

Perth and Kinross Local Review Body

Council Building
2 High Street
Perth
PH1 5PH

05/02/2024

A hybrid meeting of the **Local Review Body** will be held in **the Council Chamber** on **Monday, 12 February 2024 at 13:00.**

If you have any queries please contact Committee Services on (01738) 475000.

LISA SIMPSON
Clerk to the Local Review Body

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.

Members

Councillor Bob Brawn (Convener)
Councillor David Illingworth
Councillor Ken Harvey
Councillor Grant Stewart (Reserve)

Advisers

Clerk
Legal Adviser
Planning Adviser

Applicant

Local Review Body

Monday, 12 February 2024

AGENDA

- | | | |
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| 1 | WELCOME | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTE OF MEETING OF THE LOCAL REVIEW BODY OF 15 JANUARY 2024
(copy herewith) | 1 - 6 |
| 4 | APPLICATIONS FOR CONSIDERATION | |
| 4(i) | LRB-2023-50 - 23/01235/IPL - RENEWAL OF PERMISSION 20/00985/IPL (ERECTION OF FARM SHOP AND FORMATION OF ANCILLARY PARKING (IN PRINCIPLE)), LAND 60 METRES EAST OF TAY COTTAGE, KILLIN
Review Papers Attached (copy herewith) | 7 - 118 |
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Review Papers Attached (copy herewith) | 399 - 450 |

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PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 15 January 2024.

Present: Councillor B Brawn, Bailie C McLaren and Councillor K Allan.

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

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

1. WELCOME

Councillor Brawn welcomed all present to the meeting. Councillor Brawn noted that this was to be the last meeting which Ross Burton would attend as Planning Adviser and thanked him for the support he had given in this role.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Local Review Body of 18 December 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-44**
Planning Application – 23/01088/FLL – Change of flat to form short term let accommodation unit (in retrospect) 4B Bonnethill Road, Pitlochry PH16 5BS – Ms M McMillan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of flat to form short term let accommodation unit (in retrospect) 4B Bonnethill Road, Pitlochry PH16 5BS.

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

Decision:

Resolved by unanimous decision that:

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

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

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

**(ii) LRB-2023-45
Planning Application – 23/00921/FLL – Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth PH2 7HG – Mr and Mrs Whittet**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth PH2 7HG.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth PH2 7HG, be refused for the following reasons:
 1. Approval would be contrary to National Planning Framework 4 Policy 14(a) where the proposal is designed in such a way that does not improve the quality of the area, and (b) lacks connected designing for pedestrian experience relating to safety and inappropriate connectivity to the public road network, inconsistent with the "connected" quality of a successful place, and (c); Policy 16 criteria (g)(i) where the proposal lacks full clarity

on gatepier material finishes; and Policy 18 (b) where there would be a resultant detrimental impact onto the infrastructure network; and as informed by Placemaking Supplementary Guidance; the National Roads Development Guide and Designing Streets.

2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 1A and 1B with particular note to criteria (a), (c) and (e) where the proposal would result in road user and pedestrian safety issues at its access point and full clarity of gatepier material finishes have not been provided; and Policy 60B where the proposal has not been designed for the safety of all potential users; and as informed by the National Roads Development Guide and Designing Streets.

Justification

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

**(iii) LRB-2023-46
Planning Application – 23/01362/FLL – Change of use of flat to form short term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA – Mr and Mrs Lewis**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA.

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

Decision:

Resolved by unanimous decision that:

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

Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

(iv) LRB-2023-47
Planning Application – 23/00572/FLL – Change of use from flat to short term let accommodation (in retrospect) 4A Bonnethill Road, Pitlochry PH16 5BS – Ms M McMillan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to short term let accommodation (in retrospect) 4A Bonnethill Road, Pitlochry PH16 5BS.

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

Decision:

Resolved by unanimous decision that:

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

(v) LRB-2023-48
Planning Application – 23/00924/FLL – Part change of use of dwellinghouse to nursery business, Dalshian House, Croftinload, Pitlochry PH16 5TD – Mrs L Brown

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse part change of use of dwellinghouse to nursery business, Dalshian House, Croftinload, Pitlochry PH16 5TD.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for part change of use of dwellinghouse to nursery business, Dalshian House, Croftinload, Pitlochry PH16 5TD, be refused for the following reasons:
 - 1. Approval would be contrary to National Planning Framework 4 Policy 22 criteria (a) (i – iv) where, particularly under criteria iii, the proposal would not result in an equal or less vulnerable use in respect of flood risk.
 - 2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 52 where the proposal does not avoid an overall increase, reduce overall or manage flood risk with an increased land use vulnerability classification; and as informed by Flood Risk and Flood Risk Assessments Supplementary Guidance.

Justification

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

LRB-2023-50**23/01235/IPL - Renewal of permission 20/00985/IPL
(Erection of farm shop and formation of ancillary parking
(in principle)), land 60 metres east of Tay Cottage, Killin****INDEX**

- (a) Papers submitted by the Applicant (***Pages 9-46***)

- (b) Decision Notice (***Pages 24-25***)
 - Report of Handling (***Pages 26-37***)
 - Reference Documents (***Pages 41-46***)

- (c) Representations (***Pages 49-118***)

LRB-2023-50

**23/01235/IPL - Renewal of permission 20/00985/IPL
(Erection of farm shop and formation of ancillary parking
(in principle)), land 60 metres east of Tay Cottage, Killin**

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100653898-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Broxden House"/>
First Name: *	<input type="text" value="Tony"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Allen & Belinda Snoxhall"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="PH1 1RA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mark.myles@bidwells.co.uk"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Morenish, Land 60 Metres East of Tay Cottage, Killin"/>

Northing	<input type="text" value="73551"/>	Easting	<input type="text" value="260722"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Renewal of permission 20/00985/IPL (erection of farm shop and formation of ancillary parking (in principle)) on Land 60 metres East of Tay Cottage, Killin

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to grounds of appeal statement 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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds of appeal statement, decision notice, Report of Handling, refused plans and land ownership certificate

Application Details

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

23/01235/IPL

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

18/07/2022

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

08/09/2023

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark Myles

Declaration Date: 04/12/2023

**ERECTION OF FARM
SHOP AND ANCILLARY
PARKING IN PRINCIPLE
(RENEWAL OF
PERMISSION
20/00985/IPL)
NOTICE OF REVIEW
STATEMENT**

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1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal submitted to Perth & Kinross Council on behalf of Tony Allen & Belinda Snoxhall.
- 1.2 The appeal relates to the refusal of planning permission (ref 23/01235/IPL) to renew permission 20/00985/IPL for the erection of a farm shop and formation of ancillary parking in principle on land 60 metres East of Tay Cottage, Killin.

2.0 Background to Proposal

- 2.1 There have been a series of previous planning permission in principle approvals to erect a farm shop on this site, as noted below;
- 08/01586/OUT Erection of farm shop and associated parking (in outline) 17 October 2008 Application Approved
 - 11/01770/IPL Renewal of existing consent (08/01586/OUT) Erection of farm shop and formation of ancillary parking (in principle) 2 December 2011 Application Approved
 - 14/01548/IPL Renewal of permission (11/01770/IPL) Erection of farm shop and formation of ancillary parking (in principle) 31 October 2014 Application Approved
 - 17/01366/IPL Renewal of permission 14/01548/IPL (erection of farm shop and formation of ancillary parking (in principle)) 5 September 2017 Application Approved
 - 20/00985/IPL Renewal of permission 17/01366/IPL (Erection of farm shop and formation of ancillary parking (in principle)) 31 August 2020 Application Approved
- 2.2 The Report of Handling (RoH) incorrectly states that planning consent is sought for the renewal of existing permission (17/01366/IPL). The proposal seeks to renew the previous permission 20/00985/IPL which only expired on 31 August 2023.
- 2.3 At the time of the original 2008 application, Morenish Home Farm was a 375 acre farm which is situated on both sides of the A827 public road. Since that time circa 25 acres of outlying pieces of recreational land have been sold off but the appellants still have title to circa 350 acres of farmland which has been grazed with cattle and sheep on both sides of the A827. At no time did the council seek any further information on this point in response to the inaccurate concerns raised within the letters of representation. This additional information should therefore hopefully assist the LRB in their assessment of whether there remains a substantial farm business in existence which can support the business and viability case for the proposed diversification.
- 2.4 The appellants original house was Morenish Cottage, which they sold about 15 years ago when they purchased Tay Cottage which sits immediately adjacent to the farm shop site. Tay Cottage was operated as the farm shop on a temporary consent basis for a couple of years under application reference (09/00292/FUL) pending the construction of a new building.
- 2.5 In 2008 simultaneous prior notification applications were submitted in respect of 2 agricultural buildings at the site (08/00209/PN & 08/00210/PN). These had been submitted 6 months prior to

the first application for the farm shop and whilst the land was cleared, levelled and fenced off in order to form a stock proofed farmyard, there would have been a potential conflict with the siting of these buildings and the farm shop, hence these were put on hold pending the outcome of that application.

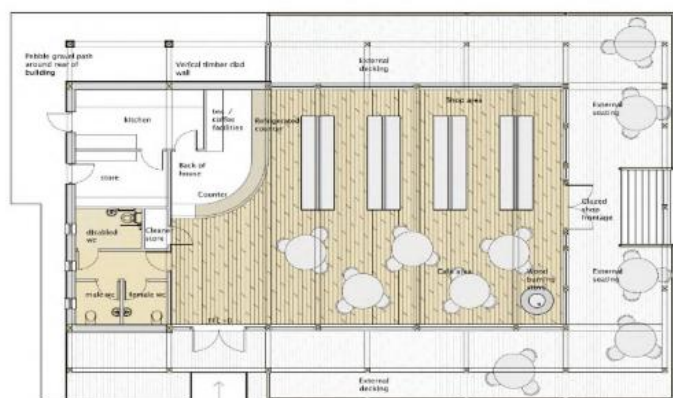
- 2.6 Once outline approval for the farm shop was granted, it was decided to submit a prior notification in respect of a smaller agricultural building on the opposite side of the public road (A827) (09/02147/PN). The existing access onto the main road was widened with new gates, the access track was remediated, and earthworks and excavations were undertaken to both create a platform for the new building together with an earth bank providing a modicum of screening. The actual building itself could not be constructed pending the availability of additional funds from the sale of a site at Drumcharry.
- 2.7 Pending the granting of any renewal of the planning permission in principle the appellants are now in a position to progress with the detailed plans for the proposed farm shop.

3.0 Response to Reasons for Refusal

- 3.1 When assessing this type of proposal, the key planning policy considerations are Policy 8 from Perth & Kinross Local Development Plan 2 and Policies 13, 29 and 30 from NPF4.
- 3.2 All 3 of the stated reasons for refusal point to the proposal being considered as remote and as a result likely to only be accessible by private car. In our view this unfair discrimination fails to give any regard to the fact that most economic development proposals in more remote and rural locations do not have sustainable transport options available other than access by car. In our view that shouldn't mean that these types of proposal should be automatically refused.
- 3.3 Although NPF4 policies take precedent over LDP policies where there is a conflict, the policies set out within LDP2 (adopted November 2019) are clearly still important and relevant. It's worth noting that the key policy consideration in this case (Policy 8) was in place at the time when the previous planning application was approved in 2020. The council's reasons for refusal only relate to certain policies contained within NPF4 and therefore the council agrees that the proposal still accords with the criteria set out under Policy 8 in LDP2.
- 3.4 The RoH acknowledges this and highlights that Policy 8 is supported by Policy 29 Rural Development of NPF4. The policy 29 intent is to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced with the following desired policy outcomes;
- ensuring that rural places are vibrant and sustainable and rural communities and businesses are supported.
 - a balanced and sustainable rural population.
- 3.5 LDP Policy 8 also states that the council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas.

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

- *The proposal will contribute to the local economy through the provision of permanent employment or additional tourism or recreational facilities.* The proposal complies.
- *The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.* The small scale nature of the proposed farm shop would not result in suburbanisation of the rural area and access can be achieved directly from an existing recognised tourist route (A827) so in that respect is sustainable. The A827 forms part of the designated 'Heart 200 Touring Route' which takes in 200 miles of stunning scenery around Perth, Highland Perthshire, Stirling and The Trossachs.
- *The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties.* There would be no impact on the amenity of adjacent land uses.
- *The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.* As noted above the site is located adjacent to the A827 public road which is a recognised tourist route through Highland Perthshire. If PPIp is granted then it would be the appellants intention to come forward with detailed proposals as shown on the attached drawings. Subject to any final layout and design the proposal is expected to have limited visual or landscape impact.



1 GROUND FLOOR PLAN
SCALE 1:100 @ A3

- *The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.* The proposal provides small scale low key farm shop proposal (which by its very nature requires to be sited on a rural/farm location), and is located in the vicinity of many existing businesses and tourist facilities already in the area.
- *Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.* The proposal seeks permission in principle where the council could apply conditions covering the future design and external appearance of the building. The conditions that were attached to the previous permission 20/00985/IPL could be applied or updated if considered necessary by the LRB. A copy of the previous PPIp is attached within the appeal submission documents for ease of reference.

3.7 The RoH fails to recognise that the site is located on a recognised tourist route i.e. The Heart 200 Touring Route. A strict interpretation of Policy 30 would result in no economic development ever being granted in most rural areas given the limited opportunities for sustainable travel that are available. Surely the intent of the Policy is to maximise the opportunities where they exist not to simply penalise proposals where they aren't available. The RoH also fails to recognise that most tourists and locals accessing this area and accessing a farm shop proposal will travel to and from the site from across the wider area. The point here is that this proposal would be on a route where linked trips to other tourist facilities are already available and taking place, and also being actively being encouraged as part of the Heart 200 Route designation.

3.8 The previous temporary farm shop was very popular with continental tourists in particular on the A827 designated tourist route. However, whilst there was plenty of parking and outdoor space for children to engage in various activities: having proved the concept, it was very restricted in its ability to expand the business by virtue of the limited ground floor space inside Tay Cottage. Around that time, there had been huge storms across the UK resulting in the loss of hundreds of thousands of mature Oak trees and this offered a possibly once in a lifetime opportunity to construct a very sympathetic but substantial oak framed/turf roofed building, for little more than the cost of the labour - as opposed to turning it into firewood. However, the appellants needed to release funds from Drumcherry in order to proceed with the uniquely designed building.

3.9 The overall site includes a fenced off area where there are 2 shipping containers, various vehicles and equipment, but not including several vehicles, boats and other items of farm equipment etc that have been stolen over the years by the many people that frequent the area. The point here is that this is a brownfield site and a long time since it was simply a field. It is impossible for anyone, from the neighbours to the community council, nor the planning officers recently visiting the farm shop site, not to see this. Given the amount of tourist traffic on the A827, the large number of short term holiday rentals on the two immediately adjacent sites both to the west and to the east, not to mention the thousands of walkers and hikers visiting the much enlarged parking areas up on nearby Ben Lawers, it seems somewhat ridiculous to invoke the 'car dependant journey' rule as a reason to refuse such an application in this type of rural location.

3.10 The area was previously known as 'West Highland Perthshire' under the previous local plan and designated as 'Disadvantaged'. Whilst this designation may have been dropped, given the perilous state of hill farming, if anything, the area is even more disadvantaged. NPF4 formally lists the area as 'Remote' and as such there is very little likelihood that PKC or anyone else will ever provide regular, if any, public transport.

- 3.11 The vast majority of rural tourism developments and visitor accommodation is often poorly served with little or no transport choices other than by the car. It is often the only realistic option.
- 3.12 Once again, we consider that the Report of Handling has overstated these concerns and failed to properly consider the history and specific locational factors of the site.

4.0 Conclusions

- 4.1 The proposal involves the development of a small scale farm shop on a site which has previously been considered as an acceptable location for such a use by the council on a number of occasions.
- 4.2 The appellants have previously operated a temporary farm shop from their existing property at the site which provided to be successful but due to funding issues it was not possible to bring forward the permanent proposal.
- 4.3 The proposed farm shop will have a direct relationship to the site and farm business and will provide an additional good-quality visitor facility as well as contributing to the local economy through the provision of some additional employment. The proposal will also have a positive local economic impact as the proposal will attract further tourism into the local area and increase spending on other local goods, attractions and services within the surrounding area.
- 4.4 The use of this site will not result in suburbanisation of the rural area or encourage unsustainable travel patterns. In fact, the location benefits from direct access to the A827 which is a designated tourist route that forms part of the Heart 200 Touring Route.
- 4.5 Due to the nature and scale of the proposed use it would be compatible with the surrounding land uses.
- 4.6 The proposals will not result in any notable impact on the local road network during peak hours and will not have an adverse impact on surrounding roads and junctions. The transportation consultation response does not object to the proposals and requires a standard condition to be attached to any approval.
- 4.7 For the reasons set out above, the proposal can be supported in accordance with Policy 8 of LDP2 and on the basis of the previous history and the locational factors outlined above can also be justified as a minor departure from Policies 13, 29 & 30 of NPF4.
- 4.8 Accordingly, for the reasons set out in this statement and all of the information provided in support of the Notice of Review, the LRB are requested to approve this appeal subject any conditions that may be considered necessary and appropriate.



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Date of Notice :8th September 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01235/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 18th July 2023 for permission for **Renewal of permission 20/00985/IPL (erection of farm shop and formation of ancillary parking (in principle)) Land 60 Metres East Of Tay Cottage Killin** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 13: Sustainable Transport of the National Planning Framework 4 (NPF4) as the proposal is likely to only be accessible by private car and fails to provide for (i) direct, easy, segregated and safe links to local facilities and communities via walking, wheeling and cycle networks and (ii) accessible public transport ideally supporting the use of existing services.
2. The proposal is contrary to Policy 29: Rural Development of the National Planning Framework 4 (NPF4) as no detailed current information has been provided to demonstrate how the proposed development relates to the current operation of Morenish Farm and to demonstrate how the proposal contributes towards the viability, sustainability and diversity of the rural community and local rural economy. Furthermore, the site is remote and likely to be only accessible by private car and therefore fails to contribute towards local living and there is no provision for sustainable transport access.
3. The proposal is contrary to Policy 30: Tourism of the National Planning Framework 4 (NPF4) in particular criteria (i) as there is no up to date supporting information on the contribution which the proposal would make to the local economy and criteria

(iv) as no information has been presented on opportunities for sustainable travel or any consideration of traffic generation or scope for sustaining rural public transport services.

Justification

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

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

08/01586/01

08/01586/02

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01235/IPL	
Ward No	P4- Highland	
Due Determination Date	17th September 2023	
Draft Report Date	30th August 2023	
Report Issued by	JW	Date 30 August 2023

PROPOSAL: Renewal of permission 20/00985/IPL (erection of farm shop and formation of ancillary parking (in principle))

LOCATION: Land 60 Metres East Of Tay Cottage Killin

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning consent is sought for the renewal of an existing permission (17/01366/IPL) for the erection of a farm shop and ancillary parking (in principle) at land 60 metres east of Tay Cottage near Killin on the north side of Loch Tay. There have been a series of permissions on this site all of which were renewals (14/01548/IPL) (11/01770/IPL) with the original consent granted in 2008 (08/01586/OUT). The application site sits to the east of Tay Cottage within an area currently used as an agricultural field. There is an existing access off the A827 which is surrounded by trees. The site plan indicatively shows a small building with gable end facing towards the public road and an area of car parking wrapping around the west and south sides of the building.

The 2008 and 2011 applications were assessed against Policy 47 of the Highland Area Local Plan (HALP) which relates to agricultural diversification. The 2014 application was assessed under policy ED3 of the Local Development Plan 2014 and 2020 renewal assessed against Policy 8 of the Perth and Kinross Council Local Development Plan 2019 (LDP2). Since approval of the previous application National Planning Framework 4 (NPF4) has been adopted and this is now considered to have primacy over the LDP2 when assessing planning applications. There has therefore a substantial

change in the planning policy framework since the previous application was determined.

Morenish Home Farm at the time of the 2008 submission was a 375 acre farm situated on both sides of the A827 public road. The proposal is to diversify to sell local produce.

The site is located within the Loch Tay Local Landscape Area.

SITE HISTORY

08/01586/OUT Erection of farm shop and associated parking (in outline) 17 October 2008 Application Approved

09/01933/FLL Erection of a farm shop (Approval of Matters Specified in Conditions) 27 November 2009 Application Withdrawn

11/01770/IPL Renewal of existing consent (08/01586/OUT) Erection of farm shop and formation of ancilliary parking (in principle) 2 December 2011 Application Approved

14/01548/IPL Renewal of permission (11/01770/IPL) Erection of farm shop and formation of ancillary parking (in principle) 31 October 2014 Application Approved

17/01366/IPL Renewal of permission 14/01548/IPL (erection of farm shop and formation of ancillary parking (in principle)) 5 September 2017 Application Approved

20/00985/IPL Renewal of permission 17/01366/IPL (Erection of farm shop and formation of ancillary parking (in principle)) 31 August 2020 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference:

DEVELOPMENT PLAN

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

National Planning Framework 4

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

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

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

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Policy 29: Rural Development

Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 6: Settlement Boundaries

Policy 8: Rural Business and Diversification

Policy 38B: Environment and Conservation: National Designations

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

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

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

EXTERNAL

Glen Lyon And Loch Tay Community Council – consider proposal to be Contrary to the Development Plan and consider proposal that proposal is no longer farm diversification as much of the farm has been sold off since earlier approvals. The proposal is not considered to meet a specific need due to presence of similar facilities in local area. Concerns also expressed regarding lack of sustainable transport provision.

NatureScot – no comments

Scottish Water – no objection

INTERNAL

Transportation And Development – no objection subject to detailed conditions

Environmental Health (Private Water) – conditions and informatives recommended to protect existing private water supplies.

REPRESENTATIONS

A total of six letters of representation have been received including a letter from the Glen Lyon and Loch Tay Community Council all of which object to the application. The issue raised may be summarised as follows:

- Contrary to Development Plan including NPF4
- Lack of sustainable transport provision
- No business viability case given sale of farm and change in circumstances since earlier approvals
- Competition with other local facilities
- Impact on visual amenity
- Inappropriate land use
- Out of character with area
- Road safety
- Traffic congestion

The issues above are addressed within the appraisal section below.

Additional Statements Received:

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

APPRAISAL

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

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

As outlined above there has been a substantial change in policy since the previous application was determined with the introduction of National Planning Framework 4. Policy 29 Rural Development specifically restricts rural

development to certain development types and includes criteria which were not apparent in previous versions of the Council's Local Development Plan.

The original application indicated that the applicant's require to diversify from livestock operations to allow the business to grow and remain in the family. It indicated that changes to the Common Agricultural Policy had encouraged the farm to review their farming operations particularly in light of the single farm payment. The business plan also indicated that consumers look to know more about how their food is produced and that was the intention with the proposal to allow farmers and growers selling direct access to vital first hand information about the farming process. The proposal was deal with a number of local suppliers and was likely to create 2-3 FTE jobs as well as job retention for the farm owners.

NPF4 generally seeks to ensure that development is focussed within towns and cities but acknowledges the need to sustain rural economies while protecting the countryside where it genuinely contributes to the outcomes of the policy however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

The principle of this is also evident in Perth and Kinross Local Development Plan 2019 (LDP2) with Policy 6 - Settlement Boundaries stipulating that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 6 of the LDP2 there are exceptions that can be made to this presumption against development outwith a settlement boundary through Policy 8: Rural Business Diversification of the LDP2 and Policy 29 of NPF4.

Policy 8 of the LDP2 also allows for rural businesses to be created but a development will require to either involve diversification of an existing business or be related to an existing site specific resource or opportunity. There is not considered to be any site specific resource or opportunity on this specific site and therefore the proposal requires to involve diversification. Policy 8 is supported by Policy 29: Rural Development of NPF4 which seeks to encourage rural economic activity of certain types. These include farm crofts, diversification of existing businesses, product and processing facilities for local produce and materials, essential community services, essential infrastructure, reuse of a redundant or unused building, appropriate use of a historic environment assets or appropriate enabling development, reuse of brownfield land, small scale developments that support remote/home working, improvement or restoration of the natural environment. NPF4 goes on to state that rural development should be appropriately scaled, sited and designed to be in keeping with the character of the area. A development also requires to contribute towards local living and take account of sustainable transport needs. It should be noted that the Scottish Government have indicated that

NPF4 should now be given primacy over the Local Development Plan in decision making.

In this instance the proposal seeks to introduce a farm shop associated with Morenish Farm and therefore in general terms the principle of this diversification based proposal complies with the above policies. However, there are now more strict criteria which require to be considered when assessing rural development proposals of this nature. NPF4 makes it clear that development in rural areas should contribute towards local living and take account the transport needs of the development as appropriate for a rural location. Policy 30 Tourism is also relevant and seeks to encourage, promote and facilitate sustainable tourism which benefits local people. Policy 13 also highlights the need to ensure that development proposals have been considered inline with sustainable travel and to provide (i) direct, easy, segregated and safe links to local facilities via walking, wheeling and cycle networks and (ii) accessible by public transport ideally supporting the use of existing services amongst other criteria.

No detail has been provided on the likely traffic generation of a proposal of this nature. Given the relatively remote nature of the site and the distance from Killin, the closest larger settlement, the majority of users will likely travel by private car. There is also no existing footway network on the A827 which would allow access through other means. There is no core path network in the local area either. The site is also not located within close proximity to allow use by the local population. NPF4 explicitly states that developments which result in unsustainable transport will not be supported. The site is not well connected to any existing core paths or cycling routes in the area and the only way to travel to nearby settlements from the site is along the A827 public road. This is considered to accentuate the concerns that the majority of users will access the site by private car. There are camp sites and holiday accommodation properties within the Morenish area but these are considered to be rather nucleated with on site facilities with limited walking or cycle linkages. The application site sits on a vacant site between Loch Tay Highland Lodges and Cruachan Farm Caravan and Camping Park to the east and Morenish House and High Creagan Caravan and Camping Park to the west. Killin is located 4.1km to the west. The only way of accessing the site from these sites and Killin is along the A827 which would most likely be undertaken by car given the lack of a footway, cycle routes and the lack of any existing bus stops.

It is also a concern that the developer has never progressed to a detailed application on this site despite initially obtaining permission in 2008 which is considered to raise doubts as to the business viability of this project which is an issue which requires to be considered under NPF4. The 2008 permission provided a business case for the diversification of the farm and sought to demonstrate the need for this to sustain the future of the farm. Given that the proposal has never progressed this would perhaps suggest that the need for diversification is not that apparent and that this would not be a requirement to sustain the future of the farm. Given the continued renewals, the lack of any progress on a detailed application and the change in policy framework since

the previous application it is considered to be appropriate to now refuse this application. There could potentially be a number of changes which have occurred on the farm during the last 15 years which are not taken into account given the continued renewal applications and lack of any detailed updates as to the current circumstances. It is also noted that some of these changes are referenced in letters of representation where they state that some areas of the original land holding may have been sold by the applicant. The applicant may have an opportunity to submit a further application for a farm shop should they wish to do so but this would require to be supplemented by substantial supporting information to demonstrate the business and viability case for the development based on an assessment of the market demand for this type of operation today and based on the current circumstances on the farm and the requirements of NPF4. There will also require to be work undertaken as to how customers would travel to and from the site to utilise sustainable means of transport which is not taken into account in this renewal. Any further application should also seek to utilise existing buildings on the farm as required by NPF4. The re-use of existing buildings as part of a diversification project is considered to be more appropriate in meeting the requirements of NPF4.

The proposal therefore fails to address the requirements of Policy 30 (i) of NPF4 as there is no up to date information on the contribution which the proposal would make to the current local economy given the changes which have occurred since the original approval and 30 (iv) of NPF4 as no information has been presented on opportunities for sustainable travel or any consideration of traffic generation or scope for sustaining rural public transport services. The proposal is also contrary to Policy 29 of NPF4 as whilst the proposal is a diversification of an existing business there is no up to date information on how the proposal will contribute towards the viability, sustainability and diversity of the rural community and the local rural economy.

Overall the principle of the farm shop in this location is now considered to be contrary to Policies 13, 29 and 30 of NPF4 due to the failure to take account of sustainable transport access to the site and the lack of information submitted regarding the business viability of the site based upon the current market circumstances and the 15 years which have passed since the original application was determined.

Competition

Concerns have been raised in the previous application by neighbours in regard to the requirement of a farm shop in this location, particularly given an earlier consent at Tombreck (07/00830/FUL) which granted consent for a mixed use development accommodating a brewery with part mezzanine floor, a bakery and food processing, craft workshop with office, teaching workshop space, community space and an engineering workshop / farm vehicle maintenance. Competition between businesses is not a material planning consideration. However, the issues identified above relating to the current business case for the proposal and how it complies with regard to NPF4 are relevant now.

Ecology and Natural Heritage

Nature Scot have been consulted regarding the proposed drainage and the proximity of the site to the Morenish Meadow SSSI but have offered no objection. They were also consulted previously and were satisfied with the proposal given the drainage arrangements proposed which will see drainage to the east away from the SSSI. Should any permission be granted this should be subject to a condition to request full details of the drainage arrangements as part of the detailed application.

Trees

It is noted that there are trees on the application site adjacent to the access, therefore inline with Policy 40B of the LDP2 and Policy 6 of NPF4 a tree survey should be secured as part of any detailed submission to ensure that details of any felling and tree protection are submitted for consideration.

Sales

The earlier permissions were granted subject to a condition to ensure the produce sold in the shop is local produce only to ensure the farm shop remains for its original purposes to sell locally produced produce and better the economy in the local area. The wording of the condition had been discussed previously with colleagues from the Council's Business Growth team and has been applied to all renewals to date. Should any permission be granted it should be subject to a similarly worded condition.

Design and Layout

This is an application in principle only and therefore solely seeks to establish the principle of developing the site. Therefore no assessment of any visual or landscape impact has been undertaken.

Developer Contributions

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

Economic Impact

There may be some economic benefit associated with this proposal but no up to date information accompanies the application to demonstrate this and allow an assessment of the current circumstances.

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.

Reasons for Refusal

1 The proposal is contrary to Policy 13: Sustainable Transport of the National Planning Framework 4 (NPF4) as the proposal is likely to only be accessible by private car and fails to provide for (i) direct, easy, segregated and safe links to local facilities and communities via walking, wheeling and cycle networks and (ii) accessible public transport ideally supporting the use of existing services.

2 The proposal is contrary to Policy 29: Rural Development of the National Planning Framework 4 (NPF4) as no detailed current information has been provided to demonstrate how the proposed development relates to the current operation of Morenish Farm and to demonstrate how the proposal contributes towards the viability, sustainability and diversity of the rural community and local rural economy. Furthermore, the site is remote and likely to be only accessible by private car and therefore fails to contribute towards local living and there is no provision for sustainable transport access.

3 The proposal is contrary to Policy 30: Tourism of the National Planning Framework 4 (NPF4) in particular criteria (i) as there is no up to date supporting information on the contribution which the proposal would make to the local economy and criteria (iv) as no information has been presented on opportunities for sustainable travel or any consideration of traffic generation or scope for sustaining rural public transport services.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

08/01586/01

08/01586/02



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Date of Notice: **31st August 2020**

Town and Country Planning (Scotland) Acts.

Application Reference:**20/00985/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 22nd July 2020 for planning permission in principle for Renewal of permission 17/01366/IPL (Erection of farm shop and formation of ancillary parking (in principle)) at Land 60 Metres East Of Tay Cottage Killin subject to any undernoted conditions.

Conditions referred to above

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development (to demonstrate that the building will be finished in materials sympathetic to other buildings in the area; i.e slate roof, timber and natural stone), the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities (including provision of a waterproof cycling facility for a minimum of 6 cycles and provision of 12 car parking spaces), levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The farm shop shall be restricted to the sale of locally produced products only from farms and food enterprises located within the "Highland Perthshire Area" of the Perth and Kinross Council Local Development Plan 2019 and Stirling Council Local Development Plan Area unless otherwise agreed in writing with the Planning Authority.

Reason - In order that the Planning Authority may retain control over the future use of the premises which is located within an area intended primarily for agricultural use and to define the terms of the permission.

3 Further to Condition 1 above, a Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and

(b) in relation to every tree identified a schedule listing:

i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;

ii. any proposed pruning, felling or other work; and

(c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and

ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and

(d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

4 Further to Condition 1 above, full details of all proposed drainage arrangements on the site to ensure the full protection of the nearby Morenish Meadow Site of Special Scientific Interest (SSSI) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority.

Reason - To ensure the protection of the Morenish Meadow Site of Special Scientific Interest (SSSI)

5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The applicant shall ensure the private water supply for the dwellinghouse/ Development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

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 and Document Reference

08/01586/OUT/1

08/01586/OUT/2

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than _____ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Tony Allen & Belinda Snoxhall

Date:

12.07.2023

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) _____ served notice on every person other than _____ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and _____ served notice on every person other than _____ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

CERTIFICATE D
Certificate D

Certificate D is for use where the application is for mineral development.

(1) No person other _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

or

(2) _____ served notice on each of the following persons other than _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and _____ served notice on each of the following persons other than _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

(5) Notice of the application as set out below has been published and displayed by public notice

Signed:

On behalf of:*

Date:

CERTIFICATE E

Certificate E is for use where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land.

I hereby certify that -

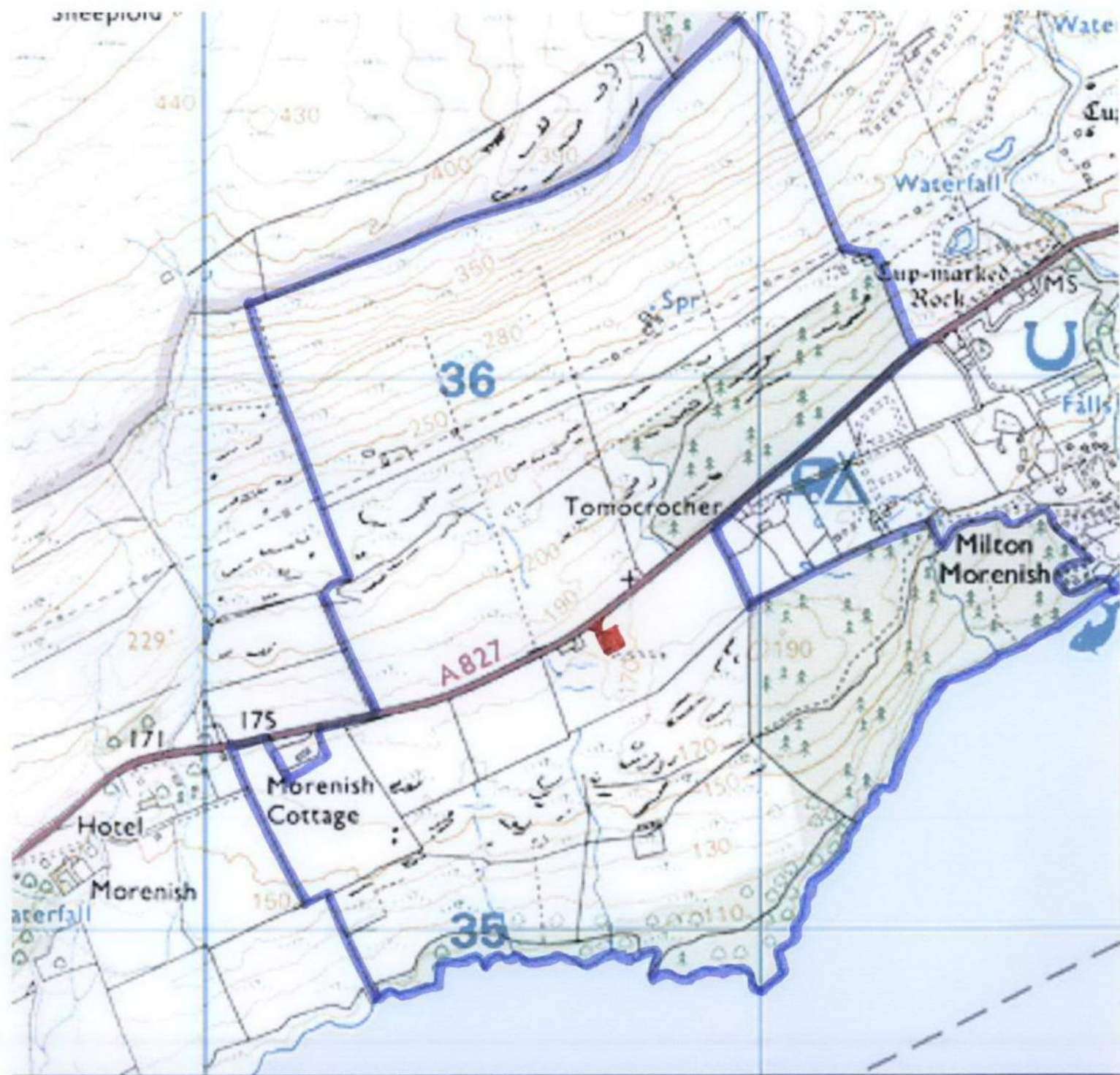
- (1) No person other than _____ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) The land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act





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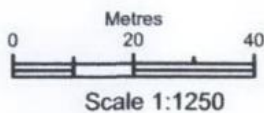
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LRB-2023-50

**23/01235/IPL - Renewal of permission 20/00985/IPL
(Erection of farm shop and formation of ancillary parking
(in principle)), land 60 metres east of Tay Cottage, Killin**

PLANNING DECISION NOTICE *(included in applicant's submission, pages 24-25)*

REPORT OF HANDLING *(included in applicant's submission, pages 26-37)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 41-46)*

LRB-2023-50**23/01235/IPL - Renewal of permission 20/00985/IPL
(Erection of farm shop and formation of ancillary parking
(in principle)), land 60 metres east of Tay Cottage, Killin**

REPRESENTATIONS

Mrs jo tauscher (Objects)

Comment submitted date: Tue 01 Aug 2023

I object to this proposal and would have done previously had I been aware of it.

My main concerns with this are:

1. The request does not leverage an existing building and would require a new structure and car park (rather than leveraging something which exists)
2. The request unnecessarily changes the use of land from agricultural use
3. The car park would compromise an area of natural beauty
4. It may set precedent for the area
5. If permission is granted and a car park put in place, in the future a change of use might be requested
6. It will take away from other local farm shops /businesses nearby such as <https://www.tombreck.co.uk/farm-shop>
7. It contravenes a number of planning policies as outlined below:

- a) Policy "NE1B" - National Designations : "Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance". Currently this is an area of agricultural land and the car park especially will be an eye sore from all aspects of the loch and compromise an area of SSI and area of natural beauty
- b) Highland Area Local Plan Policy 3 "NPF3": "We should be protecting the character of noted areas of Scottish Land which is part of natural heritage" The proposal would not strengthen or enhance the character of the surrounding landscape but would rather detract from the open and undeveloped nature of the area especially the car park- the proposal would fundamentally alter the landscape which should be protected
- c) Scottish Natural Heritage's Tayside Landscape Character Assessment 1999: This policy discourages isolated developments in the open landscape. This proposal replaces an area of natural land - The change of use seems inappropriate when many existing properties could be converted
- d) Perth and Kinross Council prepared Supplementary Guidance on Landscape 2020 (new since previous approvals): "Maintain the native character of loch side" The proposal is contrary to the Council's Supplementary Guidance and would have a detrimental impact on the landscape from all sides of the loch
- e) Policy "TA1B" - Transport Standards and Accessibility Requirements: "Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required" It is not well served by

all modes of transport- hence the requirement for a car park and the road is not safe of cyclists and bus service limited

A few other things to note/ observations:

- In an earlier proposal they suggest that it is a way of diversifying Morenish Farm but I was not aware that the owner of this land is connected to Morenish Farm
- The details of the proposal are very light!

Beyond the fact that I believe this request falls foul of many planning policies, and would not be additive to the area- it is of great concern that this is the second application in this area of Moreneish where a change of use is being requested which will fundamentally change the landscape. This an agricultural land and an area of natural beauty which should be protected. I strongly feel any new building and car parks should be actively discouraged and rather existing settlements should be adapted.

Daniel Figures

From: Development Management
Sent: 02 August 2023 13:47
To: Daniel Figures
Subject: FW: Planning Application Consultation Request for Application No 23/01235/IPL

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: Wednesday, August 2, 2023 9:19 AM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: RE: Planning Application Consultation Request for Application No 23/01235/IPL

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.

Good Morning,

Scottish Water has no objection to this planning application.

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 for any additional surface water.

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.

Kind regards,

Ruth Kerr

Technical Analyst
North Regional Team

Strategic Development
Development Services
Dedicated Freephone Helpline: 0800 389 0379

DevelopmentOperations@scottishwater.co.uk

Scottish Water.

Trusted to serve Scotland.

Ms Sue Manning (Objects)

Comment submitted date: Thu 10 Aug 2023

A second farm shop in an already fragile local economy would be detrimental to the existing Tombreck Farm Shop at Tombreck Farm, Lawers, PH15 2PB, www.tombreck.co.uk, which is only a few miles away.

The Tombreck Farm Shop was founded in 2012 and primarily sells produce actually grown on the farm. Initially this was eggs and meat, but in the last 18 months has also been selling organic vegetables.

Supported by the popularity and success of the vegetable sales, in February 2023, the Tombreck Market Garden was established on the farm by two young but experienced growers, and so far their business is doing well.

Without a farm to supply the proposed farm shop at Tay Cottage, the development would appear be primarily a tourist attraction and therefore somewhat speculative.

Mrs Charlotte Campion (Objects)

Comment submitted date: Wed 16 Aug 2023

The application to renew is relying on outdated ordnance survey map information and provides no detailed proposal regarding the construction and service / waste requirements, nor business plan. Planning was originally granted in 2008 and planning permission shouldn't be automatically renewed (without careful consideration) because of permission given in the past.

Glenlyon & Loch Tay Community Council

16th. August 2023

23/01235/IPL | Renewal of permission 20/00985/IPL (erection of farm shop and formation of ancillary parking (in principle)) | Land 60 Metres East Of Tay Cottage Killin

The Community Council objects to this renewal for the following reasons:

Original 2008 Application for Planning:

3 Location of application site is stated as being Morenish Farm which it is not. The site is some distance eastward. (See Appendix 1.)

4a Description of proposed development is stated as being “farm diversification – farm shop and ancillary parking”. It is not farm diversification as the site is not part of a farm and certainly not Morenish Farm which was bought, and not by the applicant, specifically for growing commercial timber. (See Appendix 2.)

5 Existing use of land – stated as being agriculture. It is not. It is just an unused field.

Contravention of the following policies:

Policy 8. Rural Business and Diversification

(a) does not re-use an existing building.

(c) it is incompatible with surrounding land use which open farmland. This would an isolated retail establishment in open countryside disassociated from any other building residential or otherwise.

(d) the proposal would be incongruous in this very scenic area.

(e) the proposal would not meet a specific need. There is already a well-established farm shop at Tombreck some distance eastward along the same road.

(h) Retailing on this site would not be ancillary to the existing use of the site and, in this fragile rural economy, could seriously prejudice the vitality of the well-established Farm Shop at Tombreck which is a genuine farm diversification within the Tombreck courtyard selling farm-produced produce and, there is also at Tombreck a recently established Tombreck Market Garden which needs to be given a chance to thrive. <https://www.tombreck.co.uk/>

Policy 19 – It is contrary to (5) as it does not convert or replace a redundant non-domestic building.

(6) it is not a rural brownfield land.

Policy 60 Transport – this site is off a busy main road which is dangerous for cyclists and with no pavements. Public transport is one bus, each way, a day from Killin.

Conclusion

This application has become dated, any need it may have met has long gone and is disingenuous in implying it is a farm diversification for Morenish Farm. It would introduce an isolated retail into the Local Scenic Area.

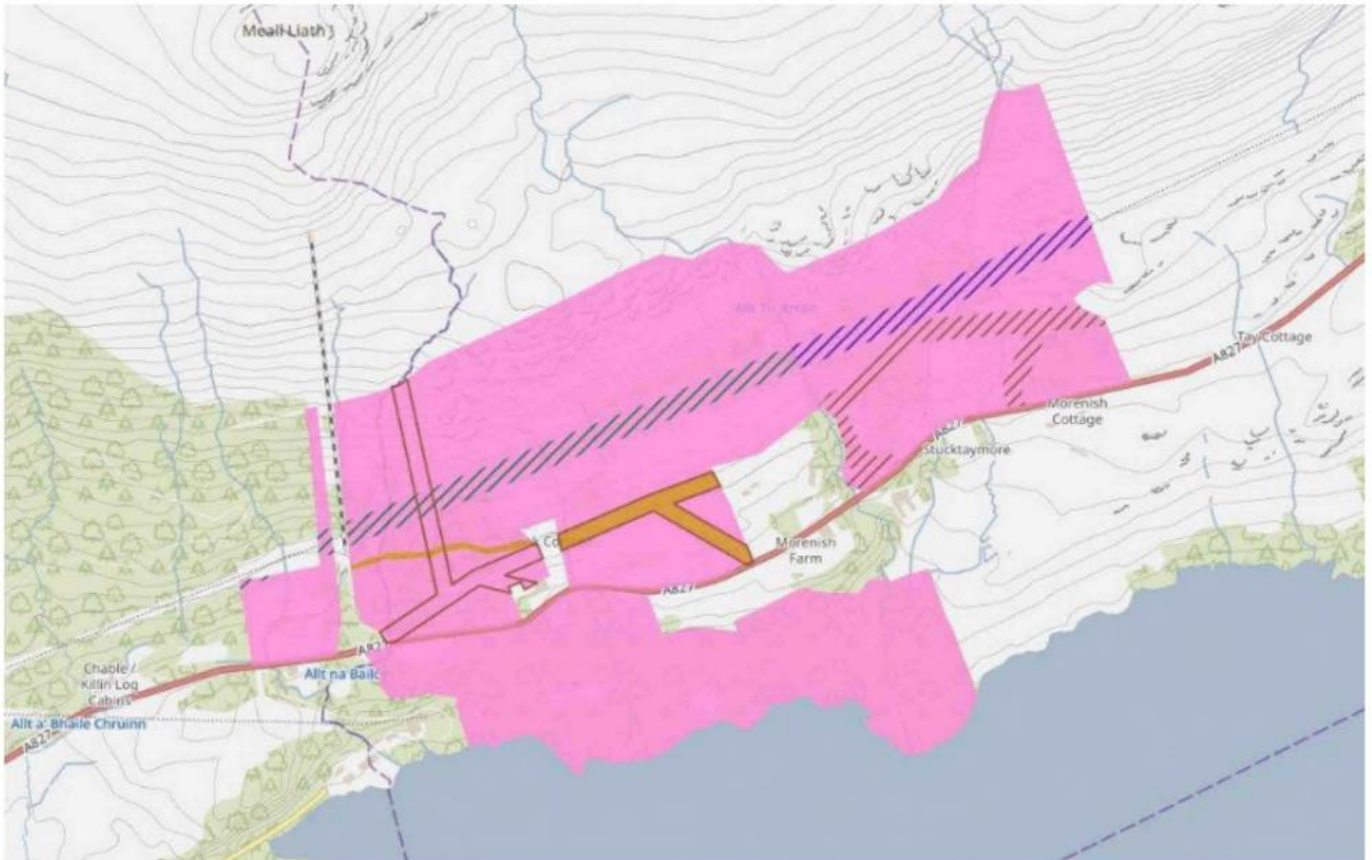
Please refuse to renew this application.

Regards

Susan Dolan-Betney

APPENDIX

1.



2. Extract from a letter dated 23 December 2016 to the Community Council from the Forestry Commission re. Morenish Woodland Creation scheme ref.: 16FGS10755:

“The land was bought for the purpose of woodland creation. The owner’s objective is to grow softwood timber, primarily spruce for the sawmilling, biomass and wood panel industries in due course, rather than e.g. a wholly native woodland.”

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 23/01235/IPL

Our ref SAL

Date 16/8/2023

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

Renewal of permission 20/00985/IPL (Erection of farm shop and formation of ancillary parking (in principle) Land 60 Metres East Of Tay Cottage Killin

I refer to your letter dated 27th July 2023 in connection with the above application and have the following comments to make.

Water (assessment date – 16/8/2023)

Recommendation

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

Comments

The development is for a farm shop and ancillary parking in a rural area with private water supplies (including Tay Cottage Supply) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and/ or to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. It should be noted that once the development is operational this Service will have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. No public objections relating to the water supply were noted at the date above.

WS00 Condition

Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

WAYL - Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

PWS - Informative 2

The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.



Mrs Jillie Graham (Objects)

Comment submitted date: Wed 16 Aug 2023

I object to this request as I do not believe it is in the interests of the local area of Morenish and Killin and is not in line with current planning guidance as substantiated by the following points:

The original request for permission goes back to 2008, and it would appear has simply been re-submitted and repeatedly approved every couple of years. However, since the original approval (17 years ago) not only have there been changes in planning policy but also the land ownership has changed which should be considered. The application fails to acknowledge they no longer own all the surrounding land.

In Feb 2023 the National Planning Framework 4 (NPF4) was introduced replacing NPF3 and it states "We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy"- this application does not make use of an existing building and replaces an area of natural land.

In 2020 Perth and Kinross Council prepared Supplementary Guidance on the Landscape use and maintaining the native character of loch side; this proposal with a car park is contrary to this and would impact the landscape from all sides of the loch. In addition

1. In the original planning request, it suggests that there is an economic need to "diversify" - if this is the case I feel the applicant should outline how they are connected to Morenish Farm and provide a case for diversification together with a business plan demonstrating the investment of creating the farmshop, car park and staff is a viable venture
2. If a viable business venture, I believe the applicant should be looking to convert an existing outbuilding which would be more in line with planning policy
3. I believe that the proposal would have a detrimental impact on local business already in the area (both Farm shops and the shops in Killin which are already struggling/ closing down)

I therefore believe the application to build a farm shop should be withdrawn and not approved.

Mrs Kirsty Todd (Objects)

Comment submitted date: Wed 16 Aug 2023

I note an application to renew permission previously granted for a Farm Shop near Morenish. I would like to take this opportunity to raise awareness as I have concerns about the facts and integrity of the application over land which is a designated area of natural beauty.

UNACCEPTABLE IMPACT ON NATURAL ENVIRONMENT

There is a new National Framework Policy 4 in place and thus historical approved permissions which have lapsed should not be relied upon when considering the renewal of an application and it should be considered based on current knowledge of the surrounding area.

The applicants have recently sold land and the O/S ownership survey submitted is out of date (2008) and I refer to the documents submitted with this application, the Land under number 35 of document 08/01586/01 is not all owned by the applicant as the application would suggest. I refer you to the planning application 23/00846/FLL for further information concerning the new ownership and the letters of objection from Heritage Scotland and Nature Scot in respect of developments in and around Morenish Meadow, which is a designated area of natural beauty.

I question whether the current land owner/applicant is really wanting to sell local produce as the application suggests; moreover it appears to me, they are trying to diversify the land so they can make more money by sub dividing the land piecemeal and selling off individual plots. Indeed, since the original application for a farm shop in 2008, Morenish Yard (including the strip of land directly to the loch) has been individually sold off from the farm as well as more recently LOTS 1 and LOT 2, 250m south of Morenish Cottage (which are landlocked) earlier this year. In my view if permission is granted for a farm shop, 60 m East of Tay Cottage, it is a slippery slope for what will be requested next because it gives further appetite to the current owners to exploit the land for development rather than protect it.

The current application lacks information and detail. There are no drawings of what is being proposed including the car park but which by default irreversibly damages the natural agricultural land as well as creating a potential eyesore across the land from Loch Tay - no details of amenities being provided - car parking for more than 2/3 cars implies there maybe more than a farm produce offering at the proposed shop and visitors spending more than 10 minutes buying their veg but no information or artist impressions have been given. A new building is being proposed (rather than enhancing an existing one) without any understanding of what the construction will look like (aside from one reference pic in a previous application) and indeed what it could subsequently be turned into should permission be granted and thus creates a precedent to further develop the agricultural land.

CONCLUSION

The pastoral land is very close to an area of outstanding beauty and SSSI which needs protection and not obliteration to erect a superfluous farm shop which is not near any services or other buildings.

Please treat this letter as a formal objection to the proposed planning application reference 23/01235/IPL.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01235/IPL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Renewal of permission 20/00985/IPL (Erection of farm shop and formation of ancillary parking (in principle))		
Address of site	Land 60 Metres East Of Tay Cottage, Killin		
Comments on the proposal	<p>The applicant is proposing to renew the consent from 20/00985/IPL, 17/01366/IPL, 14/01548/IPL, 11/01770/IPL and 08/1586/OUT for the erection of a farm shop with parking. The applicant is proposing that the vehicle access to the site will be onto the A827 public road network.</p> <p>The proposed access onto the public road network was established in 2008, however, it is important to note that vegetation has grown over the last 15 years, so it will be important for the applicant to show that an appropriate visibility splay can now be provided. A condition is recommended.</p> <p>The vehicle access will also be required to be brought up to Perth & Kinross Council's current standards. This will be included when the detailed application is submitted.</p> <p>The applicant should consider the following when submitting a detailed planning application:</p> <ul style="list-style-type: none"> • The number of car parking spaces being provided for the dwellinghouse should be in accordance with The National Roads Development Guide. • Turning facilities shall be provided within the site to enable vehicles to enter and leave in a forward-facing gear. • A swept path analysis shall be provided for 12 metre bin lorry to show it can turn or service the site. • The visibility splay for the vehicle access must be shown on any subsequent submissions to show the splay to both the left and right of each access. The splay shall be provided to the left and right of the access from a point 2.4 metres back from the edge of the carriageway measured between points 1.05 metres above the road level. • The gradient of the access shall not exceed 3% for the first five metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road. A level survey will help understand the gradients in this location. • A rural bus boarder should be provided on both sides of the road, to allow for the pick up and drop off of visitors with a suitable crossing location affording suitable visibility for any persons crossing the road. 		

	Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.
Recommended planning condition(s)	<p>As part of the first application for the Approval of Matters Specified by Condition (AMSC) or detailed application, a detailed design showing the full visibility splays along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05 metres above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays greater than 1.05 metres in height shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction above 1.05 metres of any kind shall be permitted within the visibility splays so formed. The visibility splays, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the commencement of construction associated with the AMSC or detailed application.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</p> <p>Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.</p>
Recommended informative(s) for applicant	
Date comments returned	17 August 2023

To whom this may concern

Thanks for sharing with the appeal of planning application 23/01235/1PL

I believe the appeal further highlights why refusal was given. It suggests that the request for permission is in line with Policy 8 of the LDP2 therefore should be approved, but it rightly acknowledges that National Planning Framework “NPF4” policies that came into force more recently take precedent over LDP2 policies and it without question in contravention of many of those and other policies not mentioned in the refusal –beyond accessibility as the appeal suggests, although that alone is a valid reason for refusal.

NPF3 policy 3

“We should be protecting the character of noted areas of Scottish Land which is part of natural heritage”

The proposal would not strengthen or enhance the character of the surrounding landscape but would rather detract from the open and undeveloped nature of the area (especially the car park). The proposal would fundamentally alter the landscape which should be protected.

NPF4 policy 13

“Accessible by public transport”

This application / appeal does not satisfy this as “it is not accessible by public transport”. The appeal states in point 3.2 that it is unfair discrimination to decline the application based on this- Its not discrimination, the planning team are simply following planning policy which is there for a reason, and the appeal and need for a car park further proves that the Farm Shop would only really be accessible by car! It would appear the applicant is challenging policy here rather than whether planning have followed policy correctly.

