmers carrying out their day-to-day activities. There are no public transport provisions for this community, with the exception of school buses.

* The open ditch on the farm road adjacent to the proposed site has been very close to flooding on many occasions this winter. The farm road and "open ditch" will require significant investment if this development was passed. Solutions to this were not included in the original application.

We hope that these points are again taken into consideration at the forthcoming LRB meeting.

Kind Regards

Ross and Alison Smith

CDS Planning Local Review Body

From: Lynn and Gordon Clark [REDACTED]
Sent: 01 May 2024 13:31
To: CDS Planning Local Review Body
Subject: Ref:LRB-2024-19

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sir / Madam,

Further to the recent email advising that Mr D Stewart is appealing the decision to decline the application to build a dwelling house at Gellybank Farm, we would like to re-affirm our original objections.

Last year there was a similar application for two properties in this area which was rejected. The reasons for rejection of two will be similar to rejecting one, I suggest you refer to last years application in this area for the reasons of rejection.

My Objections are;

This is a rural area where houses continue to be added which is inappropriate to to rural area.

There is already approved planning for 8 chalets in adjacent area which have not been constructed yet, this will just add to the loss of this rural amenity.

Water pressure in this area can drop to almost zero sometimes. Scottish Water have been aware of this problem for years however have not resolved it as yet. The addition of the chalets and the proposed additional property will only make this worse.

Additional properties add additional traffic onto a narrow rural road (Kinross to Carsegour) which is unacceptable from a safety perspective. P&K council deem this road "rural" in their plans as not part of the council gritting programme.

Regards
Gordon Clark

**10/05/24 Perth and Kinross Local Review Body Application Ref :
23/01765/FLL**

LRB-2024-19

Response by appellant - Mr Darren Stewart to representations made to the
Review by neighbours.

With reference to the above subject and objections raised by residents, we address each of their points, as follows:-

Mr and Mrs Clark deem it inappropriate to continue to add further houses to (this) rural area. We presume they too live in the same rural area, in a house built here. It feels a little ironic, that they oppose the very thing, for others, that they themselves are doing. They make reference to the Cabin (not chalets) Development. Any reference to the Cabin Development is irrelevant to this application, it is a separate body of business, which has already been ratified.

Mr and Mrs Clark make reference to water pressure in the area, we feel that they should take their grievance up with Scottish Water, as this is a separate issue altogether. We are unaware of exactly where Mr and Mrs Clark live, but if they are local they will be aware of the extensive works being carried out by Scottish Water at the moment on the Chance Inn road, at the moment. With regards to us, we are in possession of a flow and pressure test carried out by Scottish Water Horizons, which shows that there is no problem with water pressure. Mr and Mrs Clark refer to increase in traffic leading to safety and gritting issues on the Chance Inn road. This road is, like many others in Perthshire, a 'country road'. Every driver who has obtained a Drivers Licence, must have passed a theory and practical test in order to drive on a public road and do so safely, in accordance with law and road conditions. Almost every country road (plus town roads) have cyclists/walkers/horse riders frequenting them. People, generally speaking, are aware of this. Personally, we have no knowledge of any driving incidents that have occurred on the Chance Inn road at all. I'm sure any statistics for incidents on this road, will be logged with the local authority and can easily be checked. With regards to gritting, most small roads, whether in town or rural are not gritted anyway and most drivers, again, know this and drive accordingly.

Mr and Mrs Charity make reference to Council Policy contraventions, all policy responses have been addressed by our planning consultant, with respect, please refer to his correspondence. Mr and Mrs Charity also re-iterate much of what was said by Mr and Mrs Clark. Mr and Mrs Freer have made quite a number of objections and we will address them all, as best we can.

Firstly, we must point out, for the purposes of transparency, that Mr and Mrs Freer have a vested interest in ensuring this application is refused. Mr and Mrs Freer have openly stated, in the past, that they want to add this land to their own portfolio. Mr and Mrs Freer state that their buildings (which neighbour the application land) are “in regular and increasing use for engineering work” and imply that the noise levels they generate is akin to any working farm or livery. They do have a couple of horses and stables, that is correct. They state they use their building for engineering work. On their title deeds, they have no right of access over Gellybank Farm roads for any engineering business (class 5 use) and as far as we know, there have been no applications made by them to Perth and Kinross Council for change of use of their outbuildings for such a venture. We have been advised that Mr and Mrs Freer are currently subject to planning enforcement action ref FS-case578825820, in connection with this.