NPF4 policy 29

This application is not in line with many of the applicable points outlined in policy 20 A such as:

ii “Represents diversification of an existing business”

I do not believe this is a diversification of an existing business as the appeal suggests in point 3.5- I believe the applicant simply owns land rather than owning a farm/ being a farmer. How is this a diversification of an existing business?

vi “Reuse of a redundant or unused building”

The applicant wants to build a new structure and car park in rural land so is contravention of this. Tay Cottage next door to the proposed Farm Shop is derelict – surely it would be far

better and more in line with policy to consider leveraging Tay Cottage for this venture (if there is proven demand) which would be more than suitable for a “small scale” Farm shop as the appeal refers to it in point 3.6 and 4.1. Further why is such a big building and car park required for something “small scale”?

NPF4 policy 30

vi. *“Measures taken to minimise carbon emissions”*

If the business is a success, it would be default encourage carbon emissions as many customers would not be just passing by but rather driving their especially.

Scottish Natural Heritage's Tayside Landscape Character Assessment 1999

This policy discourages isolated developments in the open landscape. This proposal replaces an area of natural land- The change of use seems inappropriate when as already mentioned “Tay Cottage” and other derelict building in the area could be converted (if there is proven business need)

Perth and Kinross Council prepared Supplementary Guidance on Landscape 2020 (new since previous approvals)

“Maintain the native character of loch side”

The proposal is contrary to the Council's Supplementary Guidance and would have a detrimental impact on the landscape from all sides of the loch

Then I have questions/ points to make on some points of the appeal as follows:

3.9

“...There are 2 shipping containers, various vehicles and equipment this is a brownfield site and a long time since it was just a field” (redacted).

Since the applicant purchased the land it has indeed not been looked after and used as a dumping ground, and the appeal suggests based on this it is a “brownfield land” and therefore inferring that the development is therefore in the lands interests. To this I have some specific points to make:

1/ The applicant should be asked to remove all the unsightly items as they should have never been dumped in an area of natural beauty, its shows total disregard of the area.

2/ The definition of “brownfield” is land that is abandoned or underutilised due to pollution from industrial use – I don’t actually believe this is the case, items have simply been dumped in an area of natural beauty, and once removed, the land would simply be a field. However if the applicant really thinks it is “brownfield land” as they suggest in the appeal, someone

should investigate how the applicant has allowed an area of natural beauty to be so neglected under their care and it is certainly not reason to grant permission

4.7

“on the basis of previous history..” Redacted

Previous history should not really impact the decision- it is about what is right now according to current guidance.

Finally even if it did meet certain criteria and Tay Cottage was say instead converted, I still have concern that it will take away from other local farm shops /businesses nearby such as <https://www.tombreck.co.uk/farm-shop> which is also on the referred to “heart 200 touring route” and just 6 minutes away. I do not believe there is demand for two farm shops in such close proximity.

Thank-you for considering the concerns.

Jo

CDS Planning Local Review Body

From: [REDACTED]
Sent: 08 January 2024 16:14
To: CDS Planning Local Review Body
Subject: RE: LRB-2023-50

Follow Up Flag: Follow up
Due By: 16 January 2024 10:00
Flag Status: Flagged

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To whom this may concern,

Thank you for sharing the challenge with me

I still stand by the concerns raised in my original objection which go beyond accessibility

- The request does not make use of an existing building – which the National Planning Framework 4 (NPF4) requires
- I don't believe this is diversification as it is not connected directly or indirectly to Morenish Farm and therefore not able to sell produce from the farm
- I believe that the proposal would have a detrimental impact on local businesses already in the area (both Farm shops and the shops in Killin which are already struggling/ closing down)

I therefore believe the application to build a farm shop should be withdrawn and not approved.

Further, I would request that the items (such as the containers/old vehicles) that have been dumped in this beautiful area be removed. It is outrageous that the site is being referred to as "Brownfield land" by the applicant, when its actually connected to land which has been designated as SSSIs and it is they who have directly abused the land.

Yours sincerely

Jillie Graham

Glenlyon & Loch Tay Community Council

mail@glenlyonandlochtaycc.org.uk

web: glenlyonandlochtaycc.org.uk

January 9th.2024

Re. Application Ref: 23/01235/IPL – Renewal of permission 20/00985/IPL (erection of farm shop and formation of ancillary parking (in principle)), land 60 metres east of Tay Cottage, Killin – Mr T Allen and Ms B Snoxhall

Thank you for notifying us of the appeal against this decision.

The Community Council fully supports the decision to refuse this application for the reasons stated in the Decision Notice. It objected to the application and would like to add the following:

Re. the Decision Notice para.2. – the appeal (2.3) does not explain how the proposed development relates to the current operation of Morenish Farm which, according to Registers of Scotland, is under different ownership. – Copy of Title Sheet supplied as it may assist the Local Review Body – Burden 16 and 14 are the relative sections. The land was bought specifically for the creation of Morenish Woodland – see letter from Forestry Commission to Community Council December 2016 and a copy of the Environmental Impact Assessment which is in the same name as the Title.

Having title to agricultural land is not the same as owning a farm or being engaged in farming and this proposal cannot be said to be diversification of an existing farm business.

Incidentally, a farm shop presupposes produce from the farm but there is no indication in the proposal as to where that is coming from, or what it might be.

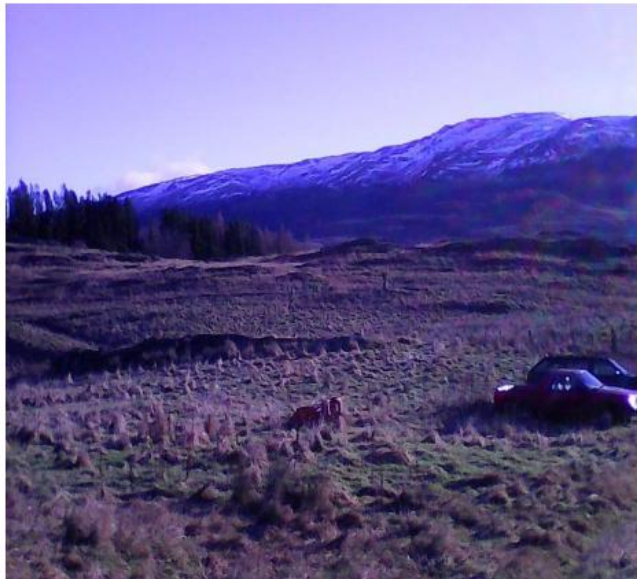
NPF4 Policy 13 – Appeal 3.2 appears to be challenging the policy rather than its application.

There is no public transport to along this section of the A827. The Community Council, in conjunction with the other four Upper Tay Community Councils, met in December with Upper Tay Transport and it was very clear that there is no prospect of any in the foreseeable future.

The appeal makes much of tourism but if the business is expecting to be reliant on passing tourist trade, then its viability is seriously questionable because from the

beginning of October visitor numbers drop dramatically as accommodation providers close for the Winter until about the end of March.

Appeal 3.9 – This is not a brownfield site. A general definition of a brownfield site is, “a brownfield site refers to previously developed land, which is or was occupied by a permanent structure.” This is definitely not the case on the application site. A couple of shipping containers in a field do not constitute a brownfield site and, in this case, having made a site visit (10/01/24) it was noted that the containers referred to are on the opposite side of the track to the site marked in the planning application and so are irrelevant to it. Photos 1 & 2. The application site is very ‘green’ – bottom left corner of photo 3 and with photo 4 show the open countryside. Also, noted, and photos show, was the absence of livestock although all the farms along the loch side had sheep and cattle out. (Appeal 2.3)



The application is for a shop HERE. Isolated and unrelated to any other building or business except Tay Cottage which is not visible from the site and appears derelict, and Morenish Chapel, now a holiday home, some short distance eastward and on

the opposite side of the road, with which the shop would be architecturally incongruous. The chapel is in the Arts & Crafts style and is a Grade B Listed Building.

The Appeal arguments are rather tit-for-tat as it quotes planning policy and simply stating that the application applies. The Community Council finds no reason to change its mind and asks that the Local Review Body uphold the decision to refuse this appeal.

Thank you.

Regards,

Susan Dolan-Betney

Also accompanying this letter are the following:

Title Sheet for Morenish Farm and its map.

Forestry Commission Letter to CC

Morenish Woodland Environmental Impact Assessment Sheet.



Title Information: PTH18224

Search summary

Date/Time of search	22-12-2023 14:19:04
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Payment reference number	GFJR-P2HJ-6RFC-S3S9
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Section A**PTH18224**

Property

Date of first registration	19-06-2003
Date title sheet updated to	06-05-2021
Hectarage Code	169.7
Real Right	OWNERSHIP
Map Reference	NN53SE
Title Number	PTH18224
Cadastral Unit	PTH18224
Sasine Search	60369
Property address	LANDS OF, MORENISH FARM, KILLIN FK218TX
Description	Subjects cadastral unit PTH18224 LANDS OF, MORENISH FARM, KILLIN FK21 8TX tinted pink on the cadastral map being 169.7 hectares in measurement on the Ordnance Map; Together with the rights contained in the Disposition in Entry 16 and the Deeds of Servitude in Entries 17 and 18 of the Burdens Section.

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Section B**PTH18224**

Proprietorship

ALEXANDROS REO STAKIS Glentyan House Glentyan Estate, Church Street, Kilbarchan, Johnstone, PA10 2PA.

Entry number	1
Date of registration	18-06-2015
Date of Entry	15-06-2015
Consideration	£400,000

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Section C

PTH18224

Securities

There are no entries.

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Section D

PTH18224

Burdens

Number of Burdens: 21

Burden 1

Disposition by Trustees under Deed of Trust between Reginald Toms and others to Trustees for the Firm of Lambden Estate and their assignees, recorded G.R.S. (Perth) 27 Feb. 1951, of lands known as Morenish Home Farm, contains the following burdens:

(First)

Our disponees and their foresaids shall be bound to maintain at their sole expense the head dyke separating the subjects hereby disposed from the East Morenish Hill grazing ground;

(Second)

Subject to the provisions hereinafter made (Third) where the subjects hereby disposed are bounded by a stream or ditch the centre thereof shall form the boundary and such streams and ditches shall be kept clear and redd by the proprietors on each side and where the subjects hereby disposed are bounded by a road, wall, sunk dyke, turf baulk, hedge, fence or the like the centre thereof shall form the boundary and the same shall be mutual property and shall be maintained by the proprietors on each side;

(Third)

Where the subjects hereby disposed are bounded by a public or private road the solum of which forms part of the Estate of Morenish the centre line of said road shall form the boundary and the disponees and their foresaids shall be liable for the maintenance of the wall dyke or fence along the side or sides of said road next to and so far as adjoining the lands hereby disposed or any part or parts thereof and also for the maintenance of said road to the extent of one half of the breadth thereof next to and so far as adjoining the said lands or any part or parts thereof where the cost of said maintenance shall not be paid for out of public funds;

(Fourth)

Where the subjects hereby disposed adjoin subjects not forming part of the said Lands and Estate of Morenish the boundary shall be the boundary thereof as possessed by us the granters hereof; and

(Fifth)

Reserving to us the granters hereof and our successors in the said whole lands so far as not hereby disposed and any and every part thereof

(One) the right to use for all usual purposes all existing private roads and ways rights of access and others forming part of the subjects hereby disposed which are at present so used and such roads or ways and others shall be maintained by the proprietors thereof,

(Two) the right to use for the water supply, drainage and sewerage of the other portions of the said whole lands all existing springs, wells, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers and others in or under the subjects hereby disposed which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned, and

(Three) all rights of way servitudes, water rights, wayleaves and drainage rights at present existing whether formally constituted or not affecting the subjects hereby disposed.

Burden 2

Disposition by Trustees under Deed of Settlement between Reginald Toms and Mary Toms and others, with consent, to John Grey Sandie and Stella Marian Sandie and their assignees, recorded G.R.S. (Perth) 9 Apr. 1951, of (In the First Place) Farm and Lands of Tirarthur, extending to 388.569 acres of ground, (In the Second Place) piece of ground extending to 14.643 acres of ground, (In the Second Place) piece of ground extending to 52.5 acres of ground, (In the Fourth Place) area of hill ground extending to 1460 acres of ground and (In the Fifth Place) extending to 2110 acres of ground, contains the following burdens:

But declaring with regard to the boundaries of the lands and others hereby disposed

(First) Subject to the provisions hereinafter made in the Second Place where the subjects hereby disposed are bounded by a stream or ditch the centre thereof shall form the boundary and such streams and ditches shall be kept clear and redd by the proprietors on each side and where (except as aftermentioned) the subjects hereby disposed are bounded by a road wall sunk dyke turf baulk hedge fence or the like the centre thereof shall form the boundary and the same shall be mutual property and shall be maintained by the proprietors on each side; DECLARING that the south or south east boundary of the subjects hereby disposed In the Fifth Place between the points marked X and Y on Ordnance Survey Sheet annexed as relative hereto is the north or north west face of the head dyke separating the lands hereby disposed In the Fifth Place from the farms and lands adjoining the same known as Morenish Home Farm, Morenish Croft Number 2 and Morenish Croft Number 3 belonging or which belonged to us the granters hereof and in respect of which there are servitudes or rights of grazing sheep on the subjects hereby disposed In the Fifth Place as aftermentioned;

(Second) Where the subjects hereby disposed are bounded by a public or private road the solum of which forms part of the Estates of Morenish or Finlarig the centre line of said road shall form the boundary and the disponees and their foresaids shall be liable for the maintenance of the wall dyke or fence along the side or sides of said road next to and so far as adjoining the lands hereby disposed or any part or parts thereof and also for the maintenance of said road to the extent of one half of the breadth thereof next to and so far as adjoining the said lands or any part or parts thereof where the cost of said maintenance shall not be paid for out of public funds and

(Third) Where the subjects hereby disposed adjoin subjects not forming part of the said lands and Estates of Morenish or Finlarig the boundary shall be the boundary thereof as possessed by us the granters hereof; And we the granters hereof bind ourselves and our successors in the said farms and lands adjoining on the south or south east the subjects hereby conveyed In the Fifth Place so long as the said grazing rights subsist to free and relieve our said disponees and their foresaids of all liability for the maintenance of the said head dyke and of existing walls dykes or fences on or connected with the subjects hereby disposed In the Fifth Place; And we the granters hereof bind and oblige ourselves and our foresaids to take the purchasers of the said adjoining farms and lands on the south or south east of the subjects hereby disposed In the Fifth Place when the same are sold bound in like manner and we the granters hereof bind ourselves and our successors to free and relieve our said disponees and their foresaids of all obligations in respect of the sheepstocks tied or bound to the said farms and lands belonging or which belonged to us adjoining the subjects hereby disposed In the Fifth Place on the south or south eastern boundary which graze on the subjects hereby disposed In the Fifth Place under or by virtue of any leases or tenancy agreements in respect of such adjoining farms and lands and of all or any expense or liability arising in connection with hill drainage heather burning bracken cutting or limeing and the keeping down of vermin which may become necessary or be instructed by the Agricultural Executive Committee, Land Court, Department of Agriculture or other like body for the preservation and maintenance of the grazing; And we the granters hereof further bind and oblige ourselves and our foresaids to take the purchasers of the said adjoining farms and lands to the south or south east of the subjects hereby disposed In the Fifth Place if and when the same are sold bound in like manner and to constitute the foregoing obligations of relief a real burden on the said adjoining farms and lands; DECLARING that our said disponees and their foresaids shall be bound as by acceptance hereof they bind and oblige themselves and their foresaids to grant no other grazing rights on or over the lands hereby disposed In the Fifth Place.

Note: The plan annexed to the foregoing deed has not been submitted to the Keeper, therefore the said points marked X and Y cannot be determined in relation to the subjects in this Title.

Burden 3

Disposition by Ben Ghlas Investments Limited to John Grey Sandie and Stella Marian Sandie and their assignees, recorded G.R.S. (Perth) 9 Apr. 1951, of that area of hill ground and moorland extending to 88 acres in the parish of Kenmore, contains the following burdens:

But declaring with regard to the boundaries of the lands and others hereby disposed

(First)

Subject to the provisions contained in the Second Place where the subjects hereby disposed are bounded by a road wall sunk dyke turf baulk hedge fence or the like the centre thereof shall form the boundary and the same shall be mutual property and shall be maintained by the proprietors on each side;

(Second)

Where the subjects hereby disposed are bounded by a public or private road the solum of which forms part of the Estate of Ben Ghlas the centre line of said road shall form the boundary and the disponees and their foresaids shall be liable for the maintenance of the wall dyke or fence along the side or sides of said road next to and so far as adjoining the lands hereby disposed or any part or parts thereof and also for the maintenance of said road to the extent of one half of the breadth thereof next to and so far as adjoining the said lands or any part or parts thereof where the cost of said maintenance shall not be paid for out of public funds; and

(Third)

Where the subjects hereby disposed adjoin subjects not forming part of the said lands and Estates of Ben Ghlas the boundary shall be the boundary thereof as possessed by us;

Further these presents are granted with the following servitude and rights namely (First) the right to use for all usual purposes all existing private roads and ways forming part of any other portions of the said whole lands which are at present so used and (Second) the right to use for the water supply, drainage and sewerage of the subjects hereby disposed all existing springs, wells, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers and others on or under any other part of the said whole lands which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned; All which rights are hereby declared to be servitudes and real burdens in favour of the subjects hereby disposed on and affecting all other parts of the said whole lands;

Reserving to us and our successors in the said whole lands so far as not hereby disposed and any and every part thereof (First) the right to use for all usual purposes all existing private roads and ways rights of access and others forming part of the subjects hereby disposed which are at present so used and such roads and ways and others shall be maintained by the proprietors thereof; (Second) the right to use for the water supply, drainage and sewerage of the other portions of the said whole lands all existing springs, wells, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers and others in or under the subjects hereby disposed which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned; (Third) All rights of way servitudes, water rights, wayleaves and drainage rights at present existing whether formally constituted or not affecting the subjects hereby disposed and (Fourth) the existing servitudes or rights of grazing sheep on the lands hereby disposed.

Burden 4

Disposition by Trustees under Deed of Settlement between Reginald Toms and others to Trustees for Firm of Lambden Estates and their assignees, recorded G.R.S. (Perth) 22 Sep. 1951, of (I) Number Two Croft, Morenish and (II) the servitudes or rights of grazing sheep on East Morenish Hill, contains the following burdens:

(First)

Our disponees and their foresaids shall be bound to maintain at their sole expense the head dyke separating the subjects hereby disposed from the East Morenish hill grazing ground

aftermentioned;

(Second)

Subject to the provisions hereinafter made (Third) where the subjects hereby disposed are bounded by a stream or ditch the centre thereof shall form the boundary and such streams and ditches shall be kept clear and redd by the proprietors on each side and where the subjects hereby disposed are bounded by a road, wall, sunk dyke, turf baulk, hedge, fence or the like the centre thereof shall form the boundary and the same shall be mutual property and shall be maintained by the proprietors on each side;

(Third)

Where the subjects hereby disposed are bounded by a public or private road the solum of which forms part of the Estate of Morenish the centre line of said road shall form the boundary and the disponees and their foresaids shall be liable for the maintenance of the wall dyke or fence along the side or sides of said road next to and so far as adjoining the lands hereby disposed or any part or parts thereof and also for the maintenance of said road to the extent of one half of the breadth thereof next to and so far as adjoining the said lands or any part or parts thereof where the cost of said maintenance shall not be paid for out of public funds; and

(Fourth)

Where the subjects hereby disposed adjoin subjects not forming part of the said Lands and Estate of Morenish the boundary shall be the boundary thereof as possessed by us the granters hereof; Further these presents are granted with the following servitude rights namely (First) the right to use for all usual purposes all existing private roads and ways forming part of any other portions of the said whole lands which are at present so used and (Second) the right to use for the water supply, drainage and sewerage of the subjects hereby disposed all existing springs, wells, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers and others on or under any other part of the said whole lands which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned; All which rights are hereby declared to be servitudes and real burdens in favour of the subjects hereby disposed on and affecting all other parts of the said whole lands; Reserving to us the granters hereof and our successors in the said whole lands so far as not hereby disposed and any and every part thereof (One) the right to use for all usual purposes all existing private roads and ways rights of access and others forming part of the subjects hereby disposed which are at present so used and such roads or ways and others shall be maintained by the proprietors thereof, (Two) the right to use for the water supply, drainage and sewerage of the other portions of the said whole lands all existing springs, walls, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers and others in or under the subjects hereby disposed which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned and (Three) all rights of way servitudes, water rights, wayleaves and drainage rights at present existing whether formally constituted or not affecting the subjects hereby disposed; and

(Fifth)

Declaring that our said disponees and their successors shall be bound (One) to bear a proportionate share of the cost of maintenance and repair of any existing walls dykes or fences on or connected with the East Morenish Hill ground (other than the head dyke) jointly with the proprietors or tenants of the Farms or Crofts known as Morenish Number Two and Morenish Number Three who also enjoy servitudes or rights of grazing and that in proportion to the number of sheep which our said disponees and the said other proprietors are entitled to graze on the said hill, (Two) to carry out on said East Morenish Hill as and when necessary jointly with the proprietors or tenants of said other farms (or to bear a proportionate share of the cost thereof as beforementioned) such drainage, heather burning, bracken cutting, limeing and destroying of vermin as may be instructed by the appropriate Agricultural Executive Committee, Land Court, Department of Agriculture or other like Authority for the maintenance and preservation of the grazing and (Three) in the event of any dispute arising with reference to the servitude or right of grazing, the maintenance of said walls, dykes or fences or the carrying out of said drainage and others to refer the same for decision to the Scottish Land Court.

Burden 5

Disposition by Trustees under Deed of Settlement between Reginald Toms, Mary Toms and Sydney Barnes Bryant to John Grey Sandie and Stella Marian Sandie and their assignees, recorded G.R.S. (Perth) 20 Nov. 1952, of that area of ground lying on the south side of the public road leading from Killin to Kenmore via Lawers extending to 7 1/2 acres in the parish of Kenmore, contains the following burdens:

But declaring with regard to the boundaries of the said subjects and others hereby disposed

(First)

Subject to the provisions hereinafter made in the Second Place where the subjects hereby disposed are bounded by a stream or ditch the centre thereof shall form the boundary and such streams and ditches shall be kept clear and redd by the proprietors on each side and where the subjects hereby disposed are bounded by a road wall, sunk dyke, turf baulk, hedge, fence or the like the centre thereof shall form the boundary and the same shall be mutual property and shall be maintained by the proprietors on each side; and

(Second)

Where the subjects hereby disposed are bounded by a public or private road the solum of which forms part of the Estate of Finlarig the centre line of said road shall form the boundary and the disponees and their foresaids shall be liable for the maintenance of the wall, dyke or fence along the side or sides of said road next to and so far as adjoining the subjects hereby disposed or any part or parts thereof and also for the maintenance of said road to the extent of one half of the breadth thereof next to and so far as adjoining the said subjects or any part or parts thereof where the cost of said maintenance shall not be paid for out of public funds; Further these presents are granted with the following servitudes and rights namely (First) the right to use for all usual purposes all existing private roads and ways forming part of any other portions of the said whole lands which are at present so used and (Second) the right to use for the water supply, drainage and sewerage of the subjects hereby disposed all existing springs, wells, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers

and others on or under any other part of the said whole lands which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned; All which rights are hereby declared to be servitudes and real burdens in favour of the subjects hereby disposed on and affecting all other parts of the said whole lands;

Reserving to us the granters hereof and our successors in the said whole lands so far as not hereby disposed and any and every part thereof (First) the right to use for all usual purposes all existing private roads and ways, rights of access and others forming part of the subjects hereby disposed which are at present so used and such roads and ways and others shall be maintained by the proprietors thereof; (Second) the right to use for the water supply, drainage and sewerage of the other portions of the said whole lands all existing springs, wells, streams, water courses, reservoirs, tanks, pipes and connections, drains, ditches, sewers and others in or under the subjects hereby disposed which are at present so used with right of access for the maintenance or renewal or alteration of levels of the same on payment of any surface damage occasioned and (Third) All rights of way servitudes, water rights, wayleaves and drainage rights at present existing whether formally constituted or not affecting the subjects hereby disposed.

Burden 6

Disposition by John Grey Sandie and Stella Marian Sandie to Secretary of State for Scotland and his successors, recorded G.R.S. (Perth) 1 Jun. 1953, of an area of ground forming part of the Farm of Tirarthur, contains inter alia the following burdens:

Reserving

(Second) The wayleave for the overhead power line as the same is shown approximately by black lines and marked ETL in black between the points arrowed and lettered A-B and C-D in blue on the cadastral map;

(Third) To us and our foresaids all right to receive any compensation from the said North of Scotland Hydro Electric Board arising from their constructional operations under the said Scheme; And it is hereby declared as follows:

(First) Any existing fences, dykes, walls, ditches or drains which will become the march with the remainder of the said Farm of Tirarthur belonging to us and the said area of ground hereby disposed shall become mutual and shall be maintained at the joint expense of us and our foresaids and our said disponee and his foresaids, the said fences, dykes and walls being so maintained in stockproof condition;

(Second) Any additional mutual march fences required solely because of planting shall be erected at the sole expense of our said disponee or his foresaids and shall thereafter be maintained at joint expense as aforesaid, and

(Third) Both we and our foresaids and our said disponee and his foresaids shall have right at the expense of the party so doing to hang and maintain wire netting on any mutual fence or to make it deerproof.

Burden 7

Disposition by Whiteleehill Farm Limited to Secretary of State for Scotland and his successors, recorded G.R.S. (Perth) 7 Jan. 1960, of area of ground in parish of Kenmore, contains the following burdens:

(First)

Any existing fences, dykes, walls, ditches or drains which separate the area of ground hereby disposed from adjoining lands belonging to us shall be mutual and shall be maintained by us and our successors as proprietors of such adjoining lands and our said disponee and his foresaids at joint equal expense, the fences, dykes and walls being so maintained in stockproof condition;

(Second)

Where the mutual boundary is at present unfenced, that is, along the western boundary, such fences as are required will be erected by our said disponee at his sole expense and thereafter maintained at joint equal expense as aforesaid; and

(Third)

Both we and our foresaids and our said disponee and his foresaids shall have right at the expense of the party so doing to hang and maintain wire-netting on any mutual fence and/or to make it deerproof.

Burden 8

Contract of Excambion, recorded G.R.S. (Perth) 23 Feb. 1960, containing inter alia Disposition by Ian Lorrimer Watson to Secretary of State for Scotland and his successors, of ground in the county of Perth, contains the following burdens;

All existing rights of access to and egress from the said area of land and the existing water supplies and drainage rights pertaining thereto together with a servitude right to enter on the remainder of the said lands and estate of Tirarthur belonging to the said Ian Lorrimer Watson so far as may be necessary for the purpose of inspecting, maintaining and improving the existing access roads, water supplies and drainage systems on payment of all damage caused by these operations as the same shall, failing agreement, be determined by a single arbiter mutually appointed whom failing by an arbiter to be nominated by the Sheriff of Perth and Angus or his Substitute at Perth;

(Primo) The existing fence on the said area of land between the points lettered X and Y in blue on the cadastral map shall be made stockproof at the sole expense of the said Secretary of State for Scotland and thereafter it shall become mutual and be maintained in stockproof condition at the joint equal expense of the said Ian Lorrimer Watson and his foresaids on the one part and the said Secretary of State for Scotland and his foresaids on the other part;

(Secundo) All other existing fences which will become the march between the land belonging to the said Ian Lorrimer Watson and the land belonging to the said Secretary of State for Scotland shall be mutual and be maintained at joint equal expense as aforesaid the said fences being so maintained in stockproof condition;

(Tertio) Any new mutual march fences which may be required to enclose the said area of land forming part of the subjects in this Title shall be erected at the sole expense of the said Secretary of State for Scotland and shall thereafter be maintained in stockproof condition at joint equal expense as aforesaid; and

(Quarto) Both the said Ian Lorrimer Watson and his foresaids and the said Secretary of State for Scotland and his foresaids shall have right at the expense of the party so doing to hang and maintain wire netting on any mutual fence or to make it deerproof.

Burden 9

Disposition by Whiteleehill Farm Limited to Alan Duncan Leslie Melville and his heirs and assignees, recorded G.R.S. (Perth) 27 Feb. 1962, of (I) Morenish Home Farm, (II) Morenish Number Two Croft, Morenish Number Three Croft and Garden Cottage (under exception) and (III) servitude or right of grazing sheep on East Morenish Hill, contains the following burdens:

Reservation in favour of us and our successors as proprietors of the subjects excepted of all existing rights of access to and egress from the said excepted subjects including without prejudice to the foregoing generality the right of access to and egress from two rectangular areas or pieces of ground on the shores of Loch Tay over the subjects hereby disposed and of all water and drainage rights pertaining to the said excepted subjects with a servitude right to enter on the subjects hereby disposed for the purpose of inspecting, maintaining and improving the access roads and of inspecting, maintaining, improving and if necessary enlarging the water supplies and drainage systems including without prejudice to the foregoing generality a right to instal, improve or enlarge water tanks, septic tanks and others in the subjects hereby disposed all subject to payment of any damage occasioned as the same shall, failing agreement, be determined by a single Arbiter mutually appointed whom failing by an Arbiter to be nominated by the Sheriff of Perth and Angus or his Substitute.

Burden 10

Disposition by Ian Lorrimer Watson to North of Scotland Hydro-Electric Board, recorded G.R.S. (Perth) 2 Nov. 1962, of ground situated to the north side of Loch Tay, contains the following burdens:

Under reservation (One) to the proprietors of the lands and estates of Tirarthur or any part thereof and their tenants and servants of freedom of access at their own risk over all existing roads constructed by disponees including those hereby disposed subject to their being responsible for any damage occasioned by them to the said roads and (Two) to the proprietors of such part of said lands and estate of Tirarthur as bound Lochan-na-Lairige Reservoir of a free servitude right of trout fishing in the said Lochan-na-Lairige Reservoir which right shall not be assigned without the consent of my said disponees with right of access to the said reservoir for the purpose of fishing and boating thereon and also the right to erect and maintain a

boathouse on the shore of the said reservoir; Further my said disponees undertake not to let the trout fishings on the said reservoir and in order to minimise any unauthorised fishing in the said reservoir they shall in the granting of occasional courtesy permits issue the same only by the hands of a responsible official who shall give notice of the same to the said last mentioned proprietors of the said part of the lands and estate of Tirarthur.

Burden 11

Disposition by James Charles Macnab to Alan Duncan Leslie Melville and his heirs and assignees, recorded G.R.S. (Perth) 12 Oct. 1967, of lands and estate of Tirarthur, comprising (I) areas of ground lying to north and south sides of main road leading from Killin to Kenmore via Lawers (II) area or piece of ground formerly known alone as lands and estate of Tirarthur and (III) 1/3 acre of ground upon which is erected house Tigh-an-Alltain contains the following burden:

Servitude right in favour of me and my successors as proprietors of ALL and WHOLE that area of ground lying in the Parish of Killin and County of Perth on or towards the north west of the railway line leading from Killin to the former Loch Tay Station, extending in all to Four thousand and nineteen decimal or one-thousandth parts of an acre or thereby Imperial Measure, and bounded as follows:

On or towards the south-south-east by the roadway from the said former Loch Tay Station and the foreshore to Killin, along which it extends Forty feet or thereby, on or towards the south east and again on or towards the south-south-east by ground belonging to the British Transport Commission, along which it extends respectively Two Hundred and twenty two feet, six inches or thereby and Ninety seven feet six inches or thereby, on or towards the north east, north-north-west and north west by other ground belonging to me, along which it extends respectively sixty one feet or thereby, One hundred and two feet or thereby, and Two hundred and eighty feet or thereby, videlicet:

A servitude right in respect of the existing water supply which is drawn from a point on the burn lying to the west of Drum-na-Lairige Cottage at a distance of Two hundred and fifty yards or thereby north of said Cottage and to the existing intake tank at that point and supply pipes leading therefrom to the said Cottage and to the said area of ground in favour of which this servitude is constituted, in so far as the said burn, intake tank, and supply pipes are situated on the said areas of ground hereinbefore disposed (In the First Place) with all necessary rights of access thereto for the purpose of maintenance, repair and renewal, but the said rights will be enjoyed jointly with my said disponee and his successors as proprietors of said Cottage and will be subject to the cost of such maintenance, repair and renewal being borne equally between me and my said successors and my said disponee and his said successors, except in so far as said pipes supply only the said area of ground in favour of which this servitude is constituted, in respect of which pipes I and my said successors will be solely responsible, it being understood that all surface damage in consequence of any works in connection with such maintenance, repair, renewal will be made good at the expense of the party causing the same.

Burden 12

Grant of Servitude containing Disposition by Hector John Sants and Elsie Ann Watt Hepburn or Sants to The Caravan Club Limited and their successor and assignees, recorded G.R.S. (Perth) 26 Nov. 1973, of a servitude right to draw and collect a supply of water from the burn on the east side of the subjects belonging to us the said The Caravan Club Limited with a right to place storage tanks and to lay and maintain a water pipe through the lands and others known as the lands and estate of Tirarthur and others belonging to us, the intended route of which is shown by the mauve broken line on the cadastral map so far as it affects the subjects in Title, together also with a right to enter upon the said lands and others belonging to us for the purpose of installing, inspecting, maintaining, repairing and if necessary renewing the said storage tanks and water pipe and the fittings and connections thereof all at the sole expense of the said The Caravan Club Limited and their foresaids subject always to making good or paying for any damage caused by the exercise of the foregoing servitude and other rights as the same shall failing agreement be determined by a single arbiter mutually appointed whom failing by an arbiter to be nominated by the Sheriff of Perth and Angus or any of his substitutes, contains the following burdens:

(First)

The said The Caravan Club Limited and their foresaids will pay to us the said Hector John Sants and Elsie Ann Watt Hepburn or Sants and our successors in ownership of the said lands and others an annual sum of Five Pounds Sterling in respect of the foregoing servitude rights and others commencing the first of the annual payments on the 1 Jan. 1972 for the year then commencing and thereafter on 1 Jan in each subsequent year;

(Second)

The said The Caravan Club Limited and their foresaids shall be bound to construct the said storage tanks and to lay the said water pipe and to carry out all work in a tradesman like manner all to the satisfaction of us or our successors declaring that the said tanks and pipes and the fittings and connections and any alterations and renewals thereof shall be constructed in accordance with plans and specifications approved in writing by us or our successors prior to the commencement of the operations; Declaring also that the said The Caravan Club Limited and their foresaids shall be bound to erect and thereafter maintain in all time coming at their sole expense an adequate stockproof fence round the said water storage tanks and that any damage done to the said water storage tanks and pipes and others by livestock or by any other cause be the sole responsibility of the said The Caravan Club Limited and their foresaids;

(Third)

Neither we nor our successors, servants, tenants, contractors or others deriving right from us or our successors shall be liable for any damage caused to the said storage tanks or water pipe or to the fittings and connections pertaining thereto in the reasonable forestry, agricultural or road making operations on the said lands and others belonging to us;

(Fourth)

No guarantee is given to the quantity or quality of the water supply now or at any time and we and our foresaids shall be exempt from all responsibility for any alteration of the said water supply which may result from operations carried out by us or our foresaids declaring that should

we or our foresaids decide to carry out such operations, not later than six months prior to the date of commencement of such operations; and

(Fifth)

The rights of any other parties interested in said burn shall not be prejudiced in any way by the granting of this servitude.

Burden 13

Deed of Servitude containing Disposition by Hector John Sants and Elsie Ann Watt Hepburn or Sants to Robert Anderson and Jean Eira Edwards or Anderson and their assignees, recorded G.R.S. (Perth) 12 Jul. 1974, of a servitude right and tolerance of installing, laying down and maintaining underground a line of drainage and soil pipe and a soakaway for servicing and purifying their subjects, Tir Artair House, over in and through our the Lands known as Morenish Home Farm from the point marked A and along the line AB and as the said soakaway is shown on the deed plan, contains the following burdens:

(First)

The said Robert Anderson and Jean Eira Edwards or Anderson and their foresaids shall restore and make good to our satisfaction any surface damage occasioned by the necessary works of installation laying down and maintenance foresaid and in the event of any seepage to the surface which may at any time occur the same shall be made good at the sole expense of the said Robert Anderson and Jean Eira Edwards or Anderson and their foresaids;

(Second)

The said Robert Anderson and Jean Eira Edwards or Anderson and their foresaids shall always have access to the said drainage and soil pipe and soakaway for the purpose of inspection, cleaning, repair, maintenance and renewal if necessary;

(Third)

The said Robert Anderson and Jean Eira Edwards or Anderson and their foresaids shall repair, replace and re-instate to their former condition any fences or gates taken down, dismantled, damaged or temporarily removed by them for the purpose of effecting the installation, laying down and works of maintenance, renewal or repair;

(Fourth)

The said drainage and soil pipe and soakaway shall always be maintained by the said Robert Anderson and Jean Eira Edwards or Anderson and their foresaids in a thoroughly good state and standard of maintenance and repair;

(Fifth)

Neither we nor our successors, servants, tenants, contractors or others deriving right from us or our successors shall be liable for any damage caused to the said soakaway and drainage and soil pipe in the reasonable exercise of agricultural operations on said lands belonging to us;

(Sixth)

The said servitude right and tolerance has been granted with reference to the present state of the said properties belonging to us and shall not be extended so as to apply to any substantially different condition of matters or so as to materially increase the burdens on our said property, and the said right shall at all times be exercised reasonably and so as to occasion as little inconvenience as possible to us and our successors;

(Seventh)

The said Robert Anderson and Jean Eira Edwards or Anderson and their foresaids shall free and relieve us and our foresaids of any claims by tenants in respect of interruption of their use of the land during the period of construction of said soakaway; and

(Eighth)

The said Robert Anderson and Jean Eira Edwards or Anderson shall indemnify us and our foresaids against any claim for loss, injury or damage which may be made against us or our foresaids arising in any way out of the exercise of the said servitude right hereby granted.

Note: The line, so far as it affects the subjects in this Title is shown by the brown pecked line to the said soakaway which is lettered SA on the cadastral map.

Burden 14

Disposition by Hector Willam Hepburn Sants to Alexander Buchan and Janette Bucan and their assignees and disponees, recorded G.R.S. (Perth) 4 Dec. 1996, of Morenish Farm and Morenish Hill extending to 183.77 hectares, of which the subjects in this Title form part, contains the following burdens:

(First) Reserving therefrom in favour of me and my successors as heritable proprietors of the dwellinghouse known as and forming Morenish House, Killin a heritable and irredeemable servitude right to continue to draw a supply of water from the source located within the subjects hereby disposed together with rights of access thereto for maintenance, repair and when necessary renewal of the supply pipes and other equipment comprising said water supply pipes subject to making good all damage occasioned thereby; declaring that the cost of maintenance, repair and when necessary renewal of said water supply system shall be shared amongst me and my successors as aforesaid and all other parties using the same on an equitable basis according to user;

(Second) to me and my successors as heritable proprietors of the remaining parts of the lands and estate of Morenish, Finlairg and Tirarthur in the County of Perth, heritable and irredeemable servitude rights to continue to use the existing pipes, cables, connections and the like (if any) for the provision or supply of water, electricity, drainage and telephone services

which in the case of water and insofar as such supply passes through that part of the subjects hereby disposed lying to the South of the Killin to Kenmore public road shall be for the private residential use of one dwellinghouse only, there being no such restriction in respect of the ground to the north of said road, to the other parts of the lands and estates in my ownership and passing through, under or over the subjects hereby disposed together with the rights of access thereto when necessary for maintenance, repair and renewal in making good all damage occasioned thereby (declaring the said lands and estate of Morenish and Tirarthur hereinbefore referred to are these parts of the said lands and estates remaining in my ownership at the date hereof),

(Third) the boundaries separating the subjects hereby disposed from the said subjects Morenish House remaining in my ownership are hereby declared to be mutual boundaries and will be maintained, repaired and when necessary, renewed at the mutual expense of my said disponees and the proprietor for the time being of Morenish House.

Burden 15

Grant of Servitude containing Disposition by Alexander Buchan and Janette Buchan, proprietor of the lands known as Morenish Farm and Morenish Hill extending to 183.87 hectares (hereinafter called "Property A") to Grant William Tigwell and Alexandra Jean Tigwell and their successors in ownership, proprietors of Drumnalarig Cottage, Killin, recorded G.R.S. (Perth) 5 Mar. 2009, of a servitude right of wayleave to lay, maintain and renew a water pipe on Property A as a means of supplying water from the Allt na Bailce Burn to Drumnalarig Cottage, the intended route of which is shown by the yellow broken line on the cadastral map so far as it affects the subjects in this Title, contains the following burdens:

Together with a right of access by our disponees and their foresaids and those authorised by them over Property A for the purposes of maintaining, cleaning, repairing and renewing said water pipe and access to the source on the Burn from which water is taken into the said pipe for the purposes of clearing the same, all such work to be undertaken so as to cause minimum disturbance and subject to restoration of the surface of the ground as a result of such works.

Burden 16

Disposition by Alexander Buchan and Janette Buchan to Alexandros Reo Stakis and his assignees, registered 18 Jun. 2015, of four areas of ground at Morenish, Killin, being the subjects in this Title, contains the following real burden and servitudes:

Part 1

Interpretation

"the Disponer" means Alexander Buchan and Janette Buchan and their successors as owners of the Retained Property;

"the Disponee" means Alexandros Reo Stakis and his successors as owners of the Disposed Property;

"the Disposed Property" means the subjects in this Title;

"the Retained Property" means the subjects described in Disposition in favour of the Disponer recorded G.R.S. (Perth) 4 Dec. 1996 under exception of all parts disposed or feued since the recording of said Disposition and under exception of the Disposed Property;

"the Retained Road" means the access road tinted brown on the cadastral map forming part and portion of the Retained Property;

Part 2

The Retained Property Servitudes

The following servitudes are imposed on the Disposed Property in favour of the Retained Property:

1. A servitude right (a) to use the (i) water supply pipe, the intended route of which is shown by the blue broken line on the said map, and the soakaway and septic tank and associated equipment located on the Disposed Property, the intended route of which is shown by the brown broken line on the said map and respectively providing a supply of water and drainage to the Retained Property, (ii) electricity cables, the intended route of which is shown by the green broken line on the said map and (iii) telephone cables, the intended route of which is shown by the red broken line on the said map (all hereinafter referred to as "Service Media") together with a right to inspect, maintain, repair and when necessary renew such Service Media along all existing routes; (b) of access in so far as required to the Disposed Property on all necessary occasions for the maintenance, repair and when necessary renewal of the Service Media subject to the Disponer giving reasonable notice to the Disponee in advance of such access being taken (except in the case of emergencies where prior notice will not be required) and (c) to draw a supply of water from the Disposed Property to the Retained Property via the said water pipe subject to the Disponee giving no warranty regarding the quantity or quality of any water supply taken from the Disposed Property;

Part 3

Conditions relating to Part 2 Servitudes

The following conditions relating to Part 2 Servitudes are imposed on the Retained Property in favour of the Disposed Property:

1. The Disponer will:

1.1 make good on demand all damage caused to the Disposed Property by reason of the exercise of the said servitude rights by the Disponer or his tenants, agents, employees, workmen and others authorised by them from time to time, to the reasonable satisfaction of the Disponee;

1.2 procure that the said servitude rights are exercised so as to cause the minimum disturbance, nuisance or annoyance reasonably practicable to the Disponee and his tenants or occupiers, and all other adjoining or neighbouring proprietors, tenants or occupiers;

1.3 indemnify the Disponee in respect of all claims, demands, expenses, liabilities, actions or others arising in consequence of (a) the exercise of the said servitude rights by the Disponer or a breach of the servitude conditions contained at this Part 3 hereof and (b) any contravention of (i) The Private Water Supply (Scotland) Regulations 2006 (or any modification, extension or re-enactment thereof for the time being in force) or (ii) The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended, or any modification, extension or re-enactment thereof for the time being in force) arising in consequence of the exercise of the said servitude rights or a breach by them of the said servitude conditions;

1.4 at all times at their sole expense maintain the Service Media in good repair and condition to the reasonable satisfaction of the Disponee;

2. There is reserved to the Disponee, with the consent of the Disponer (such consent not to be unreasonably withheld or delayed) the right to relocate all or any part of the Service Media provided that such relocation does not impair the efficiency or quality of the Service Media in respect of the Disponer's use thereof or unreasonably increase the maintenance burden or cost for the Disponer and that the Disponee obtains all necessary consents and meets the costs of relocating the Service Media;

Part 4

Disponed Property Servitudes

The following servitudes are imposed on the Retained Property in favour of the Disponed Property:

1. A servitude right of access for all purposes, including but not limited to commercial forestry and timber haulage, over and across the Retained Road for the purpose of access to and egress from the Disponed Property and for access between parts and portions of the Disponed Property;

Part 5

Conditions relating to Part 4 Servitudes

The following conditions relating to Part 4 Servitudes are imposed on the Disponed Property in favour of the Retained Property:

1. The Disponer will:

1.1 make good on demand all damage caused to the Retained Road by reason of the exercise of the said servitude right by the Disponee or others authorised by them from time to time, to the reasonable satisfaction of the Disponer;

1.2 indemnify the Disponer in respect of all liabilities arising in consequence of the exercise of the servitude rights by the Disponee (or his tenants, agents, employees, workmen and others authorised by him from time to time);

1.3 be bound to contribute towards the cost of maintenance, repair and renewal of the Retained Road the cost thereof shall be apportioned according to user; and

1.4 exercise the said servitude right of access in such a manner as to cause the least practical inconvenience to the Disponer and his tenants or occupiers, and all other adjoining or neighbouring proprietors, tenants or occupiers (declaring for the avoidance of any doubt that the exercise of the said servitude right of access for all purposes will not constitute such an inconvenience);

Part 6

Disponed Property real burdens

The following real burden is imposed on the Disponed Property in favour of the Retained Property:

1. The Disponee shall not be entitled to plant any tree or other such plant with extensive or invasive roots within five metres of the Service Media referred to in Part 2 hereof without the prior written consent of the Disponer.

Burden 17

Deed of Servitude by Alexandros Reo Stakis (the "Burdened Owner") to Scottish Hydro Electric Power Distribution plc

(who and whose successors as heritable proprietors of the Benefited Property (hereinafter defined) are hereinafter referred to as the "Benefited Owner") registered 23 Apr 2018, of the subjects in this title, contains the following rights and conditions:-

I. DEFINITIONS

1.1 In this Deed the following words and expressions shall have the following meanings:

"Access Tracks": the tracks shown as black broken lines on the cadastral map, which form part of the Burdened Property;

"Benefited Property": ALL and WHOLE (1) the electricity distribution network currently owned and operated by the Benefited Owner together with substations and other apparatus and (2) the areas of land which are owned by the Benefited Owner under, upon and over which said distribution network substations and other apparatus are installed or erected all as varied or altered from time to time;

"Burdened Property": ALL and WHOLE the subject in this title;

"Lines": all electrical plant and overhead electric lines (as defined in section 64 of the Electricity Act 1989), works, poles and stays and all appurtenant apparatus installed or to be installed on the Servitude Area;

"Schedule": the schedule in 3 parts annexed and executed as relative to this Deed of Servitude;

"Servitude Area": the area of land shown hatched blue on the said map, extending to 5.68 hectares or thereby and being the area measuring circa 25 metres either side of the centreline of the Lines installed on the Servitude Area as at the date of commencement of the Servitude Rights and forming part of the Burdened Property and which area is deemed to be sterilised from future commercial forestry planting;

"Servitude Conditions": the conditions under which the Servitude Rights are to be exercised set out in Part 2 of the Schedule;

"Servitude Rights": the servitude rights set out in Part 1 of the Schedule;

"Sterilisation Payment": SIXTEEN THOUSAND ONE HUNDRED AND EIGHTY EIGHT POUNDS (£16,188) STERLING said payment being calculated on the basis of £2,850 per hectare; and

"Tree Crop Compensation": THIRTY EIGHT THOUSAND SIX HUNDRED AND TWENTY FOUR POUNDS (£38,624) STERLING said payment being calculated on the basis of £6,800 per hectare.

This is the Schedule referred to in the foregoing Deed of Servitude by Alexandros Reo Stakis in favour of Scottish Hydro Electric Power Distribution Plc.

SCHEDULE

Part 1

The Servitude Rights

The following heritable and irredeemable servitude rights are imposed on the Burdened Property in

favour of the Benefited Property:

1. For all proper purposes connected with the exercise of the rights granted in Part 1 of the Schedule, the right of access to and egress from the Servitude Area with or without vehicles, plant and equipment and at all reasonable times (and at any time in cases of emergency) over the Access Tracks and to temporarily park vehicles thereon.

2. The right to erect, re-erect, construct, use, inspect, maintain, repair, protect, replace, renew, supplement, connect into, remove or render unusable the Lines and to maintain, repair, renew and replace the connection of the Lines to other electrical plant and overhead electric lines and others immediately to the east and west of the Lines as part of the electricity distribution network operated by the Benefited Owner and with right to break up so much of the surface of the Servitude Area as is reasonably necessary from time to time for the purpose of exercising this right.

3. The right to fell, lop or cut all trees and shrubs standing on the Servitude Area which (in the reasonable opinion of the Benefited Owner), may, (if not felled, lopped or cut), obstruct or interfere with the construction, maintenance or safe operation of any apparatus on the Servitude Area or the Lines. All felling or lopping shall be done in accordance with best forestry husbandry and practice. No compensation shall be payable by the Benefited Owner to the Burdened Owner in respect of any tree, shrub or other vegetation felled or lopped within the Servitude Area but all trees, shrubs or other vegetation so felled or lopped by the Benefited Owner shall be left by the Benefited Owner for the Burdened Owner.

The Servitude Conditions

The Servitude Rights created by this Deed are subject to the following Servitude Conditions:

1. When exercising the rights granted in Part 1 of the Schedule, the Benefited Owner shall take reasonable precautions to minimise undue damage or obstruction to or interference with the use of the Burdened Property.
2. Whenever necessary following exercise of the rights granted in Part 1 of the Schedule, the Benefited Owner shall either (at the Benefited Owner's option) (i) make good and restore the surface of the Burdened Property to the reasonable satisfaction of the Burdened Owner, or (ii) or (ii) pay the proper and reasonable costs incurred by the Burdened Owner in making good physical damage to the Burdened Property.
3. So far as is reasonably practicable and for so long as the Lines are used for or in connection with the transmission or distribution of electricity, the Benefited Owner shall keep the Lines in good repair and condition or rendered permanently safe.
4. The Benefited Owner shall indemnify the Burdened Owner in respect of all liabilities incurred, all damage and loss suffered, all claims, demands, actions and proceedings arising as a consequence of any breach of the Servitude Conditions in this Part 2 of the Schedule.
5. Pay compensation to the owner for the time being of the Burdened Property for any windblow occurring within a five year period following the felling of trees on the Burdened Property, where such windblow is as the result of the exercise of the Servitude Rights, save that no compensation shall be payable under this Clause 5 where such felling has been carried out to a wind-firm edge agreed between the Benefited Owner and the Burdened Owner.
6. Keep the Burdened Owner indemnified against all losses arising by reason of the exercise of the Servitude Rights or failure to comply with the Servitude Conditions (excepting any such actions, claims or demands as may arise as a result of the negligent or wrongful act of the Burdened Owner or it's servants or agents) provided that the Burdened Owner will not settle or compromise any actions, claims or demands without the prior consent of the Benefited Owner (such consent not to be unreasonably withheld or delayed).

The Burdened Owner's Obligations

1. The Burdened Owner shall not:

(a) make any alteration to the Servitude Area, nor plant any tree or shrub or erect any structure on or over the Servitude Area;

(b) do anything whereby the level of the ground on the Servitude Area or those parts of the Burdened Property immediately adjacent thereto shall be raised so as to alter the distance between the level of the ground and the Lines; nor

(c) permit any structure on the Burdened Property to be within the Servitude Area and shall not permit any tree or shrub to grow so as to be, or come when falling, within the Servitude Area other than with the prior written consent and under the supervision of the Benefited Owner (such consent not to be unreasonably withheld or delayed in particular in circumstances where such alteration, planting or erection is not likely to cause damage to the Lines or interfere with the safe operation thereof).

2. The Burdened Owner shall not do anything that may or may be likely to cause damage to the Lines and it shall take all reasonable precautions to prevent any damage to the Lines.

3. The Burdened Owner shall not interfere with or obstruct either the operation of the Lines or the Benefited Proprietor's access to the Lines in accordance with the terms of this Deed.

Burden 18

Deed of Servitude by Alexandros Reo Stakis (the "Burdened Owner") to Scottish Hydro Electric Power Distribution plc

(who and whose successors as heritable proprietors of the Benefited Property (hereinafter defined) are hereinafter referred to as the "Benefited Owner") registered 23 Apr 2018, of the subjects in this title, contains the following rights and conditions;-

I. DEFINITIONS

1.1 In this Deed the following words and expressions shall have the following meanings:

"Access Tracks": the tracks shown as black broken lines on the cadastral map, which form part of the Burdened Property;

"Benefited Property": ALL and WHOLE (1) the electricity distribution network currently owned and operated by the Benefited Owner together with substations and other apparatus and (2) the areas of land which are owned by the Benefited Owner under, upon and over which said distribution network substations and other apparatus are installed or erected all as varied or altered from time to time;

"Burdened Property": ALL and WHOLE the subject in this title;

"Lines": all electrical plant and overhead electric lines (as defined in section 64 of the Electricity Act 1989), works, poles and stays and all appurtenant apparatus installed or to be installed on the Servitude Area;

"Schedule": the schedule in 3 parts annexed and executed as relative to this Deed of Servitude;

"Servitude Area": the area of land shown hatched brown on the said map, extending to 4079 hectares or thereby and being the area measuring circa 30 metres either side of the centreline of the Lines installed on the Servitude Area as at the date of commencement of the Servitude Rights and forming part of the Burdened Property and which area is deemed to be sterilised from future commercial forestry planting;

"Servitude Conditions": the conditions under which the Servitude Rights are to be exercised set out in Part 2 of the Schedule;

"Servitude Rights": the servitude rights set out in Part 1 of the Schedule;

"Sterilisation Payment": THIRTEEN THOUSAND SIX HUNDRED AND FIFTY ONE POUNDS AND FIFTY PENCE (£13,651.50) said payment being calculated on the basis of £2,850 per hectare; and

"Tree Crop Compensation": THIRTY TWO THOUSAND FIVE HUNDRED AND SEVENTY TWO POUNDS (£32,572) POUNDS said payment being calculated on the basis of £6,800 per hectare.

This is the Schedule referred to in the foregoing Deed of Servitude by Alexandros Reo Stakis in favour of Scottish Hydro Electric Power Distribution pLc.

SCHEDULE

Part 1

The Servitude Rights

The following heritable and irredeemable servitude rights are imposed on the Burdened Property in

favour of the Benefited Property:

1. For all proper purposes connected with the exercise of the rights granted in Part 1 of the Schedule, the right of access to and egress from the Servitude Area with or without vehicles, plant and equipment and at all reasonable times (and at any time in cases of emergency) over the Access Tracks and to temporarily park vehicles thereon.

2. The right to erect, re-erect, construct, use, inspect, maintain, repair, protect, replace, renew, supplement, connect into, remove or render unusable the Lines and to maintain, repair, renew and replace the connection of the Lines to other electrical plant and overhead electric lines and others immediately to the east and west of the Lines as part of the electricity distribution network operated by the Benefited Owner and with right to break up so much of the surface of the Servitude Area as is reasonably necessary from time to time for the purpose of exercising this right.

3. The right to fell, lop or cut all trees and shrubs standing on the Servitude Area which (in the reasonable opinion of the Benefited Owner), may, (if not felled, lopped or cut), obstruct or interfere with the construction, maintenance or safe operation of any apparatus on the Servitude Area or the Lines. All felling or lopping shall be done in accordance with best forestry husbandry and practice. No compensation shall be payable by the Benefited Owner to the Burdened Owner in respect of any tree, shrub or other vegetation felled or lopped within the Servitude Area but all trees, shrubs or other vegetation so felled or lopped by the Benefited Owner shall be left by the Benefited Owner for the Burdened Owner.

The Servitude Conditions

The Servitude Rights created by this Deed are subject to the following Servitude Conditions:

1. When exercising the rights granted in Part 1 of the Schedule, the Benefited Owner shall take reasonable precautions to minimise undue damage or obstruction to or interference with the use of the Burdened Property.
2. Whenever necessary following exercise of the rights granted in Part 1 of the Schedule, the Benefited Owner shall either (at the Benefited Owner's option) (i) make good and restore the surface of the Burdened Property to the reasonable satisfaction of the Burdened Owner, or (ii) or (ii) pay the proper and reasonable costs incurred by the Burdened Owner in making good physical damage to the Burdened Property.
3. So far as is reasonably practicable and for so long as the Lines are used for or in connection with the transmission or distribution of electricity, the Benefited Owner shall keep the Lines in good repair and condition or rendered permanently safe.
4. The Benefited Owner shall indemnify the Burdened Owner in respect of all liabilities incurred, all damage and loss suffered, all claims, demands, actions and proceedings arising as a consequence of any breach of the Servitude Conditions in this Part 2 of the Schedule.
5. Pay compensation to the owner for the time being of the Burdened Property for any windblow occurring within a five year period following the felling of trees on the Burdened Property, where such windblow is as the result of the exercise of the Servitude Rights, save that no compensation shall be payable under this Clause 5 where such felling has been carried out to a wind-firm edge agreed between the Benefited Owner and the Burdened Owner.
6. Keep the Burdened Owner indemnified against all losses arising by reason of the exercise of the Servitude Rights or failure to comply with the Servitude Conditions (excepting any such actions, claims or demands as may arise as a result of the negligent or wrongful act of the Burdened Owner or its servants or agents) provided that the Burdened Owner will not settle or compromise any actions, claims or demands without the prior consent of the Benefited Owner (such consent not to be unreasonably withheld or delayed).

The Burdened Owner's Obligations

1. The Burdened Owner shall not:

(a) make any alteration to the Servitude Area, nor plant any tree or shrub or erect any structure on or over the Servitude Area;

(b) do anything whereby the level of the ground on the Servitude Area or those parts of the Burdened Property immediately adjacent thereto shall be raised so as to alter the distance between the level of the ground and the Lines; nor

(c) permit any structure on the Burdened Property to be within the Servitude Area and shall not permit any tree or shrub to grow so as to be, or come when falling, within the Servitude Area other than with the prior written consent and under the supervision of the Benefited Owner (such consent not to be unreasonably withheld or delayed in particular in circumstances where such alteration, planting or erection is not likely to cause damage to the Lines or interfere with the safe operation thereof).

2. The Burdened Owner shall not do anything that may or may be likely to cause damage to the Lines and it shall take all reasonable precautions to prevent any damage to the Lines.

3. The Burdened Owner shall not interfere with or obstruct either the operation of the Lines or the Benefited Proprietor's access to the Lines in accordance with the terms of this Deed.

Burden 19

Deed of Servitude by Alexandros Reo Stakis (hereinafter referred to as "the Burdened Owner") to Scottish Hydro Electric Power Distribution PLC (hereinafter referred to as "the Benefited Owner"), registered 13 May 2020, contains the following:

1. DEFINITIONS AND INTERPRETATION

1.1 In this Deed the following words and expressions shall have the following meanings:

"Access Points": the access points shown by crosses coloured purple on the Plans which form part of the Burdened Property;

"Benefited Property": ALL and WHOLE (1) the electricity distribution network currently owned and operated by the Benefited Owner together with substations and other apparatus and (2) the areas of land which are owned by the Benefited Owner under, upon and over which said distribution network substations and other apparatus are installed or erected all as varied or altered from time to time;

"Burdened Property": ALL and WHOLE the subjects shown outlined in red on the Plans, being part of the subjects at Morenish, Killin, registered in the Land Register of Scotland under Title Number PTH18224;

"Lines": all electrical plant and overhead electric lines (as defined in section 64 of the Electricity Act 1989), works, poles and stays and all appurtenant apparatus installed or to be installed on the Servitude Area;

"Plans": the two plans annexed and executed as relative to this Deed of Servitude;

"Schedule": the schedule in 3 parts annexed and executed as relative to this Deed of Servitude;

"Servitude Area": the area of land shown edged brown on the cadastral map extending to 6.77 hectares or thereby and being the area measuring circa 25 metres either side of the centreline of the Lines installed on the Servitude Area as at the date of commencement of the Servitude Rights and forming part of the Burdened Property and which area is deemed to be sterilised from future commercial forestry planting;

"Servitude Conditions": the conditions under which the Servitude Rights are to be exercised set out in Part 2 of the Schedule;

"Servitude Rights": the servitude rights set out in Part 1 of the Schedule;

"Sterilisation Payment": TWENTY ONE THOUSAND SIX HUNDRED AND THIRTY ONE POUNDS AND FIFTY PENCE (£21,631.50) STERLING; and

"Tree Crop Compensation": ONE HUNDRED AND TWENTY THOUSAND SIX HUNDRED AND SEVEN POUNDS AND TWENTY SEVEN PENCE (£120,607.27) STERLING.

1.2 Where at any one time there are two or more persons included in the expression "Benefited Owner" or "Burdened Owner" obligations contained in this Deed which are expressed to be made by the party denoted by the expression in question are binding jointly and severally on them and their respective executors and representatives whomsoever without the necessity of discussing them in their order.

1.3 Any reference to a Clause, Schedule or Part of the Schedule is to the relevant Clause, Schedule or Part of the Schedule of or to this Deed.

1.4 Any rights reserved to the Benefited Owner are exercisable by the tenants, agents, employees, workmen and others authorised by them from time to time.

1.5 The Schedule forms part of this Deed.

2. GRANT OF SERVITUDE

In consideration of the sum of SIX THOUSAND SIX HUNDRED AND NINETY NINE POUNDS AND TWENTY FIVE PENCE (£6,699.25) STERLING paid to the Burdened Owner by the Benefited Owner, (the receipt of which is hereby acknowledged) the Burdened Owner grants the Servitude Rights but subject always to the Servitude Conditions. In addition, the Burdened Owner accepts the Sterilisation Payment in full and final settlement of all claims arising in respect of all and any claims that they have arising from the sterilisation of the Servitude Area from future forestry planting and accepts payment of the Tree Crop Compensation in full and final settlement of all claims arising in respect of all and any claims that they have arising from the loss of timber associated with the initial clearance of the Servitude Area, save in respect of any compensation payable pursuant to the Servitude Conditions.

3. DATE OF COMMENCEMENT OF SERVITUDE

The Servitude Rights granted by this Deed will be exercisable with effect from the last date of execution.

4. OWNERSHIP OF LINES

The Lines shall be and shall remain the property of the Benefited Owner.

5. OBLIGATIONS ON THE BURDENED OWNER

The Burdened Owner undertakes to comply with the obligations set out in Part 3 of the Schedule

6. NO LANDS TRIBUNAL APPLICATIONS

No application may be made to the Lands Tribunal for Scotland under section 90(1) (a) (i) of the Title Conditions (Scotland) Act 2003 in respect of the servitudes set out in this Deed for a period of five years after the registration of this Deed in the Land Register of Scotland.

7. WARRANDICE

The Burdened Owner grants warrandice.

8. DISPUTE RESOLUTION

8.1 Any dispute arising under this Deed shall be determined by a single expert, whose appointment is to be agreed upon between the Burdened Owner and the Benefited Owner, or failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the Chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.

8.2 The expert's fees and any costs properly incurred by him in arriving at his determination (including any fees and costs of any advisers appointed by the expert) shall be borne by the Burdened Owner and the Benefited Owner in such proportions as the expert shall direct.

9. NOTICES

9.1 All notices shall be in writing.

9.2 Any notice shall be sufficiently served if sent by registered post or recorded delivery to:

9.2.1 the party concerned at its registered office (if incorporated in the UK), marked for the attention of the company secretary, or

9.2.2 the party concerned at its last known address in the UK (if an individual or partnership)

9.3 Any notice sent by registered post or recorded delivery shall be assumed to have been served 48 hours after it is posted.

9.4 To prove service it shall be enough to prove that the envelope containing the notice was correctly addressed and was posted to the place to which it was addressed

SCHEDULE

Part 1

The Servitude Rights

The following heritable and irredeemable servitude rights are imposed on the Burdened Property in favour of the Benefited Property:

1. For all proper purposes connected with the exercise of the rights granted in Part 1 of the Schedule, the right of access to and egress from the Servitude Area with or without vehicles, plant and equipment and at all reasonable times (and at any time in cases of emergency) through the Access Points over the Burdened Property using routes to be agreed between the parties acting reasonably (but in the case of emergency over the most practical route) and to temporarily park vehicles thereon.
2. The right to erect, re-erect, construct, use, inspect, maintain, repair, protect, replace, renew, supplement, connect into, remove or render unusable the Lines and to maintain, repair, renew and replace the connection of the Lines to other electrical plant and overhead electric lines and others immediately to the east and west of the Lines as part of the electricity distribution network operated by the Benefited Owner and with right to break up so much of the surface of the Servitude Area as is reasonably necessary from time to time for the purpose of exercising this right.
3. The right to fell, lop or cut all trees and shrubs standing on the Servitude Area which (in the reasonable opinion of the Benefited Owner), may, (if not felled, lopped or cut), obstruct or interfere with the construction, maintenance or safe operation of any apparatus on the Servitude Area or the Lines. No compensation shall be payable by the Benefited Owner to the Burdened Owner in respect of any tree, shrub or other vegetation felled or lopped within the Servitude Area but all trees, shrubs or other vegetation so felled or lopped by the Benefited Owner shall be left by the Benefited Owner for the Burdened Owner.

Part 2

The Servitude Conditions

The Servitude Rights created by this Deed are subject to the following Servitude Conditions:

1. When exercising the rights granted in Part 1 of the Schedule, the Benefited Owner shall take reasonable precautions to minimise undue damage or obstruction to or interference with the use of the Burdened Property.
2. Prior to the exercise of any of the rights granted in Part 1 of the Schedule, the Benefited Owner shall give reasonable notice to the Burdened Owner, except in the case of an emergency, when no notice need be given.
3. Whenever necessary following exercise of the rights granted in Part 1 of the Schedule, the Benefited Owner shall either (at the Benefited Owner's option) (i) make good and restore the surface of the Burdened Property to the reasonable satisfaction of the Burdened Owner, or (ii)

pay the proper and reasonable costs incurred by the Burdened Owner in making good physical damage to the Burdened Property, and if for any reason the damage cannot be made good or if the Burdened Owner or those deriving right from the Burdened Owner have suffered any direct loss or incurred additional expense directly attributable to the Benefited Owner's failure to do so, the Benefited Owner shall pay compensation to the Burdened Owner or its foresaids at a fair and equitable rate.

4. So far as is reasonably practicable and for so long as the Lines are used for or in connection with the transmission or distribution of electricity, the Benefited Owner shall keep the Lines in good repair and condition or rendered permanently safe.

5. The Benefited Owner shall pay compensation (to be calculated having regard to the then open market value of the timber concerned) to the owner for the time being of the Burdened Property for any windblow occurring within a five year period following the felling of trees on the Servitude Area, where such windblow is as the result of the exercise of the Servitude Rights.

6. All felling or lopping shall be done in accordance with best forestry husbandry and practice and in accordance with a method statement to be approved by the Burdened Owner, acting reasonably.

7. The Benefited Owner shall keep the Burdened Owner indemnified against all liabilities incurred, all damage and loss suffered, all claims, demands, actions and proceedings arising by reason of the exercise of the Servitude Rights or failure to comply with the Servitude Conditions (excepting any such actions, claims or demands as may arise as a result of the negligent or wrongful act of the Burdened Owner or its servants or agents) provided that the Burdened Owner will not settle or compromise any actions, claims or demands without the prior consent of the Benefited Owner (such consent not to be unreasonably withheld or delayed).

Part 3

The Burdened Owner's Obligations

1. The Burdened Owner shall not:

(a) make any alteration to the Servitude Area, nor plant any tree or shrub or erect any structure on or over the Servitude Area;

(b) do anything whereby the level of the ground on the Servitude Area or those parts of the Burdened Property immediately adjacent thereto shall be raised so as to alter the distance between the level of the ground and the Lines; nor

(c) permit any structure on the Burdened Property to be within the Servitude Area and shall not permit any tree or shrub to grow so as to be, or come when falling, within the Servitude Area other than with the prior written consent and under the supervision of the Benefited Owner (such consent not to be unreasonably withheld or delayed in particular in circumstances where such alteration, planting or erection is not likely to cause damage to the Lines or interfere with the safe operation thereof).

2. The Burdened Owner shall not do anything that may or may be likely to cause damage to the Lines and it shall take all reasonable precautions to prevent any damage to the Lines.

3. The Burdened Owner shall not interfere with or obstruct either the operation of the Lines or the Benefited Proprietor's access to the Lines in accordance with the terms of this Deed.

Burden 20

Deed of Servitude by Alexandros Reo Stakis (hereinafter referred to as "the Burdened Owner") to Scottish Hydro Electric Transmission PLC (hereinafter referred to as "Benefited Owner"), registered 13 May 2020, contains the following:

1. DEFINITIONS AND INTERPRETATION

1.1 In this Deed the following words and expressions shall have the following meanings:

"Access Points": the access points by crosses coloured purple on the Plans which form part of the Burdened Property;

"Benefited Property": ALL and WHOLE (1) the electricity transmission network currently owned and operated by the Benefited Owner together with substations and other apparatus and (2) the areas of land which are owned by the Benefited Owner under, upon and over which said transmission network substations and other apparatus are installed or erected all as varied or altered from time to time;

"Burdened Property": ALL and WHOLE the subjects shown outlined in red on the Plans, being part of the subjects at Morenish, Killin, registered in the Land Register of Scotland under Title Number PTH18224;

"Lines": all electrical plant and overhead electric lines (as defined in section 64 of the Electricity Act 1989), works, poles and stays and all appurtenant apparatus installed or to be installed on the Servitude Area;

"Plans": the two plans annexed and executed as relative to this Deed of Servitude;

"Schedule": the schedule in 3 parts annexed and executed as relative to this Deed of Servitude;

"Servitude Area": the area of land shown as a green hatch on the cadastral map extending to 7.5 hectares or thereby and being the area measuring circa 30 metres either side of the centreline of the Lines installed on the Servitude Area as at the date of commencement of the Servitude Rights and forming part of the Burdened Property and which area is deemed to be sterilised from future commercial forestry planting;

"Servitude Conditions": the conditions under which the Servitude Rights are to be exercised set out in Part 2 of the Schedule;

"Servitude Rights": the servitude rights set out in Part 1 of the Schedule;

"Sterilisation Payment": TWENTY TWO THOUSAND TWO HUNDRED AND FIFTY EIGHT POUNDS AND FIFTY PENCE (£22,258.50) STERLING; and

"Tree Crop Compensation": ONE HUNDRED AND SEVENTEEN THOUSAND FIVE HUNDRED AND FOURTEEN POUNDS AND SEVENTY FIVE PENCE (£117,514.75) STERLING.

1.2 Where at any one time there are two or more persons included in the expression "Benefited Owner" or "Burdened Owner" obligations contained in this Deed which are expressed to be made by the party denoted by the expression in question are binding jointly and severally on them and their respective executors and representatives whomsoever without the necessity of discussing them in their order.

1.3 Any reference to a Clause, Schedule or Part of the Schedule is to the relevant Clause, Schedule or Part of the Schedule of or to this Deed.

1.4 Any rights reserved to the Benefited Owner are exercisable by the tenants, agents, employees, workmen and others authorised by them from time to time.

1.5 The Schedule forms part of this Deed.

2. GRANT OF SERVITUDE

In consideration of the sum of FIVE THOUSAND SIX HUNDRED AND SEVENTY SEVEN POUNDS (£5,677.00) STERLING paid to the Burdened Owner by the Benefited Owner, (the receipt of which is hereby acknowledged) the Burdened Owner grants the Servitude Rights but subject always to the Servitude Conditions. In addition, the Burdened Owner accepts the Sterilisation Payment in full and final settlement of all claims arising in respect of all and any claims that they have arising from the sterilisation of the Servitude Area from future forestry planting and accepts payment of the Tree Crop Compensation in full and final settlement of all claims arising in respect of all and any claims that they have arising from the loss of timber associated with the initial clearance of the Servitude Area, save in respect of any compensation payable pursuant to the Servitude Conditions.

3. DATE OF COMMENCEMENT OF SERVITUDE

The Servitude Rights granted by this Deed will be exercisable with effect from the last date of execution.

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The Lines shall be and shall remain the property of the Benefited Owner.

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The Burdened Owner undertakes to comply with the obligations set out in Part 3 of the Schedule

6. NO LANDS TRIBUNAL APPLICATIONS

No application may be made to the Lands Tribunal for Scotland under section 90(1) (a) (i) of the Title Conditions (Scotland) Act 2003 in respect of the servitudes set out in this Deed for a period of five years after the registration of this Deed in the Land Register of Scotland

7. WARRANDICE

The Burdened Owner grants warrandice.

8. DISPUTE RESOLUTION

8.1 Any dispute arising under this Deed shall be determined by a single expert, whose appointment is to be agreed upon between the Burdened Owner and the Benefited Owner, or failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the Chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.

8.2 The expert's fees and any costs properly incurred by him in arriving at his determination (including any fees and costs of any advisers appointed by the expert) shall be borne by the Burdened Owner and the Benefited Owner in such proportions as the expert shall direct.

9. NOTICES

9.1 All notices shall be in writing.

9.2 Any notice shall be sufficiently served if sent by registered post or recorded delivery to:

9.2.1 the party concerned at its registered office (if incorporated in the UK), marked for the attention of the company secretary, or

9.2.2 the party concerned at its last known address in the UK (if an individual or partnership)

9.3 Any notice sent by registered post or recorded delivery shall be assumed to have been served 48 hours after it is posted.

9.4 To prove service it shall be enough to prove that the envelope containing the notice was correctly addressed and was posted to the place to which it was addressed

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parties acting reasonably (but in the case of emergency over the most practical route) and to temporarily park vehicles thereon.

2. The right to erect, re-erect, construct, use, inspect, maintain, repair, protect, replace, renew, supplement, connect into, remove or render unusable the Lines and to maintain, repair, renew and replace the connection of the Lines to other electrical plant and overhead electric lines and others immediately to the east and west of the Lines as part of the electricity transmission network operated by the Benefited Owner and with right to break up so much of the surface of the Servitude Area as is reasonably necessary from time to time for the purpose of exercising this right.

3. The right to fell, lop or cut all trees and shrubs standing on the Servitude Area which (in the reasonable opinion of the Benefited Owner), may, (if not felled, lopped or cut), obstruct or interfere with the construction, maintenance or safe operation of any apparatus on the Servitude Area or the Lines. No compensation shall be payable by the Benefited Owner to the Burdened Owner in respect of any tree, shrub or other vegetation felled or lopped within the Servitude Area but all trees, shrubs or other vegetation so felled or lopped by the Benefited Owner shall be left by the Benefited Owner for the Burdened Owner.

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3. Whenever necessary following exercise of the rights granted in Part 1 of the Schedule, the Benefited Owner shall either (at the Benefited Owner's option) (i) make good and restore the surface of the Burdened Property to the reasonable satisfaction of the Burdened Owner, or (ii) pay the proper and reasonable costs incurred by the Burdened Owner in making good physical damage to the Burdened Property, and if for any reason the damage cannot be made good or if the Burdened Owner or those deriving right from the Burdened Owner have suffered any direct loss or incurred additional expense directly attributable to the Benefited Owner's failure to do so, the Benefited Owner shall pay compensation to the Burdened Owner or its foresaids at a fair and equitable rate.

4. So far as is reasonably practicable and for so long as the Lines are used for or in connection with the transmission or distribution of electricity, the Benefited Owner shall keep the Lines in good repair and condition or rendered permanently safe.

5. The Benefited Owner shall pay compensation (to be calculated having regard to the then open market value of the timber concerned) to the owner for the time being of the Burdened

Property for any windblow occurring within a five year period following the felling of trees on the Servitude Area, where such windblow is as the result of the exercise of the Servitude Rights.

6. All felling or lopping shall be done in accordance with best forestry husbandry and practice and in accordance with a method statement to be approved by the Burdened Owner, acting reasonably.

7. The Benefited Owner shall keep the Burdened Owner indemnified against all liabilities incurred, all damage and loss suffered, all claims, demands, actions and proceedings arising by reason of the exercise of the Servitude Rights or failure to comply with the Servitude Conditions (excepting any such actions, claims or demands as may arise as a result of the negligent or wrongful act of the Burdened Owner or its servants or agents) provided that the Burdened Owner will not settle or compromise any actions, claims or demands without the prior consent of the Benefited Owner (such consent not to be unreasonably withheld or delayed).

Part 3

The Burdened Owner's Obligations

1. The Burdened Owner shall not:

(a) make any alteration to the Servitude Area, nor plant any tree or shrub or erect any structure on or over the Servitude Area;

(b) do anything whereby the level of the ground on the Servitude Area or those parts of the Burdened Property immediately adjacent thereto shall be raised so as to alter the distance between the level of the ground and the Lines, nor

(c) permit any structure on the Burdened Property to be within the Servitude Area and shall not permit any tree or shrub to grow so as to be, or come when falling, within the Servitude Area other than with the prior written consent and under the supervision of the Benefited Owner (such consent not to be unreasonably withheld or delayed in particular in circumstances where such alteration, planting or erection is not likely to cause damage to the Lines or interfere with the safe operation thereof).

2. The Burdened Owner shall not do anything that may or may be likely to cause damage to the Lines and it shall take all reasonable precautions to prevent any damage to the Lines.

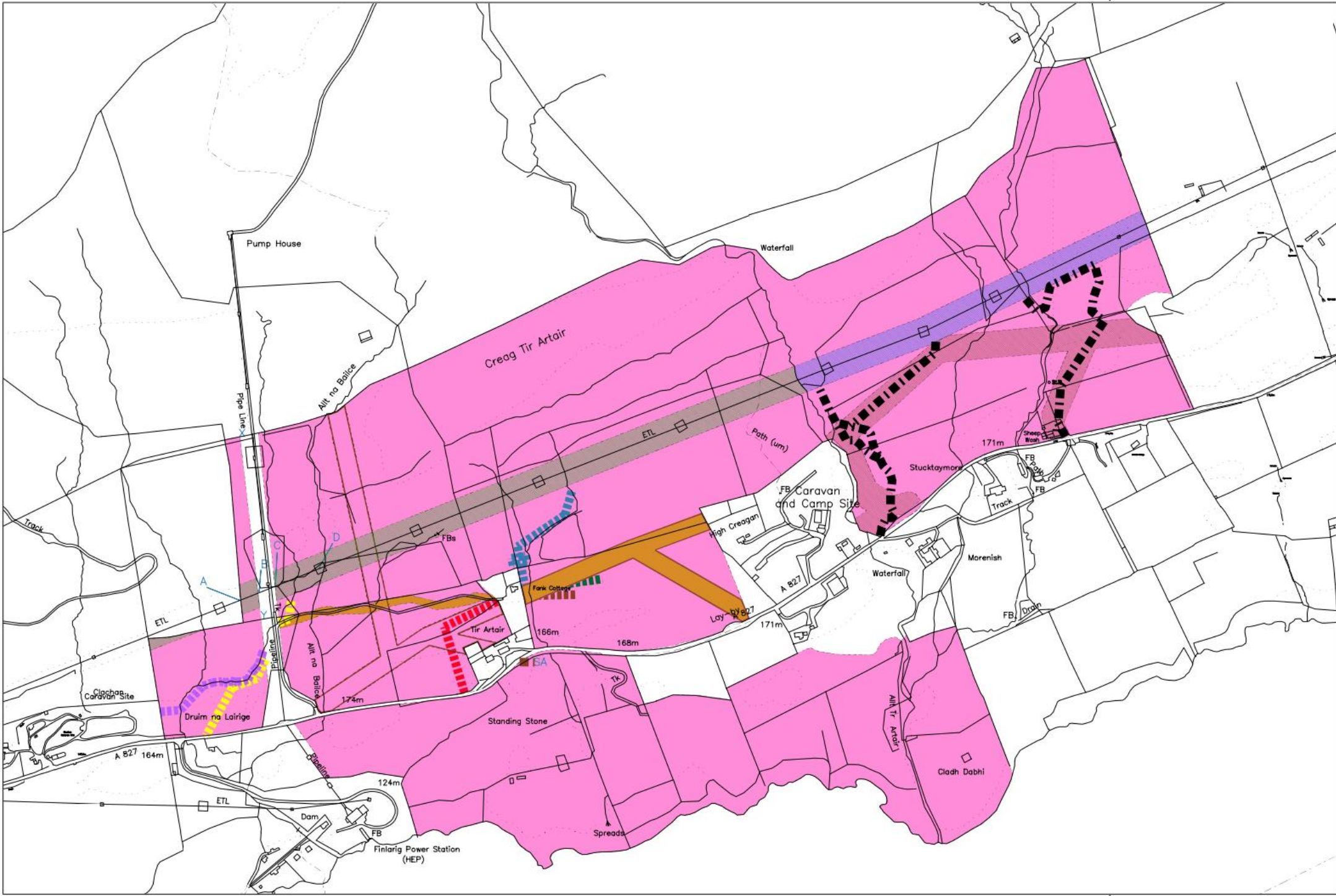
3. The Burdened Owner shall not interfere with or obstruct either the operation of the Lines or the Benefited Proprietor's access to the Lines in accordance with the terms of this Deed.

Burden 21

Explanatory Note:

The descriptions of the burdened and benefited properties in any deed registered in terms of sections 4 and 75 of the Title Conditions (Scotland) Act 2003 in this Title Sheet are correct as at the stated date of registration of such deed.

This is a Copy which reflects the position at the date the Title Sheet was last updated.
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Perth and Argyll Conservancy

Upper Battleby

Redgorton

Perth

PH1 3EN

Tel 0300 067 6005

Fax 01738 827819

panda.cons@forestry.gsi.gov.uk

Via email

Conservator

Cameron Maxwell

Dear Sir/Madam

23 of December 2016

Morenish Woodland Creation scheme ref.: 16FGS10755

I am writing to provide an update on the progress of the above scheme. Forestry Commission Scotland has, following a long and thorough consideration of the proposal, decided to approve the revised woodland creation application at Morenish. This decision has been taken following revisions to the scheme, which account for the regional forestry strategy, the UK Forestry Standard, the constraints on the site and the comments received through the EIA determination period and the public register consultation process.

Morenish farm is a 170 hectare former farm unit on the north side of Loch Tay, 3.5km north east of Killin. Tilhill Forestry are the forest managers for the scheme and advise the owner and their representatives.

The land was bought for the purpose of woodland creation. The owner's objective is to grow softwood timber, primarily spruce for the sawmilling, biomass and wood panel industries in due course, rather than e.g. a wholly native woodland.

The Perth and Kinross Forest and Woodland Strategy sets out a strategic vision for the management of existing woodland and the creation of new woodlands. Morenish sits with the 'Preferred' area of woodland creation in the strategy. The description of this area states that this '*land will offer the greatest scope to accommodate future expansion of a range of woodland types, and hence, to deliver a very wide range of objectives*' and '*within preferred areas sensitivities are, in general, likely to be limited, and it should be possible to address and*

particular sites issues within well designed proposals that meet the UKFS' (Perth & Kinross Woodland Strategy, 2014, p25).

The site has a number of sensitive sites or designated sites around it, including the Tay SAC, Ben Lawers SSSI and Morenish Meadows SSSI. However, there are no specific designations on this site and therefore, it has been concluded that a well designed woodland, which meets the UKFS would be an acceptable proposal. There is a long and well established history of the creation of mixed productive woodland throughout rural Perthshire. This woodland is proposed in an area deemed suitable for expansion within the strategy.

I acknowledge the concerns raised regarding the view that the proposal does not meet the key themes of the Scottish Forestry Strategy. Each and every woodland, whether existing or new, is unlikely to meet every theme fully. Different woodlands in different locations will help deliver against some but rarely all of the themes. For example a productive conifer scheme in remote Scotland will deliver against some themes which a mixed broadleaved small woodland in an urban setting will not. This proposal delivers against the climate change theme through the sequestration of CO₂, it delivers against the Timber theme through the creation of a productive mixed woodland and it delivers against the business theme through the creation of a sustainable resource providing rural employment opportunities, increasing the asset value of the land and diversifying the land use type in the local area. The creation of pedestrian gates, pathways and tracks for forest management purposes will be available for public access, and therefore, some recreational benefits will be realised. The creation of over 13 hectares of native woodland, commonly associated with the riparian zones on the site will be beneficial in biodiversity terms and help protect the watercourses from degradation. As the forest is gradually restructured once it reaches maturity, its biodiversity value will increase providing habitat for a greater range of species. Our consideration is that whilst a productive conifer seems narrow in delivering against the Scottish Forestry Strategy, there are multiple benefits delivered, some of which are immediate, with many more as the forest matures and develops over successive rotations.

The UKFS is the forest industry bench mark for sustainable forest management. Several revisions to the scheme over the process have ensured that the proposal does now meet the UKFS. These are as follows:

- Species diversity: the UKFS sets out minimum species diversity requirements. This proposal significantly exceeds these requirements. The species composition is as follows:

Species	Area (ha)	Percentage of site
Sitka spruce	63.69	66%

Native Mixed broadleaves	12.81	13.3%
Norway spruce	6.48	6.7%
Douglas fir	3.76	3.9%
Designed Open Ground	9.76	10.1%
TOTAL	96.5	100%

When the existing mixed BL woodland and non-grant aided open ground is added into the figures, overall the forest will be as follows:

Species	Area (ha)	Percentage of site
Sitka spruce	63.69	37.8%
Native Mixed broadleaves & existing broadleaves	34.81	20.7%
Norway spruce	6.48	3.8%
Douglas fir	3.76	2.2%
Open Ground	59.75	35.5%
TOTAL	168.49	100%

- Access: the proposal was revised to ensure access was created along rides to the key features of the site and from the caravan park to the open hill above.
- Existing woodland features: there are several areas of remnant native woodland trees and groups of trees on the site. These will be maintained and enhanced through the creation of open space around these features.
- Open habitats: a thorough habitat survey was undertaken by a qualified ecologist on behalf of the applicant. This resulted in several areas of open habitat being left open and incorporated in to the open space which will be maintained as part of the forest habitat.
- Landscape: landscape analysis was undertaken to ensure the design met the UKFS. Amendments to the design were the softening of geometric edges through the creation of more organic shapes and variations in species composition to create diversity in colour and management practice.
- Archaeological features: all the known sites will be left unplanted with open space created around the feature in accordance with the UKFS

guidelines. The area around the cemetery in the part of the site near the shore of Loch Tay has been left open with an access left open through the creation of a grass ride from the existing farm track.

To account for the National Nature Reserve immediately above the site boundary, a buffer of 50 linear metres has been put in place to minimise the seeding effect of non-native conifers. This forest will be managed on a commercial basis and therefore, it is highly likely that the conifer species will be felled before large quantities of seed are produced. However, this cannot be guaranteed, therefore, the buffer has been agreed with the applicant. It is known that conifer seed dispersal is limited for spruce species beyond 50m.

A key element of the consideration of any proposal is the owner's objectives and their legitimate right to consider changing of land use. The UKFS acknowledges this point, recognising that whilst any site may present a range of opportunities for woodland creation, the owner's objectives are the starting point for the development of all new woodlands. The UKFS and supporting documents are written to ensure only sustainable woodlands are approved but it does accommodate a range of objectives. In this case, the owner's objectives are to create a productive woodland. The level of productivity which the owner wished to achieve at the outset of this proposal has been modified though the revisions detailed above. There has been much dialogue between FCS and the agents acting on behalf of the owner to ensure the proposal does meet the UKFS. FCS was not content to approve any new woodland at this location until all the outstanding relevant issues had been addressed. We consider that has now been done and have therefore approved the scheme. Whilst we understand this will not meet the desires of some of the consultees who have expressed an interest in this scheme, we do believe it does now meet the relevant standards required.

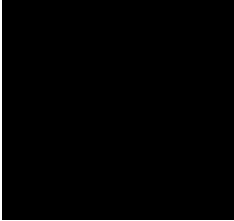
The scheme crosses the boundary of 2 Community Council areas the scheme was an agenda item at the Killin CC meeting earlier this year. Tilhill also arranged a drop in session for the community and other stakeholders in Killin on the 10th of June. We completed our assessment of the scheme for EIA after that meeting, taking into account feedback from it, before determining on the 20th of June that the revised scheme design and proposals were not likely to have a significant environmental impact.

The Forestry Grant Scheme application for new woodland creation was then approved in December 2016. The operational work on site will be undertaken over this winter and next spring.

Attached is a map showing the final scheme design.

Please contact me if you would like any more information.

Yours faithfully



Tom Davies
Senior Operations Manager

Complete this form to find out if you need consent, from the Forestry Commission (under the EIA Regulations 1999), to carry out your proposed work.

Section 1 Proposed work							
Please put a cross in the box to indicate the type of work you are proposing to carry out. Give the area in hectares and where appropriate the percentage of conifers and broadleaves.							
Proposed work	cross	Area in hectares	% Conifer	% broadleaves	Proposed work	cross	Area in ha
Afforestation	x	106	72	11	Forest roads	x	1
Deforestation					Forest quarry	x	0.5
Location and District			Killin, Perthshire				

Please attach map(s) showing the boundary of the proposed work and also give details of the operations.

Section 2 Property details	
Property Name	Morenish Farm
Grid Reference (e.g. AB 123/789)	NN 590 351
Local Authority	Perth and Kinross & Stirling
Nearest Town	Killin

Section 3 Applicant's category (please put a cross in one box)			
PE	Personal occupier	x	PU Public ownership
BU	Business occupier		OT Other
VO	Voluntary organisation		CT Crofting tenant

Section 4 Applicant's type (please put a cross in one box)			
LS Lessee		OW Owner	x
TE Tenant		TR Trust	

Section 5 your agent or woodland manager's details					
Title	Mrs	Initials	S	Surname	Creber
Organisation	Tilhill Forestry				
Address	1 Duckburn Park				
Stirling Road					
Dunblane			Postcode	FK15 0EW	
Tel No	01786 821 666		Mobile	07827 873081	
Fax			e-mail	Sephera.creber@tilhill.com	
Is this the address for correspondence?			yes	<input checked="" type="checkbox"/>	No

Section 6 Applicant's details					
Title	Mr	Initials	A	Surname	Stakis
Organisation	Andros Stakis				
Address	C/O Aitchesse Ltd, Riverview House, Friarton Road, Perth				
			Postcode	PH2 8DF	
Tel No	01738631949		Mobile		
Fax			e-mail	graham@aitchesse.co.uk	
Is this the address for correspondence?			yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

Section 7 Sensitive Areas: Give the area of the proposal that is covered by any of the following designations	
Sensitive Area as listed in "Schedule 2" of the 1999 EIA Regulations Area (ha)	Area in hectares
a. Sites of Special Scientific Interest (SSSI) or Proposed Sites of Special Scientific Interest (PSSSI)	0
b. SSSI's with a Nature Conservation Order (Section 29 of the Wildlife and Countryside Act 1981)	0
c. National Park (NP)	0
d. The Broads	0
e. World Heritage Site	0
f. Scheduled Ancient Monument (SAM)	0
g. an area designated as National Scenic Area	0
h. Area of Outstanding Natural Beauty (AONB)	0
i. "Natura 2000" site - (European network of special areas of conservation and special protection areas under the Wild Birds Directive)	0

CDS Planning Local Review Body

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 31 January 2024 11:43
To: CDS Planning Local Review Body
Subject: LRB-2023-50

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 Audrey

Thank you for your letter of 17th January enclosing copies of further representations received in respect of the above Notice of Review.

We appreciate that many of the points raised are not relevant from a planning point of view, but the applicants consider that the orchestrated nature of the many similar comments are attempting to paint a misleading picture to the LRB.

One of the responses is simply signed from 'Jo' with no address details which doesn't seem to be normal practice. That response concludes by saying that there is no demand for an additional farm shop in close proximity to the existing enterprise at Tombreck. However commercial competition is not a valid material planning consideration.

As is common across the country, and confirmed in the previous renewal of the planning permission on this site, there is no requirement for all farm shop produce to be grown on the site in question.

The point raised by the Community Council (CC) about the title is also a misleading non-planning issue. Anyone can call their home or their land anything they want, and on many occasions, mistakes are made by both the legal profession and Registers of Scotland.

The applicant's property was the last remaining property or residue of the Estate of Morenish, or Morenish Home Farm. When the applicants purchased the remainder of the estate/farm, it was for some inexplicable reason at the time, titled as Morenish Cottage. The applicants sold Morenish Cottage and purchased Tay Cottage as it was right in the middle of the farm and successfully applied to operate it as the temporary farm shop as explained in our original appeal submission. Farms have cottages on them which are not always related to the name of the farm. With hindsight, the applicants believe they probably should have changed the name on the title to Morenish Home Farm, part of the lands and estate of Morenish.

To suggest that the farm is simply a 'piece of land' is therefore not correct. Within the copy of the title provided by the CC, you can see the various references to the Estate of Morenish and Morenish Home Farm, but ironically, it is the Lands of Morenish Farm that have been sold off for forestry and Morenish Farm is now only a house and a few residual acres. As explained in the appeal submission the applicants have disposed of 25 acres, but still have title to the bulk of the land i.e. 350 acres.

Whilst the land was not grazed last season, it has most recently been the subject of a grazing licence with the National Trust for Scotland under a management agreement with Ecoscot (Nature Scot). This was to facilitate the improvement of both the Morenish SSSI and to persuade heritable graziers to remove their livestock from the Ben Lawers NNR, by providing an alternative.

Contrary to what has been claimed cars have not been dumped at the site. They were the applicants family vehicles until they were damaged by trespass grazing. Tups were allowed to repeatedly head-but the vehicles and vehicles have subsequently been stolen and/or been repeatedly broken into and vandalised.

Tay Cottage is also not derelict. It has been broken into and vandalised. The CC have refused to assist with any representations or expressed concern to the Police as to the level of crime along the lochside.

Other issues raised relate to matters that did not form part of the original reasons for refusal of the application and are also factually incorrect e.g. contrary to the views expressed, the LRB will be fully aware that the Development Plan consists of both NPF4 and LDP2, and it is only in a situation where there is a conflict between policies, that the policies set out in NPF4 would take precedent over the LDP2 policies.

For the reasons set out in our original grounds of appeal statement we would therefore respectfully request that the LRB allow the appeal and grant planning permission in principle.

Many thanks

Kind regards
Mark



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738 230154 | M: 07717 512203 | bidwells.co.uk

LRB-2023-51
23/01599/FLL - Change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG

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- (a) Papers submitted by the Applicant (***Pages 121-128***)

- (b) Decision Notice (***Pages 131-132***)
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LRB-2023-51

23/01599/FLL - Change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG

**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:

I am more than happy to show this property to any officer and I will also include my supporting statement.

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.

Full statement will be included in the email in PDF format as there's not enough space.

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.

I've included a matter of a exact same property, in the same area ,which was approved for exacly the same planning application by Perth and Kinross Council.This is explained in the supporting document.

From:

Bartłomiej Szmajdzinski



To:

The Secretary

Local Review Body

Perth and Kinross Council

Committee Services

Council Building

2 High Street

Perth

PH1 5PH

Application Reference: 23/01599/FLL

Dear Members of the Perth and Kinross Council,

I am writing to formally appeal the recent decision to refuse planning permission for the short-term usage of 81 Balhousie Street, PH1 5BG. I understand and respect the importance of the planning process and the council's commitment to maintaining the integrity of our community. However, I believe that there are compelling reasons to reconsider the refusal for short-term usage on my property.

My property has been fully renovated by myself from inhibited conditions which took over 7 months and a significant amount was spent to bring the property up to good standards. Whole property was rewired, new central heating was installed, new triple glazed windows, new flooring, bathroom, kitchen, walls has been replastered with full internal, floor and ceiling insulation. This is making the property very energy efficient and noise proof is on a very high level, I got very good relationship with neighbours and not a single one complained about any noise, they usually can't even tell if there's someone inside. We got each other's phone numbers, and we are friends on Facebook.

I've been operating this business since May 2022 and has been very successful, our booking rate from last year was 95%. I've helped many workers with finding accommodation, around 40-55% of

my bookings were working people. Even to this day I got one person, structural engineer working on the new A9 bridge. He will be staying with me for another 8 months. He stays at my other Self-Catering Apartment which was approved by Perth Council couple weeks ago. We have fantastic reviews on websites like Airbnb and Booking.com. I'm also improving standards of properties in Perth, and bringing lots of business to Perth restaurants, I'm friend with many restaurants' owners in Perth and always very proud to recommend them.

Current interest rates are making my property impossible to rent out to long term tenant, as the running costs would be more than the rent, also current sale market for properties like mine is very slow in Perth which make Short Term Let, my only possibility at this moment.

My goal is to buy properties which are in inhabitable conditions and give them another life, this will not only be short term rentals, but also long-term rentals and hotels, only if Perth and Kinross Council will give me a chance to develop my biggest passion – properties. I'm currently employed with local Estate and Lettings Agency (Premier Properties in Perth) - this gave me a lot of local knowledge. I'm only planning to operate in Perth area and my goals will be to give another life to properties like - The old City of Perth Co-operative Society building on Scott Street in Perth. In my opinion this could be a great hotel potential and I would be more than happy to take this project on board with funding support.

The property on Balhousie Street also helped insurance companies finding temporary accommodation to people in needs, when they're house was flooded.

I feel decision made by Perth and Kinross Council to reject my application if not fair, considering my property had no objections from any neighbours, have private driveway for two cars and have private entrance door. Another property which is very close to my one, at 7 Malvina Place, PH1 5DY in Perth was approved which again make my case not fair. The property on Malvina Place had one objection from the upstairs neighbour and is further away from the city centre. Balhousie Street is a mixed of residential properties with commercial properties like the Dental practise, nursery and Premier Inn convenient shop, when Malvina Place is only a residential street. My property is also booked for around 95% of the time and the one on Malvina only for around 50%. I can make a supporting report if needed.

I respectfully request that the Perth and Kinross Council reconsider the decision to refuse planning permission for the short-term usage of 81 Balhousie Street, PH1 5BG. I am more than willing to work collaboratively with the council to address any concerns and ensure that the proposed development aligns with the best interests of the community. I am also more than happy to help Perth Council with local empty properties, I could work on many renovations' projects, I got some good experience and also a lot of great contacts with local tradesmen's. We can make Perth City great again!

Thank you for your time and consideration. I look forward to the opportunity to discuss this matter further and provide any additional information necessary for a comprehensive and informed review.

Sincerely,

Bartlomiej Szmajdzinski

LRB-2023-51

23/01599/FLL - Change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Bart Properties Ltd
Mr Bartłomiej Szmajdzinski
4C Windsor Terrace
Perth
PH2 0BA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **17th November 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01599/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 4th October 2023 for Planning Permission for **Change of use from flat to a short-term let accommodation unit (in retrospect) 81 Balhousie Street Perth PH1 5BG**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i. An unacceptable impact on local amenity and character of the area, and
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and Policy 17 d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of residents and the short-term let use is not compatible with the amenity and character of the established surrounding residential development.

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01599/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	3rd December 2023	
Draft Report Date	13th November 2023	
Report Issued by	cm	Date 13/11/23

PROPOSAL: Change of use from flat to a short-term let accommodation unit (in retrospect)

LOCATION: 81 Balhousie Street Perth PH1 5BG

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for a change of use of a flat to short-term let accommodation (in retrospect).

The 2-bedroom ground floor flat is located in a 2-storey, four in a block flatted building in a residential neighbourhood on the west side of Balhousie Street, north of the city centre. The property is accessed by a private door and has in-curtilage parking and a rear garden.

SITE HISTORY

None.

PRE-APPLICATION CONSULTATION

None.

DEVELOPMENT PLAN

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

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy

sets out how to improve people's lives by making sustainable, liveable and productive spaces.

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

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

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

[Planning Guidance – Change of Use of Residential Property to Short-Term Let](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

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

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

Internal

Environmental Health (Noise Odour) - No objection. Short-term let informative recommended.

Communities Housing Strategy - The postcode district level of saturation of potential short-term lets for PH1 is below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

REPRESENTATIONS

No representations were received.

Additional Statements Received:

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

APPRAISAL

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

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policies relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned.

NPF4 Policy 30(e): Tourism states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

In respect of criterion (i) of NPF4 Policy 30(e), the short term let use and movement through the turnover of guests will have a detrimental effect on existing residents and an associated adverse impact on the safety and perceived safety of those residents.

The intensification of the short term let use would exacerbate the situation. The flatted development is private residential in nature, and the introduction of short term let uses could erode that residential character and amenity on a cumulative basis. The short term let use is incompatible with the residential block of four flats and the established surrounding residential development.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal has resulted in the loss of a 2-bedroom flat to short term let accommodation in an established residential area north of the city centre. The contribution to the local economy from one property in use as a short term let would be limited. The loss of a 2-bedroom residential flat is not outweighed by demonstrable local economic benefits. The proposal does not satisfy clause ii) of part e) of Policy 30 in NPF4.

The proposal does not satisfy NPF4 Policy 30.

As the proposal would not be compatible with the amenity and character of the surrounding area, it also fails to satisfy national and local placemaking policies, NPF4 Policy 14 and LDP2 Policies 1A and 1B, as well as LDP2 Policy 17 Residential Areas. This is discussed in more detail below.

Residential Amenity

NPF4 Policy 14 Design, Quality and Place and LDP2 Placemaking Policies 1A and 1B and Policy 17: Residential Areas support proposals which are compatible with the amenity and character of the surrounding area.

The ground floor flat is one of four flats in a 2-storey block. Through the use of the flat as a short term let there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the licence.

A supporting statement has been submitted which outlines the owners plans to give new life to uninhabited properties and the benefits of short-term rentals in Perth. However, the use of the property as a short-term let is incompatible with the character of the flatted block and the surrounding residential area. The intensification of use and movements would adversely impact the amenity of neighbouring residents and would alter the private residential character.

Any measures put in place to manage and control bookings would not guarantee to stop or prevent anti-social or noisy behaviour occurring or from impacting adversely on the amenity of neighbouring residents. This matter could not easily be controlled by planning conditions.

The proposal does not satisfy NPF4 Policy 14 Design, Quality and Place and LDP2 Policies 1A and 1B Placemaking and LDP2 Policy 17: Residential Areas.

Roads and Access

Off street parking is provided for 2no vehicles as indicated on the application form. There are no access or parking concerns in light of the location and associated access to public transport options in the form of bus stops. The proposal satisfies NPF4 Policy 13 and LDP2 Policy 60B.

Other Material Considerations

Non-Statutory Planning Guidance

The Council's non-statutory planning guidance on short term lets was approved on 1 November 2023. The planning guidance is a material consideration.

The guidance acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing. The Council wishes to support a sustainable visitor economy and therefore recognises the importance of addressing the short-term let issue whilst also encouraging the development of appropriately located hotels, guest houses and bespoke self-catering units that do not erode local housing availability.

The guidance outlines matters to be considered in the assessment of a planning application including whether the property is within a predominantly residential area and there could be adverse impact on amenity for existing residents, particularly in blocks with shared / communal entry. It also states proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.

As previously highlighted in the report, the proposed use is incompatible with the neighbouring residential uses in a long established residential area north of the city centre. The short term let use and the movement of guests could erode residential amenity on a cumulative basis. The proposal does not comply with relevant NPF4 and LDP2 policies as required and set out in the planning guidance.

Developer Contributions

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

Economic Impact

The economic impact of the proposal is likely to be minimal.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

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.

Reasons

1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:

- i) An unacceptable impact on local amenity and character of the area, and
- ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and Policy 17 d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of residents and the short-term let use is not compatible with the amenity and character of the established surrounding residential development.

Justification

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100645106-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Proposal to change use from residential property to short term let.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

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

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

I was unaware that planning permission must be applied for in this instance. PKC Planning department advised this was a relatively new regulation.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Bartlomiej"/>	Building Number:	<input type="text" value="4C"/>
Last Name: *	<input type="text" value="Szmajdzinski"/>	Address 1 (Street): *	<input type="text" value="Windsor Terrace"/>
Company/Organisation	<input type="text" value="Bart Properties Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Perth"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 0BA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="81 BALHOUSIE STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH1 5BG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="724649"/>	Easting	<input type="text" value="311167"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

70.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

The property was bought by myself in April 2021, it then been fully renovated due to uninhabited condition (mould, dampness, electric etc). Renovation took about 7 months till the end of December 2021. I've lived in the property by myself and started operating as short term let since May 2022.

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

2

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

2

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

N/A - Existing bin arrangements unaltered.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Bartłomiej Szmajdzinski

On behalf of:

Date: 24/09/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Bartłomiej Szmajdzinski

Declaration Date: 24/09/2023

Payment Details



Created: 24/09/2023 15:29

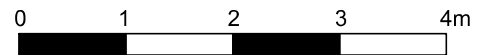
81 Balhousie Street, Perth, PH1 5BG





FLOOR PLAN

SCALE= 1:50 @ A3



SCALE BAR = 1:50

Dear Perth City Council,

As a short-term let host, I am known for providing exceptional hospitality and creating a comfortable and memorable experience for my guests. From the moment they arrive, I will go above and beyond to ensure their stay is enjoyable and stress-free. My neighbours will have direct contact with me and if there's any issues I will go above and beyond to resolve it.

The properties I offer are done up to very high standards and so far, not a single complaint was made by any of the neighbours. The property on Balhousie Street was done up to very high standards, which is attracting valuable customers, workers, tourists, insurance companies etc. The property is operating as a short-term let since May 2022 and It's been very successful, about 35-40% of our customers were working people, I've worked directly with many professionals and bigger corporations like Tesco to help accommodating their workers, we also had couple bookings from insurance companies to provide temporary accommodation to people in needs, a lot of our customers are tourists from all over the word, Europeene countries, locals, USA etc. I'm currently a Supper Host on Airbnb website with overall 5* Reviews, we are also operating on platforms like Booking.com and we are also operating directly with our returning customers (mainly professionals)

I am highly organized and pay attention to even the smallest details, ensuring that my property is spotlessly clean, well-stocked, and beautifully decorated. My mom is in charge of making sure the properties are clean which means we are very much dedicated to this business. Personally, I work as a Letting & Sales Agent in a Perth based Agency called Premier Properties Perth, which gave me a lot of experience with technical and legal part of the properties. My communication skills with the guests and my neighbours are top-notch, always prompt in responding to inquiries, providing detailed information about my properties, rules and the local area. As a knowledgeable local, I will always be invaluable resource for my guests, sharing insider tips on the best restaurants, attractions, and hidden gems in the area. My dedication to the guests' satisfaction is evident in the numerous positive reviews and repeat bookings I received.

My plan is to give new life to uninhabited properties, to grow local economy in our lovely city, and to have safe neighbourhoods by increasing the properties standards.

Below you can find couple benefits of short-term rentals in Perth:

Economic Benefits: Short-term rentals contribute significantly to the local economy. They provide additional income for property owners and create jobs in areas such as cleaning, maintenance, and property management. Visitors who stay in short-term rentals also spend money at local businesses, restaurants, and attractions, which can boost the local economy.

Tourism Promotion: Perth is a beautiful city with a rich cultural heritage and numerous attractions. Allowing short-term rentals like the one proposed at 81 Balhousie Street can help promote tourism and encourage visitors to explore the city. Tourists often seek unique and authentic accommodations, and short-term rentals offer an alternative to traditional hotels, enhancing the overall tourism experience.

Increased Property Value: Well-maintained short-term rentals can improve the appearance of the neighbourhoods and increase property values in the area. Property owners have a vested interest in maintaining their short-term rental properties to attract guests, which can lead to better-maintained and more aesthetically pleasing properties.

Diverse Accommodation Options: Short-term rentals provide a wider range of accommodation options for travellers, catering to different preferences and budgets. This diversity can attract a broader spectrum of tourists to Perth, ensuring that the city remains an attractive destination for both budget-conscious and luxury-seeking travellers.

Compliance with Regulations: It's important to note that the property owner is committed to complying with all relevant regulations and guidelines, including those related to noise control, parking, and waste disposal. This commitment ensures that the short-term rental operation will have minimal impact on the surrounding community.

Increased Tax Revenue: Short-term rentals generate additional tax revenue for the local government, which can be reinvested in community development and services. This revenue can support initiatives that benefit residents and enhance the quality of life in Perth.

Kindest Regards Bartek Szmajdzinski

LRB-2023-51

23/01599/FLL - Change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01599/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer [REDACTED]
Description of Proposal	Change of use from flat to a short-term let accommodation unit (in retrospect)		
Address of site	81 Balhousie Street, Perth, PH1 5BG		
Comments on the proposal	<p>The application is for a ground flat in a residential area of Perth city.</p> <p>NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> <i>i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> <i>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH1 is below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	09.10.2023		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01599/FLL

Our ref LRE

Date 17 October 2023

Tel No 01738 476462

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

**Consultation on an Application for Planning Permission
23/01599/FLL: Change of use of flat to form a short-term let accommodation unit (in retrospect), 81 Balhousie Street Perth for Bart Properties Ltd.**

I refer to your letter dated 10 October 2023 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I have no objections to the application but recommend that the undernoted informative is included on any given consent.

Comments

This application is for the change of use from residential flat to short term let accommodation unit in retrospect, the property has been used as short term let holiday accommodation since May 2022 .

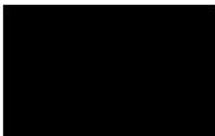
Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>



LRB-2023-52**23/01131/IPL - Erection of a dwellinghouse (in principle),
land 50 metres north of The Stackhouse, Hatchbank,
Kinross****INDEX**

- (a) Papers submitted by the Applicant (***Pages 157-186***)

- (b) Decision Notice (***Pages 173-174***)
 - Report of Handling (***Pages 175-183***)
 - Reference Documents (***Pages 189-206***)

- (c) Representations (***Pages 207-218***)

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:

Yes No

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

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

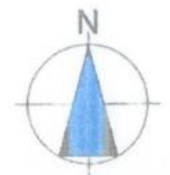


-  Existing Houses + Garden Ground
-  Review Site + Indicative House Footprint
-  Public Road
-  Existing Access Roads
-  Adjacent House Plot at Annafrench Cottage (Application 13/02238/FU extended garden ground)



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

1:1250



Promap

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LRB-2023-52

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

PLANNING DECISION NOTICE *(included in
applicant's submission, pages 173-174)*

REPORT OF HANDLING *(included in applicant's
submission, pages 175-183)*

REFERENCE DOCUMENTS



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100632053-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Erection of a single dwellinghouse in principle on land to the north of the Stackhouse, Hatchbank, Kinross

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name: *

Last Name: *

Company/Organisation

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

LAND TO THE NORTH OF THE STACKHOUSE AT HATCHBANK KY13 0LF

Northing

698969

Easting

311894

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

The application site was included in a pre-app enquiry for a wider proposed site for residential development.

Title:

Mr

Other title:

First Name:

ANDREW

Last Name:

BAXTER

Correspondence Reference Number:

22/00025/PREAPL

Date (dd/mm/yyyy):

22/08/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.32

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

UNIMPROVED GRASSLAND

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

New/Altered septic tank.

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

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

What private arrangements are you proposing for the New/Altered septic tank? *

Discharge to land via soakaway.

Discharge to watercourse(s) (including partial soakaway).

Discharge to coastal waters.