Mr and Mrs Freer state that the access road is in “poor repair and is actively degrading”. Gellybank Farm road is no different from any other farm road and does get pot holes (when we are bombarded with sustained heavy rain). We then, at our first opportunity (when weather and other work permits us) refill the pot holes. Every resident of Gellybank Farm road is absolutely aware of this.

Mr and Mrs Freer insinuate that our level of pot hole filling is somehow below the standard of pot hole filling that they themselves carried out prior to us and that this has led to the road becoming apparently worse. If this were the case, we would have thought that it would have been too dangerous to ride a horse on it or drive up it with a baby sitting on your lap, behind a steering wheel, for example, but yet it happens, we’ve seen it.

What doesn’t help is to then have Gellybank Farm road users race up and down on their quad bike or bounce up and down at excessive speed with a trailer attached. It looks like an act of sabotage really. We will happily endeavour to place signs on the road to ask users to abide by a 10 MPH speed limit and respect the road for all of us, hopefully that would help alleviate some of the concerns for Mr and Mrs Freer.

With regards to extra volume on the road, we feel that there would be little detrimental impact. Mr and Mrs Freer state that the farm road should have a tarmac surface. It should be noted that the farm road is not a flat road, it has hills. We get rain followed by freezing temperatures, in Winter. This road would just become a skating rink with tarmac and users would most certainly end up in the first property’s garden at the bottom of the hill. The current road surface, at least provides some traction. It is our opinion that a Tarmac surface would be a safety issue in Wintery conditions.

The farm road currently has 3 passing places, which seem to work perfectly well. Mr and Mrs Freer state that the ditch near the proposed building site is at capacity/cannot cope. All the ditches at Gellybank Farm are perfectly capable of doing their job. On the few days of the year, where there is monsoon type rain, everywhere - Gellybank Farm included - has (very temporary) excess water on the road. Obviously, the extra water that enters Gellybank Farm, does not originate on the Farm, it flows down hill from Cockairney and downhill from the brow of the Chance Inn road and from the flooding at the Woods property. So, they are

quite correct, it overflowed in late February 2021 and we think one other time. We have plans in place to upgrade our ditches in due course, as part of our ditch management plan and will inform the residents of Gellybank Farm, when this will occur, if it impacts them. Their comment in regards to the Cabin Development site adding to the flood is irrelevant.

Mr and Mrs Freer stated that we have “aggressively cut” a hedge that borders the site. The hedge in question was overgrown (towards the road) and we simply maintained it. We only cut hedges and trees outwith breeding season, in consideration of the wild life. We actively promote wildlife in other areas of the farm, leaving sections to grow wild to afford them a habitat. We are a huge supporter of wild life and are offended at the insinuation that we would do something to deliberately destroy it. Mr and Mrs Freer state that they are concerned regarding any loss of hedge. We have planted many trees and hedging on the farm recently and anything we may have to remove or maintain, will be more than compensated elsewhere on the farm, should it need to be. Mr and Mrs Freer state they wanted to pay for trees on our land bordering them and that we refused. This is correct, the reason is that we do not wish to enter into any transactions with them, whatsoever. Mr and Mrs Freer make reference to planning in the Kinross and Milnathort area, this is also irrelevant.

They insinuate that Gellybank Farm has little to no active farming remaining. Gellybank Farm has 84 acres of farmland, the farm is used for the grazing of sheep and growing of silage. We suggest that there is a fair amount of active farming. Mr and Mrs Freer state that there is plenty development “elsewhere” for others to live. Just not where they do, it appears.

Further reference is then made about the Cabin Development at the top end of the farm and again is irrelevant to this application. It is a separate project, with a separate schedule, just as many other businesses have separate projects ongoing at the same time. Our business scheduling is nothing to do with the neighbours, it is our opinion that the residents objecting here are just throwing as much mud about as possible to see what sticks in order to vindictively hamper our family in any way they can.