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

NEW PRIVATE WASTE WATER TREATMENT PLANT

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Do you have any agricultural tenants? * Yes No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: MARK WILLIAMSON

On behalf of: Mr GORDON MUIRHEAD

Date: 01/07/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Supporting Planning Statement

Provide copies of the following documents if applicable:

- | | | | |
|--|------------------------------|----------------------------|------------------------------|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr MARK WILLIAMSON

Declaration Date: 01/07/2023

SITE LOCATION PLAN
AREA 5 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 311849, 698952



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15/06/2023 14:23:34

SITE LOCATION PLAN
AREA 5 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 311849, 698952



APPLICATION SITE

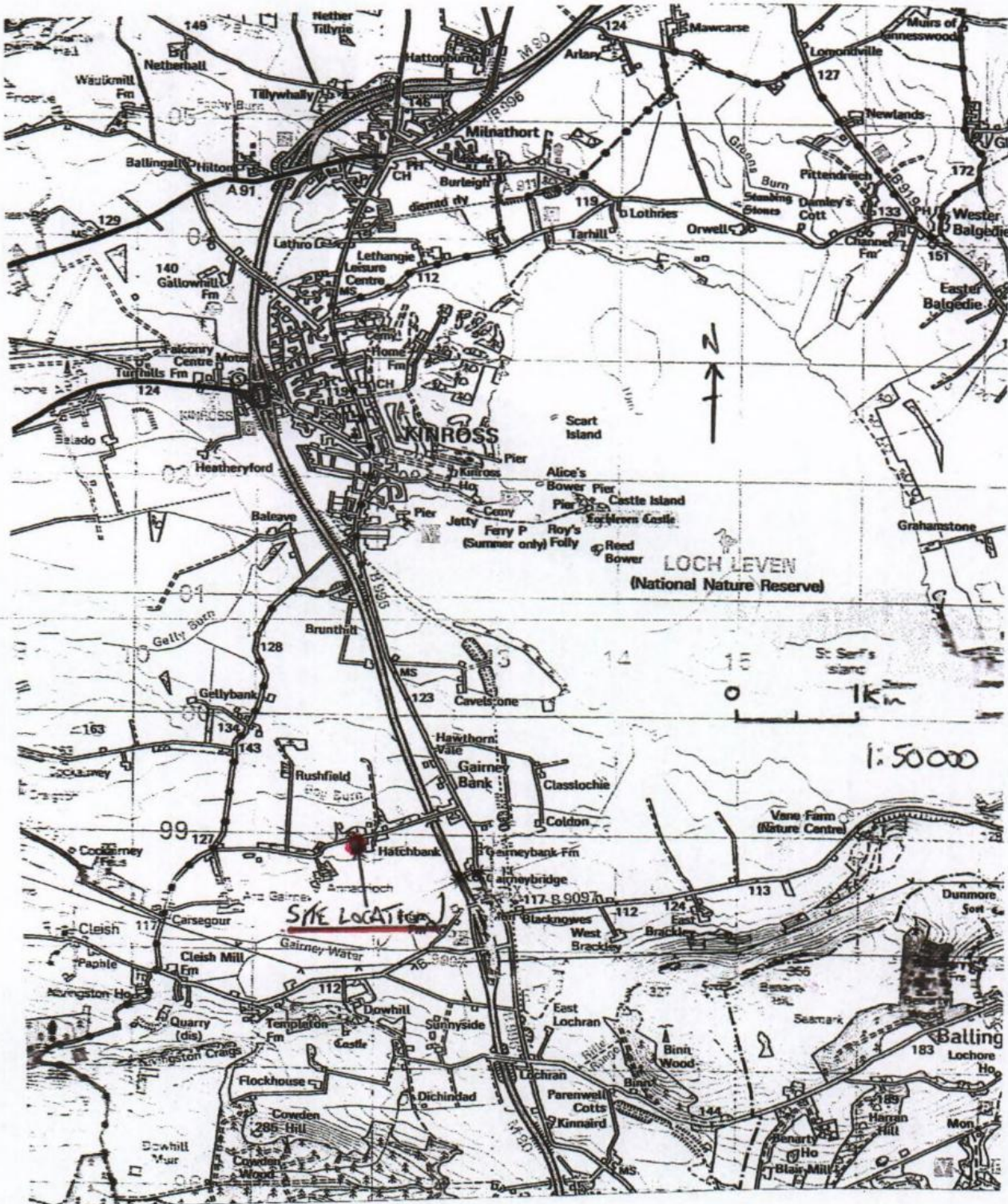
APPLICANT'S LANDOWNERSHIP



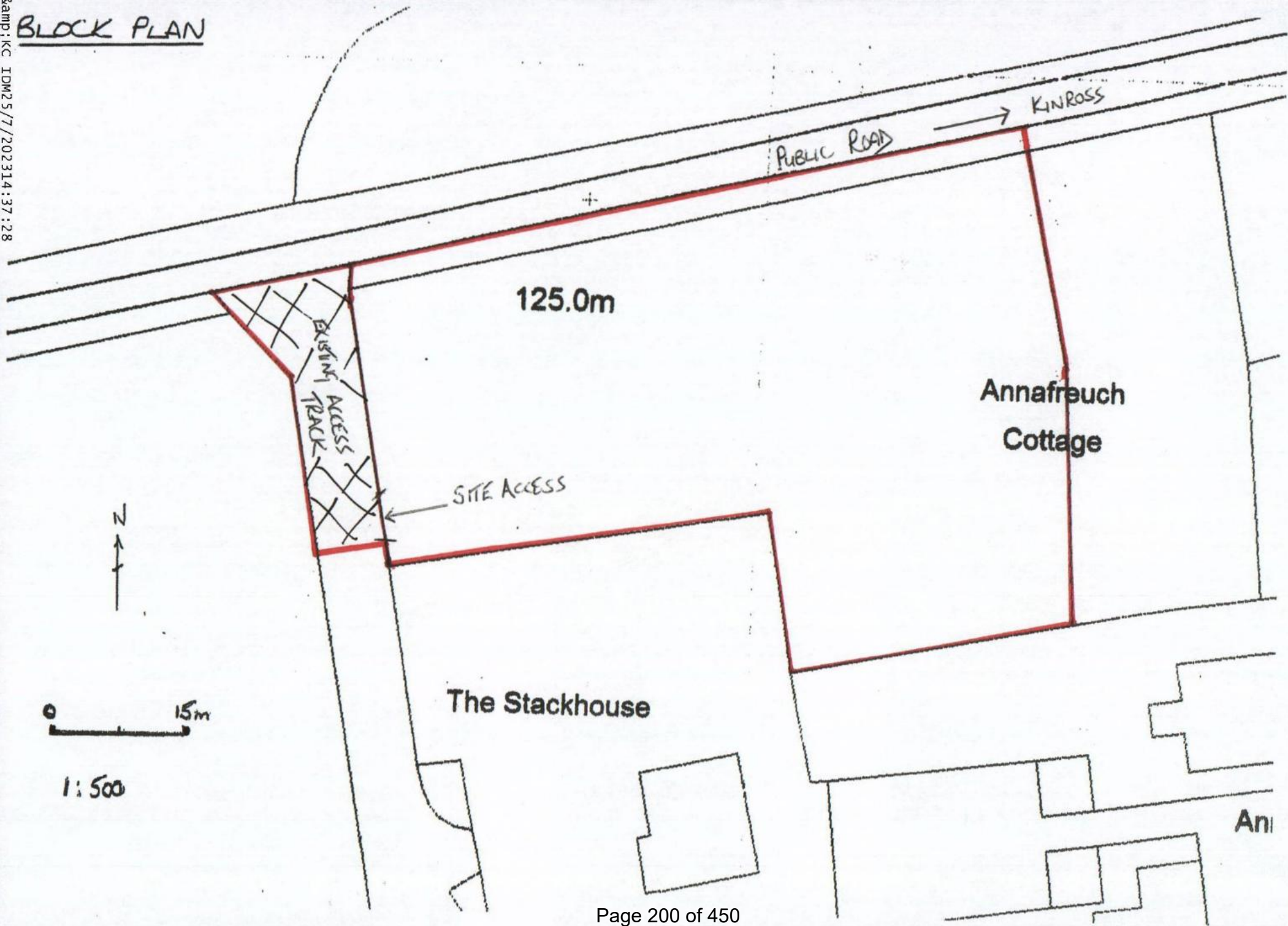
Supplied by Streetwise Maps Ltd
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13/03/2023 16:05:44

SITE LOCATION

P& KC IDM25/7/202314:37:22



BLOCK PLAN



Supporting Statement

Erection of a dwellinghouse in principle on land to the north of the Stackhouse, Hatchbank, Kinross

Applicant: Mr Gordon Muirhead

Introduction & Description of the proposal

This is an application in principle for the erection of a single dwellinghouse on an area of land at Hatchbank which is a small hamlet situated 2.5km to the south of Kinross and to the west of the M90. The application site consists of a 0.32ha area of level ground which is currently unimproved grassland.

The site is bounded to the north by the public road/stone dyke and beyond the road directly adjacent is a large stand of mature woodland which serves to screen the buildings at Hatchbank from the north. The site is bounded to the west by a farm access track and to the south and east by existing dwellinghouses. These are long established boundaries containing the site.

Development Plan Policy

The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2019.

NPF 4

Policy 3: Biodiversity

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Policy 17: Rural Homes

Perth and Kinross Local Development Plan 2019

The application site falls within the designated countryside in the adopted Perth and Kinross Local Development Plan 2019 where the relevant policies for residential development are summarised below :-

Policy 1: Placemaking.

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy 5: Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy 19: Housing in the Countryside

The Council will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:

- (1) building groups;
- (2) infill sites;
- (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;
- (4) renovation or replacement of houses;
- (5) conversion or replacement of redundant non-domestic buildings;
- (6) development on rural brownfield land.

Policy 39: Landscape

Development and land use change, including the creation of new hill tracks, should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes; which requires reference to the Tayside Landscape Character Assessment. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Policy 40B: Trees, Woodland and Development

The Council will follow the principles of the Scottish Government Policy on Control of Woodland Removal and developers are expected to fully accord with its requirements. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.

Policy 41: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area. The Council will apply the principles of the Planning for Nature: Development Management and Wildlife Guide and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development.

Policy 46A: Loch Leven Catchment Area

Total phosphorus from built development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of Loch Leven. All applicants will be required to submit details of the proposed method of drainage, and details of phosphorus mitigation, where applicable, with their application for planning permission and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.

Policy 46B: Loch Leven Catchment Area

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures.

Exceptions will only be permitted where one of the following criteria can be met: (a) where drainage can be diverted outwith the catchment; or (b) where the developer is able to implement acceptable mitigation measures consistent with the Council's published Guidance that are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Other policies

Housing in the Countryside Supplementary Guidance 2020

New Housing in the Countryside Supplementary Guidance was adopted by the Council in March 2020. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

Developer Contributions and Affordable Housing Supplementary Guidance September 2016

Along with affordable housing guidance this includes guidance on education provision and transport infrastructure.

Principle of Development

The proposed site is within the designated countryside in the adopted Perth and Kinross Local Development Plan 2019 where residential development needs to be assessed under the Council's Housing in the Countryside Supplementary Guidance 2020.

Under this policy guidance there is a presumption in favour of housing development in the countryside under the following circumstances:-

- (1) Building Groups.
- (2) Infill sites.
- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (4) Renovation or replacement of houses.
- (5) Conversion or replacement of redundant non-domestic buildings.
- (6) Development on rural brownfield land.

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 mature stand of trees to the north. The grouping of housing at Hatchbank is screened and contained to the wider countryside, as illustrated in the submitted aerial photo. 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.

Scale, Design and Layout

This is an application in principle and the detailed design of the dwellinghouse will be determined at the detailed planning stage where it will be designed appropriately to complement the existing dwellinghouses and therefore will not have any adverse impact on the character of the existing dwellinghouses or the appearance of the wider area. There will be no loss of any significant mature trees as a result of the proposed development.

As suggested in a previous Pre-Application Enquiry response for this site there is an opportunity for built development to be “set back” within the site to preserve a sense of “openness” along the roadside, in accordance with Policy 1 of the adopted LDP.

Residential Amenity

The application site is of sufficient size to comfortably accommodate a dwellinghouse without impacting on the amenity of neighbouring properties with regard to privacy, overlooking or overshadowing in accordance with Placemaking policy.

Landscape and Visual Amenity

The application site is well contained by existing dwellings and long standing man-made and natural boundaries and the proposed residential plot will not have any adverse impact on the landscape character or visual amenity of the countryside around it, in accordance with Policy 39 of the adopted local development plan.

Trees and Biodiversity

There are no trees or hedgerows on the site. It is intended at the detailed stage to indicate biodiversity enhancement through tree/shrub planting in the landscape plan in accordance with local development plan policy.

Access and parking

Access to the site will be taken off an existing farm track which comes off the public road, there will not be a new access formed onto the public road. There is adequate space within the site for parking and turning facilities in accordance with accepted standards.

Drainage and Hydrology

The application site is within the Loch Leven Catchment Area. The applicant will provide acceptable phosphorus mitigation through the upgrade of another property's treatment plant within the catchment area in order to satisfy the terms of the mitigation strategy for the catchment area, in accordance with Policy 46.

The application site is not in an area of flood risk as identified in SEPA flood maps.

Conclusions

The proposal for a single dwellinghouse at Hatchbank is considered to be acceptable in principle as the proposal will extend the existing grouping into a readily definable adjacent site with long established boundaries, in accordance with the relevant housing in the countryside planning policy guidance and NPF4 Policy 17.

A dwellinghouse on this site will not be detrimental to the residential amenity of existing dwellings and will not have any adverse impact on the existing built or landscape character, the visual appearance or biodiversity of the area.

The applicant has secured sufficient phosphorus mitigation to accommodate the proposed development.

It is considered that the vehicular access and on-site parking for the proposal is satisfactory in terms of road safety standards. The proposal is considered to be in accordance with the relevant NPF4 and local plan policies.

LRB-2023-52

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

REPRESENTATIONS

Wednesday, 02 August 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 50 Metres North of, The Stackhouse Hatchbank, Kinross, KT13 0LF
Planning Ref: 23/01131/IPL
Our Ref: DSCAS-0091683-SQ3
Proposal: Erection of a dwellinghouse (in principle)

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](#).
-

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,

Ruth Kerr.

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."

Mrs Elisabeth Zhelyazkov (Neutral)

Comment submitted date: Wed 16 Aug 2023

We have concerns about the over development of a rural area with an additional dwelling, this includes the concerns about road safety and adding traffic to a quiet/single country road. The road system should be protected from ongoing development in the area.

We own [Redacted] and we would wish to know the position of the dwelling on the land including size, single storey etc. We would appreciate more information on this when available. We would want assurance this planning is for a single dwelling only with no extensions to this added at a later stage.

In the initial application, we note that there are plans for a septic tank and soak-away, where would these be positioned on the land?

Given that the water table is high in this location (liable to flooding in heavy rain) what type of foundations will be used and how will this affect surrounding areas? We note the comments already made by Scottish Water and given the impact of the footprint of the building, how will the natural water drainage be managed to not have an affect on the surrounding land and properties?

There is an electric transformer on the land proposed to be built on which services both the local properties and many others in the area (approx 300), how will this be protected?

This proposal would directly impact our privacy and [Redacted]. Our boundary line is [Redacted] and the boundary fence is designed for this. Should this application be successful and the dwelling be built, can you ensure we will be screened appropriately with fencing to maintain our privacy and the boundary appropriately? We would want to be involved in discussions regarding this.

Dr Malcolm Fairweather (Objects)

Comment submitted date: Fri 18 Aug 2023

The site is prone to significant flooding (we have photographic evidence available if required) and the build would add to this circumstance.

We also have concerns about the over development of such a rural area.

This includes additional road traffic on an increasingly busy and fast road (despite the speed limit of 30mph) that is too narrow for two way traffic. There is also significant agricultural traffic on this road meaning that the risk increases should further traffic be introduced by the proposed build.

Given the proximity of [Redacted] we require confirmation of a suitable location for the soak-away.

There was a recent incident where the electric transformer overloaded producing significant electrical flaring and sparking, causing Scottish Power to state no one should go near the transformer or the field until it was fixed. How will this be risk managed and overcome?

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01131/IPL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres North Of The Stackhouse, Hatchbank , Kinross , KT13 0LF		
Comments on the proposal	<p>The applicant is proposing to erect one dwellinghouse on land adjacent to The Stackhouse. No details have been provided as to the size of the dwellinghouse nor the position of the dwellinghouse.</p> <p>The vehicle access from the public road network will be surfaced for a minimum distance of 2 metres back from the edge of the public road network.</p> <p>The applicant should consider the following when submitting a detailed planning application:</p> <ul style="list-style-type: none"> • The number of car parking spaces being provided for the dwellinghouse should be in accordance with The National Roads Development Guide. • Should a garage be proposed for parking, the size of space within the garage must be a minimum of 7.0m x 3.0m (internal dimensions), as set out in the standards defined in The National Roads Development Guide. • Turning facilities shall be provided within the site to enable vehicles to enter and leave in a forward-facing gear. • The visibility splay for the vehicle access must be shown on any subsequent submissions to show the splay to both the left and right of each access. The splay shall be provided to the left and right of the access from a point 2.4 metres back from the edge of the carriageway measured between points 1.05 metres above the road level. The current position of the vegetation will obscure the visibility splays. <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.</p>		

Recommended planning condition(s)	<p>The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</p> <p>Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.</p>
Recommended informative(s) for applicant	
Date comments returned	18 August 2023

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01131/IPL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email: LSumner@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres North Of The Stackhouse Hatchbank Kinross KT13 0LF		
Comments on the proposal	<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>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	22 August 2023		



To: Andy Baxter, Planning Officer

From: Grace Woolmer-White,
Historic Environment Officer

Tel: 01738 477056

Email: GWoolmer@pkht.org.uk

Date: 23rd August 2023

23/01131/IPL | Erection of a dwellinghouse (in principle) | Land 50 Metres North Of The Stackhouse Hatchbank Kinross KT13 0LF

Thank you for consulting PKHT on the above application.

With respect to archaeology and the planning process, as outlined by NPF4, the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

LRB-2023-53**23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY****INDEX**

- (a) Papers submitted by the Applicant (***Pages 221-264***)

- (b) Decision Notice (***Pages 267-268***)
 - Report of Handling (***Pages 269-277***)
 - Reference Documents (***Pages 230-247 and 278***)

- (c) Representations (***Pages 279-360***)

LRB-2023-53

23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY

**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.

Notice of Review Statement provided as an attachment.

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.

Notice of Review Statement

Justification Statement supplied with initial Planning Permission Application

Planning Permission Application

Location Plan

Site Plan

www.perthcityandtowns.co.uk online post

Policies and House Rules

Minut Noise Monitor Logs

Title Deed Exert

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 Date 12/12/2023

Notice of Review

Subject: Planning Permission Application for 4 Knowehead House, Dundee Road, Perth

I trust this statement finds you well. In response to the concerns raised by the Perth and Kinross Planning department, I am providing information further to the Justification Statement previously attached and addressing points 1(i), 1(ii), and 2

1(i) An unacceptable impact on local amenity and character of the area; OR 1(ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Background: 4 Knowehead House, Dundee Road, Perth, presently operates as luxury short-term letting accommodation, contributing positively to Perth's Visitor and Tourism sector. It is a truly unique property which mimics the beauty of Perth City itself. Set in a converted traditional building overlooking the City, River Tay, Smeaton's bridge and St. Matthews Spire. It is popular for romantic getaways, small family vacations and honeymoons, offering a slice of luxury to the city centre.

Property Link: <https://deansretreats.co.uk/book-a-retreat>

Efforts to Enhance Local Amenity: As a luxury short term rental, the property must be in pristine condition. Upon acquisition, the property had been for sale, untenanted and out of use for over 2 years. Due to this extensive refurbishment was required to bring this property back in to use, including:

- Critical structural roofing issues addressed such as damp in joists, lead flashings and slates replaced
- Multiple areas of damp and mould on walls and ceilings required new plasterboard and plastering after roof repairs
- Full internal redecoration
- External remedial works to crumbling pointing and masonry
- Outside communal staircase repaired to ensure safety
- Garden area restored to excellent condition in line with other neighbours
- Extensive clean

The restoration aimed not only to meet safety standards but also to blend seamlessly with the surrounding residential characteristics.

Noise Management and Compliance: To ensure compliance, comprehensive "Policies and House Rules" are provided to guests. A noise management plan, along with the last six months noise monitor logs from Minut monitor attests to the property's adherence to established standards. Perth and Kinross Council and Police Scotland have confirmed there have been zero noise-related issues or anti social issues reported in the last 5 years during my ownership and previous ownership.

Legal Compliance: Enforceable conditions regarding noise, under the Civic Act 1982 and Antisocial Behaviour Act 2004, will be strictly adhered to, guaranteeing no loss of amenity due to noise or antisocial behavior. A CCTV system has been installed in communal areas ensuring the safety and well being of the residents.

With reference to Housing Strategy's comments on the application, it states that the district level for short term lets for PH2 is at 1.1%, which is below the national average and is not considered a concern to the availability of residential housing stock or in danger of affecting the character of a neighbourhood. The value of this 2 Bedroom apartment is £300,000 and would not be considered affordable housing.

2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and policy 17 d) Residential Areas.

Respect for Local Framework: The properties repurpose and being brought back into use aligns with National Planning Framework 4; Perth and Kinross Local Development Plan 2; Change of Use Residential Property to Short Term Let Non Statutory Guidance November 2023; ensuring compliance with policies on design, quality, placemaking, and character of residential areas.

Title Deeds Provision: One of the key reasons for purchase of this property was the specific provision made within the Title Deeds:

'USE: The units shall be used solely as residential dwellings, but, for the avoidance of doubt, the unit may be tenanted and/or used for holiday lets.'

These Deeds have been duly executed and agreed upon by all residents (neighbours 1-5) of Knothead House. This provision reflects a comprehensive understanding and acceptance among the residents that there will be comings and goings of visitors within the building. Furthermore, it is pertinent to highlight that since 2017 when the repurpose of the building completed, all owners have made use of this provision.

Economic Contributions: The property is currently showcased on the www.perthcityandtowns.co.uk website, having been paid and commissioned by Perth & Kinross Council and Perth Invest Team for a dedicated photoshoot advertising Perth City's premium accommodation offering. Concurrently, a competition was ran in collaboration with the website, Celebs Now and Women's Own magazines. The objective was to elevate the visibility of Perth and Kinross at national level, a goal that surpassed expectations with an impressive 189,000 entries from across the UK.

We were honoured to represent Perth in this initiative and play a contributing role in supporting the local economy. The Perth City and Towns website serves as the primary contact point within Perth & Kinross Council for overseeing marketing efforts and driving visitor footfall to the area.

Throughout the months of June – September there is no availability across all accommodation providers in Perth. Regular contact is made from tourists or work forces on local projects who must stay in Dundee or surrounding areas as they have no alternative. This underscores a clear underservice in the market, resulting in economic losses for the local community.

Community Engagement: Within our properties, we provide guidebooks that highlight our preferred restaurants, bars, shopping and tourist hotspots, aiming to encourage inward

spending. This approach aligns with our commitment to not only showcase our property but also to contribute positively to the broader promotion and economic vitality of the local community aligning with PKC's Non-Statutory Planning Guidance to balance economic benefits with local concerns.

Environmental Considerations: The property provides 2 private parking spaces and is only a 5-10 minute walk across the bridge to the city centre, shops and tourist attractions negating the need for vehicle use in the centre. This meets LDP2 and NPF4 policies in Sustainable Transport, Urban Planning and Accessibility, Reduction of Traffic Congestion and Pollution.

Conclusion: In Summary, 4 Knowehead House, Dundee Road, Perth, is unique and positioned as an asset to the Tourism and Visitor sector, aligning with local and neighbour amenity. The property's adherence to regulations, community engagement, environmental positioning and economic contributions underscore its positive impact on the area.

We want to express our openness to collaboration and our willingness to work closely with Perth and Kinross. Should there be any conditions deemed necessary for the successful granting of the planning application, we are fully prepared to adapt and comply.

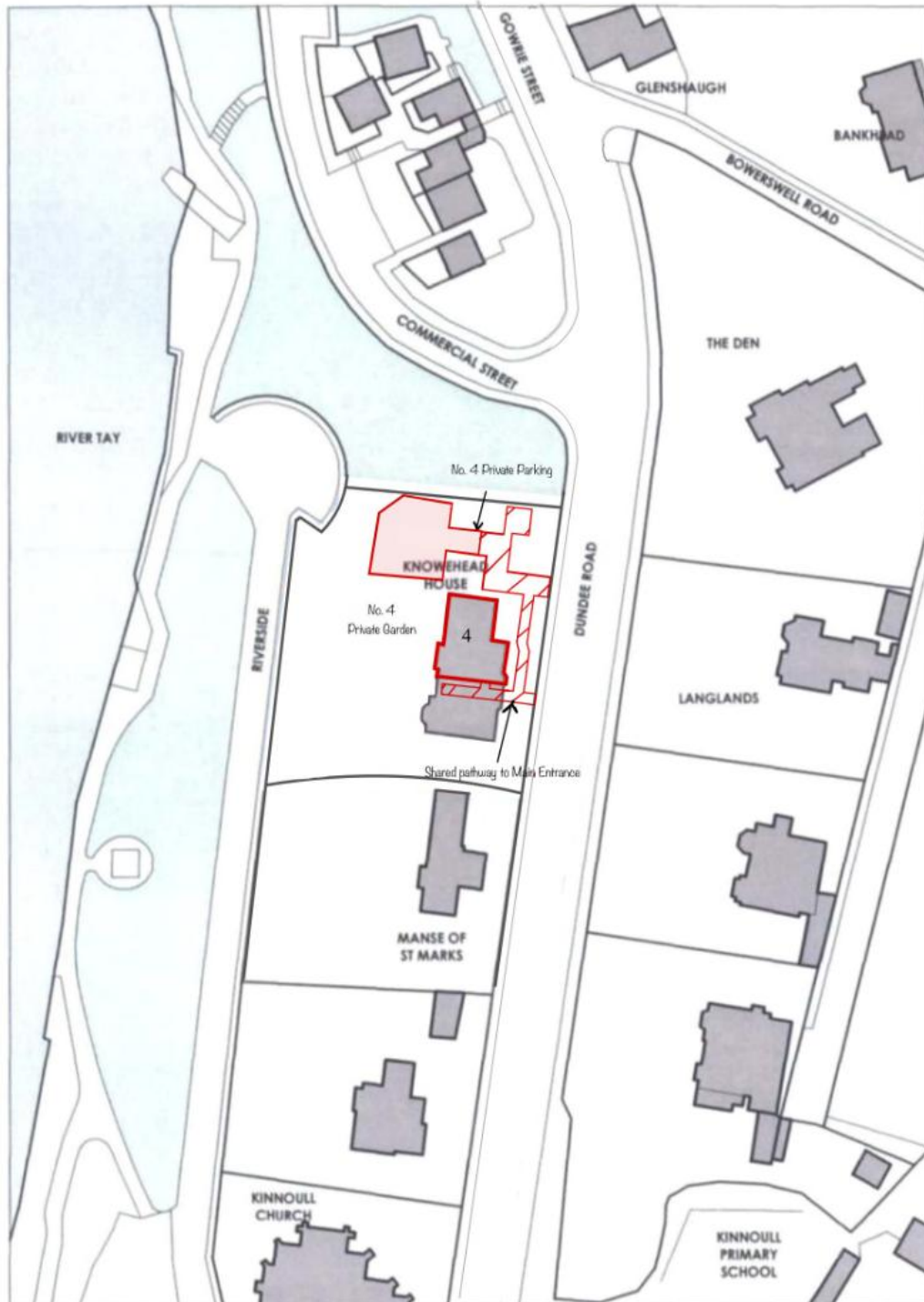
I am available for any further clarification or information that may be required, thank you for your time and consideration.

Sincerely,
Lee Deans

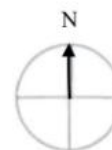
4 Knowehead House, Dundee Road, Perth, PH2 7EY



© Crown copyright and database rights 2022 OS 100054135. Map area bounded by: 312270,723612 312360,723702. Produced on 29 November 2022 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: b90c/uk/881436/1190253



LOCATION PLAN, 1:1250



JOB TITLE:
4 Knowehead House, Dundee Road, Perth, PH2 7EY

Location Plan

Scale: 1:1250 @ A4

Drawing No. 978/PL/01



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100608482-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Proposal to change of use from a residential flat to a short term let property. The property is a 3 storey building, basement, ground floor and 1st floor. The property is a 2 bedroom flat located on the 1st floor.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes - Started Yes - Completed

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

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

This property was converted in 2017 to form 5 flatted properties and has been operating as a short term let since the completion of the works. I purchased the property in November 2020 and continued to use in this fashion. Within the title deeds of the building it states that all flatted properties within the building can operate as a holiday let. I was unaware that planning permission must be applied for in this instance, PKC Planning department advised this was a relatively new regulation.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Lee"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Deans"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 KNOWEHEAD HOUSE"/>
Address 2:	<input type="text" value="DUNDEE ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 7EY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="723651"/>	Easting	<input type="text" value="312317"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

I had enquired regarding the requirement of planning permission due to the new Short Term Let licence announcement. Initial communication was with Diane Barbary via e-mail. After reading the Short Term Let policy on Perth and Kinross Council website I was unsure if planning permission required due to Perth and Kinross currently having no Control Areas in place. Diane instructed that as the property was a flat, it constitutes a material change of use and planning permission must be sought.

Title:	Miss	Other title:	
First Name:	Diane	Last Name:	Barbary
Correspondence Reference Number:		Date (dd/mm/yyyy):	24/08/2022

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

I had been instructed by Diane Barbary on 25th of November to contact Development Management in regard to my property as she was uncertain whether planning permission would be required in my instance for change of use. As the property contains the allowance for Residential, Holiday Let and Rental within the title deeds, I was unsure if this was recognised as a material change of use. This provision is in all 5 flats of the building. Mr John Cooney provided his views on the 28th of November 2022.

Title:	Mr	Other title:	
First Name:	John	Last Name:	Cooney
Correspondence Reference Number:	NA	Date (dd/mm/yyyy):	28/11/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

98.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

The property is currently used as a short term rental property within a 3 storey building hosting 1 other short term rental property and 3 residential properties.

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

10

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

10

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

There is a designated waste and recycling area on the grounds in the car park. We use Perth and Kinross for our non domestic waste collection. This includes uplifts of general (green bin), mixed recyclables (blue bin) and glass (Binn skips). As residential properties currently in Perth and Kinross only have localised glass recycling points, I have paid and convened with neighbouring properties to allow use of our glass recycling bin to encourage increased recycling practices.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Lee Deans

On behalf of:

Date: 17/06/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Justification statement along with images from my Airbnb profile.

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Lee Deans

Declaration Date: 30/11/2022

Payment Details

Online payment: 636503

Payment date: 20/06/2023 10:43:29

Created: 20/06/2023 10:43

Planning Permission Justification Statement

Development Proposal: Change of Use from residential to Short Term Visitor Accommodation

Location: 4 Knowehead House, Dundee Road, Perth, PH2 7EY

Applicant: Mr Lee Deans, Company Deans Retreats

1. Purpose

1.1 Previous Use Knowehead House, Dundee Road, Perth, PH2 7EY was converted into 5 flatted properties in 2017. Since completion in 2017, No.4 Knowehead House has been used as a Short Term Visitor Let. It has been owned by Mr Lee Deans and managed by business Deans Retreats since November 2020.

1.2 Current Use 4 Knowehead House, Dundee Road, Perth, PH2 7EY is used to offer luxury short term accommodation. Within the title deeds of the building, there is provision for all properties (1, 2, 3, 4, 5) to be used for residential, rental or holiday let. Due to this provision and multiple units in the building having been used for holiday let purposes since 2017, I did not think there was a material change of use present. After discussion with Perth and Kinross planning department we were recommended to submit a planning application.

1.3 Intended Use The intent is to continue to use 4 Knowehead House, Dundee Road, Perth, PH2 7EY as a luxury Short Term Let unit. This is also referred to as Serviced Accommodation or holiday let. Stay durations are constantly varied depending on guest needs and typically range between 2 days to 3 months. On average the occupancy rate for the year is 60% and number of guests that stay in the dwelling is three.

2. Site Location The site is located on a picturesque location looking over the river Tay and Perth City. The city centre is 0.4 miles where guests can access a range of local amenities including shops, restaurants, attractions, barbers, pharmacy, newsagents and beauty shops. It is approximately 0.8 miles (15 minute walk) from Perth Bus and Train stations. The close proximity of public transport to the site significantly reduces the requirement for guest vehicles and improves the use of shared public transport, giving benefit to the environment. The property is located 0.2 miles from Cooperative supermarket. We supply a guest information book within the property giving direction to our favourite bars, restaurants, shops and tourist attractions to encourage outside spending within Perth by guests and workers.

Located in postcode PH2, this district level of saturation of potential short-term lets is currently 1.1% and considered a low level of concentration of STLs to residential housing and is not at risk of affecting

the availability of residential housing or the character of a neighbourhood as noted by Housing Strategy in Planning application 23/00017/FLL.

3. Site Characteristics No changes to the site characteristics are proposed in this application for change of use. Please refer to the plan drawing for a diagrammatic representation of the existing site characteristics. The building is a 3 storey house (1st floor, Ground and Basement) converted into 5 flatted properties. The main entrance to property 4 is at the front of the building, upon entry the flat is on the 1st floor. The main entrance has a communal stairwell between 1, 2, 3 and 4 however, 1 and 2 have their own private entrance to the rear and 5 has its own private front entrance. Flat 3 is also used for Short Term Rental and located on the 1st floor beside flat 4, this meaning only 3 & 4 (both short term rental) must use communal entrance. The site is located on Dundee Road, a very busy main through road used by many locals to and from Dundee, Scone, work, school runs or journeys into the city centre. There is a well integrated mixed use in the area of residential, business, schooling, religious, takeaways and shops within the immediate vicinity. 2 Dundee Road hosts a very similar property to Knowehead which has been divided into business let units. Kinnoull Primary School and Parish Church are a couple of doors down. Norrie Miller walk provides a lot of foot traffic to the front and rear of the property. The Travelodge is 250 yards away, as are an array of takeaways and the Cooperative Supermarket. The high traffic, business, schooling and hospitality uses within the immediate vicinity contribute greatly to the overall noise, footfall and bustling environment throughout the day and night.

4. Floor Plans No changes are proposed to the floor plan of this property in this application for change of use. Please refer to the floor plan drawing. The floor plan is characterised by self contained kitchen, lounge room and bathroom. There are two bedrooms, both doubles. There is an outdoor terrace area which features a hot tub and has been utilised to enjoy views of the river Tay and across the city. The electrical and gas components are located in the hallway cupboard.

5. Safety Standards

5.1 Electrical Inspection and Condition Report (EICR) The property has a current EICR which is to be renewed every five years.

5.2 Portable Appliance Testing (PAT) The property has a current PAT which is renewed annually.

5.3 Gas Safety Certificate (GSC) The property has a current GSC which is renewed annually.

5.4 Fire Risk Assessment (FRA) The property has a current FRA which is renewed annually. There is a fire escape plan provided in the welcome information provided to guests at the property along with a fire extinguisher and blanket kit.

5.5 Smoke Alarm Testing Smoke alarm testing is conducted annually.

5.6 Holiday Let Insurance The property has a current holiday let insurance policy covering buildings, contents and public liability.

6. Management & Control The property is managed by family owned, Perth based, business Deans Retreats. I, Mr Lee Deans, am an owner of the business. I have been managing 8 luxury Short term rental properties within Perth for over 5 years with an exemplary record. We advertise on online platforms Booking.com and AirBNB. With Airbnb we hold Superhost status across all properties where we must meet very strict criteria and must hold a 4.8 / 5 minimum across the board on all aspects of the properties. We have managed to maintain this over 469 stays and this is reviewed quarterly. I have submitted below a couple of images to support this. On booking.com we hold on average 9/10 across all properties. Both of these websites are very meticulous with their screening of potential guests and help avoid potential problem customers. They assist in putting in ID verification of individuals, minimum age requirements (24 years and above), taking large damage deposits and issuing our strict terms and conditions policy that they must sign and agree to. Only established Airbnb / Booking.com profiles can book automatically without a further screening process taking place from ourselves. This allows us to further vet potential clients and search for any red flags. These measures greatly reduce the risk of any issues with guests for neighbours and our property.

Our target market is tourists and working guests that have requirements to work away from home. Over the years we have managed to acquire a large number of corporate clients that regularly require short term accommodations. They include insurance clients, trade companies, builders and other service providers. These types of guests are long term, typically staying for one month to 3 months in duration. All of our properties listed have undergone significant cosmetic renovations including new kitchens, bathrooms, decorating and flooring. New furnishings have also been supplied that meet fire safety requirements. Due to its unique location and design, 4 Knowehead House has held photoshoots and worked with Visit Scotland, Perth City, Perth and Kinross Council and Invest In Perth in advertising the fantastic independent accommodation offering Perth has. It is featured on the Perth City website at:

<https://www.perthcity.co.uk/blog/be-inspired-perthshire-spa-breaks-hot-tub-hideaways>

A link to the Airbnb advertisement:

https://www.airbnb.co.uk/rooms/50587642?adults=4&check_in=2022-12-01&check_out=2022-12-02&source_impression_id=p3_1669842893_2OVWKduetIJt%2ByL

6.1 Immediate Neighbors The immediate neighbors, adjoining flats in the same block of four have been provided with my personal contact details so that any issues at the properties can be reported, managed and resolved to an acceptable standard. I attend regular meetings with all residents to discuss management of the development, any issues or improvements that can be made. We put the happiness, safety and well being of neighbours on a par with guests, understanding that if they are happy it also makes the running of our business a lot easier. Specifically immediate neighbors have been briefed on the following:

6.1.1 Noise Management Plan

<p>Premise</p>	<p>Type: Short Term let</p> <p>Music: Music may be played internally via speaker</p> <p>Noise Source: Television, Music, Terrace area, Hot Tub, People arriving or leaving, Cleaning</p>
<p>Objectives</p>	<ul style="list-style-type: none"> • Minimise impact on local residents and prevent public nuisance • Identify noise sources and acceptable noise levels • Steps to manage and control noise • How noise will be monitored • Respond to complaints of unacceptable noise
<p>Noise Sources</p>	<ul style="list-style-type: none"> • Speaker in living rooms: Located away from any windows and doors. Guidance issued to all guests via e-mail and in Guest Information booklet that speakers only to be used between 10am and 10pm. Wired in to prevent moving around premise and set with limiter of 75 Decibels maximum. Bass turned to lowest point. Minut Noise detector used to aid in detection of recording of noise levels. If levels exceeded for more than 10 minutes, guests will be contacted immediately. Lower Threshold of 67 Decibels used from 10pm until 10am. • Television in living room: Located away from any windows and doors. Volume limit set on television. Bass turned to low. Minut Noise detector used to aid in detection of recording of noise levels. If levels exceeded for more than 10 minutes, guests will be contacted immediately. Lower Threshold of 67 Decibels used from 10pm until 10am. • Terrace Area: Guidance issued to all guests via e-mail and in Guest Information booklet that noise levels should be reduced significantly if outside at any point and be respectful of neighbouring properties. From 10pm – 10am noise level should be reduced to zero. All noise sources have been removed outside. Rubber feet installed on outdoor furniture. • Hot Tub: Located on the Terrace Area. Guidance issued to all guests via e-mail and in Guest Information booklet that noise levels should be reduced significantly if outside at any point and be respectful of neighbouring properties. From 10pm – 10am noise level should be reduced to zero. Internal speakers of hot tub have been removed. • General Waste and Recycling Bins: Cleaners will only be present between the hours of 10am – 3pm. They will fill bins when required between these times only when present at the property. Bin Collection is arranged via Perth and

	<p>Kinross council non domestic waste team and works within their scheduled hours and done in conjunction with residential collections.</p> <ul style="list-style-type: none"> • Guests Arriving and Leaving: Arrival times specified as between 3pm and 9.30pm. Departure times specified as between 7am and 11am to ensure minimal early or late disturbances.
<p>Noise Controls</p>	<p>Minut Noise Control: Use of Minut in all of our short term let properties. This allows us to set maximum thresholds for noise level at different times of day. We set a maximum level of 76 decibels during the day and a level of 67 decibels from 10pm until 10am. This device monitors noise takes a record of levels every minute throughout the day. If levels exceeded for more than 10 minutes we are automatically sent an alert where we then contact the guest immediately via phone call. If necessary I would visit the property. Further monitoring of noise level would continue and if resumes we would remove guests from the property.</p> <p>In the event that the guests are not cooperative the police will be engaged. Since inception there have been zero reports to police or council or had to remove any guests due to noise levels. Over the last two years of operation we have had a couple of communications of excess noise from neighbours. Since then we have installed Minut noise sensors which has helped greatly. We had one instance after this regarding noise level later in the evening. To counter this we discovered we can set different noise thresholds at different times of day. Since we tweaked this we have had no further issues regarding noise.</p> <p>All guests are made aware of this procedure in their booking terms and conditions and welcome information message.</p> <p>Sonos Speakers: Sonos speakers allow us to set a maximum volume on them to ensure noise thresholds not exceeded.</p> <p>Soundproofed Ceilings: During the overhaul of the building in 2017, the properties on the ground and basement floors have had sound proofed ceilings installed which helps greatly reduce noise from any properties above.</p>
<p>Communication of Complaints</p>	<p>All neighbours are informed of contact numbers to reach us on if required in any circumstance at any time. If a complaint occurs, this allows us to take immediate action. Guests will be contacted as soon as any complaint made. A review of our noise management plan will then be taken to see if there is a better solution to aid prevention going forward.</p> <p>Noise complaint will then be logged: Time, date and reason for complaint.</p> <p>Liase with person(s) making complaint and communicate steps taken to neutralise and/or improve going forward.</p>

Management Responsible	I, Lee Deans, am solely responsible for the sources of noise. Guests and neighbours are provided with my contact details. I have set noise level thresholds and times with the aid and recommendations of the council.
Noise Management Plan Evaluation	We will continue to review our noise management plan annually and / or in the event of any complaint.

6.1.2 Antisocial Behavior Zero antisocial behavior complaints have been reported since inception. Immediate neighbors have been advised to report any alleged antisocial behavior from the property. It is important that this is done so that other immediate neighbors are not disturbed. I will assess the complaint and if appropriate they will contact the guests to issue a warning. If alleged antisocial behavior continues I would then visit the property to assess the situation. If it is confirmed that there is antisocial behavior the culpable guests will be asked to leave the property. In the event that the guests are not cooperative the police will be engaged. To date we have no reports to police or council or had to remove any guests due to antisocial behaviour.

6.1.3 Illegal Behavior There have been no reports of illegal behavior since inception. Immediate neighbors have been advised to report any alleged illegal behavior from the property. I would then visit the property to assess the situation. If it is confirmed that there is antisocial behavior the culpable guests will be asked to leave the property. In the event that the guests are not cooperative the police will be engaged. Since inception we have no reports to police or council or had to remove any guests due to illegal behaviour.

6.2 Maintenance & Site Management: The grounds maintenance is conducted fortnightly. This includes mowing and edging of lawn, weed killing and hedge trimming. We have a factored communal gardener who looks after all of the properties. The proud presentation of our properties is an advantage to our immediate and adjoining neighbors. Internal maintenance is very minimal given the extensive renovation upgrade works that have been conducted both inside and outside have improved kerb appeal. Key collection is from Deans Restaurant, Wednesday – Sunday. When Deans Restaurant is closed, Monday & Tuesday, guests contact one of the team directly on the contact details provided and meet at the property.

6.3 Cleaning and Linen Change overs are handled by myself, we have 1 dedicated cleaner to each property. The lack of third party management means that any issues can be addressed immediately by the applicants. Cleaning takes place at the end of each stay. A very high standard of cleanliness and hygiene is always maintained at this property. All cleaning apparatus, supplies and materials are kept on site in a dedicated housekeeping storage room so as to reduce foot traffic to the main door access. Cleaning hours of the property are always between the hours of 10am – 3pm. All linen is cleaned and pressed off site and clean linen is stored on site in the dedicated housekeeping storage room. This eliminates the use of washing machines, dryers, and clothes lines at the property.

6.4 Waste & Recycling Control There is a designated bin refuse area in the car park. All bins have been appropriately labeled 'General Waste', 'Paper and Cardboard, Plastic Bottles & Drink Cans' and 'Garden Waste.' As Perth and Kinross do not offer glass recycling as standard residentially, we have installed a glass recycling bin (contracted with Binn Group) which we have encouraged all neighbours to make use

of in an effort to recycle even further, we have noticed a great uptake on this and almost fill a bin per monthly uplift. We provide a welcome message on the morning of arrival to guests to inform them of our recycling practices and have signage above internal and external bins showing our local councils recycling practices, this information is also displayed in the Guest Information guide. After contacting PKC Waste Management Team for any further recommendations, internal glass and mixed recycling bins have also been installed. This enhances recycling efforts and reduces contamination. Any bins that are contaminated are privately uplifted at our personal expense. We train housekeeping to check all bins for any contamination after each stay. Due to our expected occupancy rate throughout the year of 60% with an average of 3 persons we find that there is no increase in waste in comparison to the average household.

6.5 Parking There are two parking spaces for the property in the main car park area. All spaces are clearly marked to avoid any confusion. Due to the central location, many guests travel by train and can either walk or take a short taxi to the property.

7 Policy Approach & Guidance to Development

Included are commentaries made upon most recent local and national planning policies which provide relevance to the change of use of residential accommodation to the short term let visitor accommodation. These policies typically deal with tourism as a whole rather than focusing on change of use specifically.

7.1 Perth City Development Plan 2020-2040

Perth City Development Plan published August 2019, presents key objectives and goals to be considered in achieving growth within the city. None of the policies directly deal with the conversion of residential properties to visitor accommodation, although some policies have relevance for this application:

Page 15: By 2025 the new cultural/heritage attractions will be open and attracting 100,000 visitors a year. By 2030 Perth will be Scotland's leading city for active travel. The volume and value of business and leisure tourism in the city will have doubled.

Page 28: Together, the new cultural/heritage attractions and an improved accommodation offer should help to double the volume and value of tourism in Perth by 2029.

Page 38 A lack of ambition has held Perth back, but that is changing fast and Perth is increasingly recognised as a leader in fields ranging from clean energy and active travel, to culture-led regeneration and the smart city.

As Perth plans to grow tourism exponentially over the next 5-10 years, one of the key objectives identified to sustain this is the need for improved accommodation offering. Thus far Deans Retreats property portfolio has grown year on year solely focussing on the operation of high quality accommodation to the centre of Perth. As a relatively new, ambitious business, we hope to grow with Perth and work hand in hand in becoming Scotland's leading city for active travel.

7.2 Perth and Kinross Council Website: Do I need planning permission for a short term let

PKC website directs us toward gov.scot publication, Short Term Lets: planning guidance for hosts and operators. This guidance provides a framework to show requirements needed to be met for a successful change of use planning application for a short term let.

1.4 The Scottish Governments purpose in the regulation of short term lets is to ensure the local authorities have appropriate powers to balance the needs and concerns of their communities with wider economic and tourism interests.

1.5 The Licensing scheme aims to ensure short term lets are safe and address issues face by neighbours as well as assisting in complaints effectively.

1.6 The licensing scheme is complemented by powers^[3] for local authorities to designate control areas. The purpose of control areas is to help manage high concentrations of secondary letting, to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas.

2.19 Guest Arrivals and departures: Safety and noise Impact on neighbours

2.21 Impact of other residents in flatted buildings: Safety of residents, security of the building and guest access to communal areas.

2.22 Likely frequency and intensity of noise or otherwise unsociable behaviour

2.23 Impact on public service and residents amenity: Household waste levels, parking pressures, noise and disturbance levels.

2.25 Cumaltive impact on the character and amenity of a neighbourhood

2.28 Number of people staying

From 1.6 it is assumed that Perth City currently faces no issue with high concentration levels of short term let properties as no control area designated. With local authorities given power of balancing economic growth and expansion of tourism offering, it is a fine balancing act to ensure all parties are content. This framework assists in ensuring both the community and tourism are appeased. The communities and neighbours are kept safe, amenity unchanged, normal disturbance levels and the overall area character undiminished.

7.3. The National Planning Framework for Scotland 3 (NPF3)

NPF3 represents a spatial expression of the Scottish Government's aspirations for sustainable economic growth in Scotland over the next 20-30 years. It sets out at national level, the Scottish Government's strategy for the country's development, in terms of how we are to develop our environment and includes development proposals identified as schemes of national importance. Whilst it is not

prescriptive, NPF3 will form a material consideration when determining applications and, as such, will be a consideration in determining the application for any proposed development. Of particular relevance to this proposal therefore is:

paragraph 1.7 This recognises tourism as one of Scotland's key economic sectors.

With the vast majority of guests staying at the property subject to this application staying for tourism and/or work, NPF3 must be considered a material consideration for this application.

7.4. Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) (2014) is a statement of Scottish Government policy on land use planning. Where relevant to the current proposals, SPP recognises tourism as one of the "key sectors for Scotland with particular opportunities for growth". This is again relative to this application due to the types of visitors staying within the accommodation.

Conclusion

Deans Retreats, our company, was founded 4 years ago and provides luxury visitor accommodation to 1000's of visitors per year to Perth. Having owned Deans Restaurant for the last 17 years, which has a client base travelling from all over Scotland, we found that guests struggled to find high quality housing within the city centre. The lack in luxury accommodation is our unique selling point and how our business was born. We believe the offering across all of our properties provides an incentive and encourages staycations, workers and tourists into Perth city centre. In turn, assisting in driving much needed footfall and spending into the local businesses throughout the week. The successes of our business model has allowed us to reinvest in Perth meaning continued growth of our visitor accommodation offering during a very difficult economic climate. We now operate multiple properties which can be viewed on our website at www.deansretreats.co.uk This is now my main occupation and also allows us to employ 4 others full time with further hires forecast this year.

The move to see the short term let industry better regulated is a move supported by us. Having received encouragement from individuals within Perth and Kinross planning department, we see this as a positive move to improve the overall standard of accommodation provided whilst eliminating mismanaged offerings. It is our contention that the proposed change of use of this property will provide a sustainable function going forward that can contribute to Perth's important tourist economy and reputation as a food, drink, creative and cultural destination. If the application is approved, 4 Knowehead House, will continue to be an important asset to the city's wider tourism landscape.

Taking all the aforementioned into account, it is hoped that the officers will be able to support this application, as it is considered to successfully address all aspects guidance 7.2 discusses, whilst meeting local and national (SPP & NPF3) objectives with no material considerations apparent which outweigh these plans. It is hoped this justification statement also provides an insight into the great deal of care and diligence we take and respectfully request recommendation for approval.







[Edit](#)



Hi, I'm Lee

Joined in 2017


-  Superhost
-  471 reviews
-  Identity verified

 Some info is shown in its original language.

[Translate](#)

About

We have a passion for creating amazing spaces for all of our guests to the Perth area. We now buy properties under very strict cri...[read more](#)

 Lives in Perth, United Kingdom

 Speaks English

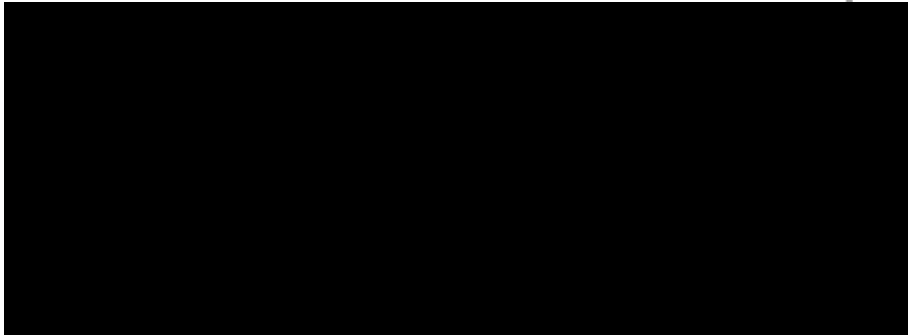
Lee confirmed

4.8 ★


Overall rating


469


Reviews




Recent reviews


19 Nov – 20 Nov 2022
Knothead Penthouse Apartment
with Rooftop Hot Tub

Overall rating 


11 Nov – 13 Nov 2022
Knothead Penthouse Apartment
with Rooftop Hot Tub

Overall rating 

Dear Guest

Welcome to our apartment, we hope you have a comfortable stay and enjoy all that Perth has to offer. To make your stay special and memorable, we have listed some of the local attractions and list of our favourite hot spots to visit:

The address of the apartment is:

4 Knowehead House
Dundee Road
Perth, PH2 7EY

Parking: There are 2 free parking spaces marked number 4 in the car park.

Check out is between 7am - 11am.

Emergencies

In the event of medical emergencies, call 999 or NHS 111 if it is not an emergency and out of surgery hours. Perth Royal Infirmary, which has an A & E department, is a 5 minute drive away on Jeanfield Road. A First Aid Kit can be found in the Kitchen Cupboard beside the fridge.

In the event of a fire within the apartment there is a fire blanket and extinguisher located in the kitchen cupboard unit beside the fridge freezer. Only attempt to extinguish the fire when safe to do so. If not safe, follow the emergency exit signs and exit the property via the front door or rear door of the building and dial 999. In the event of the fire not in the apartment but in the same building, please evacuate the property in the same manor and call 999 for the fire brigade.

Heating and Hot Water: We have an underfloor heating system which we have programmed to maintain 20 degrees at all times throughout the house. The hot water is a tank system and automatically refills the tank when emptied.

Sofa Bed Bedding: The sofa bed in the living room holds the bedding inside. Simply lift up the long part to access this. There is a pull handle on the front of the sofa to pull out the double bed area.

Wifi: BT-HMA3R5

Password: PdG3NCuM3crg6i

Sonos Speaker: Please keep volume low and respect neighbours. To use, please ensure you are connected to the Wifi. You must download the Sonos S2 app on you mobile phone. It will then ask you to join a network. Join the network and then search for your desired song. **Please ensure music is off from 10pm.**

Hot Tub: The Hot tub is set to 38 degrees as standard. If you need to turn this down or up, simply select the plus sign to go up and the minus to go down. Please do not eat or drink in the hot tub. Glasses and crockery must not be taken in the vicinity. When using the outdoor area please be wary of neighbours and noise level. **The hot tub cannot be used between 10pm - 7am** to ensure no noise or disturbance outside during unreasonable hours. There must be no make up, oily skin products or fake tan worn as this can damage the filters. **Any violation of the above can result in loss of deposit.**

Waste & Recycling

Please dispose of your rubbish. The bins are located in the car park. Red Bin is for Glass Waste, Blue Bin is for paper and card items, Grey Bins is for plastics, cans and cartons, Green Bin is for general waste.

We hope the apartment is equipped with everything you need. If you require any assistance during your stay, please do not hesitate to call.

Margo +447906498471

Lee +447841871793

House Rules

Please have fun, relax and enjoy yourselves.

Remember this is a residential area and have neighbours above and either side of the building. They are all very pleasant and aim not to offend them, so we respectfully ask you to keep noise to an acceptable level and quiet times from 10pm and 7am.

This is a pet free apartment.

There should be no more than 6 persons in the apartment. Parties are not allowed and is stated in your booking agreement.

There is no smoking or vaping permitted. If you smoke, please do so outside and dispose of in the nearest bin or ash tray and not in the street.

There is a washing machine / dryer located in the hallway cupboard.

There is also a dishwasher in the kitchen. The accommodation is self catered so please ensure the kitchen is left clean and tidy. Wash any dirty dishes, cutlery or utensils.

We fully understand that accidents do happen, if anything does get broken, please inform us to enable us to replace it before the next guests arrives.

We hope you enjoy your stay.

Damage Deposit

We set a damage deposit in place automatically with Airbnb, Booking.com and via Direct bookings to help prevent damages, smoking or excessive cleaning in the property. Upon booking you have agreed to our property terms and conditions. We understand accidents to happen and hope you feel comfortable to let us know in the event of any. Here is a list of potential but not exhaustive deductions or loss of deposit:

Smoking / Drug Use

Please no smoking of any kind within the property. The smell is very difficult to remove and unfair to potential guests staying after you.

Food / Drink Spillage / Fake Tan / Oily Products in the Hot Tub

All of the above items cause damage to the filters which are expensive to replace. Please ensure you are clean and showered prior to use.

Excessive Noise

We have a Noise Sensor fitted to ensure noise levels are kept appropriate for the enjoyment of both you and the neighbours within the building. The Threshold is set to a maximum of 80 decibels between 10am – 10pm, there after reduced to 70 decibels. Guests will be contacted in the event of exceeding this, if the issue is not resolved you may be asked to leave the property.

Extra Cleaning

We ask guests to remove all waste and dispose of it in the appropriate recycling bins outside. We employ cleaners to assist in the general cleanliness of the property, however they are not employed to tidy mess or do dishes. Bin bags and dish washing materials are provided. Any cleaning over and above the norm will be chargeable.

Damages

General damages will be treated case by case depending on if possible to repair or replacement needed.

Print Close

4 Knowhead House, Dundee Road, Perth PH2 7EY

Megan Lessells [Redacted]

Tue 22/11/2022 15:49

To: [Redacted]

1 attachments (31 KB)

Purchase of 23 Feus Road Perth PH1 2AS;

Dear Lee,

I refer to your previous request for information regarding the Title Conditions in respect of the above mentioned property and initially I must apologise most sincerely for the delay in communicating with you.

I can confirm that I have had an opportunity to peruse the Deed of Conditions pertaining to Knowhead House which does contain the following Clause:-

“USE:- The units shall be used solely as residential dwellings but, for the avoidance of doubt, the units may be tenanted and/ or used for holiday lets”

I trust that the foregoing information is of assistance.









Should you have any queries please do not hesitate to give me a call.

[Redacted signature and footer area]

- MiNUT**
- D** Deans
lee deans
- Dashboard
- Homes
- Sensors
- Log**
- Settings
- Guest Connect
- Integrations
- Call & Guard Assist
- Team
- Home groups
- Store
- Support

Log

- Home
- Event type
- Date

Event	Sensor	Home	Time
 Sensor back online The sensor is online. It was offline for 4 hours.	Knowehead	Knowehead	Oct 31 2023 12:14 PM
 Sensor back online The sensor is online. It was offline for 4 hours.	Knowehead	Knowehead	Oct 31 2023 12:14 PM
 Sensor is offline Last time we heard something was at 8:35 AM. Make sure the sensor is connected to the internet and charged.	Knowehead	Knowehead	Oct 31 2023 08:54 AM
 Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Oct 18 2023 07:57 AM
 Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Oct 17 2023 03:05 AM
 Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Oct 14 2023 09:31 AM
 Sensor back online The sensor is online. It was offline for 0 hours.	Knowehead	Knowehead	Sep 30 2023 09:12 AM
 Sensor back online	Knowehead	Knowehead	Sep 30 2023 09:12 ...

MINUT

D Deans
lee deans

Dashboard

Homes

Sensors

Log

Settings

Guest Connect

Integrations









Call & Guard Assist

Team









Home groups

Store

Support

	Sensor back online The sensor is online. It was offline for 0 hours.	Knowehead	Knowehead	Sep 30 2023 09:12 AM
	Sensor is offline Last time we heard something was at 8:43 AM. Make sure the sensor is connected to the internet and charged.	Knowehead	Knowehead	Sep 30 2023 08:59 AM
	It's quiet Noise levels are below the set threshold of 70dB and the event has been automatically dismissed. If it becomes noisy again, you will receive a new noise event.	-	Knowehead	Sep 16 2023 11:59 PM
	It's been noisy for 10 minutes Noise level has been above the set threshold of 70dB for 10 minutes and is now 79dB. You will be updated if it's noisy or quiet again at 11:59 PM.	-	Knowehead	Sep 16 2023 11:49 PM
	It's quiet Noise levels are below the set threshold of 70dB and the event has been automatically dismissed. If it becomes noisy again, you will receive a new noise event.	-	Knowehead	Sep 16 2023 11:39 PM
	It's been noisy for 10 minutes Noise level has been above the set threshold of 70dB for 10 minutes and is now 76dB. You will be updated if it's noisy or quiet again at 11:39 PM.	-	Knowehead	Sep 16 2023 11:29 PM
	Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Sep 3 2023 11:36 AM
	Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Aug 17 2023 10:06 AM







- MİNUT**
- D Deans
lee deans
- Dashboard
- Homes
- Sensors
- Log**
- Settings
- Guest Connect
- Integrations
- Call & Guard Assist
- Team
- Home groups
- Store
- Support

	It's been noisy for 10 minutes Noise level has been above the set threshold of 70dB for 10 minutes and is now 76dB. You will be updated if it's noisy or quiet again at 11:39 PM.	-	Knowehead	Sep 16 2023 11:29 PM
	Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Sep 3 2023 11:36 AM
	Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Aug 17 2023 10:06 AM
	Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Aug 8 2023 03:45 PM
	Sensor back online The sensor is online. It was offline for 2 hours.	Knowehead	Knowehead	Jul 10 2023 06:31 PM
	Sensor back online The sensor is online. It was offline for 2 hours.	Knowehead	Knowehead	Jul 10 2023 06:31 PM
	Sensor back online The sensor is online. It was offline for 2 hours.	Knowehead	Knowehead	Jul 10 2023 06:08 PM
	Sensor back online The sensor is online. It was offline for 3 hours.	Knowehead	Knowehead	Jul 10 2023 04:35 PM

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- Dashboard
- Homes
- Sensors
- Log**
- Settings
- Guest Connect
- Integrations
- Call & Guard Assist
- Team
- Home groups
- Store
- Support

Log

Home Event type Date

Event	Sensor	Home	Time
 Sensor back online The sensor is online. It was offline for 3 hours.	Knowehead	Knowehead	Jul 10 2023 04:35 PM
 Sensor back online The sensor is online. It was offline for 1 hours.	Knowehead	Knowehead	Jul 10 2023 03:15 PM
 Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Jun 30 2023 11:50 PM
 It's quiet Noise levels are below the set threshold of 70dB and the event has been automatically dismissed. If it becomes noisy again, you will receive a new noise event.	-	Knowehead	Jun 9 2023 11:43 PM
 It's been noisy for 10 minutes Noise level has been above the set threshold of 70dB for 10 minutes and is now 71dB. You will be updated if it's noisy or quiet again at 11:43 PM.	-	Knowehead	Jun 9 2023 11:33 PM
 Alarm sound detected! The sensor detected an alarm sounding in your home.	Knowehead	Knowehead	Jun 8 2023 09:53 AM

BE INSPIRED PERTHSHIRE: SPA BREAKS & HOT TUB HIDEAWAYS

07 August, 2023

[Back to Blog](#)

For some, a holiday just isn't the same without a little pamper and some indulgent me-time. Whether you're looking for the full 5-star treatment complete with award-winning therapists and luxe surroundings, or a hot tub overlooking the beauty of our hills and lochs, total rest and relaxation awaits you.

We've chosen a mix of luxury hotels with spas and self-catering cottages with hot tubs to bring you the best of both worlds and give plenty of choice for all budgets. If you really fancy pushing the bubbles out, why not book a two-stop spa-cation and have a few nights in each!

Benefits of Hot Tub Holidays

We all know that getting away from the stress and strain of everyday life is good for us. With the wonderful addition of a hot tub or spa jacuzzi and you could ramp up the benefits big time!

Stress relief

It has been shown that the soothing effect of warm water and massaging action can really help relieve physical, emotional, and mental stress. Add in those glorious Perthshire views across the hills, or a relaxing treatment in the therapy room post-dip and you'll be in stress-free heaven.

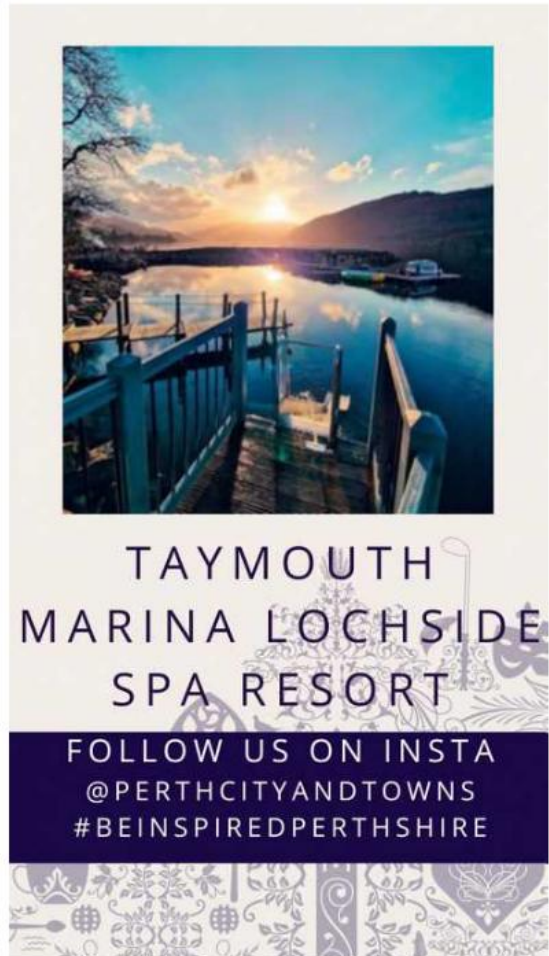
Muscle relaxation

It's that winning combination of warm water and massaging action that helps with muscle relaxation too. Those jets are a super-effective way to help relax and soothe tight, tense muscles, easing aches and pains along the way. For those of you on an adventure or outdoors break, a hot tub soak before exercising may also reduce the risk of injury – and it's even better at the end of a long day exploring!

Improved sleep

Research has shown that the relaxation gained from a soak in the hot tub may be enough to help you drift off into a great night's sleep. Try a little soothing aromatherapy oil as a post-soak rub and you'll be snoozing in no time.

You may also enjoy our Quirky Accommodation article: www.perthcityandtowns.co.uk



Perth City Centre

Perth



With breath-taking views across the River Tay to the iconic landmarks of Smeaton's Bridge and St Matthews Spire, the Knowehead Penthouse Apartment offers a slice of luxury whilst just a ten minute walk from Perth city centre, 1 hour drive from Edinburgh and Glasgow.

Comfortably sleeping four, this bright, airy self catering apartment has recently been completely refurbished whilst retaining many of its unique period features. It boasts a stunning roof terrace, fully equipped kitchen, 2 decadent king bedrooms, lounge with wood burning stove and dining area. Take in the breath taking views from the terrace while you soak in the rooftop hot tub with friends and family.

A beautiful city, Perth's vibrant hub of restaurants, bars, shops and cafes blends seamlessly with its ancient roots and historical past. It is a city alive with both a rich, cultural centre and an unrivalled independent shopping scene, making it perfect for a Scottish city break. Food lovers will find themselves spoilt for choice with a vast array of award-winning restaurants, chefs and producers offering up creative, quality produce and effortless service.

For those looking for a more active break, you can step out into fantastic walks and hikes, and an energetic outdoor playground carved from long rivers, high mountains, fast rapids, steep trails. Kinnoull Hill is just 5 minutes away, Willowgate Activity Centre is on your doorstep, and the majesty of the mountains are just a short 30 minute train ride away.

Explore a little further and you will find many of Scotland's best historical attractions await you, including Scone Palace and Black Watch Castle and Museum. And all of this is in touching distance from your base at the beautiful Knowehead Penthouse Apartment.

- Nearest Town: Perth

More info | www.deansretreats.co.uk

Highland and North Perthshire

Dunkeld House Hotel

Dunkeld



This luxury, four-star country hotel, situated within peaceful wooded grounds overlooking the River Tay, is the perfect location for a restorative spa break. Just over an hour from Edinburgh and Glasgow, rejuvenate your body and relax your mind in tranquil surroundings in the middle of the beautiful Perthshire countryside.

Dunkeld House Hotel offers indulgent spa treatments from the ishga skincare range. Developed in the Outer Hebrides, these utilise the organic healing and therapeutic properties of Scottish seaweed combined with natural spring water to soothe and hydrate all skin types.

Choose from a full body massage, Indian head massage, detoxifying body wrap, foot recovery scrub, an exfoliating facial, and much more. Indulge yourself with a manicure or pedicure, eyelash and brow tint, and perfectly applied make-up. There are treatments for men, for mums-to-be, and express options for a quick pick-me-up.

Take a swim in the indoor pool, unwind in the whirlpool spa bath, sauna and steam room, and finish your day with a delicious afternoon tea in the Orangery. With a wide range of spa offers and packages, at Dunkeld House Hotel you will be spoilt for choice.

- Nearest town: Dunkeld
- Treatments: www.dunkeldhousehotel.co.uk
- Offers: www.dunkeldhousehotel.co.uk

More info | www.dunkeldhousehotel.co.uk

Pitlochry



Located by the still waters of Loch Faskally and with views across glorious mountain scenery to Ben Vrackie, the five-star Fonab Castle Hotel and Woodland Spa is a true Highland escape. Easily accessible by road and rail, it is a haven of peace in the heart of Tummel Valley, giving its visitors precious respite from the daily routine.

Revitalising body and facial treatments will leave you feeling relaxed and restored, and there is a wide range from which to choose. Fonab facials utilise the Parisian brand Matis to immediately boost skin radiance and restore hydration. Add an eye treatment to reduce fine lines and dark circles. A body massage will ease any tension with your choice of oils: marula and apricot, pomegranate and hempseed, sandalwood and peppercorn, or cranberry and inca inchi oil.

Fonab packages include a Fonabulous spa day, the Couples Experience, a mother and daughter package, and a mother-to-be treatment. For the complete relaxation experience, take a dip in the 15-metre swimming pool, ease your muscles and mind in the sauna and aroma rooms, and put your pampered feet up in the cosy spa lounge.

- Nearest town: Pitlochry
- Treatments: www.fonabcastlehotel.com
- Offers: www.fonabcastlehotel.com

More info | www.fonabcastlehotel.com

Taymouth Marina Lochside Spa Resort

Kenmore



This award-winning holiday resort and spa nestles on the banks of Loch Tay, with stunning views across the loch to the hills beyond. Taymouth Marina is all about 'Wild Wellness' – taking a step back from modern technology, slowing down and healing through a connection with nature. The Taymouth Marina 'HotBox' is Scotland's first lochside sauna, where you can relax and unwind in peace.

Fired by a huge wood burner, the HotBox provides the ultimate sauna experience. Lined with aspen and filled with light from the panoramic windows stretching along its length, here you can take time to sit and absorb the view before venturing into the steam room to eliminate any residual stresses and strain.

On the terrace outside, you find the giant hot pool. Fresh towels, fruit-infused water and waiter service are provided. The HotBox bar offers smoothies, light bites and other refreshments – why not treat yourself to a glass of beer or fizz delivered to you, poolside?

Finally, be sure not to miss the Loch Tay Plunge Pool – a shot down the slide into icy cold water will reinvigorate the senses and leave you ready for anything!

- Nearest town: Kenmore
- Offers: Sessions begin at £35 per person for 2 hours shared use
- Exclusive use from £300.

More info | www.taymouthmarina.com

Erigmore Leisure Park

Dunkeld

Only an hour from Edinburgh and Glasgow, you can escape the hustle and bustle at this secluded woodland retreat built on the grounds of Erigmore Estate. Beside the village of Dunkeld, you'll find a peaceful spot in the middle of nature's Perthshire



The estate has a 40ft indoor heated swimming pool, a sauna and whirlpool spa bath. You can take it easy on holiday with tasty meals and light bites available at the onsite bar and lounge, as well as a takeaway and kids' menu. There are soft drinks and hot beverages, or sports fans might like to chill out with a craft beer in front of the 6ft TV screen.

Erigmore is in the perfect location for a memorable family break. Just minutes away, there is the wonderful Beatrix Potter exhibition and garden, and the café, shop, film screenings and outdoor gigs of Birnam Arts. Pick up a picnic at The Scottish Deli just down the road in Dunkeld, and explore the beautiful riverside walks starting near historic Dunkeld Cathedral.

- Nearest town: Dunkeld
- Price and availability: www.verdantleisure.co.uk

More info | www.verdantleisure.co.uk

Strathearn and West Perthshire

Crieff Hydro Hotel

Crieff



Crieff Hydro Hotel originally opened as a hydropathic spa; as far back as 1868, its focus was on restoring the health and wellbeing of its guests, albeit with an ice-cold dip on nurse's orders! Today, if you fancy a luxury break on a 900-acre Scottish estate with amenities and entertainment galore, Crieff Hydro Hotel has plenty of experience in taking excellent care of its guests.

The spa, Victorian Baths, swimming pool and gym are open daily. Spa treatments include massages, facials, manicures, pedicures, and their new Comfort Zone menu. With the Comfort Zone Skin Analyser, your therapist can analyse your skin on a much deeper level and tailor your treatment to your unique needs.

A Tranquility Spa Package offers a blend of relaxation experiences, and can be purchased as a gift. The beautifully decorated Victorian Baths are unique to Crieff Hydro and perfect for adults only, complete with a sauna and steam room.

For a truly indulgent treat, Crieff Hydro have also recently launched brand new spa breaks. Skin. Body. Mind. Three peas in a pod. All one and the same... and all intrinsically linked to

your wellbeing. Look after yourself (and your spa buddy) with one of these breaks, packed with all the good stuff.

For the finishing touch, visit the hotel's hair salon or how about lunch with friends at The Terrace, or a very special afternoon tea in the Winter Garden?

- Nearest town: Crieff
- 2023 Brochure: issuu.com
- Offers: One-Night Spa Break from £150pp, or Two-Night Spa Break from £235pp.

More info | www.crieffhydro.com

Blairgowrie and East Perthshire

Stags View

Glenshee

Less than two hours' drive from Edinburgh and Glasgow, Stags View on Drumfork Estate near Glenshee is an ideal base to get out and



family or friends holiday. Look up a storm in the fully equipped kitchen, relax in the bright lounge complete with wood burning stove or pop outside to discover your private hot tub – it will be brought to temperature for your arrival, so you can jump straight in.

To make your break even more special, Stags View offers a selection of added extras to guarantee a little luxury. Add a Romantic Night In to your booking – Champagne, chocolates and rose petals – or perhaps a Celebration Package with birthday banners, a helium balloon and party blowers. Prosecco and chocolates and white towelling robe hire would fit the bill for a romantic weekend away. On a family holiday, disposable barbecue hire and delicious venison burgers and sausages will set you up for some quality time together.

• Nearest town: Glenshee

- Offers: www.solidluxury.co.uk

More info | www.solidluxury.co.uk

The Angus Hotel and Spa

Blairgowrie



Situated in the centre of Blairgowrie, the Angus Hotel and Spa offers the perfect Perthshire staycation with 90 bedrooms to choose from, all-day dining in its Baytree Bar and Jutemills Restaurant, and a warm welcome from the friendly and accommodating staff. In addition, guests and members are invited to spend some me-time in the brand new spa, open seven days a week.

Begin in the wellness spa bath where the warm water from bubble seats and hydro jets will soothe away all those aches and pains. Take a dip in the 11-metre vitality pool before spending time in the energising aroma steam room. Recline on a poolside lounger and quench your thirst at the spa refreshment station, before a visit to the Finnish sauna. Finally, if you dare, a cold water bucket drench should improve your skin tone, aid blood circulation, and leave you feeling wide awake!

The cosy treatment room and resident therapist are found just by the pool, offering a range of therapies from a hot stone or aromatherapy massage to a rich facial or organic pedicure and foot massage. You'll feel great inside and out with the Organic Series – a natural,

vegan product that's kind to your skin, and to the environment.

- Nearest town: Blairgowrie
- Treatments: www.theangushotel.com
- Offers: Sunday Swim Lunch www.theangushotel.com

More info | www.theangushotel.com

Kinross and Loch Leven

The Coach House Spa at Kinross House

Kinross

Within the grounds of Kinross Estate on the banks of Loch Leven, easily accessible from across central Scotland, the Coach House offers a small and intimate boutique spa experience. The estate's original 17th century stables have been converted into the ultimate spa getaway where you can relax and be pampered to your heart's content in stunning natural surroundings.

The five-star Coach House Spa takes a personal approach to your wellbeing, combining specially tailored beauty treatments with plenty of time for you to fully unwind and enjoy the spa facilities. For a signature facial, your therapist will choose the best formula for your skin type from the Kerstin Florian nutrient-rich botanical skincare range. Tailor a head-to-toe massage to your preference, with

- Nearest town: Kinross
- Treatments: www.kinrosshouse.com
- Offers: www.kinrosshouse.com

More info | www.kinrosshouse.com

Auchterarder and South Perthshire

Gleneagles Hotel and Spa

Auchterarder



This iconic 850-acre country estate near Auchterarder has been welcoming guests for almost a century with five-star accommodation, a plethora of outdoor pursuits, and exquisite fine dining. Surrounded by stunning Scottish scenery, Gleneagles has something to suit everyone. For absolute indulgence, head to its gorgeous new spa where you can escape the hustle and bustle and take the opportunity to rest and rebalance.

At the Gleneagles spa, a specialist team of therapists deliver signature treatments using a range of bespoke oil blends featuring natural botanicals from the Perthshire countryside. Immerse yourself in 'The Long Exhale' – the two-hour Gleneagles experience that will restore your body and mind. Or let your therapist curate your own 'Be in the Moment' holistic massage, addressing your individual needs and returning you to equilibrium.

Gleneagles boasts 20 treatment rooms, a steam room, sauna cabin and vitality pool. Swim and gym spaces are available, and don't miss the beauty lodge with nail bar, pedicure room and hair salon. Pause for lunch in the healthy spa café, or finish off your day in the Glendevon room with a sumptuous afternoon tea.

- Nearest town: Auchterarder
- Treatments: www.gleneagles.com
- Offers: www.gleneagles.com

More info | www.gleneagles.com

The Retreat Cottages

Auchterarder

These five-star luxury self-catering holiday cottages lie within the beautiful landscape of Trinity Gask Estate, offering absolute peace and privacy only fifteen minutes from Perth. Amidst extensive private woodlands, wildlife ponds and stretches of the River Earn, you can unwind with glorious views across Strathearn to the Ochil hills.

Choose to stay in 'The Retreat' – a spacious, south-facing family home set in a large, enclosed garden, complete with a wood-burning hot tub, sunny patio and barbecue, and swing ball for the kids. Enjoy access to the astro tennis court and free salmon fishing on the river.

Alternatively, the deluxe 'Woodland Retreat' offers a romantic hideaway – a traditional stone house with solid French oak floors, renovated with high tech lighting and attractive interior décor, entirely secluded from the outside world. Explore the private woodland trails around your cottage, where you might encounter deer, pheasant or red squirrels, before settling down to admire the spectacular views from your private hot tub – you'll hear not a peep in this haven of tranquility, except from the birds above.

- Nearest town: Auchterarder
- Price and availability: www.theretreatcottage.co.uk

More info | www.theretreatcottage.co.uk

Forgandenny



This 5 star luxury glamping hideaway is nestled in beautiful Perthshire countryside with glorious views of a Scottish glen. The idyllic secluded glamping retreat providing everything you need to relax in comfort and style.

Path of Condie may be tucked away from the hustle and bustle of life but it is very central for visiting Scotland's main cities, Edinburgh, Glasgow, Dundee and even St Andrews.

With two bespoke pods, sleeping up to 10 guests. Spacious and light with beautiful décor, fine linens, fluffy towels, bath robes and slippers. A fully equipped kitchen including wine fridge and a bijoux shower room.

A short walk leads to a secluded waterfall and plunge pool perfect for wild swimming. Return to the bubbly aromatic waters of a wood fired aromatherapy hot tub. At night the sky becomes a twinkling blanket of stars.

Benefit from ultimate self-care at Meadowsweet Spa from their award winning therapist.

Relax, rebalance and revitalise your body, mind and soul with deeply relaxing and nurturing spa treatments, a cocoon of luxury. Our skincare range Made for Life Organics are handmade in Cornwall and created from organic botanicals.

Their wellness treatments are suitable for all and include a range of treatments from facials, hot stone massage, reflexology, mamma to be massage and treatments suitable for those with a cancer diagnosis or life limiting illness. Nurture in nature with a morning of yoga, mindfulness or forest bathing.

For an indulgent treat during your stay, enjoy a delicious afternoon tea in our Boutique boho belle tent or private fine dining alfresco form one of our selected chefs. Surrounded by beautiful countryside, birdsong, walks and wildlife we are just the tonic to relax and recharge.

- Nearest town: Forgandenny
- Treatments: www.pathgreenglamping.co.uk
- Offers: www.pathgreenglamping.co.uk

More info | www.pathgreenglamping.co.uk

LRB-2023-53

23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 230-247)*



Mr Lee Deans
Knowehead House
4 Dundee Road
Perth
PH2 7EY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **14th September 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01040/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 15th July 2023 for Planning Permission for **Change of use of flat to form short-term let accommodation unit (in retrospect) 4 Knowehead House Dundee Road Perth PH2 7EY**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area; and;
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and policy 17 d) Residential Areas as the increased activity, noise and disruptive behaviour caused by users of the short-term let adversely impacts on the amenity of neighbours and the continuation of the short-term let is not compatible with the amenity and character of the existing residential development.

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01040/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	14th September 2023	
Draft Report Date	11th September 2023	
Report Issued by	PB	Date 12 th September 2023

PROPOSAL: Change of use of flat to form short-term let accommodation unit (in retrospect)

LOCATION: 4 Knowehead House Dundee Road Perth PH2 7EY

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a residential flat to form a short-term let accommodation unit. The proposal is in retrospect as the flat already operates as a short term let and has been listed on the Tayside Assessors website as a short-term let since April 2018 although ownership of the property has changed during this time.

The proposal is at 4 Knowehead House which is a category B listed building located on Dundee Road, Perth within the Kinnoull Conservation Area. The building was converted into five flats in 2017. There are three floors within the building; lower ground, ground and first floor. Four of the flats are two-bedded units and one is a one-bedded unit. The application site is one of the two bed units and also includes a large kitchen/dining/living area with sofa-bed that can be used for additional accommodation. This flat is located at first floor level and shares a landing with the one bed flat. There is a roof terrace accessed off the living area and from one of the bedrooms.

There are 10 parking spaces shared between the 5 flats. The proposal would not change the access to the property.

SITE HISTORY

15/00923/FLL Alterations for form 5 residential apartments Knowehead House Dundee Road Perth Approved 30.07.2015

15/00924/LBC Alterations Knowehead House Dundee Road Perth Approved 30.07.2015

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

DEVELOPMENT PLAN

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

National Planning Framework 4

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

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

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

Policy 7: Historic Assets and Places
Policy 14: Design, Quality and Place
Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking
Policy 1B: Placemaking
Policy 17: Residential Areas

Policy 27A: Listed Buildings
Policy 28A: Conservation Areas : New Development
Policy 56: Noise Pollution
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

-[Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Conservation areas](#)
- [Draft Planning Guidance Proposed Short-Term Let Control Area \(Consultation ended 18th August 2023\)](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 40 Development Management

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

Environmental Health (Noise Odour)

No objection. Property will be subject to licensing conditions. Informative note requested to highlight the requirement for a Short-term Lets licence.

Conservation Team

No adverse comments received. No alterations to the building are proposed.

Communities Housing Strategy

The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for Shorth-term Let Control Areas.

The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Development Contributions Officer

No contributions required.

REPRESENTATIONS

7 representations of objection were received which included two representations from the one of the households.

The issues raised in the objections include:

- Impact on residential amenity from noise particularly from roof terrace, hot tub, parties, anti-social behaviour, coming and going of strangers in communal areas, security risk, increase in vulnerability of residents, outside key safe, litter;
- Conditions required if approved;
- Safety of hot tub, – installed without discussion with residents – weight, potential damage etc
- Badly managed;
- Intensive commercial letting contrary to residential use;
- Issue with waste and recycling;
- Car parking – guest do not park in right place;
- Take business from hotels etc, contrary to NPF4 policy 30- loss of apartment is not outweighed by local economic benefits;
- Badly managed – no thought for residents; and
- Query accuracy of supporting information submitted by the applicant.

The above points are covered in the appraisal section of the report. The last point about supporting information is noted. Information supplied is taken at face value.

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting statement 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 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policy relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned.

LDP2 Placemaking Policies 1A and 1B have relevance for the proposal and Policy 17 Residential Areas. Both seek to ensure that development respects the character and amenity of a place. Policy 17 Residential Areas supports proposals that are compatible with a predominantly residential area.

Specifically, NPF4 Policy 30 (e) states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Consultees have advised that the postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let would not be significantly different from use solely as a flat in terms of

its physical appearance. However there have been objections to the proposal from neighbours highlighting the extent of guest footfall and noise emanating from the property from the comings and goings of guests over and above what would normally be associated with Knowehead House that is causing disturbance to existing residents. The use of shared communal areas, a communal stairwell and inconsiderate use of the roof terrace and hot tub contributes to the disturbance and is having an adverse impact on local residential amenity. Whilst there are some guidelines set out by the owner for guests to follow these do not seem to be being adhered to. It is therefore considered that the use of this property for a short-term let is inappropriate due to the adverse impact on local amenity and the character of the area.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal would result in the loss of a flat to short term let accommodation in a largely residential location. It is also considered that the proposal would only contribute to a limited extent, to the tourism market in this part of Perth and Kinross and as set out by objectors could potentially just re-distribute business that could have gone to other tourism accommodation providers. However there is no evidence to back up this view. It is accepted that the loss of the residential unit would occur without detriment to local housing availability. However loss of the residential unit is not in this instance outweighed by any expected economic benefits and as such it would not satisfy clause (ii) of part e) of policy 30 in NPF4.

The proposal does not accord with the intent of NPF4 Policy 30(e): Tourism and as such the principle is not acceptable.

As the proposal would not be compatible with the amenity and character of the surrounding area, it also fails to satisfy national and local placemaking policies (Policies 1A and 1B) as well as policy 17, residential areas, of LDP2. This is discussed in more detail below.

Residential Amenity

NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A and 1B: Placemaking and policy 17 Residential Areas, support proposals which are compatible with the amenity and character of the surrounding area.

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to licensed and noise conditions will form part of the licence. However as discussed above there have been objections to this planning application due to existing issues with noise and disturbance from the flat which is already operating as a short-term let.

The objections refer to various instances where there has been disturbance from guests particularly when using the hot tub located on the terrace involving anti-social behaviour late at night. Whilst the applicant does have guidelines for use by guests these are not enforced to a satisfactory degree and objectors state that they have not been consulted on the guidelines. Such guidelines cannot be controlled by planning condition and as set out in a recent appeal decision to the DPEA (ref: PPA-

340-2155) such management guidelines cannot be relied upon as a means to restrict or control the adverse impacts on neighbouring properties and harm to amenity. Furthermore, harm to amenity could arise even if there was effective control, due to the frequent turnover of guests.

It is therefore considered that the use of the property for a short-term let is incompatible with the character of Knowehead House as a residential property. The increased noise and potentially disruptive behaviour impacts adversely on the amenity of neighbours to the detriment of the character of the residential property.

The proposal does not therefore comply with clause i) of NPF4 policy 30 or with part d) of policy 17 of the LDP.

Roads and Access

The access to the property will not change as a result of this proposal. The flat has two dedicated parking spaces. The site is also accessible to public transport and the number of parking spaces is considered to be adequate. Objectors have stated that users of the flat do not always park in the correct bays. This is not something that can be controlled by this planning application.

Drainage and Flooding

The proposal does not involve a change to existing water and waste-water arrangements.

Conservation Considerations

The proposal is in the Kinnoull Conservation Area. No external changes are proposed and the development will not have a detrimental impact on the visual appearance of the conservation area or special interest of the listed building.

Other Material Considerations - Proposed Short-Term Let Control Area and Draft Planning Guidance

This document is a material consideration for this planning application. The draft document was approved by elected members for consultation on 31 May 2023. The public consultation started on 2 June 2023 and closed on 18 August 2023. The document notes that the planning guidance (draft) will be used to assess planning applications. It should be highlighted that the planning guidance is in draft form, and as a result of the consultation process its contents may change.

The draft planning guidance states that 'In all cases properties must have their own door to the street to reduce the risk of adverse impact on the amenity of neighbouring residents'. It states that 'Proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.'

The property does not benefit from its own front door and as such would be contrary to this guidance. However as this guidance has not been formally adopted, only very limited regard can be given to it.

Developer Contributions

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

Economic Impact

The economic impact of the proposal will be in the provision of tourist accommodation within Perth which will contribute to the economy through spending.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

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.

Reasons

- 1 The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area; and;
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

- 2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and policy 17 d) Residential Areas as the increased activity, noise and disruptive behaviour caused by users of the short-term let adversely impacts on the amenity of neighbours and the continuation of the short-term let is not compatible with the amenity and character of the existing residential development.

Justification

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

Informatives

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

LRB-2023-53

23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY

REPRESENTATIONS

Mr Andrew Wood (Objects)

Comment submitted date: Thu 27 Jul 2023

The conversion of this building was supported to multi occupancy. However for the residents both within the building and in the neighboring properties the use of this flat as become an significant issue due to noise and and the use of the roof area and roof hot tub for parties.

The property is in a conservation area and has shared areas (both inside the building and outside) with all the other occupants who are entitled to quiet enjoyment of their homes. The current use is a blight on the neighboring properties and the reason for this objection.

In the event the local authority are minded to grant this application strict conditions should be applied to the number of occupants and the use of the property for parties and the roof terrace and hot tub at night.

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01040/FLL

Our ref DAT

Date 28 July 2023

Tel No 01738 476481

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/01040/FLL RE: Change of use of flat to form short-term let accommodation unit (in retrospect) 4 Knowehead House Dundee Road Perth PH2 7EY

I refer to your letter dated 25 July 2023 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

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

Comments

This application is for the change of use of a first-floor flatted dwelling at 4 Knowehead House, Dundee Road, Perth into a short term let accommodation unit. The property is located in the City Centre and is currently utilised as a short-term let.

Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence. This would include both internal and external areas, including the use of the hot tub.

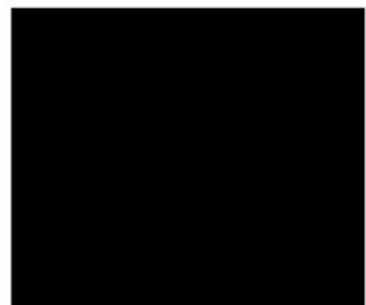
Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>





5 August 2023

Planning and Development
Perth and Kinross Council
Pullar House
Perth

Planning Application in the name of Lee Deans: Reference 23/01040/FLL

Attached please find my comments on this application.

Yours sincerely



Jack Dale

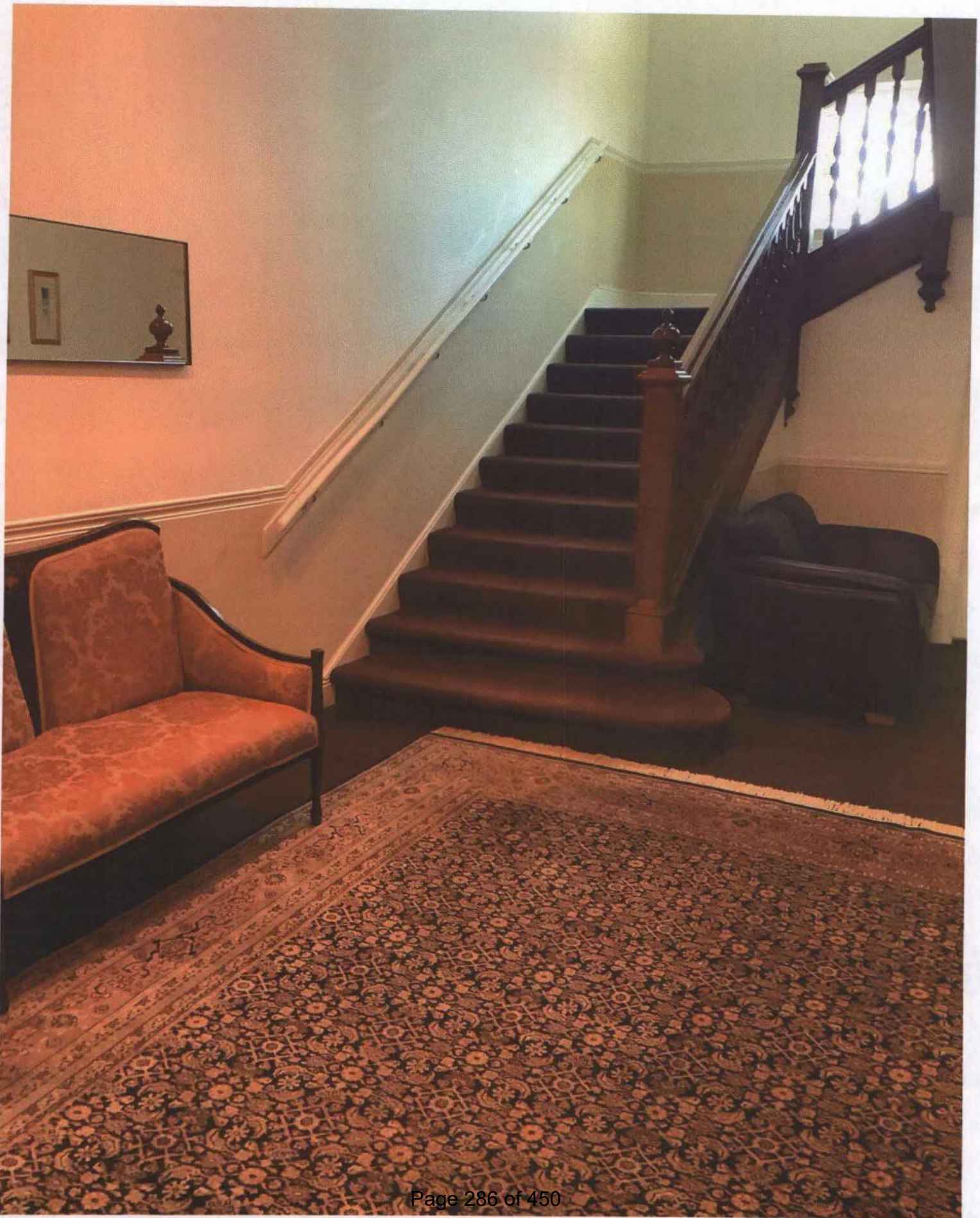
COMMENTS ON PLANNING APPLICATION - REFERENCE 23/01040/ FLL

Submitted by Jack Dale

1. Flat 4 Knowehead House has been let short-term through Airbnb for several years. The following brief comments, therefore, are based on experience not hypothesis.
2. Flat 4 has one large, one small double bedroom and a sofa-bed in the kitchen / living room. It can therefore sleep 6 adults, and does so frequently. It also has access to a large balcony which overlooks the street, the garden and the carpark, on which Mr Deans has installed a hot-tub. The common term of occupancy is two or three nights.
3. Knowehead House is a listed mid-19th century mansion house, recently divided into five apartments. The main door leads into a reception hallway, giving access to four of the flats, which is furnished and carpeted. (Photos attached.) It is decidedly not a common-access staircase of the standard tenement type, It is, in effect, an elegant and pleasant extension of our homes.
4. As indicated in point 2 above, it is not uncommon in any week for the house entrance and reception hall to be used by up to twenty strangers. ***In my view this is excessive and constitutes a serious intrusion on the privacy of the resident owners, and their freedom to exploit the reception area. Furthermore, all of these passers-by have access to the key to the main door, which I believe creates a security risk for the other owners.***
5. Over the years the behaviour of some of the tenants has caused problems for the resident owners. E.g. noise from the living room, from the balcony and hot-tub, misuse of the refuse bins, discarding cigarette butts from the balcony, leaving the main door open, and general carelessness with the property. Mr Deans has made serious efforts to ameliorate this misconduct, which I acknowledge. But inevitably the task of policing this falls on the permanent residents, and it is they who suffer until Mr Deans is able to implement corrective action.
6. Finally I note that several statements by Mr Deans are contentious. I dispute (among others) that the occupancy rate is only 60%; that any let ever extended to three months; that there have been zero anti-social complaints; and that "multiple units" have been let for holiday purposes. That "only" flats ■ and 4 must use the common reception hall is seriously misleading. Flat ■ is only sporadically occupied (by two persons) and so the strangers from flat 4 regularly and grossly outnumber the three resident owners in flats ■ and ■ making use of the reception hall.
It must be seriously questioned whether the current usage of flat 4 is appropriate in a building of this character and quality.

5 July 2023





Mrs Jenny Jameson (Objects)

Comment submitted date: Sun 06 Aug 2023

I would like to strongly object to planning permission being granted to Lea Deans /Deans Retreats at 4 Knowehead House.

(REDACTED) as a result of Mr Deans intensive AirBnB business is enormous and also poses various security risks (REDACTED)

There is a communal hallway which is used daily (REDACTED) number one's property as well as number three and four - apartment number five also uses it if access to meters is required. Given apartment four is occupied on a very regular basis by guests who stay from one night to three or four this results in very heavy traffic of strangers coming and going through (REDACTED) shared hallway(REDACTED) security is threatened never knowing who may be staying or accessing the house. Having a key safe outside the house also increases our vulnerability and is another very obvious security risk.

No member of the Deans family or representative from Deans Retreats is ever present when guests arrive to explain the house rules or personalise the service and highlight this is a residential building and as such a higher level of consideration should be paid to the residents whose permanent home this is.

The flat is advertised as Knowehead Penthouse, with a hot tub on the balcony and sleeping up to 6. It is not a penthouse apartment, the hot tub was installed without any discussion with the residents or any safety checks and it is a two bedroom flat which sleeps 4. The way it is portrayed obviously attracts people keen to enjoy the facilities and party.

Many guests like to party on the balcony - cigarettes are regularly found (REDACTED) . There is total disregard for the property or the fact it is in a conservation area and the noise that comes from the guests on the balcony or in the hot tub is significant which has to be endured by us and neighbours in other properties on Dundee Road and Commercial Street.

Often guests have food delivered or other guests arriving - the bell is broken or they cannot hear it as it is never answered (REDACTED)

Mr Deans was completely disingenuous when he bought the flat, when he fitted the key safe (without discussion) he said it was because his girlfriend forgot her keys when in fact it was for his guests, when he moved out after only several weeks he said it was temporary and at no point did he mention short term letting although this was obviously his intention all along.

Safety is a major concern - because many guests party on the balcony and in the hot tub with alcohol there is a definite health and safety risk which has never been addressed by Mr Deans or his family. The mix of alcohol, water and only a short glass balustrade between the balcony and a significant drop seems like an accident waiting to happen. Mr Deans has never answered sufficiently our question of who

would be liable for any damage to person or property in the event of such an accident

Mr Deans is rarely available for any meetings with the other residents and the factor - in the time he has owned apartment 4 he has been unavailable for over 75% of the residents meetings.

The general friendly, helpful and neighbourly atmosphere of Knowehead House has been completely disrupted by this intensive Airbnb business which seems to put profit over residents happiness and quality of life. A business which causes significant disruption physically and mentally to the other owners. It seems grossly unfair that (RECALCATED), have to suffer because of one money making operation.

The residential nature of Knowehead House is completely at odds with intensive AirBnB.

Mr Christopher Craig (Objects)

Comment submitted date: Mon 07 Aug 2023

Statement concerning the Material Change of Use Planning Permission Application for 4 Knowehead House, Dundee Road, Perth PH2 7EY

As Owners of [Redacted] since 2017, we have enjoyed residing at this property. For us, it is our second home that friends, family, coworkers and the occasional short-term let utilize for their enjoyment. The intensive, commercial letting of 4 Knowehead House seems contrary to the originally intended redevelopment of the building as a residential property with the occasional opportunity to rent as a holiday let, as outlined in the Deed of Conditions.

We also have a specific concern about the section of the application whereby the flat is characterized as a "Penthouse Apartment with Rooftop Hot-tub". The hot tub in question was installed without the knowledge or consent of the other Owners at Knowehead and was placed on the balcony of 4 Knowehead House, which is also the roof of 5 Knowehead House and is, therefore, a common element. As a "common element", the other Owners of Knowehead House could be exposed to potential liability for damage, bodily injury or death should an accident occur. At no point has evidence of the indemnification of the other Owners of Knowehead been provided by Deans Retreat, nor has any evidence been provided that a structural engineering assessment to determine the suitability of the roof to support the weight of a hot tub been provided.

Christopher Craig and David Bluhm

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01040/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer SDurning@pkc.gov.uk
Description of Proposal	Change of use of flat to form short-term let accommodation unit (in retrospect)		
Address of site	4 Knowehead House, Dundee Road, Perth PH2 7EY		
Comments on the proposal	<p>The proposal is for the change of use of a residential flat in a residential area of on a main access road into Perth City.</p> <p>Relevant NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> <i>i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> <i>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	07.08.2023		

Dr Sathyadeep Samiappan (Objects)

Comment submitted date: Mon 07 Aug 2023

Summary of objection to the Airbnb activities at 4 Knowehead house , Dundee road , Perth , PH27EY

1. I am living in [Redacted] The amount of disturbance and noise I experience can't be explained in words. It was listed in his hose policies that no parties and to keep noise levels low after 10 pm but it is not always the case.
2. Most of the people who rent Flat-4 prefer to party and stay in the balcony late nights . My bed room is [Redacted] They run and shout which you can hear clearly inside my bed room. On top of it they have installed a hot tub without getting permission from the owners and also not paying any attention how much disturbance it could cause to the people living beneath.
3. People turn un hot tub at 11 pm an it make growling noise and wakes me up from my sleep and need to text [Redacted] who will try to sort out the issue may be in an hour but by then I move down to my down stairs bed room to sleep . I have now permanently moved to downstairs bedroom as I couldn't tolerate it.
4. I can't win this situation as every time new people come they have no respect to the neighbours . Throwing cigarettes in my garden and the front door . Champagne corks etc some chocolate wrappers and rubbishes. They even throw at our cars and concerned regarding fire risk.
5. I am new to this country and not exactly how to raise my concerns to the council . But I take this as an opportunity to raise my concern.
6. This is a old Victorian house and I feel it has its limitations on what it could handle. No proper measures were taken when installing the hot tub by Mr Lee Deans. No permission asked from other owners. It is a heavy hot tub and its mechanics will cause significant noise through the roof of the flat located beneath, no proper checks made. Also in his statement he mentioned all the roof is sound proofed which is a false statement . The hot tub was installed to promote his bossiness with zero consideration to the neighbours. Some people turn the hot tub on after 10 pm and causes lot of disturbance to me. I try contacting Lee on many occasions he get back to me probably in 30 minutes and it will take almost 1 hour to resolve the issue. There was an occasion he didn't resolve the issue and says he didn't get any notification about my message and got back to me next day morning. This shows his inefficiency in managing the property. He never prevented the issues happening and also takes time to resolve the issue . I am the one suffering because of his inefficiency.
7. This is my first home put my heart and soul I can't use my own house freely and can't even live in peace .I kindly request the council to take look into my concerns and do your best to resolve the situation . Thanking you.

JOHN FORBES

PATRICIA BURNETT

8/8/23

PLANNING OBJECTION
NO. 4 KNOWHEAD HOUSE

We are writing to object to the Planning Permission Application from her Doors to operate a Airbnb occupation at Flat 4, Knowhead House.

We have heard and witnessed rowdy behavior from parties most weekends and sometimes through the week - from the outside balcony from early afternoon through the night, mainly from young drunk parties. We have also smelt what we believe is drugs being smoked. As it is a glass balcony with a hot tub, I worry for the safety of any young people using it.

The noise of shouting, singing and loud music can be heard very clearly down to our house. I personally would consider moving if I lived in the same building. It is mainly elderly people that live in this area and is very upsetting putting up with the noise.

I am hopeful that some compassion and respect is given to the residents.

Regards

P. Burnett - J. Forbes

Mr Alexander Jameson (Objects)

Comment submitted date: Tue 08 Aug 2023

Knowehead House - Objections to No.4 Airbnb Planning Application - 23_01040_FLL by Mr A Jameson [Redacted]

Background - We purchased [Redacted] in March 2017 to downsize and live in a quiet residential property. To explain, our Apartment is [Redacted] The balcony adjacent to No.4 forms the roof over part of [Redacted]. Lee Deans owns the No.4 flat.

1. Intensive Airbnb - Lee Deans (Deans Retreats) operates an intensive Airbnb occupation throughout the year. This often has significant effects on some of the residential residents in the building, particularly Apartments [Redacted] being contiguous with No.4 flat. Lee Deans could not give an exact figure as to how many days he lets out each season, but our experience is generally 2 or 3 groups per week and for 1 to 3 days.

2. Early Days - Lee purchased No.4 in Autumn 2020 and subsequently lived in the flat for the first 2-3 months. Lee clearly always intended to use the flat for Airbnb but pretended it was going to be his own residence. This pretence did not last long and on 20.07.21 he circulated an email as follows:

[Redacted]

The unforeseen circumstances were never explained by Lee to the other residents, but why bother saying you are going to be a resident owner, when it is obvious that is not the case?

3. Hot Tub - Just before Lee moved into No.4 he installed a hot tub on the flat roof of No. 5 flat, without the other Owners' permission. No professional safety checks were carried out on the roof of No.5 flat for this large and heavy Hot Tub. The hot tub is noisy to use with a grinding sound affecting No.5 Apartment below.

4. Safety - We remain very concerned about Airbnb guests partying and drinking on the first floor roof with only a low parapet wall and glass screens that are not properly reinforced. We are concerned that Lee has not carried out a professional risk assessment and health & safety on his business activities at Knowehead. He has never offered to share any reports with us. It is also a concern that guests drink on the balcony and in the hot tub. If an accident happened would the joint owners be liable as the so called balcony may also be a roof that is in "common ownership".

5. Car Safety - Occasionally cigarette butts are thrown over the side of the balcony by Airbnb guests. They land in the car park close to our parked car. We have complained to Lee about this risk to our cars on various occasions and it happened again last weekend. Lee said he put out ash trays and it is mentioned in his rules, but that has not prevented it from happening. This may be an infrequent risk to our cars, but it is still serious. It also summarises the general disregard for the neighbouring owners by a few guests.

6. Access - No.4 Apartment has no separate access, but has to use the front door and the common hallway, which is also used by No. 1, 2, and 3 Apartments. No.5 Apartment has a right to access the hallway if necessary but has its own access. Lee contends in his Justification Statement that only Apartment 3 & 4 use the hallway but this is completely incorrect. Lee is not there often enough to say who uses what door and his statement is just guesswork.

7. Airbnb Guests - The Airbnb guests arrive at random times; they never have to meet Lee or a representative from Deans Retreats; there is sometimes more than 6 guests; and they often have celebrations or parties. The quantity of bottles of alcoholic drinks collected by Lee's glass recycling bin demonstrates the regularity that Airbnb guests drink or party or both. On occasions we have helped the guests if Lee is not contactable.

8. Key Safe - Soon after the Airbnb started at No.4, Lee fitted a key safe on outside wall next to the front door. He did not ask the other owners if he could fit his key safe on a wall that is the common property of all the owners. He relies on this for getting his guests into the communal hallway. We have suggested to him that he should have someone to meet and greet and explain the rules, but he does not want to do this. If the lock safe is not permitted, he may have to find another way to provide access for his guests.

9. Party Flat - The hot tub attracts guests looking for a party flat. This is not helped by the online details advertising accommodation for 6 in a small 2 bedroom flat. We hear the normal footfall from upstairs in No.4, which is to be expected. But also we hear the shouting, loud music and activity even until 2am in the morning. On occasions we have knocked on the No.4 door to ask if the noise can be reduced but 2-3 times the door was locked and no one can hear us from inside. We prefer to try and sort out problems with the guests or with Lee, rather than report it to the Council or the Police.

10. Unsuitable Property - Lee confirms that his Airbnb activity is for 60% of the year (this suggests approx 220 nights). This figure appears to us to be on the low side, but in any case it is far too intensive for a small residential building with four other residential flats. This intense activity and the constant change of 1-3 groups arriving each week is uncertain and stressful.

11. Noise - Whilst Lee has fitted a noise monitor in No.4 Apartment, we have asked him in writing to fit a second noise monitor on the balcony. He has refused to do this. His Airbnb guests make a lot of the noise on the balcony, but it is not detected by the internal monitor. This may explain why Lee is not aware of the full extent of the noise and partying. Residents across the other side of the Dundee Road and Commercial Street can confirm this problem.

Even when the noise does exceed 77db inside the No.4 flat, then it takes a complaint from his neighbours before Lee knows there is a problem. Surely commercial businesses should avoid any significant noise issues to residential neighbours and not just wait until it has exceeded the maximum noise, before trying

to stop it. This is the critical point which prevents this intensive Airbnb use of No.4 by Deans Retreats from every being a compatible activity.

12. Airbnb Rules - Lee has some rules for guests but the rules are often ignored or not read by his guests. This results in Airbnb cars parking in the wrong parking place despite each space being clearly numbered; more than 2 cars; no attempt at recycling in the correct waste bins; the parties are either too loud or carrying on well beyond 10pm; and general anti-social behaviour from a significant number of the guests over the last 2 years.

However the most ineffective rule that Lee has is "No Parties Allowed". There are two obvious difficulties with Lee's rules:

- He did not share or discuss his Airbnb rules with the other neighbours, which might have dealt with some of our concerns two years ago.
- On arrival guests are not met by either Lee or a representative from Deans Retreats. This is an opportunity wasted to reiterate the rules and tell the Airbnb guests that consideration for the safety and well being of the neighbours is paramount.

13. Recycling - Up to 2022, the owners have jointly used 5 green, 4 blue and 1 brown bin. When the Airbnb business started there was a massive change in recycling. Most of the Airbnb rubbish went into the green bin with most guests completely ignoring the Council's guidance for recycling in the other coloured bins. Regularly glass bottles were dumped in the green bin by his guests with no practical attempt by Lee to separate glass. We suggested he put in coloured bins in the Apartment and his cleaner removes and recycle the waste and glass correctly. Lee was unable to remedy the lack of recycling by his guests, with many complaints from his neighbours.

After two years of pressure by all of us, Lee has eventually got a commercial glass recycling bin, which he uses and I agree it works well. Lee has also arranged an extra No.4 green bin which he manages. He has not arranged his own blue bin, but as before, very little is recycled by No.4 guests into the communal blue bins. It is noteworthy that Lee in his justification Statement says "...we have noticed a great uptake on this and almost fill a bin per month uplift"(Page 7 Line 1) This is a lot of glass bottles from one Apartment in a month and indicative of the No.4 problems.

14. Meetings - Knowehead Owners have had formal and regular management meetings with our Factor since 2017. It was not possible to hold meetings during parts of the Covid pandemic, but even so Lee has only attended 2 Owner meetings out of 8 since 2021. Lee does not contribute in any significant way to the management of the property, organising contractors, contributing to the gardening or taking out the communal bins.

15. Airbnb - Airbnb short term letting is undoubtedly taking business away from local Hotels and other short term providers. It is not necessarily the case that this is new business and there may not be much of an economic benefit if it is just displacing other local businesses. Hotels are better placed to cater for multiple guests without the antisocial behaviour more associated with Airbnb letting. It is obvious in Perth

that Deans Retreats is very unpopular, for example at Howard's Court and the Monart Apartments. Since 2021, this Airbnb business has definitely completely changed the atmosphere at Knowehead House.

16. Planning - This intensive Airbnb business has had a significant impact on Knowehead House and even some neighbours across the two adjacent roads. The partying activities of the "hot tub" balcony and the noise from No.4 must be an unacceptable impact on the local area. Under the National Planning Framework NPF4-30, if the loss of this Apartment to a commercial business is not outweighed by the local economic benefits, then the proposal for a change of use should not be supported by the Council.