With regards to Mr and Mrs Freer’s comments in respect of their water supply, they should be aware that their water supply does not come from the pump house servicing the rest of the farm, so we are puzzled regarding their comment about the water pipe bursting and emptying the tank. We are unaware of this situation and perhaps Mr and Mrs Freer could advise us where they got this information (in writing) in order we may follow up on this matter. No one else seemed affected by it, that we know of. Mr and Mrs Freer state the refuse system is not adequate. We can confirm that some residents are not flattening boxes and we regularly have to empty the cardboard (industrial) bin to break down large boxes that are being place in whole. That is not really our place to do this, but we do it, if everyone was more considerate, there would be ample space in the bin. We are not aware of any other refuse spilling out, the best people to answer that would be the Refuse Department.

With regards to Mr and Mrs Freers policy comments, with respect, please refer to our planning consultant’s correspondence.

Mr and Mrs (Ross and Allison) Smith start off their objections by describing our family living conditions and other business venture. They seem to hold contempt, against my father to have had the audacity to build the Farmhouse they live in and then renovate and sell the two steading houses next door to him. Thereafter they proceed to describe the family dynamics, before giving an opinion on how we should run our business. We are absolutely disgusted that Mr and Mrs Smith decided to publicly describe our private life, in an attempt to belittle us, something we would not dream of doing to them. Because it is irrelevant, we will not give any explanation whatsoever to Mr and Mrs (Ross and Allison) Smith of what (extensive) works we have already carried out on the Cabin Development. As stated time and time again, the Cabin Development is a separate business venture.

We are puzzled as to why Mr and Mrs Smith are targeting us in this way, as we have had very little to do with them in the 24 years the family has owned the farm. Even less so, now that Mr and Mrs Smith have their own private road from their house to Cockairney road and thus can avoid the farm (road and houses), anytime they want. Mr and Mrs Smith next object to the location of the plot pertaining to this application, stating that it used to be a grass field. At one point, in bygone years, Mr and Mrs Smith's house, was also a grass field. Ironic really. With regards to the comment in relation to the field itself, this has been dealt with by the planning consultant.

Mr and Mrs Smith are concerned that the plot pertaining to this application will be "in isolation". It's not. If you travelled the length and breadth of Britain, you will find countless houses in true isolation, not another house to be seen for miles. We're not sure what they are trying to achieve with this one, we find this objection ludicrous.

They then comment on the ditch - this has already been covered, earlier on. They then instruct Perth and Kinross Council to refuse this application. Mr and Mrs (Ross and Allison) Smith claim that there are ongoing issues with the access road. We assume that they too are making reference to pot holes appearing when there's heavy rain from time to time. Mr and Mrs Smith further state that Gellybank Farm residents have a road fund and that they also all filled in pot holes together.

It feels like they (the objecting residents) have appeared to have taken exception to us having moved onto the farm (parents - Mr and Mrs Tom and Ellen Stewart - are elderly now). We are assisting my parents with the practical running and administration of family land, this also includes filling pot holes on the Farm road. The whole scenario is actually infantile. Mr and Mrs Smith also demand the Farm Road to be Tarmac . Tarmac won't work on this farm road, for the reasons already stated. Mr and Mrs Smith can always use their own road and thus save themselves the trauma of travelling on a road that they feel is an issue. Why would you willingly put yourselves through such a trauma, when you have alternatives in place? Truly perplexing indeed. To date, there have been no accidents or other incidents causing injury on the Farm road, so we are unsure as to what Mr and Mrs Smith would require us all to be safe from. They are well aware that there have always been passing places.

Mr and Mrs Smith then make reference to the main public road, known locally as the Chance Inn Road. Like a lot of roads in Scotland, it is a single country road, which can facilitate 2 cars passing each other, obviously common sense prevails and you slow down. On occasion, you have to pull over (the odd horse, lorry or school bus), it's no great inconvenience really, as there are many field entrances to pull into. Most country dwellers understand this and it's part of the way of life in the countryside. We are unaware of any accidents or incidents pertaining to the public road, in recent years either. These statistics, if there are any, is easily checked with the local authority.

With regards to water pressure issues. As they are well aware, they do not have a direct mains water supply, to their property. Their water supply is fed from the previously aforementioned pump house. As all residents are aware, Scottish Water are currently upgrading their pipe work in this area, whether or not this is relevant to water pressure, remains to be seen. We cannot comment on this aspect.