From the Justification Statement for this Planning Application, there is no evidence that the Airbnb activity at No.4 adds economic benefits to Perth. This short term letting business could have transferred from other short term providers locally. From our observations a good proportion of the guests do not leave No.4 during their stay and often come well provided with food and supplies. Some will go to Deans Restaurant, but by nature Airbnb guests are pretty self-sufficient. We do not have statistics to prove this but surely it must be a possible to prove an economic benefit to outweigh the stress and significant problems caused by a poorly managed Airbnb business.

17. Conclusions - In some situations Airbnb works well, for example in self-contained house. But where it is in close proximity with other residential properties, a high level of cooperation and trust is needed between neighbours. Sadly there is little or no trust between Lee Deans and the other owners at Knowehead House. This is not personal, but it is because [Redacted]

I understand that there has been a high level of animosity and objections from some of the other properties in Perth that have Airbnb activity managed by Deans Retreats including Howard's Court and the Monart Apartments. This consistency suggests there is a more significant problem here.

WE therefore urge the Council to this reject this change of use Planning Application.

Development Management

From: Alexander Jameson [REDACTED]
Sent: 16 August 2023 11:42
To: Development Management
Cc: Alexander Jameson [REDACTED]
Subject: Comment of Planning Application 23/01040/FLL - No.4 Knowehead House, Dundee Road, Perth, PH2 7EY
Attachments: 23_01040_FLL- Comments by AJ on the No.4 JUSTIFICATION_STATEMENT - 16 August 2023 (Final).docx

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,

I attach an extra document to attach to my objection that was submitted on 8th August.

Looking through the Justification Statement by Lee Deans/Deans Retreats I found numerous incorrect statements or comments that were unclear. Please can you take into consideration for this change of use application **my comments in red** in the attached document. They can be verified by the other 4 owners of the Apartments at Knowehead. All of the 4 residential neighbours have already objected to Lee's application.

Thank you for your assistance.

Regards,

Alexander Jameson

[REDACTED]

Planning Permission Justification Statement - 23_01040_FLL - COMMENT

Development Proposal: Change of Use from residential to Short Term Visitor Accommodation

Location: 4 Knowehead House, Dundee Road, Perth, PH2 7EY

Applicant: Mr Lee Deans, Company Deans Retreats

Comments and corrections below in red by Mr A & Mrs J Jameson, No.2 Knowehead House, Dundee Road, Perth, PH2 7EY

1. Purpose

1.1 Previous Use Knowehead House, Dundee Road, Perth, PH2 7EY was converted into 5 flatted properties in 2017. Since completion in 2017, No.4 Knowehead House has been used as a Short Term Visitor Let. It has been owned by Mr Lee Deans and managed by business Deans Retreats since November 2020. (This statement is **incorrect**. No.4 was not used for Airbnb from 2017 when Corryard Developments converted the building to 5 Apartments. It was for sale until Corryard went into Receivership and then it was sold to Lee Deans. The Airbnb short term letting and change of use at No.4 started just after Lee moved in during 2021.

1.2 Current Use 4 Knowehead House, Dundee Road, Perth, PH2 7EY is used to offer luxury short term accommodation. (**Comment** - We suggest that No.4 is only "reasonable" quality accommodation, for up to 6 guests in two small double bedrooms and a sitting room. The balcony is an exposed location next to the busy Dundee Road, which Lee describes on Page 2 as "a very busy main through road"). Within the title deeds of the building, there is provision for all properties [REDACTED] to be used for residential, rental or holiday let. Due to this provision and multiple units (**Comment** - "multiple" means No.4 and one other Apartment, where the Owners visit part time and occasionally let out the 1 bedroom flat, but only for a few days each year. Many of their guests are friends & family. This is completely different residential use by the Owners and not comparable to the intensive Airbnb business letting at No.4) in the building having been used for holiday let purposes since 2017 (**Incorrect** - 2017 is guesswork and any Airbnb activity started much later. The change of use by Lee started in 2021 and this application is retrospective. It is obvious that No.4 changed from a residential use to a business use letting approx. 220 nights per year), I did not think there was a material change of use present. After discussion with Perth and Kinross planning department we were recommended to submit a planning application. (**Comment** - This change of use application should have happened in 2021)

1.3 Intended Use The intent is to continue to use 4 Knowehead House, Dundee Road, Perth, PH2 7EY as a luxury Short Term Let unit. This is also referred to as Serviced Accommodation or holiday let. Stay durations are constantly varied depending on guest needs and typically range between 2 days to 3 months. (**Incorrect** - The only 3 month period of occupation of No.4 since 2017 has been by Lee Deans himself just after he bought the Apartment. Presumably he did not stay for 2-3 months in No.4 as a Airbnb guest of Deans Retreats). On average the occupancy rate for the year is 60% (approx. 220 nights

is claimed to be the average figure per year. It sounds on the low side but we have not kept a record) and number of guests that stay in the dwelling is three.

2. Site Location The site is located on a picturesque location looking over the river Tay and Perth City. The city centre is 0.4 miles where guests can access a range of local amenities including shops, restaurants, attractions, barbers, pharmacy, newsagents and beauty shops. It is approximately 0.8 miles (15 minute walk) from Perth Bus and Train stations. The close proximity of public transport to the site significantly reduces the requirement for guest vehicles and improves the use of shared public transport, giving benefit to the environment. **(Incorrect – At least 90-95% of guests arrive by car and occasionally additional friends arrive. None of the Airbnb guests are met on arrival by Lee or his family and so it will be difficult for him to assess car numbers).** The property is located 0.2 miles from Cooperative supermarket. We supply a guest information book within the property giving direction to our favourite bars, restaurants, shops and tourist attractions to encourage outside spending within Perth by guests and workers.

Located in postcode PH2, this district level of saturation of potential short-term lets is currently 1.1% and considered a low level of concentration of STLs to residential housing and is not at risk of affecting the availability of residential housing or the character of a neighborhood as noted by Housing Strategy in Planning application 23/00017/FLL. **(Comment - This percentage assessment is not necessarily a justification for giving planning permission. PH2 includes larger areas of attractive residential housing and conversely there may be greater reason to control intensive Airbnb business use in these residential properties).**

3. Site Characteristics No changes to the site characteristics are proposed in this application for change of use. Please refer to the plan drawing for a diagrammatic representation of the existing site characteristics. The building is a 3 storey house (1st floor, Ground and Basement) converted into 5 flatted properties. The main entrance to property 4 is at the front of the building, upon entry the flat is on the 1st floor. The main entrance has a communal stairwell between [REDACTED] **(Incorrect – [REDACTED] have entrance doors into the garden but [REDACTED] door cannot be opened from outside. It is therefore not possible to use for access. [REDACTED] can use their garden door for access. [REDACTED]. Lee is unaware but the [REDACTED] also has a right to use the main door and the communal hall. Therefore all [REDACTED] use the front door. This statement by Lee is just guesswork. He is not here often enough to know what [REDACTED]. [REDACTED] is also used for Short Term Rental (this is not accurate description – see Point 1.2. It is also the home of the Owners and and letting out is minimal) [REDACTED] this meaning only [REDACTED] (both short term rental) must use communal entrance. (Incorrect assumption – Intensive Airbnb properties that are let out and not lived in by the Owner need their own separate access. This is one of the main reasons why the No.4 Airbnb activity is not appropriate in this residential building – ie. 4 apartments out of 5 are residential and not used for business purposes)** The site is located on Dundee Road, a very busy main through road used by many locals to and from Dundee, Scone, work, school runs or journeys into the city centre. There is a well integrated mixed use in the area of residential, business, schooling, religious, takeaways and shops within the immediate vicinity. 2 Dundee Road hosts a very similar property to [REDACTED]

which has been divided into business let units. Kinnoull Primary School and Parish Church are a couple of doors down. Norrie Miller walk provides a lot of foot traffic to the front and rear of the property. The Travelodge is 250 yards away, as are an array of takeaways and the Cooperative Supermarket. The high traffic, business, schooling and hospitality uses within the immediate vicinity contribute greatly to the overall noise, footfall and bustling environment throughout the day and night.

4. Floor Plans No changes are proposed to the floor plan of this property in this application for change of use. Please refer to the floor plan drawing. The floor plan is characterised by self contained kitchen, lounge room and bathroom. There are two bedrooms, both doubles. There is an outdoor terrace area which features a hot tub and has been utilised to enjoy views of the river Tay and across the city. The electrical and gas components are located in the hallway cupboard.

5. Safety Standards

5.1 Electrical Inspection and Condition Report (EICR) The property has a current EICR which is to be renewed every five years.

5.2 Portable Appliance Testing (PAT) The property has a current PAT which is renewed annually.

5.3 Gas Safety Certificate (GSC) The property has a current GSC which is renewed annually.

5.4 Fire Risk Assessment (FRA) The property has a current FRA which is renewed annually. There is a fire escape plan provided in the welcome information provided to guests at the property along with a fire extinguisher and blanket kit.

5.5 Smoke Alarm Testing Smoke alarm testing is conducted annually.

5.6 Holiday Let Insurance The property has a current holiday let insurance policy covering buildings, contents and public liability.

6. Management & Control The property is managed by family owned, Perth based, business Deans Retreats. I, Mr Lee Deans, am an owner of the business. I have been managing 8 luxury Short term rental properties within Perth for over 5 years with an exemplary record. We advertise on online platforms Booking.com and AirBNB. With Airbnb we hold Superhost status across all properties where we must meet very strict criteria and must hold a 4.8 / 5 minimum across the board on all aspects of the properties. We have managed to maintain this over 469 stays and this is reviewed quarterly. I have submitted below a couple of images to support this. On booking.com we hold on average 9/10 across all properties. Both of these websites are very meticulous with their screening of potential guests and help avoid potential problem customers. They assist in putting in ID verification of individuals, minimum age requirements (24 years and above), **(Incorrect – we have seen younger visitors than 24 going into No.4. As an example there was an 18th birthday party for a few girls over a 2 night stay in May 2022. Lee met the party on the first evening. No guests were over 24 and he did not stop their party. No.4 was booked because the family did want the noise of the party at their home nearby in Perth. This completely nullifies any claims by Lee about screening guests, allowing under age guests and his ability or willingness to prevent parties.)** taking large damage deposits and issuing our strict terms and conditions policy that they must sign and agree to. Only established Airbnb / Booking.com profiles can book automatically without a further screening process taking place from ourselves. This allows us to further vet potential clients and search for any red flags. These measures greatly reduce the risk of any issues with guests for neighbours and our

property. **(Comment – all these precautions do not stop very regular parties and noise by guests at No.4)**

Our target market is tourists and working guests that have requirements to work away from home. Over the years we have managed to acquire a large number of corporate clients that regularly require short term accommodations. They include insurance clients, trade companies, builders and other service providers. These types of guests are long term, typically staying for one month to 3 months in duration. All of our properties listed have undergone significant cosmetic renovations including new kitchens, bathrooms, decorating and flooring. **(Clarification – Most of the renovations were carried out by the developer Corryard, not by Deans Retreats)**. New furnishings have also been supplied that meet fire safety requirements. Due to its unique location and design, 4 Knowehead House has held photoshoots and worked with Visit Scotland, Perth City, Perth and Kinross Council and Invest In Perth in advertising the fantastic independent accommodation offering Perth has. It is featured on the Perth City website at: **(Clarification – These adverts are paid for and not necessarily endorsed by Perth City or Perth & Kinross Council)**.

<https://www.perthcity.co.uk/blog/be-inspired-perthshire-spa-breaks-hot-tub-hideaways>

A link to the Airbnb advertisement:

https://www.airbnb.co.uk/rooms/50587642?adults=4&check_in=2022-12-01&check_out=2022-12-02&source_impression_id=p3_1669842893_2OVWKduestIJt%2ByL

6.1 Immediate Neighbors The immediate neighbors, adjoining flats in the same block of four have been provided with my personal contact details so that any issues at the properties can be reported, managed and resolved to an acceptable standard. I attend regular meetings with all residents **(Incorrect – Lee has attended only 2 meetings out of 9 of our Owner meetings since he became the Owner of No.4. He has not contributed to the overall management of the property but has added a lot of problems)** to discuss management of the development, any issues or improvements that can be made. We put the happiness, safety and well being of neighbours **(Incorrect - this sounds good but does not happen in practice – please refer to the planning objection by our neighbour from [REDACTED] to see how serious the No.4 Airbnb problems are)** on a par with guests, understanding that if they are happy it also makes the running of our business a lot easier. Specifically immediate neighbors have been briefed on the following:

6.1.1 Noise Management Plan

<p>Premise</p>	<p>Type: Short Term let</p> <p>Music: Music may be played internally via speaker</p> <p>Noise Source: Television, Music, Terrace area, Hot Tub, People arriving or leaving, Cleaning</p>
<p>Objectives</p>	<ul style="list-style-type: none"> • Minimise impact on local residents and prevent public nuisance • Identify noise sources and acceptable noise levels • Steps to manage and control noise • How noise will be monitored • Respond to complaints of unacceptable noise
<p>Noise Sources</p>	<ul style="list-style-type: none"> • Speaker in living rooms: Located away from any windows and doors. Guidance issued to all guests via e-mail and in Guest Information booklet that speakers only to be used between 10am and 10pm. Wired in to prevent moving around premise and set with limiter of 75 Decibels maximum. Bass turned to lowest point. Minut Noise detector used to aid in detection of recording of noise levels. If levels exceeded for more than 10 minutes, guests will be contacted immediately (Incorrect – Lee may occasionally notice 10 minutes of excess noise himself , but generally it is left up to a neighbour to complain before Lee takes any action) Lower Threshold of 67 Decibels used from 10pm until 10am. (Comment - This timing has not been formally agreed with the owners, but just adopted by Lee. We would prefer any earlier time to have no noise emanating from No.4) • Television in living room: Located away from any windows and doors. Volume limit set on television. Bass turned to low. Minut Noise detector used to aid in detection of recording of noise levels. If levels exceeded for more than 10 minutes, guests will be contacted immediately. Lower Threshold of 67 Decibels used from 10pm until 10am. • Terrace Area: Guidance issued to all guests via e-mail and in Guest Information booklet that noise levels should be reduced significantly if outside at any point and be respectful of neighbouring properties (Comment – Please note this guidance is too vague for the balcony...what does "reduced significantly" mean? Lee should fit a noise monitor(s) on the balcony and suggest a maximum level much lower than 67 Decibels and to apply at any time. Noise travels much more clearly from outside a property. Lee's conditions have never been discussed with all the Owners and should have obviously been agreed before he started his Airbnb business. Also neighbouring houses across the other side of the Dundee Road also get affected by noise. Lee has not checked with near

	<p>neighbours from across the Dundee Road or Commercial Street, but we get complaints occasionally). The noise from the balcony is the most . From 10pm – 10am noise level should be reduced to zero. All noise sources have been removed outside. Rubber feet installed on outdoor furniture.</p> <ul style="list-style-type: none">• Hot Tub: Located on the Terrace Area. Guidance issued to all guests via e-mail and in Guest Information booklet that noise levels should be reduced significantly if outside at any point and be respectful of neighbouring properties. From 10pm – 10am noise level should be reduced to zero. (Incorrect – This suggestion by Lee does not stop the hot tub being used after 10pm – see the complaints from [REDACTED] These timings have not been agreed with all the Owners). Internal speakers of hot tub have been removed. <p>General Waste and Recycling Bins: Cleaners will only be present between the hours of 10am – 3pm. They will fill bins when required between these times only when present at the property. Bin Collection is arranged via Perth and Kinross council non domestic waste team and works within their scheduled hours and done in conjunction with residential collections.</p> <ul style="list-style-type: none">• Guests Arriving and Leaving: Arrival times specified as between 3pm and 9.30pm. Departure times specified as between 7am and 11am to ensure minimal early or late disturbances.
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<p>Noise Controls</p>	<p>Minut Noise Control: Use of Minut in all of our short term let properties. (Comment – The Minut Noise Control were only installed by Lee after noise complaints from neighbours. Lee is not proactive in controlling noise but waits for neighbours to complain). This allows us to set maximum thresholds for noise level at different times of day. We set a maximum level of 76 decibels during the day and a level of 67 decibels from 10pm until 10am.</p> <p>This device monitors noise takes a record of levels every minute throughout the day. If levels exceeded for more than 10 minutes we are automatically sent an alert where we then contact the guest immediately via phone call. If necessary I would visit the property. Further monitoring of noise level would continue and if resumes we would remove guests from the property.</p> <p>In the event that the guests are not cooperative the police will be engaged. Since inception there have been zero reports to police or council or had to remove any guests due to noise levels. Over the last two years of operation we have had a couple of communications of excess noise from neighbours. Since then we have installed one Minut noise sensor(s) which has helped greatly. We had one instance after this regarding noise level later in the evening. To counter this we discovered we can set different noise thresholds at different times of day. Since we tweaked this we have had no further issues regarding noise. (Incorrect - The noise from the balcony and parties outside is not picked up by the noise sensor).</p> <p>All guests are made aware of this procedure in their booking terms and conditions and welcome information message.</p> <p>Sonos Speakers: Sonos speakers allow us to set a maximum volume on them to ensure noise thresholds not exceeded.</p> <p>Soundproofed Ceilings: During the overhaul of the building in 2017, the properties on the ground and basement floors have had sound proofed ceilings installed which helps greatly reduce noise from any properties above. (Incorrect – This is completely incorrect. Lee has never asked [REDACTED] have been sound proofed and therefore his comments are just guesswork! On the first floor of [REDACTED] and a long corridor that have no soundproofing on the ceilings below No.4. Flat. On the ground floor there is no sound proofing on the ceilings and we can hear if Airbnb guests return late in the evening and go up the stairs. Normal movement in a flat is acceptable, but not music, parties and loud noise.)</p>
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<p>Communication of Complaints</p>	<p>All neighbours are informed of contact numbers to reach us on if required in any circumstance at any time. If a complaint occurs, this allows us to take immediate action. (Comment – Immediate is the wrong word....Lee sometimes responds promptly but other times it can take an hour and once he missed a notification and did not respond at all). Guests will be contacted as soon as any complaint made. A review of our noise management plan will then be taken to see if there is a better solution to aid prevention going forward. (Comment - Lee has never reviewed his “noise management plan” with the other Owners of Knowehead House).</p> <p>Noise complaint will then be logged: Time, date and reason for complaint.</p> <p>Liase with person(s) making complaint and communicate steps taken to neutralise and/or improve going forward.</p>
<p>Management Responsible</p>	<p>I, Lee Deans, am solely responsible for the sources of noise. Guests and neighbours are provided with my contact details. I have set noise level thresholds and times with the aid and recommendations of the council. (Comment – Lee has never discussed his rules and thresholds with the other neighbours at an Owners Meeting. He has not offered to discuss or given a copy of his current rules [REDACTED]</p>
<p>Noise Management Plan Evaluation</p>	<p>We will continue to review our noise management plan annually and / or in the event of any complaint.</p>

6.1.2 Antisocial Behavior Zero antisocial behavior complaints have been reported since inception. **(Comment - This is only because the Knowehead Owners do not want to contact the Council or the Police.** The lack of reporting to the Council or the police is not proof that anti-social behaviour is not happening on a regular basis. Instead [REDACTED] seek to sort out problems direct with Lee. This is difficult to do if he does not turn up to Owner meetings. The neighbours especially in [REDACTED] have often complained to Lee about noise. Also we have complained about cigarette butts being thrown off the balcony. Three discarded cigarette butts were found last Sunday morning on 06/08/23 near [REDACTED] Immediate neighbors do complain to us about antisocial behavior from the property). It is important that this is done so that other immediate neighbors are not disturbed. I will assess the complaint and if appropriate they will contact the guests to issue a warning. If alleged antisocial behavior continues I would then visit the property to assess the situation. If it is confirmed that there is antisocial behavior the culpable guests will be asked to leave the property. In the event that the guests are not cooperative the police will be engaged. To date we have no reports to police or council or had to remove any guests due to antisocial behaviour. **(Comment - This sounds good, but it should not be up to the neighbours to alert Lee to noise or other antisocial problems connected to No.4. Unfortunately Lee misunderstands his role as owner and manager of the Airbnb business. Surely he should prevent these problems happening and intervene with his guests when they arrive and as soon as any problems happen. His current method of wait and see inevitably means that the neighbours are disturbed and affected. He is expecting neighbours to send a message to him, probably late at night. which he may or may not deal with. This is why this Airbnb business advertising the hot tub and encouraging a party flat is always going to be incompatible in a quiet residential building with 4 residential Apartments, minimal sound proofing and an open air balcony.**

6.1.3 Illegal Behavior There have been no reports of illegal behavior since inception. Immediate neighbors have been advised to report any alleged illegal behavior from the property. I would then visit the property to assess the situation. If it is confirmed that there is antisocial behavior the culpable guests will be asked to leave the property. In the event that the guests are not cooperative the police will be engaged. Since inception we have no reports to police or council or had to remove any guests due to illegal behaviour.

6.2 Maintenance & Site Management: The grounds maintenance is conducted fortnightly. This includes mowing and edging of lawn, weed killing and hedge trimming. We have a factored communal gardener who looks after all of the properties. The proud presentation of our properties is an advantage to our immediate and adjoining neighbors. **(Clarification - To date Lee has not got involved with the garden management and does not help with the property maintenance in any way).** Internal maintenance is very minimal given the extensive renovation upgrade works that have been conducted both inside and outside have improved kerb appeal. Key collection is from Deans Restaurant, Wednesday – Sunday. When Deans Restaurant is closed, Monday & Tuesday, guests contact one of the team directly on the contact details provided and meet at the property.

6.3 Cleaning and Linen Change overs are handled by myself, we have 1 dedicated cleaner to each property. The lack of third party management means that any issues can be addressed immediately by the applicants. Cleaning takes place at the end of each stay. A very high standard of cleanliness and hygiene is always maintained at this property. All cleaning apparatus, supplies and materials are kept on site in a dedicated housekeeping storage room so as to reduce foot traffic to the main door access. Cleaning hours of the property are always between the hours of 10am – 3pm. All linen is cleaned and pressed off site and clean linen is stored on site in the dedicated housekeeping storage room. This eliminates the use of washing machines, dryers, and clothes lines at the property.

6.4 Waste & Recycling Control There is a designated bin refuse area in the car park. All bins have been appropriately labeled 'General Waste', 'Paper and Cardboard, Plastic Bottles & Drink Cans' and 'Garden Waste.' As Perth and Kinross do not offer glass recycling as standard residentially, we have installed a glass recycling bin (contracted with Binn Group) which we have encouraged all neighbours to make use of in an effort to recycle even further. **(Comment - This glass recycling bin is now working well, but was only installed by Lee after 2 years of pressure by the other owners to recycle properly. Prior to that the No.4 glass bottles were deposited in the communal green or blue bins randomly by Lee's guests.**

(Comment - This glass recycling bin is now working well, but was only installed by Lee after 2 years of pressure by the other owners to recycle properly. Prior to that the No.4 glass bottles were deposited in the communal green or blue bins randomly by Lee's guests. [REDACTED] We have noticed a great uptake on this and almost fill a bin per monthly uplift. We provide a welcome message on the morning of arrival to guests to inform them of our recycling practices and have signage above internal and external bins showing our local councils recycling practices, this information is also displayed in the Guest Information guide. After contacting PKC Waste Management Team for any further recommendations, internal glass and mixed recycling bins have also been installed. This enhances recycling efforts and reduces contamination. Any bins that are contaminated are privately uplifted at our personal expense. We train housekeeping to check all bins for any contamination after each stay. Due to our expected occupancy rate throughout the year of 60% with an average of 3 persons we find that there is no increase in waste in comparison to the average household. **(Comment – The 60% occupancy rate sounds far too low, but even if it is approximately correct, 220 nights is a huge burden on recycling and Lee has taken over 2 years to fix the glass problem under pressure from the other Owners. He ignores the need for guests to recycle in the communal blue as most of the waste must go into his green bin, which is contrary to Council policy.)**

6.5 Parking There are two parking spaces for the property in the main car park area. All spaces are clearly marked to avoid any confusion. Due to the central location, many guests travel by train and can either walk or take a short taxi to the property. **(Comment – Airbnb guests still park in the wrong place from time to time and we help to direct them. Lee is usually unaware of incorrect parking or more than two cars using the parking area because he does not meet the guests and rarely visits in the evening.)**

7 Policy Approach & Guidance to Development

Included are commentaries made upon most recent local and national planning policies which provide relevance to the change of use of residential accommodation to the short term let visitor accommodation. These policies typically deal with tourism as a whole rather than focusing on change of use specifically.

7.1 Perth City Development Plan 2020-2040

Perth City Development Plan published August 2019, presents key objectives and goals to be considered in achieving growth within the city. None of the policies directly deal with the conversion of residential properties to visitor accommodation, although some policies have relevance for this application:

Page 15: By 2025 the new cultural/heritage attractions will be open and attracting 100,000 visitors a year. By 2030 Perth will be Scotland's leading city for active travel. The volume and value of business and leisure tourism in the city will have doubled.

Page 28: Together, the new cultural/heritage attractions and an improved accommodation offer should help to double the volume and value of tourism in Perth by 2029.

Page 38 A lack of ambition has held Perth back, but that is changing fast and Perth is increasingly recognised as a leader in fields ranging from clean energy and active travel, to culture-led regeneration and the smart city.

As Perth plans to grow tourism exponentially over the next 5-10 years, one of the key objectives identified to sustain this is the need for improved accommodation offering. Thus far Deans Retreats property portfolio has grown year on year solely focussing on the operation of high quality accommodation to the centre of Perth. As a relatively new, ambitious business, we hope to grow with Perth and work hand in hand in becoming Scotland's leading city for active travel.

7.2 Perth and Kinross Council Website: Do I need planning permission for a short term let

PKC website directs us toward gov.scot publication, Short Term Lets: planning guidance for hosts and operators. This guidance provides a framework to show requirements needed to be met for a successful change of use planning application for a short term let.

1.4 The Scottish Governments purpose in the regulation of short term lets is to ensure the local authorities have appropriate powers to balance the needs and concerns of their communities with wider economic and tourism interests.

1.5 The Licensing scheme aims to ensure short term lets are safe and address issues face by neighbours as well as assisting in complaints effectively.

1.6 The licensing scheme is complemented by powers^[3] for local authorities to designate control areas. The purpose of control areas is to help manage high concentrations of secondary letting, to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas. **(Comment – As stated above, the intensive use of Airbnb in No.4 for at least 220 nights per year is not appropriate in a quiet residential building with 5 Apartments, four of which are used as the Owners' homes.)**

2.19 Guest Arrivals and departures: Safety and noise Impact on neighbours

2.21 Impact of other residents in flatted buildings: Safety of residents, security of the building and guest access to communal areas.

2.22 Likely frequency and intensity of noise or otherwise unsociable behaviour

2.23 Impact on public service and residents amenity: Household waste levels, parking pressures, noise and disturbance levels.

2.25 Cumulative impact on the character and amenity of a neighbourhood

2.28 Number of people staying

From 1.6 it is assumed that Perth City currently faces no issue with high concentration levels of short term let properties as no control area designated. With local authorities given power of balancing economic growth and expansion of tourism offering, it is a fine balancing act to ensure all parties are content. This framework assists in ensuring both the community and tourism are appeased. The communities and neighbours are kept safe, amenity unchanged, normal disturbance levels and the overall area character undiminished. **(Comment - With the selective and occasionally incorrect comments in this Justification Statement by Lee and the problems of noise and anti-social behaviour that continue to occur at No.4, Lee fails to achieve the requirements expected by the Council sufficient to grant a licence to Deans Retreat. This is not an example of a "fine balancing act"! We confirm that the other 4 Owners at Knowehead are very far from "all parties content", but Lee avoids asking our opinions, because the answers threaten his business. We have all objected to this Change of Use application).**

7.3. The National Planning Framework for Scotland 3 (NPF3)

NPF3 represents a spatial expression of the Scottish Government's aspirations for sustainable economic growth in Scotland over the next 20-30 years. It sets out at national level, the Scottish Government's strategy for the country's development, in terms of how we are to develop our environment and includes development proposals identified as schemes of national importance. Whilst it is not prescriptive, NPF3 will form a material consideration when determining applications and, as such, will be a consideration in determining the application for any proposed development. Of particular relevance to this proposal therefore is:

paragraph 1.7 This recognises tourism as one of Scotland's key economic sectors.

With the vast majority of guests staying at the property subject to this application staying for tourism and/or work, NPF3 must be considered a material consideration for this application.

7.4. Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) (2014) is a statement of Scottish Government policy on land use planning. Where relevant to the current proposals, SPP recognises tourism as one of the "key sectors for Scotland with particular opportunities for growth". This is again relative to this application due to the types of **visitors staying within the accommodation.**

(Comment - SPP importantly supports tourism but this is very generic Policy and should not necessarily justify an Airbnb business such as Deans Retreats. The rapid increase in Airbnb short term lettings must have taken business away from local hotels and bed & breakfast businesses in Perth that will be struggling after the pandemic. Airbnb offers flexibility which is popular and admittedly can be useful in rural areas. But taking business away from other existing short term letting providers, does not necessarily mean that it is increasing tourism in larger towns or cities such as Perth. Even if it is, then the consequence will be (as the Council will know) that less and less long term letting properties are available. which are already in very short supply). Surely the Council will want to support existing hotels and other providers rather than reducing the availability of longer term let properties.

Conclusion

Deans Retreats, our company, was founded 4 years ago and provides luxury visitor accommodation to 1000's of visitors per year to Perth. Having owned Deans Restaurant for the last 17 years, which has a client base travelling from all over Scotland, we found that guests struggled to find high quality housing within the city centre. The lack in luxury accommodation is our unique selling point and how our business was born. We believe the offering across all of our properties provides an incentive and encourages staycations, workers and tourists into Perth city centre. In turn, assisting in driving much needed footfall and spending into the local businesses throughout the week. The successes of our business model has allowed us to reinvest in Perth meaning continued growth of our visitor accommodation offering during a very difficult economic climate. **(Comment – This justification statement has not confirmed how it has helped economic growth and the expansion of tourism).** We now operate multiple properties which can be viewed on our website at www.deansretreats.co.uk This is now my main occupation and also allows us to employ 4 others full time with further hires forecast this year.

The move to see the short term let industry better regulated is a move supported by us. **(Comment – We need better management of Airbnb businesses which is different to more regulation)** Having received encouragement from individuals within Perth and Kinross planning department, we see this as a positive move to improve the overall standard of accommodation provided whilst eliminating mismanaged offerings. It is our contention that the proposed change of use of this property will provide a sustainable function **(...for Deans Retreats?)** going forward that can contribute to Perth's important tourist economy and reputation as a food, drink, creative and cultural destination. If the application is approved, 4 Knowehead House, will continue to be an important asset to the city's wider tourism landscape.

Taking all the aforementioned into account, it is hoped that the officers will be able to support this application, as it is considered to successfully address all aspects guidance 7.2 discusses, whilst meeting local and national (SPP & NPF3) objectives with no material considerations apparent which outweigh these plans. It is hoped this justification statement also provides an insight into the great deal of care and diligence we take and respectfully request recommendation for approval.

Conclusions – These concluding comments sound good, but the Airbnb management imagined by Deans Retreats is not what happens at Knowehead. It is definitely not compatible with Knowehead House residents and near neighbours. This Airbnb business has had many failings as described. As a result it has made this intensive Airbnb activity very unpopular at Knowehead. Possibly intensive Airbnb activity might work in a private detached house or a block of flats that are all owned by one Airbnb business, but it clearly causes problems in quiet residential houses. As the Council know, there have been similar problems at other Airbnb properties managed by Deans Retreats or the Deans family in Perth.

Whilst the Airbnb guests appear to enjoy No.4 Apartment, this Planning Application for change of use is there primarily to protect neighbours from noise, disturbance and antisocial behaviour.

The comments and problems listed throughout this Justification Document have been approved and can be confirmed by the four other Apartment Owners of Knowehead House.

Alexander Jameson BLE MRICS,





Edit

4.8 ★

Overall rating

469



Reviews

Rating highlights



Rec
for K
Apa
Tub

Recent reviews

19 Nov – 20 Nov 2022
Knowehead Penthouse Apartment
with Rooftop Hot Tub

Overall rating ★★★★★

11 Nov – 13 Nov 2022
Knowehead Penthouse Apartment
with Rooftop Hot Tub

Overall rating ★★★★★

Ref: 23/01040/FLL — Application for review.

4 Knowehead House, Dundee Road, PH2 7EY — Mr L. Deans

Comments submitted by Jack Dale, [REDACTED]

In my initial comments regarding Mr Deans's planning application I included a summary of points where I considered his claims to be questionable. Having read the additional remarks that he has submitted in support of his request for review I feel compelled to comment at greater length on what I consider to be factually unsustainable assertions.

- **Mr Deans' remarks on "extensive refurbishment" are disingenuous, and misleading.**

Any significant structural work on the property was undertaken by the initial developer or subsequently by the owners collectively. Work on improving the communally owned grounds, including approved tree work, was undertaken before his ownership. The repair to the "outside communal staircase" has not yet been completed and is also being undertaken as collective effort. None of this was initiated by Mr Deans, nor paid for exclusively by him: nor, indeed, the furnishings of the reception hall. These steps were not taken to ensure the "luxury" of his tourist offering, but to enhance the amenities of the permanent residents.

Quite how his comment that "the restoration aimed to blend seamlessly with the surrounding residential characteristics" relates to his application for change of use is unclear, but certainly it is difficult to see how a hot tub on an elevated balcony exposed to Dundee Road and neighbouring properties now constitutes a seamless blend with the Kinnoull area.

- **Mr Deans' remarks on "Noise Management and Compliance" are specious.**

He repeats an argument employed in his original planning application, in which he refers solely to the absence of official complaints to the external authorities. But he suppresses any reference to the many complaints by the other residents directed to him personally. By doing so he is exploiting their willingness to deal with these concerns in an informal and neighbourly way. This is not only misleading but unfair.

- **Mr Deans' appeal to the title deeds ignores his disregard of their terms.**

It is correct that all the owners on purchase of their properties accepted a provision in the deeds that the flats could be used for holiday letting. But If Mr Deans believes that this

provision overrides the national legislation and local authority regulations he is surely mistaken.

What he fails to note is that the same deeds make provision for an owners committee empowered to decide on repairs, alterations, development, etc in respect of the property. Mr Deans has treated this committee's deliberations with scant respect. ("Your silly wee committee" to quote his words to me.) He has frequently made decisions to enhance the profitability of his business without reference to the committee and regularly been confrontational rather than cooperative on matters of concern to the permanent residents.

- **Mr Deans' claims re his economic contribution are subjective and exaggerated.**

He repeats many of the points made in his original application, which strike me as containing much special pleading. His implied comparison of his small flat in a converted 19th century mansion with large tourist establishments is bizarre. In fact, I suggest that the contrast only highlights the central point of my original objection to his application: namely, that ***the quality, character and location of Knowehead House render it an inappropriate setting for the commercial operation run by Mr Deans.***

- **I note that Mr Deans offers no response to the allegations of disruption and disturbance caused by his business to the lives of the permanent residents.**

10 January 2004

CDS Planning Local Review Body

From: [REDACTED]
Sent: 11 January 2024 17:39
To: CDS Planning Local Review Body
Subject: LRB 2023-53 OBJECTION

Follow Up Flag: Follow up
Due By: 16 January 2024 10:00
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.

No 4 Knowehead House - Notice of Review to PKC Local Review Body - LRB 2023-53

I am objecting to the appeal lodged by mr Lee Deans / Deans Retreats regarding change of use to Number 4 Knowehead House, Dundee Road, Perth PH2 7EY
All my original objections stand and are relevant to the appeal.

SECURITY

Since the original application there continues to be a very constant stream of guests staying at Number 4 KnoweheadHouse. The duration of stay varies from one night to two and the number of guests per stay varies from 2 to upwards of 6. This means on any given day at any given time we have total strangers accessing our property, using our communal car park, communal entrance, communal hallway and communal staircase. As highlighted previously access is gained by a key box located on the outside of the house adding another level of security risk. The permanent never know from one day to the next who we might encounter in our own home environment, what these people will be like or whether they will have any respect for the property or the people who actually live here.

ANTISOCIAL BEHAVIOUR

Given the transitory nature of Airbnb guests there is little regard for consideration of others and the residents are regularly subjected to litter in the carpark, cigarettes thrown from the balcony of No 4, noise from frequent parties and hot tub use on the balcony. Guests pay no regard to litter and the council required appropriate disposal where of and do not seem to care if other residents are disturbed at all hours by food delivery operators going to the incorrect apartment. It seems when guests are staying a brief period in a property and are there for holiday, to celebrate a birthday, a party etclittle or no regard is paid to anyone else in the vicinity.

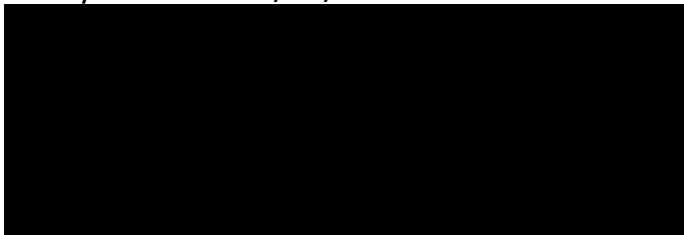
MANAGEMENT

Mr Lee Deans from Deans Retreats has made it clear on several occasions that he holds the other owners at Knowehead House in little regard. He considers the residents committee as a 'silly little committee', has only attended two out of a relevant 9 meetings, and appears not to think any decisions made by the committee have any bearing on him despite the fact that the title deeds clearly indicate that all owners must abide by the majority decisions.

RESIDENTIAL VS COMMERCIAL

I can only reiterate that the residential nature of KnoweheadHouse is completely incompatible with the intensive commercial activity of Deans Retreats in operating No 4 as a full time Airbnb

Jenny Jameson 11/01/24





**POS REFERENCE: -
POS-P-0074**

OBJECTION REVIEW TO PLANNING APPLICATION

REFERENCE: - 23/01040/FLL

**ADDRESS: - 4 Knowehead House Dundee Road
Perth PH2 7EY**

**APPLICATION DESCRIPTION: - Change of use of
flat to form short-term let accommodation unit (in
retrospect)**



Document Preparation		
Prepared for	Contact Details	
Jack Dale, Alexander and Jenny Jameson, Sathya Samiappan	Residents of [REDACTED]	

Prepared by	Qualifications	Title
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Approved by	Qualifications	Title
J Russell	MRTPI AssocRICS	Director

Document Control		
Issue	Date	Version
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2	12-01-2024	Final

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Executive Summary

This objection supports the Planning Case Officer's Decision to refuse planning application 23/01040/FLL for the change of use of a flat to form short-term let accommodation unit at 4 Knowehead House, Dundee Road, Perth PH2 7EY.

Validation Issues/Concerns

- The application does not meet the Heads of Planning Scotland (HOPS) - Validation Guidance standards.
- The submitted location plan is out of date, does not accurately depict the footprint of property or include surrounding property names and numbers.
- The submitted floor plans do not include or illustrate the communal areas of Knowehead, which is necessary to understand the relationship of the proposed short-term let apartment with communal areas and other residential apartments.

Main Planning Issues/Concerns

- The short-term let accommodation is utilised as a 'party flat' and has led to a significant loss of residential amenity, unacceptable noise issues and increased anti-social behaviour contrary to NPF4 Policy 23 Health and Safety and PKC LDP2 Policy 56: Noise Pollution.
- The high frequency of transient occupiers results in an intrusion to the communal reception area.
- The short-term let has put pressure on the communal parking.
- The waste management arrangements are inadequate which impacts the permanent residents' communal bins and recycling efforts (red tags).
- The local economic benefits associated with the use are minimal and do not warrant the adverse impacts on residential amenity currently experienced by residents. The proposal is contrary to NPF4 Policy 30 Tourism and PKC LDP2 Policy 17: Residential Areas.

The short-term let accommodation and amenities mean it is utilised as a party flat. The planning authority has previously pursued enforcement action against a party house at Locherlour Farm, Ochtertyre, PH7 4JS - 09/00351/ALUNDV. A similar stance should be deployed here to cease the harmful unauthorised use.

1.0 INTRODUCTION

- 1.1 Planning Objections Scotland has been instructed to review application 23/01040/FLL and provide commentary in anticipation of an appeal to the Local Review Body following the Planning Authority's delegated decision to refuse permission for a short-term let at 4 Knowehead House.
- 1.2 The review has been commissioned to ensure full details are provided by the applicant/agent as required by legislation and regulations. This is to ensure that the Local Review Body has full details so the application can be assessed in a holistic manner. Our clients have also asked for commentary on the proposal's relationship with the Development Plan as well as material considerations based on the information submitted to date.
- 1.3 It is clear from the review below that the application contains errors, omissions and lacks information. A comprehensive assessment of the application cannot be undertaken and, on this basis, the Local Review Body should refuse the application.
- 1.4 For the avoidance of doubt, our client's ability to make subsequent representation on any subsequent submissions by the appellant are reserved.

2.0 THE APPLICATION - ERRORS, OMISSIONS AND LACK OF INFORMATION THE APPLICATION SHOULD NOT HAVE BEEN VALIDATED.

- 2.1 The Heads of Planning Scotland (HOPS) – Validation Guidance Note sets out the national standard for the validation and determination of planning applications and other related consents. The application has been reviewed against this guidance note and it is clear that the submission falls below the required standards and as a consequence this application should not have been validated.

Concerns with the Drawings

Location Plan(s)

- 2.2 The HOPS validation standard on location plans (see section 4 paragraphs 4.1 to 4.5 confirms: -
- 2.3 *A single location plan produced to a scale of either 1:1250 or 1:2500 will normally be required to be submitted with your application. Depending on the location of your application a supplementary location plan may also be required to be submitted with your application.*
- 2.4 *The purpose of the location plan is to clearly define the extent of the application site in relation to its surroundings and also to provide sufficient detail in order for ourselves or any other interested party to be able to locate the application site and, as such, the plans submitted should typically be Ordnance Survey based.*
- 2.5 *If the submitted plan is Ordnance Survey based, it should contain the relevant copyright and licensing information to demonstrate that the plan has been legally sourced. If the submitted plan is not Ordnance Survey based it should be clearly stated on the plan and also contain an acknowledgement as to where it was sourced.*
- 2.6 *The location plan produced to either of these scales should show the following: -*
- *The application site boundary accurately outlined in RED*
 - *Any other surrounding land under the same ownership as the application site outlined in BLUE*
 - *Surrounding road names/numbers*
 - *All surrounding property names/numbers*
 - *The direction of north clearly indicated*
 - *A copyright disclaimer/acknowledgement relating to the source of the plan*

- *An accurate scale bar*

2.7 The submitted location plan has been reviewed and it fails to meet the above validation criteria.

- There is no copyright disclaimer acknowledging the source of the location plan, whether it is ordnance survey based and if it has been legally sourced. Furthermore the location plan is out of date, it does not accurately depict the footprint of the property to the South named the Manse of St Marks (Dalvay and Lower Dlavay).
- Additionally, surrounding property names and numbers are not included on the plan.

2.8 An updated location plan is required.

Site Plan(s)/Block Plan(s)

2.9 The HOPS standard on Site Plan(s)/Block Plan(s) (see section 6 paragraphs 6.1 to 6.3 confirms: -

2.10 *A proposed site plan will be required in all instances where the proposals involve development on the ground regardless of their proposed purpose. Depending on the nature of the proposals it may also be required to submit a copy of an existing site plan. However, your local Planning office will be able to advise if this will be necessary. A site plan produced to a scale of 1:100, 1:200 or 1:500 will be acceptable. Site plans are required as they provide a more detailed and accurate overview of the application site in terms of the area to be occupied by your proposals and their relationship to their surroundings.*

2.11 *As noted above, the following list of what should be shown on your site plan will not be required in every case and as such reference should be made to the separate guidance available covering your particular type of proposal. The submission of part site plans may also be required under*

certain circumstance, such as large sites where the actual areas of works are remote from each other. Contact with your local Planning office is highly recommended should you be considering submitting only a part site plan.

2.12 *The following list along with the example plan shown in figure 9 on the next page indicates what may be asked for and how it should be shown:*

- 1. Produced to a scale of either 1:100, 1:200 or 1:500*
- 2. Application site boundary outlined in RED*
- 3. Any surrounding land owned or controlled by the applicant outlined in BLUE*
- 4. The direction of north*
- 5. An accurate scale bar*
- 6. All land and buildings located within a 20 metre radius of the application site boundary identified*
- 7. The accurate footprint/roof plan profile of all existing and proposed buildings and structures located within the application site with appropriate annotation to identify them*
- 8. The extent and type of any hard surfacing with the application site boundary identified. Where this is proposed rather than existing this should be clearly stated*
- 9. A note of any boundary treatments such as walls and fences including their height. Where these are proposed rather than existing this should be clearly stated*
- 10. The access arrangements (vehicular and pedestrian) to the application site should be clearly shown*
- 11. A written dimension showing the distance from any part of your proposals to any part of the application site boundary. Note that if you are proposing multiple buildings or structures then a written dimension will be required from each*
- 12. Areas of hard and soft landscaping clearly defined*
- 13. If connection to an existing private water supply or private drainage system is proposed then the connection point to the*

supply or system should be clearly annotated within the application site outlined in RED

14. Where a completely new private water supply or private drainage system is proposed then the full details of the supply or system should be clearly annotated within the application site outlined in RED. This is also the case for alterations/upgrading works to such supplies or systems

2.13 The submitted block plan has been reviewed and it fails to meet the above validation criteria: -

- There are no written dimensions on the block plan. The accuracy of the drawing cannot be verified.

2.14 It is also worth noting that the requirement for accurate dimensions to be shown on plans is discussed in the following Scottish Public Services Ombudsman investigation of Glasgow City Council (see Appendix POS 2.1.2).

Floor Plan(s)

2.15 Section 8 of the HOPS validation document relates to Floor Plans this notes: -

2.16 *Both existing and proposed floor plans may be required depending on the type of development you are proposing but generally scaled existing and proposed floor plans will be required for applications covering developments which affect existing buildings such as extensions or changes of use and where wholly new buildings are proposed. More details on what should be shown on these plans can be found under the two headings below. In exceptional circumstances full floor plans will not be required and can be substituted for parts or unscaled floor plans. You should refer to the relevant guidance note covering the specific type of development type.*

2.17 *It is essential that when producing the floor plans to ensure that the detail shown is accurate between the existing and proposed versions and that the details shown also correspond with any required elevations, roof plans site plans as these plans are all cross referenced with each other by the planning authority.*

2.18 *Proposed floor plans should be produced to a scale of either 1:50 or 1:100 and show the following details: -*

- *All window and door openings*
- *All internal room divisions including note of their current use*
- *Clearly show the extent of any proposed demolitions*
- *Clearly show the footprint of any proposed extension or free standing building*
- *An accurate scale bar*

2.19 The submitted Floor Plan has been reviewed: -

- The floor plans do not include or illustrate the communal areas of Knowehead. Detailed floor plans should be provided to illustrate the relationship of the proposed short-term let apartment with communal areas and how this relates to other residential apartments.

3.0 LEGAL REQUIREMENTS ASSOCIATED WITH THE PLANNING APPLICATION ASSESSMENT

3.1 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.

3.2 The operation of section 25 of the Act was given consideration in The House of Lord's judgement on City of Edinburgh Council v the Secretary

of State for Scotland (1998). If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted. The judgement also set out the following approach to deciding an application:

- Identify any provisions of the development plan which are relevant to the decision,
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
- Consider whether or not the proposal accords with the development plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the development plan.

The Development Plan

3.3 The Development Plan comprises NPF4 and the Adopted Glasgow City Development Plan (2017). The main applicable policies associated with this change of house type proposal are as follows:-

National planning Framework 4 (NPF 4)

- Policy 7. Historic assets and places
- Policy 13. Sustainable transport
- Policy 14. Design, quality and place
- Policy 23. Health and safety
- Policy 30. Tourism

Adopted Perth and Kinross Local Development Plan 2 (PKC LDP2)

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas : New Development
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements:
New Development Proposals

Material Considerations

3.4 From a review of case law there are two main tests in deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
- It should relate to the particular application.

3.5 The following material considerations are applicable in the assessment of the Planning Application: -

- Tourism Development Framework for Scotland (2016)
- The National Roads Development Guide
- PAN 51 Planning, environmental protection and regulation
- PAN 1/2011: Planning and Noise
- Edinburgh; 'Economic Impact of Residential and ShortTerm Let Properties in Edinburgh' (the Economic Report).

3.6 The Local Review Bodies consideration of the appeal should take account of and assess all the relevant planning policies as well as the material considerations as required by the House of Lord Judgement and

as detailed in the following maladministration cases POS 4.1.2 and POS 4.1.3.

Current adverse impacts experienced by residents of Knowehead and the wider neighbourhood from the short-term operation of the site.

- 3.7 General loss of residential amenity - The use of the flatted apartment as Short Term Let accommodation has increased the frequency of movement to the property. The short-term let has sleeping arrangements for six people. This results in a considerable churn with visitors arriving and leaving the premises on a regular basis throughout the year in a manner dissimilar to that of permanent residents. Guests come and go frequently throughout the day and night, and these transient visitors have less regard for neighbours' when using the communal stairwell to access the property.
- 3.8 Anti Social Behaviour - The facilities at the short-term let (external roof terrace with hot tub and sleeping arrangements for six people) results in the gathering of groups. Parties occur at the premises resulting in noise and anti-social behaviour to the detriment of adjoining properties residential amenity. It is worth referring to the Council's planning enforcement investigation and action taken associated with the 'party house' at Locherlour Farm Ochertyre Crieff PH7 4JS | 09/00351/ALUNDV. This apartment is a 'party flat' and on this basis planning enforcement should pursue the cessation of the unauthorised use of the short-term let.
- 3.9 Waste Management - The existing waste management arrangements for the short-term let are inadequate and result in residents utilising the resident's communal bins/recycling infrastructure. Waste is not segregated by the transient residents of the short-term let. This results in the residents having to sort the short-term let waste to ensure they are not red tagged.

Proposals relationship to the Development Plans

- 3.10 The primary NPF4 policies that are applicable to the assessment of this proposal are Policy 23 Health and Safety and Policy 30 Tourism. Policies 7. Historic assets and places and 14. Design, quality and place also have relevance. Commentary is also provided on the proposal's relationship with the adopted Perth and Kinross Local Development Plan 2 (PKCLDP2).

NPF4 Policy 23. Health and Safety

PKC LDP2 Policy 56: Noise Pollution

- 3.11 This policy seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 3.12 Criterion 23b confirms that development proposals which are likely to have a significant adverse effect on health will not be supported.
- 3.13 While criterion 23e notes that development proposals that are likely to raise unacceptable noise issues will not be supported. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. While further advice on noise related uses and enforcement proceedings is also contained within PAN 51 Planning, environmental protection and regulation as well as PAN 1/2011: Planning and Noise.
- 3.14 Paragraph 3.7, 3.8 and 3.9 confirm that neighbouring residents are already experiencing a significant loss in residential amenity and health contrary to Policy 23b. Unacceptable noise issues arise from the day-to-day operation of the short-term let accommodation and the adverse impacts are substantially exacerbated when groups occupy the

property resulting in parties and anti-social behaviour contrary to NPF4 Policy 23e and PKC LDP2 Policy 56: Noise Pollution.

NPF4 Policy 30. Tourism

PKC LDP2 Policy 17: Residential Areas

- 3.15 NPF 4 Policy 30 in general seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with Scotland's net zero and nature commitments, and inspires people to visit Scotland.
- 3.16 Criterion 30b confirms that proposals for tourism related development will take into account:
- i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v. Accessibility for disabled people;
 - vi. Measures taken to minimise carbon emissions;
 - vii. Opportunities to provide access to the natural environment.
- 3.17 The applicant's justification statement refers to the benefits of short term let accommodation but fails to mention any economic reports or studies, such as the 'Economic Impact of Residential and ShortTerm Let Properties in Edinburgh' (the Economic Report).
- 3.18 This report considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings. The Economic Report showed that there

are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short term lets across all property types and all areas.

- 3.19 While the Economic Report considered the generalities rather than the specifics of individual cases and is based on an Edinburgh context it does illustrate that there are economic benefits associated with keeping accommodation in residential use.
- 3.20 While the generic economic advice referenced in the applicant's supporting statement and the Edinburgh Economic Report are useful to understand high level findings. Ultimately the weight attached to local economic benefits need to be looked at on an individual basis. In this case, site specific economic benefits associated with the use have not been detailed. As it stands the contribution to the local economy is not considered to be significant and certainly does not warrant the adverse impacts on residential amenity currently experienced by residents. The proposal is contrary to NPF4 Policy 30bi and 3bii.
- 3.21 Criterion 30e specifically relates to STL proposals. It notes that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 3.22 Conflicts with both these criteria have been discussed in the paragraphs above. The proposal does not comply with NPF4's policy on Short Term Lets, it is contrary to Policy 30ei and 30eii.

- 3.23 PKC LDP2 Policy 17: Residential Areas identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and where possible improved. The proposal also fails to comply with LDP2 Policy 17.

NPF4 Policy 13. Sustainable transport

PKC LDP2 Policy 60B: Transport Standards and Accessibility

Requirements: New Development Proposals

- 3.24 There are two allocated car parking spaces for 4 Knowehead House. These are located within the curtilage of the listed building which is set behind a high stone boundary wall and gated vehicular access. The short term let has resulted in an intensification of use with transient occupants using the private car parking area.
- 3.25 The short term let property has been arranged to accommodate up to six guests. This puts pressure on the private car park. There are no barriers to restrict guests from using resident spaces. The use of the private parking space by guests staying at the property would reduce its availability for other residents of the development, adversely impacting on their amenity. A similar conclusion was reached in PPA-340-2155, see POS 1.0.
- 3.26 Knowehead residents are already experiencing traffic related problems; the proposal conflicts with the aims contained within NPF4 Policy 13 as well as PKC LDP2 Policy 60B: Transport Standards and Accessibility Requirements.

NPF4 Policy 14. Design, quality and place

PKC LDP2 Policy 1A: Placemaking, Policy 1B: Placemaking and Policy 17: Residential Areas

- 3.27 NPF4 Policy 14: Design, Quality and Place supports proposals, including business and tourism, which are compatible with the amenity and

character of the surrounding area, and consistent with the six qualities of successful places. The six qualities of successful places also feature within AGDP CDP01 - The Placemaking Principle.

- 3.28 As set out in paragraphs 3.7 to 3.26 the proposal is not compatible with the amenity and character of the area. The proposal is not considered to improve the quality of the area contrary to NPF4 Policy 14a and PKC LDP2 Policy 1A: Placemaking.
- 3.29 The proposal is inconsistent with the six qualities of successful places. It conflicts with quality 1 Health; as it does not support lifelong wellbeing, social connectivity or create an environmentally positive place. It conflicts with quality 2 Pleasant; it is not designed for positive social interaction, it does not create attractive and welcoming surroundings as it fails to mitigate noise pollution for the short term use which in turn limits existing residents enjoyment of their surroundings.
- 3.30 PKC LDP2 Policy 1B: Placemaking sets out numerous criteria the proposal should meet. As explained under paragraph 3.9 the waste management arrangements are unsatisfactory. The proposal does not comply with Policy 1B (i).

4.0 LEGAL IMPLICATIONS (not applicable to the Planning Assessment)

Building Warrant

- 4.1 Changing the use to a roof terrace might cause the structure to fail because of heavier loads imposed by more people and furniture. In all cases the roof and supporting structure – any lintels or supporting beams over windows/openings foundations – should be assessed by a qualified and experienced structural engineer as being suitable for the use as a balcony/terrace floor before the modified use is brought into use.

- 4.2 Our client's understanding is that no report has been undertaken and no warrant is in place to deal with the additional loading from the hot tub to the roof. There also appears to be issues with the placement of the hot tub and its relationship to the parapet wall/glass balustrade which requires investigation by PKC Building Standards.

5.0 HUMAN RIGHT IMPLICATIONS

- 5.1 This proposal has potential Human Right implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1).
- 5.2 Planning Objections Scotland is of the view that refusal of the application and seeking the cessation of the use via planning enforcement powers is the only measures that can be deployed to ensure compliance with the Human Right Act. Proceeding on this basis would constitute a justified and proportionate control of the use of property and is necessary in the public interest to ensure there is no interference with Article 8 and First Protocol, Article 1.

6.0 CONCLUSION

- 6.1 The errors, omissions and lack of information associated with this submission identified within section 2.0 of this report means the application should be refused.
- 6.2 The issues identified within section 3.0 of this report confirms the planning application fails to comply with NPF4, the Perth and Kinross Local Development Plan 2 (PKC LDP2) and there are no material considerations of significant weight that would warrant approval of the application.
- 6.3 Taking the above into account Planning Objections Scotland respectfully requests the Local Review Body uphold the refusal and apply further

reasons for refusal to assist PKC Planning Enforcement and PKC Licensing to ensure the cessation of this unauthorised use.

PLANNING OBJECTIONS SCOTLAND



POS_1.0_Merlin House, Perth Road,
Birnam | PPA-340-2155





Appeal Decision Notice

Decision by Ailie Callan, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-340-2155
- Site address: Flat 1 Merlin House, Perth Road, Birnam, Dunkeld, PH8 0AA
- Appeal by Ms Elizabeth-Anne Neil and Mr Christopher Neil against the decision by Perth and Kinross Council
- Application for planning permission 22/01905/FLL dated 26 October 2022 refused by notice dated 24 March 2023
- The development proposed: change of use of flat from permanent residential use to short term letting use
- Date of site visit by Reporter: 8 August 2023

Date of appeal decision: 1 September 2023

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is comprised of the National Planning Framework 4 (NPF4), adopted 13 February 2023, and the Perth and Kinross Local Development Plan 2 (PKCLDP) adopted 29 November 2019 and its associated supplementary guidance.
2. The proposal is for the change of use of an existing two bedroom residential flat to a short term let accommodation unit. Having regard to the development plan, the key matter for consideration in this appeal is whether the proposed use would be compatible with or have an adverse impact on the character and amenity of the neighbouring residential properties. I consider that the most relevant development plan policies for this case are policy 30 (tourism) of NPF4 and policy 17 (residential areas) of the PKCLDP.
3. The appeal property forms the self contained upper floor of a two-storey purpose built apartment building. It is accessed through a ground floor door on the front elevation of the building. This opens to a small lobby with a cupboard and a flight of stairs leading to an upper hall and inner front door of the appeal property. The property has a designated parking space to the east of the building. It also has sole use of a small fenced off drying area to the north of the parking space. The ground floor flat, 2 Merlin House, has a separate front door located on the west side of the building.
4. Merlin House forms part of a courtyard development with two other two-storey buildings, each building accommodating two flats. The arrangement of the buildings within the development provides for a quiet, private enclosed courtyard with central parking area. Kestrel House to the south of the appeal site and Osprey House to the south east front on

to Perth Road with Merlin House located to the rear of the site. The proposal would not change the access to the site, which is located between Kestrel House and Osprey house, or the central courtyard car parking. Eight parking spaces are provided; seven spaces allocated to properties and one shared visitor space.

5. As the proposal comprises of the reuse of an existing building for short term let accommodation, it would only be supported by part e) of policy 30 of NPF4 if it would not result in i) an unacceptable impact on local amenity or character of a neighbourhood area, or ii) where the loss of residential accommodation would be outweighed by a demonstrable local economic benefit. Part d) of policy 17 of the PKCLDP similarly requires tourism proposals to be compatible with the amenity and character of the residential area.

6. A number of objections were raised relating to the potential for noise and disruption to residents as a result of the proposed use. The appellants provided research which indicated that, in general, there are few incidences of anti-social behaviour associated with short term let accommodation use. However, impacts on amenity and character are not limited to recorded incidences of anti-social behaviour.

7. The appellants confirmed that the property would be occupied for stays of three nights and above. The noise and frequency of movements associated with a succession of guests arriving and leaving, including the movement of luggage and vehicles associated with guests and changeovers between guests, would not be typical of normal residential use. Having regard to the characteristics of the locality, I consider that this intensification of use and movements would adversely impact the amenity of the neighbouring residents and would alter the existing private residential character of the courtyard.

8. The appellants intend to control bookings and the demographic of guests; however, this cannot be controlled by planning condition. They also intend to use noise level monitors, a local greeting service and to be contactable by telephone in the case of any disruptive behaviour by guests. However, these measures would not guarantee to stop or prevent such behaviour from occurring or from impacting adversely on the amenity of permanent residents. The proposed management arrangements or ownership may change in the future and as such cannot be relied upon as a means to restrict or control potential adverse impacts on neighbouring properties. Furthermore, harm to amenity could arise even if there was effective control, due to the frequent turnover of guests.

9. I saw that the property had been arranged to accommodate up to four people with a double bed set up in each of the two bedrooms. It would not be inconceivable for more than one car to be used by guests staying at the property. Although the visitor parking space is identified for use by all residents in the development, it is located beside the parking space for 1 Merlin House and there are no barriers to restrict guests from using the space. The use of the parking space by guests staying at the property would reduce its availability for all other residents of the development, adversely impacting on their amenity.

10. The appellants submitted a green travel plan to encourage guests to use forms of transport other than cars. However, I do not consider that it, or the encouragement to park elsewhere in Birnam and Dunkeld, would be a reliable solution to the potential issues relating to parking at the development. In addition, I saw that the bicycle parking area identified on the submitted site plan was not in place and there were no other secure bicycle parking areas provided within the site.

11. Taking all of this together, I consider that the proposed short term let accommodation use would be incompatible with the current residential development. The potential for

increased noise or disruptive behaviour together with the potential likelihood of parking issues would adversely impact on the amenity of neighbours. Further, the introduction of a short term let accommodation activity within the site would alter the character of the development as a private, enclosed residential area. For these reasons, the proposal would not comply with clause i) of part e) of NPF4 policy 30 or with part d) of policy 17 of the PKCLDP.

12. With regards to clause ii) of part e) of policy 30, the appellants provided evidence relating to the contribution similar types of accommodation make towards supporting tourism in Birnam. However, having read this information I consider that the contribution that could be made to the economy from a single property would be limited. In addition, I consider that the removal of one residential property from the housing market would have a similar, limited impact. On this basis, the proposal would result in a balanced outcome rather than a demonstrable local economic benefit outweighing the loss of the residential property. As such, it would not satisfy clause ii) of part e) of policy 30 in NPF4.

Other matters

13. The appellants have referred me to other applications for short term let accommodation proposals in Birnam. Based on the information provided to me, I do not consider the circumstances of those applications to be so similar that I am bound to reach the same conclusion. In any case, I am required to consider this appeal on its own merit.

14. A number of objections were made to the proposal on the basis that it would contribute to an existing declining need for community facilities and services. However, based on the information before me, I am satisfied that the impact on demand for facilities and services such as schools or health services arising from the change of use of one residential property would be limited.

15. The council provided its draft non-statutory planning guidance relating to change of use of residential property to short term lets. Having read the draft guidance, I note that none of the criteria would apply to the proposal to allow planning permission to be granted under the terms of the guidance. However, as this guidance has not yet been formally adopted, only very limited regard can be given to it.

Conclusion

16. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

17. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Ailie Callan

Reporter

PLANNING OBJECTIONS SCOTLAND



POS_2.1.2_SPSO_201605668_Glasgow_City _Council_(dimensions, scale on plans)



SPSO decision report

Case: 201605668, Glasgow City Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: some upheld, recommendations

Summary

Mr C lives in a conservation area. An application for planning permission for external alterations to a property neighbouring his was submitted to the council. The proposal was to increase the height of the roof of an existing utility building and associated works to create additional living space. Mr C submitted objections to the proposal. The council produced a report of handling of the application and granted full planning permission subject to conditions. The first of these was that the development had to be implemented in accordance with the approved drawings.

Mr C was concerned that the council's decision had been procedurally flawed and based on inaccurate information. He complained to the council about this. At both stages of the council's complaints procedure the responses stated their conclusions that the decision had been taken properly and on the basis of accurate information. Mr C was dissatisfied with these responses and raised his complaints with us.

We upheld Mr C's complaints that statements in the report were inaccurate (specifically statements that the pitch of the roof 'will match' the main house and that the rooflights will be 'invisible from a public area'); that the approved drawings associated with the application did not contain sufficient written dimensions to ensure that the precise location and scale of what was being proposed was clear; and that the council did not respond reasonably to some of Mr C's complaints. We did not uphold complaints that the evaluation of the application against relevant guidance was unreasonable or that the inadequacies of the report of handling meant that the decision on the application was unreasonable.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C that they did not respond reasonably to some of his complaints about the handling of the application.
- Provide Mr C with a direct response to his complaint.
- Amend the approved drawings for the application to ensure the precise location and scale of what was being proposed, and has been approved, is clear.

What we said should change to put things right in future:

- Relevant council staff should be reminded that statements of fact in reports of handling should be accurate.
- Relevant council staff should be reminded that approved drawings should be adequately dimensioned to ensure the precise location and scale of what is being proposed is clear.

In relation to complaints handling, we recommended:

- Relevant council staff should be reminded that issues raised in complaints should be directly responded to.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.

POS Reference 2.1.2

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<https://www.spsso.org.uk/decision-reports/2017/december/decision-report-201605668-201605668>

PLANNING OBJECTIONS SCOTLAND



POS_4.1.2_SPSO_ 201606059_Edinburgh City_Council (failure to take account of applicable development plan policy)



RTPI Member No. 47188



SPSO decision report

Case: 201606059, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: some upheld, recommendations

Summary

Mr C complained about the council's handling of a planning application. In particular that the council had failed to consider their waterside development policy (policy Des 9), had failed to consult with the Scottish Environment Protection Agency (SEPA) and had unreasonably accepted that works for the planning application were initiated on time. Mr C also complained about the council's communication with him.

We took independent planning advice. We found that that policy Des 9 should have been referred to in the report of handling (a report containing information on a planning application). It was not possible to know whether this policy had been taken into consideration during the processing of the planning application, as was required. We also found that it was not possible to say whether consideration of policy Des 9 would have resulted in a different outcome. We upheld this aspect of the complaint.

We also found that SEPA should have been consulted and we upheld this aspect of the complaint.

We did not find any evidence that the council had unreasonably accepted that works for the planning application were initiated on time and we did not uphold this part of the complaint.

Regarding communication, we found that some of the issues raised by Mr C had been not been adequately addressed, however, other issues raised by him had been reasonably clarified. We were concerned that a further response letter had had to be issued to Mr C. The council had accepted that there had been a delay in responding and that Mr C should not have had to submit a formal complaint to prompt a full response to his enquiries. We upheld this aspect of the complaint.

Recommendations

What we said should change to put things right in future:

- Development plan policies relevant to the processing of any particular application should be referenced in the report of handling.
- Where a statutory consultation appears to be required as part of the processing of a planning application, but has not taken place, this should be explained in the report of handling.

PLANNING OBJECTIONS SCOTLAND



POS_4.1.3_SPSO_201605227 The_City_of_Edinburgh_Council (Policy and Material considerations)



RTPI Member No. 47188

SPSO decision report

Case: 201605227, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: upheld, recommendations

Summary

Mr C complained about the council's handling of a planning application to extend a restaurant near his home. Mr C was concerned that a parking policy had not been taken into account when determining the application and that the planning service had not waited on a consultation response from the roads service at the council before approving the application. During their own consideration of the case, the council accepted that parking had not been covered in the planning officer's report for the application and they apologised for this failing.

We took independent advice from a planning adviser. We found that there was no evidence that the relevant policy for parking had been considered when determining the planning application. While there was no statutory requirement to await a roads service consultation response before determining the application, the advice we received highlighted that proceeding without all the relevant information was a key shortcoming. However, there was no evidence that proceeding without the consultation response made any difference to the council's decision to approve the application. On balance, we upheld the complaint. However, based on the advice we received, we did not consider that there was any further action that the council were required to take in respect of the application. We did make a recommendation to ensure that material considerations and relevant policies are taken into account when determining a planning application in the future.

Recommendations

What we said should change to put things right in future:

- All material considerations should be taken into account when determining a planning application. The correct policies should be identified and referenced in the report of handling.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.

POS Reference:- 4.1.3

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<https://www.spsso.org.uk/decision-reports/2017/may/decision-report-201508154-201508154>

Summary of objection to the Airbnb activities at 4 Knowehead house , Dundee road , Perth , PH27EY

1. [REDACTED] The Flat-4 is used for airbnb and attract the guest who like to party. The host do encourage partying in the flat despite the house rules says no partying. It is always 6 people partying right on my roof . I can't have an unbroken sleep most nights because of the amount of noise the guest makes. - **Lee refuses to put a sound monitor outside on the balcony and therefore has no idea what noise is made or parties take place on the my roof.**
2. There were instances I have to go to downstairs bedroom to sleep because of the noise they make. It is an old building with wooden floors so when people walk upstairs you could hear it just imagine people getting drunk howling , shouting and running . My point is these guest don't know the building well so don't pay any attention to these . If someone lives long term they will be considerate to the neighbours and respect their peace.
3. People keep the hot tub on even after 10pm and it is a quite big hot tub sitting above my bedroom . It makes awful noise inside my house . I personally feel when installing such a commercial grade hot tub to a private residential property neighbours opinion should have sought and it should be made sure it is not going to cause any disturbance to them. But I don't think Mr Lee or his associates in the business checked with us. Also despite making a strong complaint against this till date never bothered to ask about the noise their hot tub making. This explains how much respect the dean's retreat have for their neighbours.
4. The guest also throw the rubbishes and cigarettes in my garden and entrance . They have smashed a glass bottle in the common walk way and threw the beer cans in the private car park on the new year . We could have easily stepped on it causing an injury . Every time a new trouble and issues arises . None of the earlier concern were discussed by Mr Lee Deans with us and also seems like he is not interested as he doesn't turn up for the Owner's meeting don't think whatever his guest were doing is wrong. I really don't see anything have changed in the operation of the airbnb from before to go for an appeal sadly it is getting worse with antisocial behaviour from the guest.
5. I am doctor by profession and need my time in home to rest and get ready for my next day .with the airbnb business my sleep is affected and going through a stressful situation. This was discussed with my line manager and the RCGP referred me for occupational health . I can submit the proof if needed. It is affecting my health , work , life and career. I bought this flat with lot of expectation . All my neighbours were pleasant other than flat-04. I kindly request the council to consider the other residents point when looking into Mr Lee Dean's appeal. Thanking You.
6. **This antisocial behaviour is bad in our quiet residential building and must be against planning policy.**

CDS Planning Local Review Body

From: Andrew Wood [REDACTED]
Sent: 14 January 2024 20:54
To: CDS Planning Local Review Body
Subject: LRB 2023-53 Representation to LRB re the use of Knowehead House - Party Flat

Follow Up Flag: Follow up
Due By: 16 January 2024 10:00
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Dear Sirs

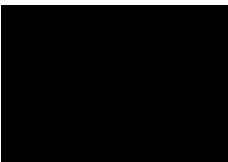
We are disappointed to note that since the committee determination of the August application for No 4 that there has been a continuation of the use at an intense level.

There are some key points we wish to bring to the committees attention;

1. This appeal is contrary to NPF 4 Policy 30 & PKC LDP2 Policy 17: Residential Areas and we understand that these policies remain enforceable and appropriate till the next local development plan is adopted.
2. NPF4 Policy 3 Health & Safety & PKC LDP2 Policy 56: Noise Pollution – These policies seek to protect people and places and reduce health & safety risks and encourage health & wellbeing
3. We believe PKC should be taking enforcement action against this Airbnb business given the continued use and the associated problems following the refusal of the retrospective planning application for change of use that was refused in August.
4. Short stay guests have less care and regard for near neighbours than longer term resulting in anti-social behaviour which is not compatible with this quiet residential area and conservation area.
5. There has been regular noise over the last few months from the Airbnb guests on the No.4 balcony sometimes later than 10pm and there is no control over this or the numbers involved.
6. The hot tub and the use of the balcony makes this a “party flat” for many of the Airbnb guests
7. This ongoing use does not justify the adverse impacts in residential amenity experienced by near neighbours.

Yours sincerely

Andrew and Rosemary Wood



CDS Planning Local Review Body

From: John Forbes [REDACTED]
Sent: 14 January 2024 13:19
To: CDS Planning Local Review Body
Subject: Ref: 23/01040/FLL 4 Knowehead House, Dundee Road.

Follow Up Flag: Follow up
Due By: 16 January 2024 10:00
Flag Status: Flagged

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Dear Lisa Simpson.

Thank you for your letter informing us about the above property.

Our view on the matter has not changed in the least. In fact it has been further fueled by the noise coming from this party flat over the festive period. We can tell you that it is just not acceptable to expect the residents or Neighbour's to be subjected to parties, music, screaming and shouting coming from this property.

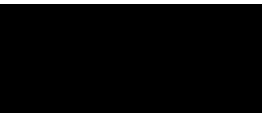
I assume that your representatives would not like to live with this going on around them or if it was going on around elderly relatives. We are no different. Please take this serious matter into consideration.

We are hopeful that you will consider the well being of Mr Lee Deans Neighbour's while he himself is probably enjoying a quiet home.

I look forward to hearing the outcome.

Kind regards

Mr Forbes and Ms Burnett



No. 4 Knowehead House – Notice of Review to PKC Local Review Body from 12.12.2023

Planning Application Ref No – 23/01040/FLL - LRB Appeal - 2023-53 (Lee Deans)

Representations by Alexander Jameson [REDACTED]

Summary of Objections to the Change of Use Application and this Appeal:

- The Applicant argues that because there have been no complaints to the Council he should be allowed to continue his intensive Airbnb business. He misses the point that he should be preventing antisocial activity and parties and not waiting for complaints before taking any action. Unfortunately Deans Retreats cannot effectively control their Airbnb activities.
- The track record of Deans Retreats at Knowehead House demonstrates that the application of its own Airbnb rules is not comprehensively adhered to or enforced. The Applicant does not live in this house there is a lack of control, and he rarely meets his Airbnb guests or visits to check.
- This Airbnb business relies on access into No.4 Knowehead through the communal car park, using the external key safe, entering by the front door and communal hallway/reception area that is used by six other Owners.
- With recent Airbnb occupancy at Knowehead House at approx 90%, the estimated number could be at least 600 individual transient guests over a 12 month period, which is a massive intrusion for the other residents. Guests arrive at any time even late at night.
- The local economic benefits of Deans Retreats are marginal and do not outweigh the adverse impacts on residential amenity of the near neighbours.
- This appeal for change of use to a commercial Airbnb business is contrary to NPF4 And PKC LDP2.
- After three difficult years with the Airbnb problems, we do not trust the Applicant and he continues to mostly ignore the neighbours. We understand that similar problems have occurred in other properties in Perth that have Airbnb flats managed by Deans Retreats. This suggests there is a more significant problem here.

1. **General** - My planning objections and corrections to Lee Deans' Justification Statement submitted to PKC on 08.08.23 are still relevant and correct. These objections will be updated by adding my extra comments on the **Notice of Review** submitted by Mr Lee Deans on 12.12.23. He specifically refers to **Points 1i), 1(ii) and 2** in his appeal.

2. **Point 1(i) – An unacceptable impact on local amenity and character of the neighbourhood area:**
 - This intensive Airbnb business operated by Deans Retreats is totally out of character in this residential building and non-commercial part of the Perth. Deans Retreats started operating commercially at No.4 in 2021. The vague assessment in the Applicant's planning application suggested the occupancy rate "for the year was 60%". We questioned this percentage at the time. We have kept an occupancy record since mid October to early January, covering the less popular months of the year. Over 80 nights (and we were away for a further 4 nights but these dates have been excluded) the current occupancy rate has been over 90% with 75 nights occupied by short term guests. This is a very intensive business with anything from 1 to 6 people arriving every 1-2 days and only two occasions guests stayed for 3 days.
 - Using these statistics, and assuming a low average of only 3 guests per night (and it could be 4), this suggests at least 140 guests stayed at the No.4 flat during these 80 nights. Given this period is mostly low season, it is not unreasonable to estimate at least 600 different people staying at No.4 throughout the year (using a 90% occupancy rate).
 - The Applicant mentioned in his planning application in August that 2 out of the 5 Apartments at Knowehead carry out some Airbnb activity. This is no longer the case as No.3 has not applied for a short-term letting licence as at 1st October 2023 and therefore remains a residential property. No.4 is therefore the only business in Knowehead House and an exception in this residential neighbourhood.
 - The focus of this intensive Airbnb business is "commercial gain" and the Applicant has little interest in the four other residential flats in the building. He rarely discusses his business with us and has never asked the other owners how he can control or reduce the disturbance and noise problems. The Applicant has only attended 2 out of 9 Owner meetings since 2021 and in a recent message to one Owner, his absence is explained. He wrote that the Owners' Committee is "a silly little committee".
 In legal terms the Knowehead Committee is constituted by each Owners' Title Deeds and they confirm that majority decisions among the 5 owners is binding. The communal property is managed by the Committee (or Knowehead Owners Association in the Deeds). Failure to comply with Committee decisions increases the chances of unacceptable impacts on the other Knowehead owners and nearby neighbours.
 - The Applicant generally does what he wants without consulting the other Owners. Since purchasing No.4 in 2021, the Applicant has failed to do the following actions:
Examples - Ask permission to install a hot tub on a communal roof; check the structural integrity and weight limits for this roof; take out a bespoke insurance to cover his commercial business risks; failure to fit a noise monitor on the balcony; failure to properly enforce noise and disturbance rules. In addition the Applicant fitted a key lock safe on an

external/communal wall without permission and crucially he did not review his Airbnb rules with the other owners and ask what mitigation measures might help his neighbours.

- **Efforts to Enhance the Local Amenity** – Apartment No.4 was completely refurbished in 2017 by Corryard Developments Ltd and it was in good condition then as we stayed there briefly before moving into No.2. The extensive refurbishment claimed by the Applicant consist of minor repairs, cleaning and redecoration in the flat. Any work to the roofing, pointing, masonry, communal staircase or gardens have been carried out by the joint owners as these are communal areas. The Applicant has no interest in gardening and has not been involved in managing it and his only action over 3 years has been to pay the No.4 contribution towards the gardening cost. The Applicant might have cleaned, redecorated and furnished No.4, but he has not enhanced the local amenity. Fitting a hot tub and allowing parties is the exact opposite.
- **Noise Management and Compliance** – The Applicant produces a set of brief rules, but he does not discuss his rules with the other Owners. His rules are often ineffective and probably not read by the majority of his guests. No representative from Deans Retreats meets the guests when they arrive (as has been recommended by other owners). This absence of someone meeting and instructing the guests is important to reinforce good behaviour and avoid problems. Advertised as “*Knowehead Penthouse Apartment*” with a hot tub, it is apparent that most guests stay at No.4 to either to have a party or to enjoy the hot tub or both. In August 2023 the Applicant claimed that Deans Retreat verify that all guests have a minimum age of 24 years old.
- **Example** - As an example there was an 18th birthday party for a few girls over a two night stay in May 2022. On this rare occasion Lee met the party on the first evening. No guests were over 24 but he did not stop their party. No.4 was booked because the family did not want the noise of the party at their own home nearby in Perth. This completely nullifies any claims by Deans Retreats that they screen guests and prevent parties.
- The Applicant may have fitted a noise monitor but rarely takes action and has never confirmed that he has requested guests to leave early despite the many parties. Because this is a short term letting business, the objective should be proactive to try and avoid any disturbance, rather than waiting for it to happen. On occasions the Applicant has not replied to noise complaints until the next morning.
- **Example** – The most recent complaint to the Applicant related to his Airbnb guests making a lot of noise on 31st December for an hour or so after 10.30pm on the balcony and in the hot tub. They then played music and were noisy in the Apartment. The Applicant said that as it was Hogmanay, he had decided to let his guests enjoy themselves after 10pm. It was not until approx 12.30pm until the Applicant sent a message to the guests to turn the music down. I made the point to Lee that even though it was Hogmanay, if the Applicant wanted to allow his guests to have a noisy party later than 10pm on Hogmanay then he could have asked the other neighbours in advance of the evening. He did not do this. However, the more important message from this incident was that the Applicant was not aware that the hot tub noise earlier in the evening was excessive with shouting and loud music. This is because the Applicant has no noise monitor installed outside on the balcony. This noise from the hot tub

easily travels across the Dundee Road and Commercial Street as confirmed by other nearby objectors.

- This example also highlights a major weakness in the Applicant's noise control efforts waiting for noise complaints. He chooses not to help and work with the other Owners. No.4 guests often enjoy the hot tub earlier in the evening and noise is not picked up by the monitor inside the flat. By the time the guests go inside it is late and very inconvenient to then complain either to the No.4 guests or send a message to Deans Retreats. Why should it be necessary for the neighbours to complain to reduce the noise? If possible, we prefer not to complain to the Council or the Police. These reasons are why we don't complain as often as we could.

The objection from the Owner of [REDACTED] from August 2023 testifies to the serious problems resulting from excessive noise from No.4 Apartment and the operational grinding noise from the Hot Tub itself directly about his accommodation.

- **Legal Compliance** – Noise and antisocial behaviour is regularly a problem at No.4 Knowehead including parties; hot tub use later in the evening; under-age parties; guests throwing cigarette butts into the car park, beer cans over the balcony near to parked cars, champagne cork into our garden; leaving broken bottle in the car park, parking in the wrong car parking space: failing to recycle properly; disturbing other neighbours with late night food deliveries.
 - The more concerning Legal Compliance issue which has not been mentioned by the Applicant for No.4 is the risk of parties on the Balcony with many guests drinking alcohol. This is a Health & Safety risk and the other Owners are concerned about this risk and the possible lack of bespoke insurance cover for Deans Retreats business activities. This has been requested before but never confirmed by the Applicant.
 - The Applicant mentions a CCTV system which has been installed in the car park. His assertion is incorrect as this system has nothing to do with the Applicant and is not there to ensure the safety and well-being of his guests.

Point 2 – The change of use application is contrary to the National Policy Framework 4 and the Perth & Kinross Local Development Plan etc.

- **National Planning Framework** - The Developer Corryard Development Ltd received Building Warrant Approval in 2015/16 to alter Knowehead House and carried out this work by April 2017. This is completely unrelated to Deans Retreats application for a retrospective planning application for a change of use in 2023.
- **Planning Policies** - The question of the compatibility and compliance of No.4 Knowehead House for a change of use has been reviewed independently by **Planning Objections Scotland** as a separate but complimentary Report on behalf of the three Owners.
- **Title Deed Provision** - Whilst the Knowehead House Title Deeds do specify that the Units/Flats can be tenanted or used for holiday lets, the Applicant is incorrect in assuming that this in any way confers a right to a Change of Use. The rights in the Title Deeds are unrelated to Scottish Planning Law. Furthermore, it is irrelevant from a planning perspective that the Title Deeds have this "Use" clause. There has been no "*comprehensive understanding or acceptance among the residents*" that specific Airbnb activities are in any

way approved by the other Owners. For the common areas (excluding what is individually owned) the car park, parts of the gardens, the front door, the hallway, the staircase and landing and the external parts of the building, the management control is clearly all communal and controlled by the Owners Committee. Airbnb guests need to use the communal car park, garden area, front door, hallway and staircase for access.

- **Change of Use** - It is irrelevant and absurd to claim that by repurposing the individual flats, this somehow justifies changing No.4 from a residential to a commercial property. The four other owners have not made use of this incorrect assumption.
- **Economic Contributions** - Most of these comments by the Applicant miss the relevance of NPF4 Policy 30 when considering the benefit of one short term holiday letting flat versus the unacceptable impact of this Airbnb business on local amenity and the character of a neighbourhood. The so called local economic benefit is not quantified or detailed in any tangible way except for the obvious financial benefit going to Deans Retreats. These economic considerations will be dealt with in more detail by **Planning Objections Scotland**.
- **Community Engagement** - The Applicants' points are theoretical and I doubt they are tangible community engagement.
- **Environmental Considerations** - The Applicant may not monitor his guests' car use, but from our cursory review of the Airbnb guests from mid October to early January, it appears that 43 parties arrived by car and only 3 parties did not park a car in the car park. The 90% + use of cars is surprisingly high given the central location in Perth facilitating the potential use of buses and trains. It is likely that far more car emissions were incurred by travelling to Perth than would have been saved by walking into town.
Secondly there has been a significant lack of recycling despite recycling complaints by the other Owners at most Knowehead meetings and writing to the Applicant to encourage his guests to use the correct recycling bin. The Applicant did eventually supply a separate glass bin because most of the No.4 bottles were going in green or blue bins. The glass recycling is much better but the recent green and blue bin change is still causing complications for the guests.

CONCLUSIONS - Contrary to the Applicant's claims, this intensive Airbnb business has no positive impact on the property, the local amenity or the character of the neighbourhood. Furthermore, Deans Retreats avoids engagement and cooperation with its near neighbours and the Owners Committee. We urge the LRB to refuse this appeal because of the many problems and ongoing issues with this intensive Airbnb business. Their track record does not give confidence that Deans Retreats can prevent antisocial behaviour problems. Planning conditions are unlikely to be effective with this commercially driven business.

Rebuttal to Comments on: Application Ref: 23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY

Date: 28/01/2024

Throughout the planning and appeal process I have included factual and data based evidence shedding light on comments made by a handful of neighbours which should be considered merely heresay. In the initial stages of operation in 2020, minor challenges were encountered and subsequently resolved through collaborative efforts with neighbours. However, as time progressed, Mr. Jameson's requests in particular became increasingly unrealistic and irrational, leading to a communication impasse. In presenting the information, it is our intention to demonstrate that the concerns raised lack substantiation. The authoritarian and gang like approach used by the committee members has left me uncomfortable on the grounds of my own property where I have made every effort to ensure compliance with all regulations, new and old, implemented by Perth and Kinross Council.

Knowehead House is an apartment block with communal living areas and with communal living some tolerances must be provisioned. The extent of the complaints logged over the last year at Knowehead House have been minimised to the following:

1st February 2023: Some cigarette butts in the car park area, 4 glass bottles in the green waste bin. (Mr Jameson). Replied and rectified immediately.

Friday 12th May 2023: Children running on the roof terrace. (Mr Sathya Samiappan) Contacted guests immediately and rectified.

26th November 2023: Green bin waste in the Blue Bin. Mr Dale threatened with Environmental Health department and to revoke my right to any external bins via the committee. He suggested I would need to take all future waste to the skip. (Mr Dale)

Our cleaner is trained to check bins on leaving the building. This would have been rectified on departure. I made contact with environmental health previously to this to make a collaborative effort with PKC to ensure we had all measures in place which they recommend in prevention of cross contamination. They were satisfied that our practices are superior to 95% of other similar properties. Extra recommended measures implemented.

13th December 2024: Cigarette butts in the car park area. Replied and rectified immediately. (Mrs Jameson)

1st January 2024: Noise on Hogmanay evening coming from the apartment at 11.30pm. 1 x beer can and 1 x glass bottle in the car park. (Mr Jameson)

These issues and frequency of issue would be found in any communal living development and are not indifferent to local amenity in a flatted property anywhere else.

Enhancement of Local Amenity:

It cannot be argued that the property was not brought back in to use after being empty for over 2 years. Mr Dale has also not been in the property to have known the extent of remedial works required. These were predominantly caused by the age of the property and long outstanding roofing issues at the property which had caused damage over the period laid empty. I had rectified these personally initially and there was also collaborative efforts made with neighbours on 2 occasions at later dates of which I have receipts for all roofing works.

Noise Management & Antisocial Behaviour:

I find it highly unlikely if the noise issues mentioned were substantial that there would not be 1 instance lodged with the Police or Perth and Kinross Council over the 4 years of operation. It is much more likely that these issues were not substantial enough to alert any authority. I have since been sent confirmation via Freedom of Information Officer showing zero reports made. The Noise monitor logs previously sent also attest to this and show a proactive approach in prevention of any disturbances. The accusation of advertising as a "party flat" is completely false. We highlight in all advertising materials that Parties are not allowed and state this as a specific reason for refusal or removal and/or loss of security deposit.

 FOI <FOI@pkc.gov.uk>
To: You


Mon 08/01/2024 17:30

Date: 08/01/2024

Our ref: 1316

Dear Lee Deans

Response to Request

Subject: Noise or Anti Social Behaviour Reports

I refer to your request for information dated 07/12/2023.

The information you requested was:

Could you please provide any correspondence which relates to any noise or anti social behaviour reports at 4 Knowehead House, Dundee Road, Perth, PH2 7EY, or if there has not been any could you please clarify this.

Response

Relative to the above, I have been advised of the following:-

Our Safer Communities Team have received no complaints at Knowehead House since the building was redeveloped. There are historical noise complaints within the building but not at No. 4 and nothing since 2012. In terms of section 17(1)(b) of the Freedom of Information (Scotland) Act 2002, this is formal notice that this information is not recorded.

Title Deed:

At no point was it mentioned that the Title Deed and provision for all properties in the building to be used for holiday letting would supersede local and national planning regulations. However, it certainly bares relevance where all owners have signed this legally binding document agreeing to its uses and who have also benefitted from use of this provision. This legal document forms an agreement and acceptance of comings and goings of holiday letters by all residents at Knowehead House site.

Roof Terrace Area:

The roof terrace area is privately owned by number 4 Knowehead House. When purchasing the property it was highlighted that the terrace area was structurally reinforced and had the weight bearing capacity of 40 adults. A calculation was carried out with the original structural engineers Millards of Dundee prior to purchase of the hot tub. The optimum placement and positioning was confirmed in line with the structural steel beams. Steel beam placement was also confirmed with Corryard who developed the building in 2017 to ensure structural and personal safety

Economic Benefit:

Knowehead Penthouse is unique and should be treated in this fashion. There is not a property like this in Perth and Kinross and draws guests in from all over the UK to enjoy what Perthshire has to offer. I have included below representations displaying the value it offers and the positive affects it has on our city.



Alison Fyvie Smith

to me

11:02 AM (40 minutes ago)



Morning Dean,

We are so disappointed for us and you that Perth and Kinross refused your planning permission.

Can Perth and Kinross council not see that you are offering a unique product in the area, not everyone wants a hot tub in the woods or the middle of nowhere.

Your product brings people into Perth that will help boost the economy of lots of businesses as you in walking distant of the town centre encouraging people to shop and socialise in the town.

The luxury of your products is far superior to others in the area.

We will not be looking at a similar set up in Perth & Kinross as none meet our expectations.

We highlighted your product to fiends and family who were all looking to book due to what you are offering.

Guests would not bring all of their supplies with them like they do for remote offering like yours.

Sorry if these don't make sense or if they can help with you your appeal.

Regards

Iona Skye



2 of 3 < > ☰



Sean O'Neil

to customercomplaints, chloe.burrell, me

Sep 19, 2023, 7:24 PM



Hi

I'm writing to complain about the incredible short-sightedness of Perth and Kinross Council's decision to refuse retrospective planning permission to the Airbnb at Knothead House in Bridgend.

On a personal level, myself and my fiance have booked the Airbnb for our wedding night next year - with my fiance and her mum also booked in for the night before the wedding.

We also have guests staying at other Airbnbs owned by the same proprietor which we now have to worry may also close in the run up to our wedding.

The reason we need to worry is also the reason this decision is so short-sighted - there is an incredible lack of accomodation for guests in Perth City Centre. PKC is closing Air B'nBs at a time when two city centre hotels are completely closed off to visitors (Station Hotel and Queen's Hotel). The New County Hotel is also obviously closed in the most tragic of circumstances.

The Council have for years recognised the lack of accommodation as a problem - that's why in 2020 they sold 1 - 5 High Street to developers for £1 to build a hotel - a hotel that's never materialised. So a city which is three hotels down from where they were when they were flogging buildings for pennies in the hope of attracting hotels is now actively shutting down other forms of accommodation. It's a strange tactic for a place opening a new £27million museum next year in the hope of attracting tourists - where are they going to stay?

Because trust me, as a person living in Perth trying to organise a wedding in Perth where the majority of guests aren't from the area - getting accomodation is a genuine struggle. Again, I assume from what is stated above that the council is very much aware of this struggle.

On a final note, the apartment in question is a little bit different - it describes itself as a luxury apartment - and that's why we booked it for our wedding night, it offers something different from everywhere else in the city. Do visitors and locals not deserve the option of a little bit of luxury if they want it?

In 2019, the owner of the Blue Lagoon chip shop on High Street told the council to "start acting like a city" after they refused their licence extension to remain open until after the pubs shut. It would seem on this evidence that years down the line this advice has not been heeded and once again Perth is giving off the impression that it is closed for business and closed to tourists.



Guest

Customer Service

Customer Service

Messages

Reply score: 90%

Sort messages by:

All messages

Lisa Brown

29 Jan 2024

Hi Lee, Thanks for getting in touch with me ...

Heather Crosby

29 Jan 2024

Thank you Heather for the warm words, I wil...

Jackie Coutts

Good evening, Lee

I am truly sorry to hear that due to regulations, you are having to temporarily close your business.

My husband & myself have been coming to your beautiful apt with friends for the past 2 years and had once again booked for this year.

The apartment is just perfect for catching up with our friends and exploring the beautiful city of Perth. The location is perfect for walking into the city or taking the car to explore and support businesses in the area. The house is always immaculately presented with all the little touches that make it a perfect loca-

Conversation with guest

Hi Lee,


Thanks for getting in touch with me and I'm sorry to hear that. Me and my friends were really looking forward to coming to your accommodation. We felt like we won a watch when we found this was only 10 minutes away from a wedding we're attending. The apartment met all our needs with being able to have a relaxing evening before the wedding and allow us to get ready together for the wedding the next day. The wedding is a two day event so we were glad we found a home away from home only 10 minutes taxi ride away from the destination.

The communication since I booked has been great and if this decision is reversed we would love you to get back in touch with us to book us back in on these dates.

We actually have really struggled to find anywhere in the area that's a reasonable price and is done to a high spec. We only get

Protect your account security – do not share sensitive information via messaging and [Read more](#)

Guest Customer Service

Messages 

Reply score: **90%**

Sort messages by:

All messages

Hi Jackie Thank you for the lovely message,...

Nicole Daly 26 Jan 2024


If suitable you can book this by clicking the l...

< **Darren Crosbie**

Hi Lee, ...

this is extremely disappointing. I booked this as a surprise for valentines for my wife and now due to the short notice (I appreciate any notice is better than none) I'm going to struggle to find somewhere as a replacement and if I am lucky enough to find somewhere it won't be the same (I picked this accommodation for that fact it's different to anything else I seen) and will most definitely be a lot more expensive due to the short notice of the booking.

Guest Customer Service

Messages 

Reply score: **90%**

Sort messages by:

All messages

linda porter 29 Jan 2024

Hi, we sent a message above a couple of da...

Lisa Brown 29 Jan 2024

Hi Lee, Thanks for getting in touch with me ...

< **Heather Crosby**

Sat 27 Jan 14:03

We are terribly sad to hear this.
Dear Perth and Kinross council,
It would behooove your city to allow places like Knowehead Pent-
ouse accommodation to offer potential visitors to your city a
lovely place for short term visits. Without this, your community
may be forfeiting income from potential visitors whom may now
choose to visit elsewhere in Scotland.
Best,
Heather Crosby and family

Protect your account security – do not share sensitive information via

FAO Lee - Free Promotional Opportunity with Perth City & Towns for Dean's Retreats

External Inbox x



Nicola Martin

to me

Thu, Aug 4, 2022, 11:44 AM



Hi Lee,

I work with Kirsty Easton for Invest in Perth and Emily Queen on Invest in Perth and Perth City & Towns Channels.

We're about to do a bank of photographs to use in future promotions for the area and I'd like to do a session in your apartment with a hot tub. This one ideally so we can capture those views. **Knowehead Penthouse with rooftop hot tub**

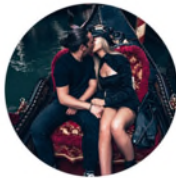
This is free of charge for you to take part, and you'd have use of the images afterwards. The budget has been allocated via VisitScotland's destination marketing fund and so they would also have use of the images making this a great opportunity for you to get some free exposure.

Time, however, is not on our side here!

I have a group of women arranged for photography on **Friday 19th August** - they're actually Kirsty's friends and she has suggested you'll know some of them!

I'm aware you're probably all booked up over the busy period but wondered if there was an hour or two free on this day where we could stage and do the photographs. I'm crossing my fingers it might be a crossover day!

< Ashley & Stuart

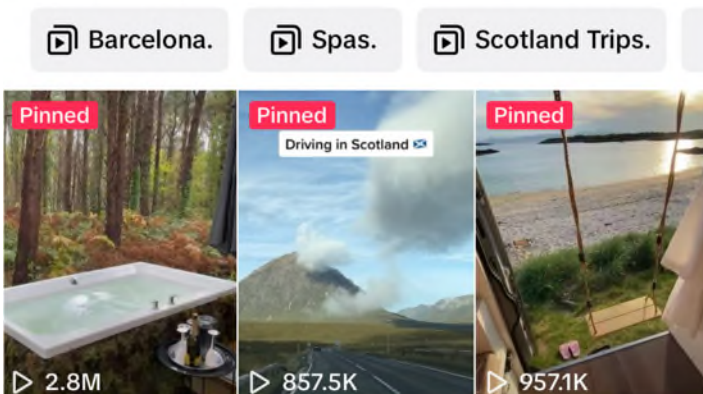
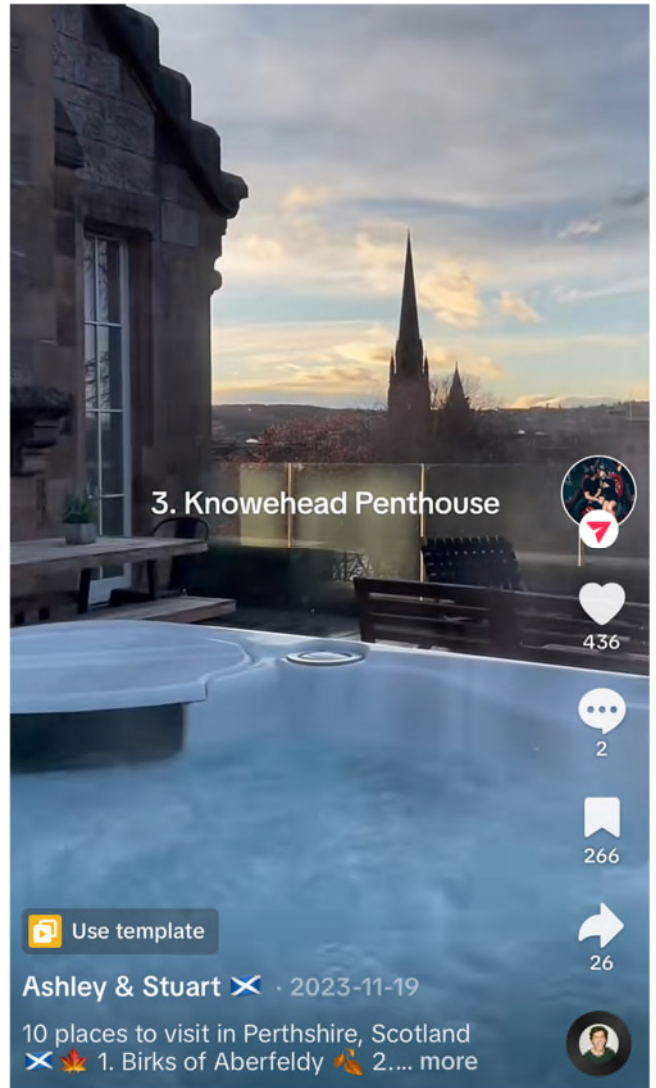


@ontheroadagaintravels

262 Following 114.5K Followers 2.8M Likes

Message

Travel | Quirky Stays | Scotland
Follow along on IG @ontheroadagaintravels
Solastacreative.com



LRB-2023-54
23/01311/FLL – Change of use of flat to form short-term let accommodation unit, 4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FP

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- (a) Papers submitted by the Applicant (***Pages 363-368***)

- (b) Decision Notice (***Pages 371-372***)
 - Report of Handling (***Pages 373-381***)
 - Reference Documents (***Pages 382-391***)

- (c) Representations (***Pages 393-398***)

LRB-2023-54

23/01311/FLL – Change of use of flat to form short-term let accommodation unit, 4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FP

**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:

THE APARTMENT IS UNOCCUPIED. THE OWNER WOULD NEED TO BE PRESENT IF THE LOCAL REVIEW BODY REQUIRE ACCESS TO THE APARTMENT.

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.

The proposed use will not adversely impact amenity and character of the area on the basis of the following:

1. No objections were submitted by other residents in the apartment block.
2. The site is within a mixed-use area with short-term let accommodation adjacent, operated by Scotland's Hotel.
3. The most appropriate boundary, relative to mixed-use and residential use, would be beyond the northern boundary of the application site. The apartment block is within 400 metres of the town centre.

There are demonstrable local economic benefits of short-term letting property as short-stay residents use local shops, restaurants and tourist/recreational facilities. The proximity of the apartment to the town centre reinforces the contribution residents make to the local economy.

The proposal is not contrary to NPA 4 as permanent occupancy of the apartment would have the same impact relative to residents and vehicle movements and is therefore compatible with the amenity and character of the area. Particularly when considered in relation to the mixed-use of the area.

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.

DOCUMENTS SUBMITTED WITH THE ORIGINAL PLANNING APPLICATION.

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

Date 13 DEC 2023

LRB-2023-54

23/01311/FLL – Change of use of flat to form short-term let accommodation unit, 4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FP

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Legacy Land Limited
Mr Ian McCully
21 Coronation Avenue
Scone
Perth
PH2 6GA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **10th November 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01311/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 25th August 2023 for Planning Permission for **Change of use of flat to form short-term let accommodation unit 4 Kirk View Apartments Bonnethill Road Pitlochry PH16 5FP**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposed retrospective change of use is contrary to Policy 30(e): Tourism of National Planning Framework 4 (2023) as the proposal would result in:
 - i) An unacceptable impact on local amenity and character of the area, and
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14(c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17: (d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of neighbouring residents and the short-term let use would not be compatible with the amenity and character of the surrounding predominantly residential area.

Justification

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

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01311/FLL	
Ward No	P4- Highland	
Due Determination Date	24th October 2023	
Draft Report Date	6th November 2023	
Report Issued by	JC	Date 6th November 2023

PROPOSAL: Change of use of flat to form short-term let accommodation unit

LOCATION: 4 Kirk View Apartments Bonnethill Road Pitlochry PH16 5FP

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This application seeks approval for the change of use of a first floor two-bedroom flat to short term let accommodation unit within a detached residential building on Bonnethill Road, outwith Pitlochry Town Centre but within Pitlochry Conservation Area. The flat is accessed via a communal staircase in the centre of the building. There are four neighbouring flats within the building across three floors.

SITE HISTORY

19/00093/FLL Erection of 5 flats, formation of parking area, landscaping and associated works
Application Approved 5 March 2019

PRE-APPLICATION CONSULTATION

Pre application Reference: None

DEVELOPMENT PLAN

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

National Planning Framework 4

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

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

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

Policy 7: Historic Assets and Places
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking
Policy 1B: Placemaking
Policy 17: Residential Areas
Policy 28A: Conservation Areas: New Development
Policy 56: Noise Pollution
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

[-Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

[-Non-Statutory Planning Guidance – Change of Use of Residential Property to Short-Term Let](#) (adopted in November 2023)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems

- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

Internal Consultees

Environmental Health (Noise Odour) - No objections subject to short term let licensing informative, and noise conditions would form part of any licence that was granted.

Communities Housing Strategy - The proposal is for the change of use from residential flatted dwelling to short-term let accommodation in an area with a mix of residential and accommodation businesses in Pitlochry.

Relevant NPF4 Policy 30: states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits

The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas.

The postcode district level of saturation of potential short-term lets for PH16 is 12.0% and above the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of Short-Term Lets where it affects the availability of residential housing or the character of a neighbourhood.

REPRESENTATIONS

1 representation was received and is summarised as follows:

- Proposal will exacerbate local housing availability with associated impact for existing staffing shortages
- Proposal will do little for local prosperity, both through limited guest spending and income accruing to owners based elsewhere

In response to the above comments, it is considered that whilst economic matters are a planning consideration, the place of residence of a property owner is not.

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	None Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	None 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 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The proposal seeks to change the use of an existing first floor flat in Pitlochry settlement to a short term let. The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policies relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned. As such, LDP2 Placemaking Policies 1A and 1B, and 17: Residential Areas have relevance for a proposal of this nature, and seek to protect or improve residential amenity, and create safe, accessible, inclusive places for people.

Specifically, NPF4 Policy 30(e): Tourism states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The postcode district level of saturation of potential short-term lets for PH16 is above the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let would not be significantly different from a flat in terms of its physical appearance, the extent of guest footfall or noise emanating from the property, so long as good management practices are in place.

However, the high turnover of guests would likely be higher than typical private rented or owner-occupied accommodation, and this could have an impact on noise and disturbance to neighbours. Whereas such impacts may be offset in town centre or mixed-use areas such as the lower end of Bonnethill Road, the same cannot be said for this building which comprises five residential flats further uphill outwith the Town Centre.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal would result in the loss of a flat to short term let accommodation in the PH16 postcode area which is already subject to a proliferation of holiday accommodation, as evidenced in the Housing Strategy Team consultation response. This in turn would adversely impact the availability of residential accommodation locally, and representations have highlighted the knock-on effect this could have on existing staff shortages locally, not only for tourism related businesses but essential services.

The extent to which short term let accommodation would benefit the local economy above and beyond typical residential use has also been questioned in the representations.

The policy requires the local economic benefits associated with short term let proposals to be demonstrable. However, no supporting documentation has been submitted by the applicant in this regard. Furthermore, even if such documentation

had been forthcoming, it is unlikely that economic benefits accruing from one short term let unit would outweigh the loss of this residential flat to holiday use.

The proposal therefore conflicts with NPF4 Policy 30(e) Tourism, and the intent of LDP2 Policies 1A: Placemaking and 17: Residential Areas. The principle in this instance is therefore unacceptable.

Residential Amenity

NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A: Placemaking, and 17: Residential Areas supports proposals, including business and tourism, which are compatible with the amenity and character of the surrounding area, and consistent with the six qualities of successful places. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns, and that the primary avenue to regulate such matters is via the separate licensing regime.

In this instance, there is the potential for noise from the users of the property to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to licensed and noise conditions will form part of the licence.

Notwithstanding this, a recent appeal decision from the DPEA elsewhere in Perth and Kinross at Birnam (ref: PPA-340-2155), indicated that management guidelines cannot be relied upon to restrict or control the adverse impacts on neighbouring properties and harm to amenity. Furthermore, harm to amenity could arise even if there is effective control, due to the frequent turnover of guests. Whilst a hotel development is located nearby to the south at the edge of the Town Centre boundary, the immediate neighbouring buildings to the north and east of the application site are residential in nature. The proposed intensification of use and movements would adversely impact the amenity of neighbouring residents within the host building and would alter the existing residential character of this upper part of Bonnethill Road.

As such, the proposal fails to accord with the intent of NPF4 Policy 14(c) and LDP2 Policies 1A and 17 in respect of residential amenity, by virtue of its location in a predominantly residential area.

Conservation Considerations and Visual Amenity

As no external works are proposed, the change of use would have no direct impact on the physical appearance of this recently built property. However, it could be argued that the cumulative impact of short term let accommodation, as evidenced in the Housing Strategy Team's consultation response, has an adverse impact on the established character of the Conservation Area.

Roads and Access

The proposals raise no access or parking concerns, as one off-street parking space is associated with the existing flat. The application site is also within convenient distance of public transport options in the form of bus stops on Atholl Road and

Pitlochry Railway Station. In these respects, the proposal accords with NPF4 Policy 13 and LDP2 Policy 60B.

Drainage and Flooding

There are no drainage or flooding concerns associated with the proposal.

Other Material Considerations

Planning Guidance short-term lets (STLs) has recently been produced due to concerns expressed over the impact of STLs on services, local business staffing and expansion, as well as housing affordability. The Guidance was formally adopted by the Council on 1 November 2023 following consultation during Summer 2023.

The Guidance acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property would have on the availability of housing for local people, affordable housing in particular, and the potential for adverse impacts on residential amenity where an increased proportion of the housing stock becomes short-term lets.

Six considerations have been outlined within the Guidance to assist in the application of the policy framework set out in NPF4. The considerations include location, larger residential properties, refurbishment of long-term empty properties, local amenity and character, business diversification, and the relationship between loss of residential accommodation and local economic benefits. The location consideration contains reference to three area types: city and town centres; mixed use areas within settlements; and predominantly residential areas.

The adopted Guidance forms the most up-to-date indication of Council policy intent on the matter, and as such is a material consideration in addition to other policy factors and supplementary guidance in the assessment of the proposals.

In this instance, the application site is within a predominantly residential area, and local amenity and character of that area should be considered, in addition to the loss of residential accommodation and local economic benefits which may accrue from the proposal.

As set out elsewhere in this report, the proposal would not be compatible with the character of this predominantly residential area, and would have a detrimental impact on residential amenity. The loss of residential accommodation is considered to be detrimental to housing availability in an area subject to housing pressure, and the limited economic benefits associated with the proposal would not outweigh this loss.

As such, the proposal fails to accord with the policy intent of the adopted Planning Guidance, with particular emphasis on residential amenity, local character and housing availability. This aligns with the officer assessment of the proposal against adopted Development Plan policies.

Developer Contributions

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

Economic Impact

The economic impact of the proposal is likely to be limited to guest expenditure in the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Conditions and Reasons

- 1 The proposed retrospective change of use is contrary to Policy 30(e): Tourism of National Planning Framework 4 (2023) as the proposal would result in:
 - i) An unacceptable impact on local amenity and character of the area, and
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14(c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17: (d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of neighbouring residents and the short-term let use would not be compatible with the amenity and character of the surrounding predominantly residential area.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100637633-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Change of use of apartment to form a short-term let accommodation unit.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ian"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text" value="McCully"/>	Address 1 (Street): *	<input type="text" value="Coronation Avenue"/>
Company/Organisation	<input type="text" value="Legacy Land Limited"/>	Address 2:	<input type="text" value="Scone"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 6GA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 KIRK VIEW APARTMENTS"/>
Address 2:	<input type="text" value="BONNETHILL ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5FP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758262"/>	Easting	<input type="text" value="294081"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

75.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Private dwelling.