The bin storage area was installed by us to house the 4 industrial sized bins that were sited near the entrance. At our expense, we dug out and concreted a section of our banking and created a wooden shelter for the bins to make it look better. Shortly after, with no warning (or we would have accommodated it, of course) 2 further industrial bins were deposited at the entrance by the Council. We have plans to extend our bin storage area, in due course.

Mr and Mrs (Euan and Laura) Smith seem to require clarification in connection with Gellybank Farm access road maintenance. It is fairly simple, if there are pot holes in our road, we will fill them (on an ad hoc basis - like the residents used to, prior to us moving onto the farm). If the road requires more extensive repair, the residents will be informed, as per their title. Mr and Mrs Smith re-iterate much of the same as their neighbours regarding road surface and tarmac etc. They are suggesting that any future upgrade to the road will be at our expense. Let us be clear, all residents of Gellybank Farm have it in their property title, that they have right of access over Gellybank Farm Road to get to their properties. On the title, it clearly states that they are liable to a portion of the expense for the upkeep of Gellybank Farm Road. This is a legal document. The fact that we haven't invoked that during pot hole filling, is to their benefit, most people would have been grateful. Mr and Mrs Smith are twisting words, when they refer to the Gellybank Farm Road Fund. It is true, that all residents pay into a fund (in effect, saving up together, should the road require an expensive upgrade). It is true, that the Stewart family don't pay into the fund. This decision was made by us when we moved onto the family farm, as we didn't want to be involved in any community fund with the neighbours. That is our right. Not because of any Planning refusal, as Mr and Mrs Smith have suggested. We are just not that petty. Mr and Mrs Smith thereafter provide photos of the Farm Road, with it's pot holes. Yes, that's what happens sometimes, then they get filled. Sadly, Mr and Mrs Smith didn't feel the need to include photos of the road with the pot holes filled. What should be clarified is that the photograph (prior to pot hole filling) is dated 14th December 2023. The pot holes were filled on the 15th December 2023. Their objection letter is dated 18th December 2023. As you can tell from these dates, their whole point is moot. We assume this part of their objection is for dramatic effect.

Mr and Mrs Smith, like the others, then refer to the Cabin development, again we state, this is irrelevant. They further re-iterate what has already been said about the ditch, this was answered earlier on, in this letter. Mr and Mrs Smith have supplied more photos regarding the flooded ditch. This was a direct result of a deluge of monsoon level rain, which most of Britain was also subjected to. It is certainly not a daily occurrence. They again, have elected not to supply photos of the repaired road.

Mr and Mrs Smith go on to discuss our Farm Diversification and state that we have “already built 7 houses” on the farm. They are incorrect, The Farmhouse, the 2 steadings and the first cottage, were already existing buildings, on the Farm, prior to my father purchasing it, they were therefore renovated. Two houses were built by us, one of which is occupied by Mr and Mrs Tom and Ellen Stewart. The remaining building, which is occupied by Mr and Mrs Freer, was not built by us and is nothing to do with us or the farm, whatsoever. We had absolutely no input with it at all.

We feel, that Mr and Mrs Smith do not have the right to dictate how we conduct our business, with regards to the Cabin Development or any other business venture we have. For some reason, they felt the need to describe our living conditions and refer to my wife of 22 years - who has done absolutely nothing to any of these neighbours. It is really quite disturbing, we would never have discussed publicly, their family or businesses.

To close, it is fair to say that coming to live on the family farm, after having gone through a horrendous few years with health and other stressful issues before, has the feeling of having gone from the frying pan into the fire. We are deeply stressed by the victimisation inflicted upon us by these neighbours. What makes it worse, is that these are intelligent, professional people, who should know better.

For a number of families to gang up on an elderly couple and their son (and it would now also appear, his wife), for the most trivial of reasons, is nothing short of abhorrent. We have said absolutely nothing back, up until this point. This unwarranted behaviour towards us, has to stop or we will be forced to take further legal advice and action, in an effort to protect ourselves from them. We constantly feel attacked.

We respectfully request that the Review board see these objections for what they really are. A low-level attempt, by desperate people, to use the authorities as yet another tool, to bully a family they appear to be jealous of.

Yours Sincerely,

Darren Stewart

Gellybank Farm Kinross Perthshire Scotland KY13 0LE