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

1

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

1

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Private bin store adjacent to the property.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Ian McCully

On behalf of:

Date: 31/07/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Ian McCully

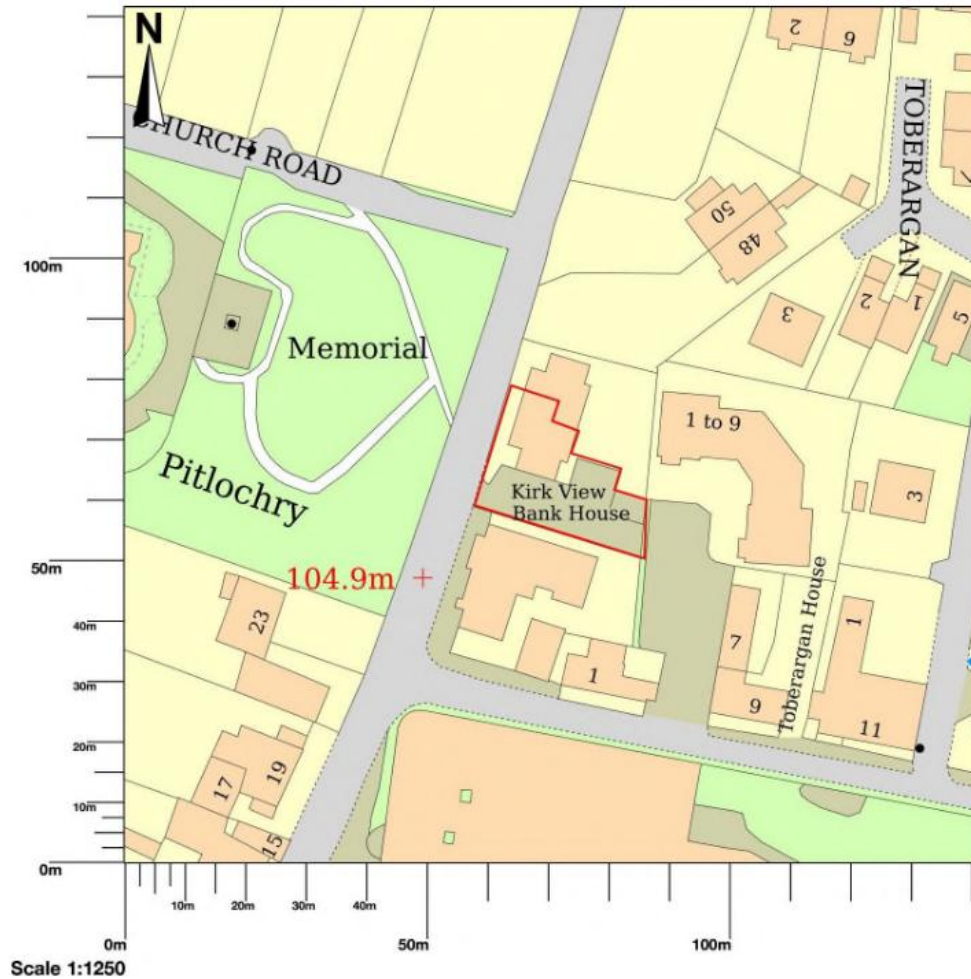
Declaration Date: 31/07/2023

Payment Details



Created: 31/07/2023 16:32

4 Kirk View Apartments, Bonnet Hill Road, Pitlochry, PH16 5FP



NO 4 KIRKVIEW BONNETHILL RD PITLOCHRY FLOOR PLAN

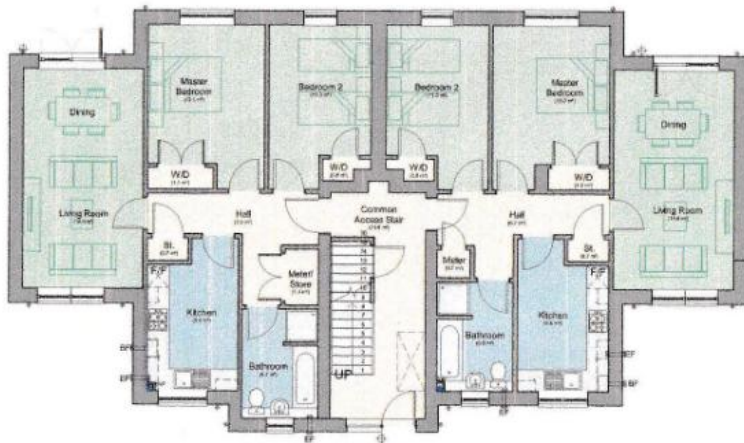


2 First Floor Plan - Proposed

SCALE FOR PLANNING PURPOSES ONLY



SCALE BAR 1:200

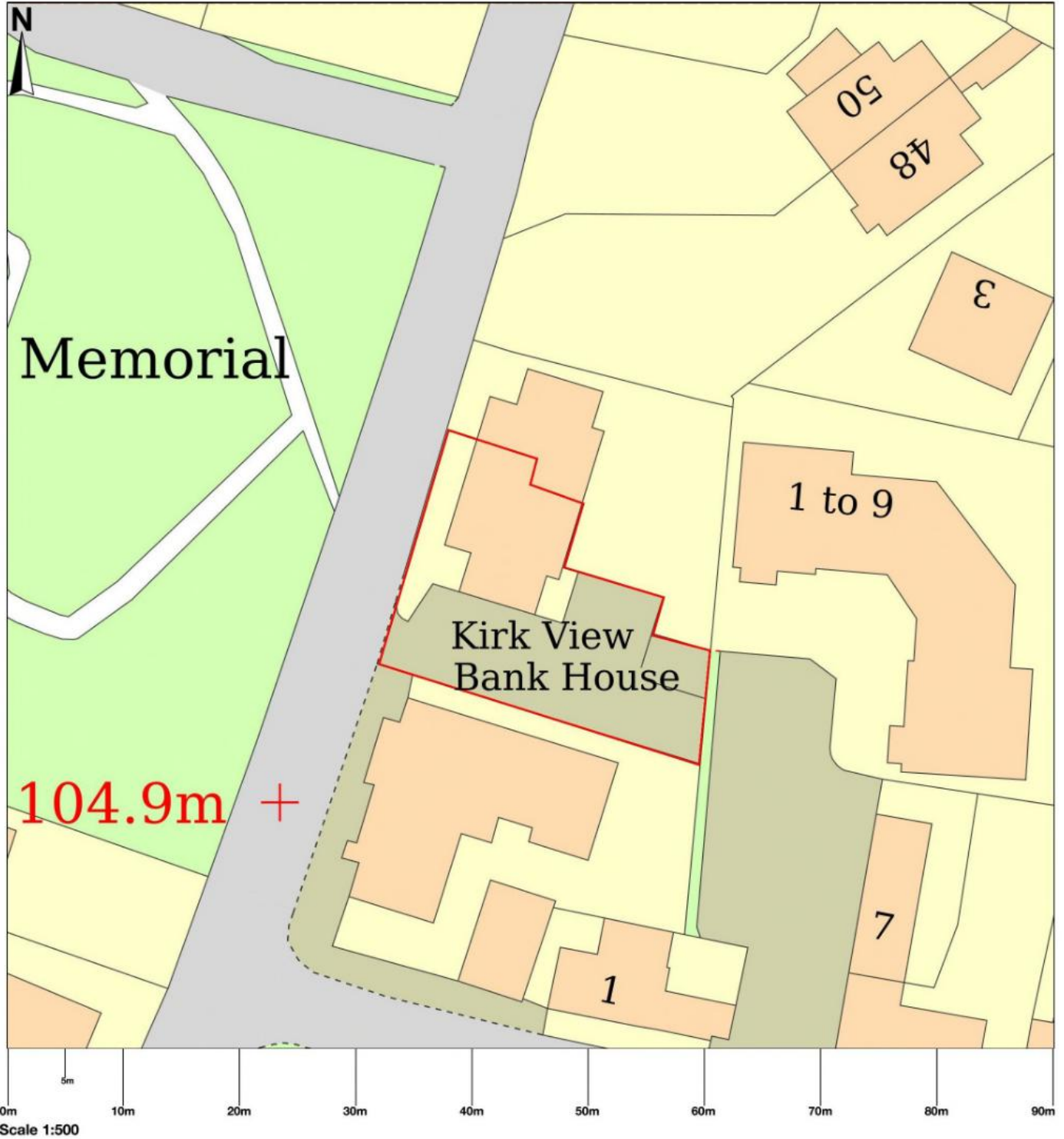


1 Ground Floor Plan - Proposed



3 Second Floor - Proposed

4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FP



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LRB-2023-54

23/01311/FLL – Change of use of flat to form short-term let accommodation unit, 4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FP

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01311/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer [REDACTED]
Description of Proposal	Change of use of flat to form a short-term let accommodation unit (in retrospect).		
Address of site	4 Kirk View Apartments Bonnethill Road, Pitlochry, PH16 5FP		
Comments on the proposal	<p>The proposal is for the change of use from residential flatted dwelling to short-term let accommodation in an area with a mix of residential and accommodation businesses in Pitlochry.</p> <p>Relevant NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> i. <i>An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> ii. <i>The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH16 is 12.0% and above the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of Short-Term Lets where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	30.08.2023		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01311/FLL

Our ref DAT

Date 11 September 2023

Tel No 01738 476481

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/01311/FLL RE: Change of use of flat to form short term let accommodation unit 4 Kirk View Apartments Bonnethill Road Pitlochry PH16 5FP

I refer to your letter dated 05 September 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

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

Comments

This application is for the change of use of a first-floor flatted dwelling at 4 Kirk View Apartments, Bonnethill Road, Pitlochry into a short term let accommodation unit.

Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>



Dr Colin Walls (Objects)

Comment submitted date: Fri 15 Sep 2023

Background:

Kirk View Apartments consists of five flats. When these were first put on the market, each was priced at a level which could be classed as "affordable", and should therefore have increased the housing stock for those who wished to live and work in the town. However, only one of the flats is permanently lived in. The other four flats were purchased as "holiday homes" and are now used very infrequently, the majority of the time the flats are empty.

Flat 4 is currently offered on Airbnb, which is always extremely short-term letting.

Objection

We object to this planning application in the strongest terms, because it provides no benefit to the town, and will actually be detrimental. We give our reasons for this in the following section

Impact on the Town

The town is currently short of staff in a number of key areas. This is not restricted to retail and hospitality, but also includes such vital areas as the medical centre, community hospital, pharmacies, the high school and theatre.

At least part of these staffing issues is due to the scarcity and high cost of rental accommodation in the town. While those with cars can find accommodation outside the town, those who are reliant on public transport may not have this option, or may be restricted in the hours that they can work because of the public transport timetables.

The application does not provide any redress for the above problem, in actuality it exacerbates it, since it brings more visitors into the town without providing accommodation for those who either do work here, or would like to work here.

Penalising potential employers by restricting the availability of accommodation does nothing for the prosperity of the town, especially as these employers would provide skills development for the workforce in general and for younger people in particular.

Data from other areas within the UK would indicate that short-term lets do little for local prosperity, firstly because those who take up such accommodation tend to bring what they need with them, rather than spending in the area and its surroundings. Secondly, there is a further reduction to income in the area if the rental properties are not locally owned. This planning application is being made by a company based in England.

The short-term lets will be seasonal in nature, and will provide no income for the town out of season.

Such short-term letting adds nothing to the prosperity of the town. What is required is long-term letting, preferably for a minimum term that covers the tourist season.

LRB-2023-55
23/01028/FLL – Change of use of flat to short-term let, unit
5B South Inch Court, Perth, PH2 8BG

INDEX

- (a) Papers submitted by the Applicant (***Pages 401-416***)

- (b) Decision Notice (***Pages 419-420***)
 - Report of Handling (***Pages 421-428***)
 - Reference Documents (***Pages 429-438***)

- (c) Representations (***Pages 439-450***)

LRB-2023-55

**23/01028/FLL – Change of use of flat to short-term let, unit
5B South Inch Court, Perth, PH2 8BG**

**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:

To clarify any queries you may have on the review documents

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 type="checkbox"/> | <input checked="" 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:

The inspection, if required, would be of the flat and would therefore need myself or delegate to open the doors to let yourselves in to 1) the building and 2) the flat itself

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.

Please see attached documents

1. Notice of Review Supporting Statement ~~20-01200-FLL~~ 23-01028-FLL
2. 5B South Inch Court Holiday lettings terms and conditions

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.

I did not have the information on the neighbour representations at the time of the application. All these representations need to be answered and have been in the attached Notice of Review Supporting Statement. In doing so I have now also included information on the actual number of persons staying at the flat over the last 12 months period. In my opinion this information should have a major bearing on the reasons for refusal given/taken by the planning officer

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.

1. Notice of Review Supporting Statement ~~23-01208-FLL~~ 23-01028-FLL
 2. 5B South Inch Court Holiday lettings terms and conditions

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

Date 13/12/2023

Notice of Review Supporting information for Flat 5B South Inch Court Perth PH2 8BG
Planning Application 23/01208/FLL

1 My wife and I bought the flat to be near our daughter and grandchildren who live at Manson Crescent which is just a few minutes' walk from the flat. My wife and I normally live in England and use the flat as and when required during our trips to spend time with our daughter and the grandchildren.

The flat was let as a short term let when we were not using the flat for ourselves. The short term lets started in July 2021 via a local Holiday Letting company based in Perth and they managed all aspects of the short-term lettings.

We applied for a short term let licence for the flat in November 2022. I believe there were no objections raised and a full licence was granted on 5th June 2023, valid until 4th June 2026.

I believe that there have been no complaints as none have been referred back to us.

We were informed by Perth and Kinross Council on 18th May 2023 that we also needed planning permission, following which the planning application was submitted on 19th June 2023 and validated on 7th August 2023.

The planning application was refused on 4th October 2023.

2. With respect to the matters raised in the REPORT OF HANDLING, I have the following comments:

The actual number of people who stayed at the flat during the year ending August 2023 is shown below. The lettings were halted from September due to the current letting agent increasing their fees which was not agreeable to me. The intention then was to engage and let through a different and more cost beneficial local letting agent.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Aug-22				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Sep-22	1	1	1	1	1	1	1	1	1	1	1	1	1	1						3	3	3								1	
Oct-22	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Nov-22	1	1	1	1	1																				3	3	3	3			
Dec-22																															
Jan-23														4	4	4	4	4	4	4										2	2
Feb-23	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Mar-23	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Apr-23	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
May-23														2	2	2	2	2	2	2	2	2	2	2	2	2			2	2	2
Jun-23	2	2	2	2	2	2	2	2				2	2	2	2	2	2	2	2	2	2	2							2	2	
Jul-23	2	2	3	3	3	3	3										3	3	3	3	3	3	3	3	3	3					
Aug-23	1	1	1	1	1	1	1		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2

The above shows the occupancy to be as follows:

- Vacant 33% of year
- Occupied by 1 person 22% of year
- Occupied by 2 persons 37% of year
- Occupied by 3 persons 6% of year
- Occupied by 4 persons 2% of year

Please note that during the bookings shown in Yellow, the guests only stayed at the flat for 4 nights per week. To keep things simple, the 37% occupancy shown above for 2 persons does not take this into account.

2.1 With reference to the representations received:

- Adverse effect on the safety, security and amenity of residents due to different people coming and going; leaving secure entry door open; excessive buzzing of communal entrance buzzer. Please see above the actual number of people who stayed at the flat for the year to August 2023. This shows that 89% of all bookings for the 12 months period were for 1 or 2 persons, 8% for 3 persons and 2% for 4 people. The use of the flat is clearly no worse than if the flat was let on a long-term basis and the issue raised is not borne out by the facts. Furthermore, I have seen the main door open on a number of occasions for other flats when multiple trips are required to and from the flats to complete large deliveries and is something I would do myself. Inside and by the main door is a door stop precisely to enable the residents to do so. The secure entry door is used by the occupants of 8 flats in the block. Given that 89% of the bookings were for 1 or 2 persons, it is very unlikely that the clients using our flat caused excessive buzzing of the communal entrance door.

Please note that in approving the planning application for 23/00251/FLL (a flat in a block of 4 flats in the middle of a residential area) the planning officer provided the following appraisal in making the case.

“The short term let would provide 2 bedrooms and will accommodate a similar number of guests to the existing use as a flat. The proposed use of the property as a short term let would result in footfall associated with guests staying at the property and using the parking and outdoor space. However, the footfall would not be significantly different from the footfall associated with the existing use as a residential flat. The flat is accessed through a communal entrance and flight of stairs and noise from the use of the property as a short term let is not considered to be significantly different from its use as a residential flat. The use of the parking and outdoor space would be in keeping with the existing use. The proposal will not have a significant impact on the amenity of existing residents. The proposal would retain the residential nature of the property and would not negatively affect the character and amenity of the residential area.” A similar appraisal should apply to our application.

- Smoking in doorway. Smell of smoke entering private flats. The terms and conditions for the lettings prohibits smoking in the property. See “Use of Property” and “Care of Property” sections of the attached lettings Terms and Conditions
- Poor management - 6 people staying in a flat that sleeps 4 people. I do not know the basis for this statement. I know of no instance where the flat was occupied by more than 4 persons.
- Rubbish left in parking area. There has been no complaint raised with either the letting agent or ourselves. Section “Terms of Use” of the attached lettings Terms and Conditions covers the disposal of rubbish into outside bins

- Noise from main door being open and shut at all hours. I do not accept the main door being open and shut at all hours is down to those staying at our flat, especially given the number of persons staying at our flat. Is there any evidence submitted to support this. Please note that the main door is used by the occupants of the 8 flats in the block.
- No objection to long term let but object to short-term let use. Given the number of persons staying at the flat per booking, the use of the flat is clearly no worse than if the flat was let on a long-term basis.
- Changes the character of the flats and residents' security and enjoyment of their properties. Given the number of persons staying at the flat per booking, the use of the flat is clearly no worse than if the flat was let on a long-term basis.
- Sets an unwelcome precedent. Given the number of persons staying at the flat per booking, the use of the flat is clearly no worse than if the flat was let on a long-term basis.
- The flat is the only short term let in a development of 56 flats. Many residents have lived there since it was built in 2000 and many are elderly. The proposal lessens the feeling of community and safety and has the potential to bring noise at unsocial hours. If granted permission, it would set a precedent for more short term lets thus exacerbating the adverse effects. Given the number of persons staying at the flat per booking, the use of the flat is clearly no worse than if the flat was let on a long-term basis. Any noise or nuisance issues could be regulated via the licensing regime. It should be noted that the issue raised is **"the potential to bring noise at unsocial hours"**. **The flat has been on short term let since July 2021 and there isn't an actual occurrence(s) that has been cited.** The "Use of Property" and "Care of Property" sections of the attached Lettings Terms and Conditions covers the behavioural aspects of the lettings with causing nuisance, annoyance and noise (loud singing, playing of music, etc) not being permitted.

In granting planning permission to a number of flats in Guthrie Court Auchterarder PH3 1SD (see planning applications 23/00406/FLL, 23/00800/FLL and 23/00801/FLL), the planning officer in determining and approving the application, appraised that "It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns. Environmental Health officers note however that the main avenue to regulate such matters is via the separate licensing regime". Surely a similar appraisal applies to our application.

- No guarantee that the property could be managed in a manner as to not interfere with lives of residents. Given the number of persons staying at the flat per booking, the use of the flat is clearly no worse than if the flat was let on a long-term basis. Furthermore, any issues arising could be dealt with and regulated via the licensing regime
- In use as short term let for workmen which resulted in noise nuisance and commercial vehicles being parked in the visitors parking area. I do not understand why the use of a commercial vehicle being used by the clients and parked in a visitors' parking space while on site should be a problem. It is not using any of the residents allocated car parking spaces. There are always a few empty car parking spaces available for visitors and the use of one commercial vehicle would not fill up all the visitors' spaces available.

2.2 With reference to the following Policy Appraisal for our flat:

In respect of criterion (i) of NPF4 Policy 30(e), the short term let use and movement through the turnover of guests using the communal entrance of the building and courtyard parking is having a detrimental effect on existing residents and an associated adverse impact on the safety and perceived safety of those residents, as evidenced in the matters raised in the representations. The intensification of the short term let use would exacerbate the situation. The flatted development is private residential in nature, and the introduction of short term let uses could erode that residential character and amenity on a cumulative basis. The short term let use is incompatible with the current residential development. The actual number of persons staying at the flat and detailed above is a clear refutation of the issue raised here. Furthermore, the courtyard parking has not been abused. Where the client had a car, they used our designated parking space in the courtyard. In the few instances that a client brought on site a commercial vehicle it was parked in the visitors' parking area and thus did not stop or obstruct any residents from using their own allocated and designated parking spaces. Every time I have been at the development, there have always been a few empty car parking spaces available for visitors. The short-term letting of the flat to date has been no worse than a long term let in terms of the number of persons staying at the flat, given the data above.

In granting the planning permission to 23/00932/FLL the planning officer in determining and approving the application, appraised that "It is noted that the sole letter of representation makes reference to the potential for new 'faces' to be a regular occurrence, and that not knowing who your neighbours are will cause a degree of anxiety and concern. Anxiety is a planning consideration to some degree, however it is very much subject and someone's anxiety over a certain matter may not result in the same feelings for another person. In this case, it will be fact that if the STL operates successfully (in terms of a high occupancy rate) then there will changes in users. However, there is no guarantee that the users of this STL will a) meet other permanent residents within shared areas and b) will cause nuisance." A similar appraisal should apply to our application.

In granting planning permission to a number of flats in Guthrie Court Auchterarder PH3 1SD (see planning applications 23/00406/FLL, 23/00800/FLL and 23/00801/FLL), the planning officer in determining and approving the application, appraised that "It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns. Environmental Health officers note however that the main avenue to regulate such matters is via the separate licensing regime". Surely a similar appraisal applies to our application.

Again, in granting planning permission to a number of flats in Guthrie Court Auchterarder PH3 1SD (see planning applications 23/00406/FLL, 23/00800/FLL and 23/00801/FLL) the planning officer in determining the application, appraised that "the modest two-bedroom size of the property is such that the levels of comings and goings from the use as a short-term let accommodation is unlikely to be significantly

different from its existing lawful residential use". Given the usage data provided earlier, the same should apply to our application.

3. As stated earlier, we bought the flat to stay in when visiting our daughter and our granddaughters. Whilst we were not using the flat, the flat was let on a short term let basis through a local agent. If the planning application is refused then the flat will stay vacant when we are back in England. We will not be able to enter into normal long term let contracts as that will not allow us the flexibility to stay at the flat during our visits. This will result in loss of any economic benefit to both ourselves, the local agent and the local areas and an empty flat for long periods of time.

Holiday letting terms and conditions

Contract

The Contract for a short-term holiday rental will be between the Owners of Munro Holiday Lettings (referred to as “us” or “we”) and the person making the booking under the following booking conditions. UK law will govern the Contract. The contract will be subject to these booking conditions and must be complied with. The party leader must be at least 21 years of age at the time of booking. You are responsible for ensuring that all members of your booking party comply with the Terms of Use (as set out below), however, the Contract for the provision of accommodation is between us and you (as the person making the booking).

Payment

Bookings are confirmed on receipt of the booking. The payment for the rental will be due seven days before the start of your holiday. We will send you a reminder when the balance is due. We reserve the right to cancel a holiday where payment has not been made within 3 days of notification of the balance being due.

Cancellation

Cancellation by You

Cancellations must be immediately notified to us. The treatment of a cancellation will depend on:

The date the booking was made

When the cancellation is made

The reason for the cancellation

National Lockdown – In the event of a national lockdown that coincides with your holiday, where you are unable to travel, and we are prevented from opening, you will receive a full refund.

Regional/Local Lockdown – In the event that the address given on the booking is put into Local/Regional Lockdown, rendering you unable to travel, and the period of restriction covers the period of your booking, you will receive a full refund. Please note that this applies only to the address given on the booking by the lead booker, and does not apply if an unidentified party member at a different address is unable to travel due to local lockdown.

Your inability (or the inability of any, some or all of your intended occupants) or disinclination to travel to and stay at your hired property for any reason. This includes – but is not limited to – illness (including Covid), a requirement or recommendation to self-isolate or quarantine, a call to jury duty, incarceration, change in personal or work circumstances, family emergencies, travel delays, vehicle breakdown, and delays with public transport. These remain at your risk and do not give rise to a right to cancel or to receive a refund unless we re-let the property. You are strongly recommended to take out UK travel insurance to cover these eventualities. If you choose not to take out UK travel insurance then you accept responsibility for any loss that you may incur due to your cancellation.

Refunds

All refunds will be subject to a deduction of a non-refundable administration fee of £75 to cover our costs and third party costs related to the cancellation and re-marketing.

Cancellation by us

If Munro Holiday Lettings have to cancel your booking for any reason, including a Force Majeure event, meaning any of the following circumstances which may hinder or prevent the performance by us of the Contract, you will be refunded in full.

- (a) acts of God, flood, drought, earthquake or other natural disaster;
- (b) epidemic or pandemic;
- (c) terrorist attack, civil war, civil commotion or riots, war, threat of or preparation for war, armed conflict, imposition of sanctions, embargo, or breaking off of diplomatic relations;
- (d) nuclear, chemical or biological contamination or sonic boom; (e) any law or any action taken by a government or public authority, including without limitation imposing a restriction, prohibition, or failing to grant a necessary licence or consent;
- (f) collapse of buildings, fire, explosion or accident;
- (g) any labour or trade dispute, strikes, industrial action or lockouts;
- (h) non-performance by suppliers or contractors; and
- (i) interruption or failure of utility service, and the period of closure covers you booking

Terms of use

You may access the property from 15:00 hrs on the day of arrival (earlier arrivals are strictly by arrangement only). Please note that departure is by 10.00 am on your final day (again, later departures are strictly by arrangement only). We need this time to ensure that the property is ready for your arrival after the previous guests. You must not use the property except for the purpose of a holiday during the holiday period. The agreement to stay in the property for the holiday period does not create the relationship of Landlord and Tenant between the parties. On departure you are requested to leave the accommodation in a clean

and tidy condition. This includes washing up, placing rubbish in bin liners and putting in outside bins, ensuring ovens and barbeque are clean and free from grease.

Use of property

Under no circumstances may more than the maximum number of persons stated on the web site occupy the property, unless by prior arrangement with the owners. We reserve the right to refuse admittance if this condition is not observed.

You must not use the Property or the site for any illegal, dangerous, offensive, noxious or noisy activities or behave in a way that may be a nuisance or annoyance to us, other guests or our neighbours. Some of our properties are in peaceful locations and we ask that you respect that and others. As such, the playing of music, singing or other excessive noise that can be heard outside of your property after 9pm is not permitted.

Smoking is not allowed in any of the properties or in the hot tubs. If you wish to smoke outside, please let us know, and we will provide you with a suitable container. Please do not discard cigarette butts in the garden or grounds.

Liability

Munro Holiday Lettings, its employees and representatives shall not be liable to you or your party for loss or damage to property howsoever arising unless demonstrably caused by our negligence or that of those for whom we are legally responsible. You must take all necessary steps to safeguard yourselves and your property.

Third Party Services

If you wish to engage any third party to perform any service (including by way of example private catering, beauty therapy, childminding or entertainment services) at the site or the property you must obtain our permission. Such permission should be requested in advance of your stay with details of the entity you intend to use to perform the service, the service to be performed and details of their public and employer's liability insurance. Consent will only be given where we and our insurers are happy that the appropriate risks have been covered. The use of candles or fireworks is not permitted in any circumstances. We will not accept liability for the services provided (or failure to provide such services) by any third party supplier or business used by you in the course of your Stay (regardless of whether they are recommended or referred by us). This will not apply where we have been negligent or dishonest in this regard.

Care of property

You are responsible for the property and are expected to take all reasonable care of its furniture, pictures, fittings and effects, in or on the property. You must leave them in the same state of repair and in the same clean and tidy condition at the end of the rental period as at the beginning. You must not use the properties for any dangerous, offensive, noxious, noisy, immoral activities or carry on there any act that may be a nuisance or annoyance to the owner or other neighbouring properties. Smoking is not allowed in any of our properties.

Damages and breakages

You are legally bound to reimburse us for replacement, repair or extra cleaning costs on demand (although we would not charge you for the odd glass or plate). If you lose a key we will replace it upon you paying for the cutting of a new one.

Right of entry

We shall be allowed reasonable right of entry to the property at all reasonable times for purposes of inspection or to carry out any necessary repairs or maintenance.

Complaints

Every effort is made to ensure that you have an enjoyable stay. However, if you have any problem or cause for complaint, it is essential that you contact us immediately to give us the chance to resolve it. We value your custom and want you to return. We are available during your stay and will do our best to resolve any problem. This is easier to do before you leave.

Pets

Some of our properties do not accept dogs.

Please enquire before booking

Hot tub use

The safety of our guests is paramount. The hot tubs are there for your enjoyment but we require you to observe the Hot Tub Rules which can be found displayed clearly, next to the hot tub. If you or members of your party fail to observe these regulations during your stay we reserve the right to close this facility or restrict your access.

Privacy policy

We are committed to ensuring the best standards of practice in all our activities. Visitors to our web site can be assured that the protection of privacy and confidentiality are given the highest priority. All personal information is collected, held and used in strict compliance with the Data Protection Act 1998.

Information Collected

We do not collect any personal information from visitors to our website other than information that is knowingly and voluntarily given. Anonymous information is collected, such as the number of visitors to the website in a given period or details of properties and dates selected for online bookings, but it is purely statistical and cannot be used to identify an individual user. Cookies are not used to collect any other information from visitors to the website.

Third Party Disclosure

We will never pass any personal information on to any third party without your consent.

Data Security

We take appropriate measures to safeguard the information we hold from unauthorised access or improper use. Our database is stored in a secure, password protected location. Only users authorised by us have access to this data.

Integrity of Data

We take all reasonable measures to ensure that the information we hold is accurate. In particular we use reliable collection methods and destroy or convert to an anonymous form, any out-of-date data. Individuals may request details of all personal information held by us so as to contest inaccurate or incomplete data, verify the information and have it corrected as appropriate.

Children

Our website is not targeted at children but in any event personal information will not knowingly be collected from children under fourteen years without parental consent.

Enforcement

Any queries relating to our collection or use of personal information should be addressed to susanmunro@munroholidaylettings.com

Keys Key safe codes must not be disclosed to any person who is not a member of your party.

LRB-2023-55

**23/01028/FLL – Change of use of flat to short-term let, unit
5B South Inch Court, Perth, PH2 8BG**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Mr Rafiq Kaskar
17 Daltry Road
Stevenage
SG1 4AW

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **3rd October 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01028/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 7th August 2023 for Planning Permission for **Change of use of flat to short-term let at unit 5B South Inch Court Perth PH2 8BG**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area, and
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17 d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing private, quiet, enclosed residential development.

Justification

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

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01028/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	6th October 2023	
Draft Report Date	29th September 2023	
Report Issued by		Date

PROPOSAL: Change of use of flat to short-term let unit

LOCATION: 5B South Inch Court Perth PH2 8BG

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for a change of use of a flat to short term let accommodation. The short term let has been operating since July 2021.

The 2 bedroom flat is located on the ground floor of a 4-storey block forming part of a residential development of 3 blocks of flats formed in a u-shape around a central area of parking and landscaping. The application site is in the middle block and access is via a communal entrance and stairwell. The application site has 1 dedicated parking space.

The site is on the south side of South Inch Terrace and overlooks the South Inch. The flatted development is accessed from the public road through a private entrance.

SITE HISTORY

97/00608/FUL Erection of 56 flats and associated car parking on 2 September 1997
Application Approved

PRE-APPLICATION CONSULTATION

None

DEVELOPMENT PLAN

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

National Planning Framework 4

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

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

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

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

Draft Planning Guidance Proposed Short-Term Let Control Area (Consultation ended 18th August 2023)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

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

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

Internal

Environmental Health (Noise Odour) - No objection and a short-term let informative is recommended.

Communities Housing Strategy - No issue arising with the postcode district level of saturation of potential short-term lets. The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

REPRESENTATIONS

6 representations were received including 5 objections. The following valid planning matters were raised:

- Adverse effect on the safety, security and amenity of residents due to different people coming and going; leaving secure entry door open; excessive buzzing of communal entrance buzzer.
- Smoking in doorway. Smell of smoke entering private flats.
- Poor management - 6 people staying in a flat that sleeps 4 people.
- Rubbish left in parking area.
- Noise from main door being open and shut at all hours.
- No objection to long term let but object to short-term let use.
- Changes the character of the flats and residents' security and enjoyment of their properties.
- Sets an unwelcome precedent.
- The flat is the only short term let in a development of 56 flats. Many residents have lived there since it was built in 2000 and many are elderly. The proposal lessens the feeling of community and safety and has the potential to bring noise at unsocial hours. If granted permission, it would set a precedent for more short term lets thus exacerbating the adverse effects.
- No guarantee that the property could be managed in a manner as to not interfere with lives of residents.
- In use as short term let for workmen which resulted in noise nuisance and commercial vehicles being parked in the visitors parking area.
- Contrary to NPF4 Policy 30.

Another matter raised in the public comments which is not a material consideration and is not relevant to planning is the negative effect the short term let use may have on the selling of private residential flats in the development.

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy

considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The proposal seeks to change the use of an existing ground floor flat in Perth settlement to a short term let.

The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policies relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned.

NPF4 Policy 30(e): Tourism states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

In respect of criterion (i) of NPF4 Policy 30(e), the short term let use and movement through the turnover of guests using the communal entrance of the building and courtyard parking is having a detrimental effect on existing residents and an associated adverse impact on the safety and perceived safety of those residents, as evidenced in the matters raised in the representations. The intensification of the short term let use would exacerbate the situation. The flatted development is private residential in nature, and the introduction of short term let uses could erode that residential character and amenity on a cumulative basis. The short term let use is incompatible with the current residential development.

In respect of criterion (ii) of NPF4 Policy 30(e), no supporting information has been submitted with the application. The proposal has resulted in the loss of a 2-bedroom flat to short term let accommodation in an urban location. The contribution to the local economy from one property in use as a short term let would be limited. The Housing Strategy Team indicate that there would be no detriment to local residential housing availability in this area should the application be permitted. The proposal would result in a balanced outcome rather than a demonstrable local economic benefit outweighing the loss of residential accommodation. As such, the proposal would not satisfy clause ii) of part e) of Policy 30 in NPF4.

The proposal does not satisfy NPF4 Policy 30.

As the proposal would not be compatible with the amenity and character of the surrounding area, it also fails to satisfy national and local placemaking policies (NPF4 Policy 14 and LDP2 Policies 1A and 1B) as well as LDP2 Policy 17 Residential Areas. This is discussed in more detail below.

Residential Amenity

NPF4 Policy 14 Design, Quality and Place and LDP2 Placemaking Policies 1A and 1B and Policy 17: Residential Areas support proposals which are compatible with the amenity and character of the surrounding area.

The ground floor flat is in the middle block of 3 blocks of flats forming a courtyard development of 56 flats. The u-shape arrangement of the buildings provides for a quiet, private, enclosed development with a central parking area.

Through the use of the flat as a short term let there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the licence.

As noted previously in the report, there have been objections to this planning application due to the property operating as short term let accommodation since July 2021 with the adverse effects on residents' safety, security and amenity highlighted.

No supporting information has been submitted by the applicant on the management and control of bookings of the property. However, any measures put in place to manage and control bookings would not guarantee to stop or prevent anti-social or noisy behaviour occurring or from impacting adversely on the amenity of neighbouring residents. This matter could not easily be controlled by planning conditions.

One parking space is allocated to the 2-bedroom property. It would not be inconceivable for more than one car to be used by guests and there are no restrictions on using other spaces in the car park, thereby reducing availability for permanent residents, and adversely impacting their amenity. This issue has been highlighted in the letters of objection.

The use of the property as a short-term let is incompatible with the character of the residential flatted development at South Inch Court. The intensification of use and movements would adversely impact the amenity of neighbouring residents and would alter the existing private, quiet, residential character of the courtyard.

The proposal does not satisfy NPF4 Policy 14 Design, Quality and Place and LDP2 Policies 1A and 1B Placemaking and LDP2 Policy 17: Residential Areas.

Other Material Considerations - Proposed Short-Term Let Control Area and Draft Planning Guidance

This document is a material consideration for this planning application. The draft document was approved by elected members for consultation on 31 May 2023. The public consultation started on 2 June 2023 and closed on 18 August 2023. The

document notes that the planning guidance (draft) will be used to assess planning applications. It should be highlighted that the planning guidance is in draft form, and as a result of the consultation process its contents may change.

The draft planning guidance states that 'In all cases properties must have their own door to the street to reduce the risk of adverse impact on the amenity of neighbouring residents'. It states that 'Proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.'

The property does not benefit from its own front door and as such would be contrary to this guidance. However, as this guidance has not been formally adopted, only very limited regard can be given to it.

Developer Contributions

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

Economic Impact

The economic impact of the proposal is the provision of tourist accommodation. However, the local economic impact of one flat is likely to be minimal as highlighted in the report.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

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.

Reasons

1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area, and
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17 d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing private, quiet, enclosed residential development.

Justification

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100629084-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

I together with my wife own Flat 5B South Inch Court Perth PH2 8BG. This is just one flat in a block of flats. I have been using 5B south Inch Court for holidays let's and I have been advised on 18/05/23 that I also need to obtain planning permission in addition to the licence applied for. This application to to apply for change of use of the flat to holiday lets

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

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

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

Our daughter lives in Perth and my wife and I bought the flat as a second home to stay in when visiting our daughter and to let it out as holiday lets when we are not there. The flat was purchased on 19th April 2021 and was available for holiday lets from 13th July 2021. The first holiday let was on 23rd July 2021. We only found out that we need planning permission when we received a reply from pkc.gov.uk on 18th May 2023 to the short term let license application

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Rafiq"/>	Building Number:	<input type="text" value="17"/>
Last Name: *	<input type="text" value="Kaskar"/>	Address 1 (Street): *	<input type="text" value="Daltry Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Stevenage"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="SG1 4AW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="5B SOUTH INCH COURT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 8BG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="722559"/>	Easting	<input type="text" value="311565"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

65.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Holiday lets

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

1

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

1

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

There are existing areas for storage and collection of waste around the block of flats This application will not require any more or new areas for storage and collection of waste

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mrs Ruksana Kaskar

Address:

17, Daltry Road, Stevenage, England, SG1 4AW

Date of Service of Notice: *

02/06/2023

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mr Rafiq Kaskar

On behalf of:

Date: 19/06/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Rafiq Kaskar

Declaration Date: 19/06/2023

Payment Details

5B, SOUTH INCH COURT, PERTH, PERTH AND KINROSS, PH2 8BG

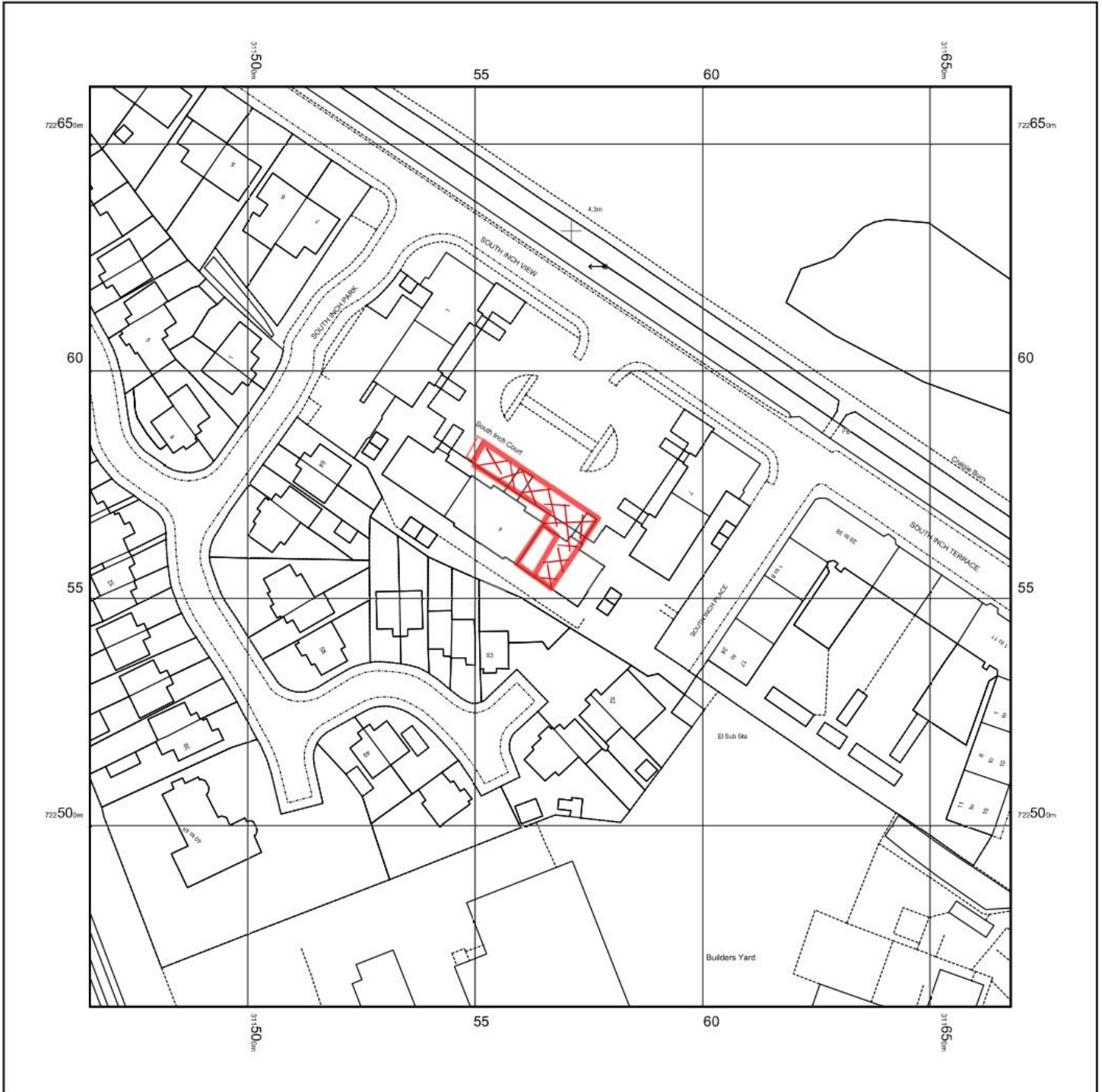
Supplied by: www.ukmapcentre.com

Serial No: 268679

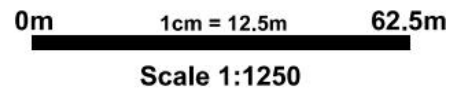
Centre Coordinates: 311565,722559

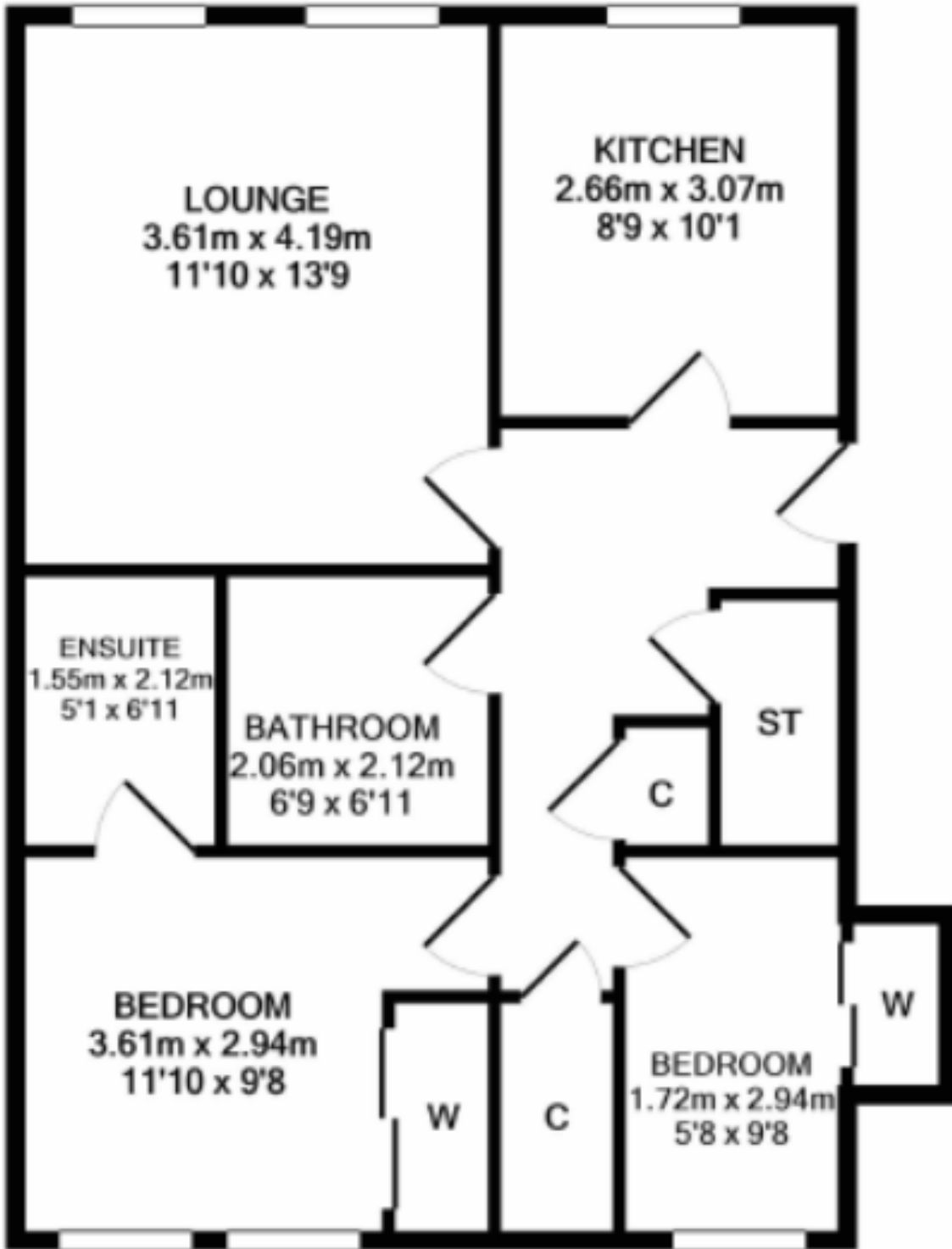
Production Date: 31/07/2023 12:22:03

Red hatched area is shared access

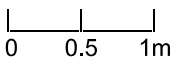


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1:50



LRB-2023-55

**23/01028/FLL – Change of use of flat to short-term let, unit
5B South Inch Court, Perth, PH2 8BG**

REPRESENTATIONS

Development Management

From: [REDACTED]
Sent: 17 August 2023 12:27
To: Development Management
Subject: Planning Application Reference 23/01028/FLL

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.

Good Morning

[REDACTED]

I am OBJECTING to the short term let as out of the 57 flats in the complex, there is only One Air B&B. The neighbour that was there, sold the flat to Mr R Kaskar

said it was a holiday home as they have family in the area , so they have somewhere to sleep.

I have had a few disagreements especially when it's the younger generation regarding smoking at the doorway and the language. [REDACTED]

[REDACTED]

I don't like that there are different people coming and going as they don't have respect for me or any of the neighbours in the block.

This is the second week that there has been 6 people staying in a Two bedroom flat that sleeps a Maximum of four. They have been throwing rubbish in the car park

and not only them. They also let the doors go causing them to slam shut making a noise every time they go out and in, and this happens at all hours.

When workmen stay they have work vans that don't fit in the allocated parking space. First port do not allow work vans in the car park unless they are here on

request of a homeowner to attend for work.

I have contact Munro Holiday let by email but I have had no response. [REDACTED]

I would have no objections if this flat was used as a long let property.

I look forward to receiving a reply

Valerie Kirkwood

[REDACTED]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01028/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer SDurning@pkc.gov.uk
Description of Proposal	Change of use of flat to short-term let unit		
Address of site	5B South Inch Court, Perth, PH2 8BG		
Comments on the proposal	<p>The proposal is for a change of use of a flatted dwelling from residential use to a short-term let in the city centre of Perth.</p> <p>NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> <i>i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> <i>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	18.08.2023		



Perth and Kinross Council

Planning Department

35 Kinnoull Street

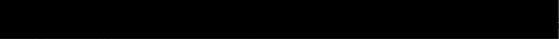
Perth PH1 5GD



29/8/23

Reference : Short Term Letting Planning Application 23/01028/FLL

Dear Madam/Sir,



and am raising an objection to the proposal to grant a Short Term Letting License to the property at 5B South Inch Court Perth.

The grounds for the objection are as follows,

- 1 The flats are at present solely used as family accommodation and that has been the case since they were built and sold as such.
- 2 There are allocated parking spaces for the sole use of the residents.
- 3 This could set a precedent for other applications , thereby completely changing the nature of the flats and the secure enjoyment of the other residents of their properties.
- 4 There is no guarantee that the subject flat would be controlled in such a manner as to not interfere with the lives of other residents.

I ask the Committee to take my reasons into account when making their decision.



Peter Shearer

From: David Graham [REDACTED]
Sent: Tuesday, August 29, 2023 5:23 PM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: 23/01028/FLL | Change of use of flat to short-term let unit | 5B South Inch Court Perth PH2 8BG

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.

Development Management
Perth & Kinross Council

We would like to object to the planning permission sought for a change of use of a flatted dwelling from residential use to a short-term let in the city centre of Perth.

NPF4 Policy 30: states that *Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:*

1. *An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
2. *The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

I would consider that the proposal does not comply with the above policy for the following reasons:

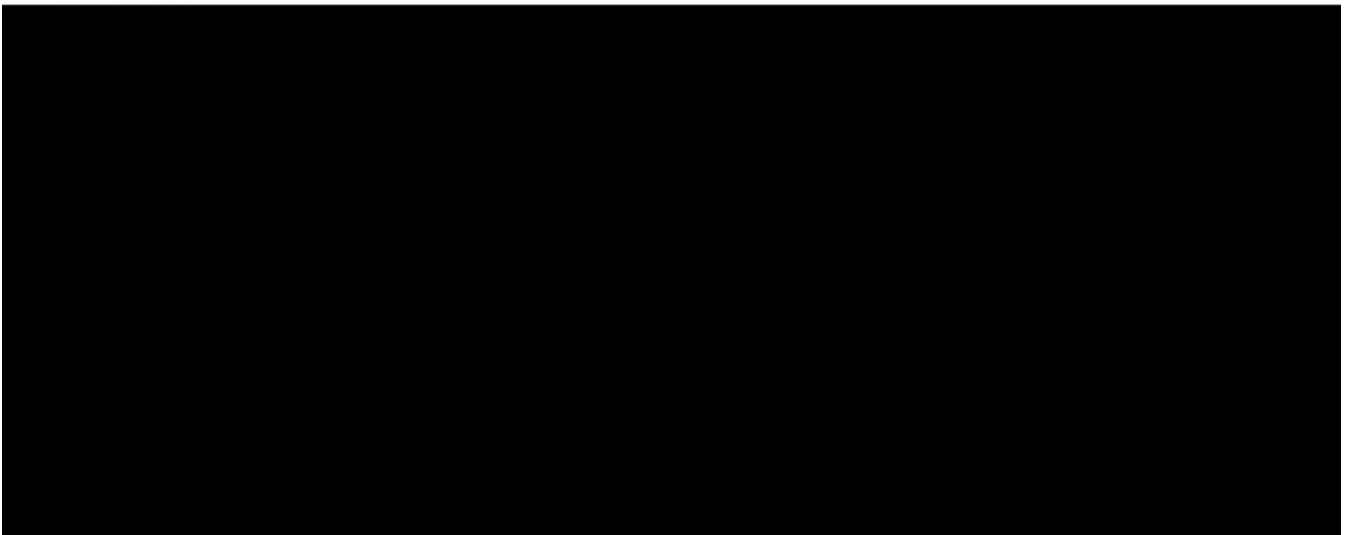
1. It has been operating as holiday/short term let without the necessary planning permission being in place.
2. The residential development at South Inch Court has already experienced the negative impact from the current use at 5B for holiday lets and has also been used for short term lets for workmen. This has resulted in noise nuisance and commercial vehicles being parked in the visitors parking area.
3. This would set a precedence for future changes of use further impacting on the character of the development.

There is currently a lack of long term letting housing available in Perth and therefore this would further add to the shortage.

South Inch Court is a very desirable development to live in and the speed of sale of any apartments that come up for sale proves this, having short term lets within the development will impact on this.

I trust you will consider the above when making your decision.

Yours sincerely
David Graham



Regarding change of use of flat to short-term let unit at 5B South Inch Court, Perth PH2 8BG

Particular objections:

We believe the flat to be the only short-term let in a development of 56 flats that is a mix of owner occupiers and long-term renters. The particular building development at South Inch Court, with the three blocks of flats looking out over a central courtyard, means the granting of planning permission would impact many residents, compared with e.g. a straight street layout.

Allowing a short-term let here could lead to:

- a lessening of a feeling of community, many residents have lived here for a considerable period of time, some since the flats were built in 2000
- intrusion by frequent turnover of strangers, many residents of these flat are elderly and more strangers can lead to feeling less safe
- possible noise at unsocial hours
- possible setting of a precedent if this planning permission is granted, with more flats becoming short-term accommodation in future, thus exacerbating the adverse effects.

General objections:

Perth is well served with opportunities for short-term stays with numerous hotels and guesthouses for a range of budgets. The planned hotel at Walnut Grove will bring many more hotel rooms and chalets. An increase in short-term lets in the city in accommodation that could otherwise be used by local residents is undesirable, as has been seen in Edinburgh and many other cities.

R and P Renfrew



Development Management

From: [REDACTED]
Sent: Wednesday, August 30, 2023 4:15 PM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: Objection to Planning Application Reference 23/01028/FLL

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Dear Development Management Team

Perth and Kinross Council.

I strongly OBJECT to the flat 5B South Inch Court being turned into a short term let –i.e. Air B and B.

[REDACTED]

[REDACTED] and since this flat has been an Air B and B, there has been a number of people coming and going, the secure door entry left open, rubbish left around which impacts on the environment of this block of secure, residential flats. Excessive communal door entry buzzing due to people coming and going and the smell of cigarette smoke [REDACTED]

[REDACTED] about the extra work required with cleaning the communal areas, and the outside parking area as a result of this.

[REDACTED]. I would say this is impacting other residents who have bought flats within this block [REDACTED] conversations are more anxious and focused on the unknown [REDACTED] wondering who will be coming to stay next in the Air B and B. For example, we question who the people are and what is their business in the flat. [REDACTED]

I can hear excessive noise; including shouting, children crying and doors slamming at unsociable hours, for example, late at night.

[REDACTED]

[REDACTED] because there is so much noise at unsociable hours, increased mess, smell of cigarette smoke, and people coming and going who's business I do not know.

[REDACTED]

This residential area should not be synonymous with a short letting Air B and B flat. This is unacceptable to me.

Yours Sincerely,

Jackie Marshall

[REDACTED]

TO PLANNING + DEV.
PERTH + KINGROSS COUNCIL
30/3/23



PLANNING APP. REF 23/01028 / FLL
5B SOUTH INCH COURT, PERTH



WE WOULD LIKE YOU TO CONSIDER OUR COMMENTS ON THE ABOVE APPLICATION.

THE SOUTH INCH COURT COMPLEX COMPRISES OF RESIDENTIAL FLATS, NOT SUITABLE FOR BUSINESS PURPOSES. MANY ARE OWNED BY RETIRED PEOPLE WHO HAVE FORMED A COMMUNITY TO OFFER SECURITY + SAFETY TO EACH OTHER.

WE ARE PERTURBED THAT THIS APPLICATION TO RUN AN AIRBNB COULD MEAN SCORES, IF NOT HUNDREDS, OF PEOPLE MOVING IN EACH YEAR WITHOUT BEING VETTED OR SECURITY CHECKED. THIS WOULD SURELY LEAD TO UNSOCIABLE OR EVEN CRIMINAL BEHAVIOUR

WE WOULD BE DISAPPOINTED IF THIS APPLICATION IS PASSED AND TRUST OUR COMMENTS WILL BE NOTED



ANDREW + MARIAN MURRAY

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01028/FLL

Our ref LRE

Date 4 September 2023

Tel No 01738 476462

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

23/01028/FLL RE: Change of use of flat to short-term let unit, 5B South Inch Court, Perth.

I refer to your letter dated 17 August 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend that the undernoted informative is included on any given consent.

Comments

This application is for the change of use from residential flat property to short term holiday let accommodation. The property is located in the City Centre and is currently utilised as a short-term let.

Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

Therefore, whilst I have no objections to the application, I would recommend the undernoted short term let informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>

