

## PERTH AND KINROSS LOCAL REVIEW BODY

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

Present: Councillors B Brawn, D Illingworth, I Massie (Item 5(ii) only) and Bailie M Williamson.

In Attendance: L Tierney (Planning Adviser), C Elliott, (Legal Adviser) and D Williams (Democratic Governance Officer) (all Strategy, People and Resources).

Also Attending: A Brown and M Pasternak (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

Councillor B Brawn, Convener, Presiding

### 1. WELCOME

Councillor Brawn welcomed all present to the meeting.

### 2. DECLARATIONS OF INTEREST

Councillor Brawn declared a non-financial interest in Item 5(ii).

### 3. MINUTES

The minute of meeting of the Local Review Body of 18 March 2024 was submitted and noted.

THE MEMBERS UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, COUNCILLOR B BRAWN LEFT THE MEETING AT THIS POINT.

COUNCILLOR I MASSIE JOINED THE MEETING AT THIS POINT.

### 4. APPOINTMENT OF CONVENOR

Councillor D Illingworth nominated Bailie M Williamson, seconded by Councillor I Massie.

Bailie M Williamson convened the following application

### 5. APPLICATIONS FOR REVIEW

- (ii) **LRB-2024-05**  
**23/01192/IPL - Erection of a dwellinghouse (in principle), land 20 metres east of Easter Drumatherty Cottage, Spittalfield, Perth – Robert Reid & Son**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer for the erection of a dwellinghouse (in principle) on land 20 metres east of Easter Drumatherty Cottage, Spittalfield, Perth.

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 the erection of a dwellinghouse (in principle) on land 20 metres east of Easter Drumatherty Cottage, Spittalfield, Perth, be refused for the following reasons:
  1. The proposal does not satisfy the siting and design criteria set out in national and local planning policy for new homes in rural areas. Further, the proposal does not demonstrate there is an essential need for a worker to live permanently at or near their place of work. The proposal does not satisfy NPF 4 Policy 17 Rural Homes and LDP2 Policy 19 Housing in the Countryside and Housing in the Countryside Supplementary Guidance (2020).
  2. The proposed development does not respect the character and amenity of the place. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and Policy 1A and 1B: Placemaking and associated Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
  3. The application site is a greenfield site and it has not been allocated for development and it is not explicitly supported by policies of the LDP2. The proposal is therefore contrary to Policy 9 b) of NPF4.
  4. The application site is prime agricultural land and the loss of this valued land to the development does not satisfy NPF4 Policy 5: Soils paragraph b) ii) and Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 (2019).
  5. The application site is in a flood risk area and the proposed development may put people or property at risk of flooding which is contrary to NPF4 Policy 22: Flood Risk and Water Management and Policy 52: New Development and Flooding of the Perth and Kinross Local Development Plan 2 (2019).

**Justification**

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

COUNCILLOR I MASSIE LEFT THE MEETING AT THIS POINT.

COUNCILLOR B BRAUN RETURNED TO THE MEETING AND RE-CONVENED THE MEETING.

**(i) LRB-2024-04  
Planning Application – 23/00775/FLL – Erection of a dwellinghouse and agricultural shed, land 150 metres north east of Meadowside, Middleton, Milnathort – WS Young & Son**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and agricultural shed, land 150 metres north east of Meadowside, Middleton, Milnathort.

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 the erection of a dwellinghouse and agricultural shed, land 150 metres north east of Meadowside, Middleton, Milnathort, be refused for the following reasons:
1. The site is not an identifiable site with long established boundaries which separates the site naturally from the surrounding land. It proposes the sub-division of a wider field, with new landscaping/boundary treatments. The proposed dwelling is therefore contrary to the specific requirements of Section 3 of the Council's Housing in the Countryside Guide 2020 and Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Council's Local Development Plan 2 (2019). These policies require acceptable proposals linked to economic need to take place within identifiable sites that have existing and long-established boundaries.
  2. As the site does not have an established landscape framework which can absorb the development proposed, it will result in an incongruous development on a site with no natural boundaries. Accordingly, the proposal (both the shed and dwelling) is contrary to Policy 1A of the adopted Perth and Kinross Council's Local Development Plan 2 (2019) which seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
  3. It has not been demonstrated that there is a justified labour need for further residential accommodation on the farm on the basis of an essential need linked to the continued operation of the farm for animal welfare reasons. The proposal is therefore contrary to Section 3 of the Council's Housing in the Countryside Guide 2020 and Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross

Council's Local Development Plan 2 (2019), which both require there to be evidenced animal welfare reasons for the new dwelling.

4. The proposal is contrary to National Planning Framework 4 (2023), Policy 17 a) Rural Homes, as the site is not in keeping with the character of the area. It would subdivide a wider field and does not have a suitable landscape framework for what would be a substantial dwellinghouse and an agricultural shed.

#### **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-2024-06  
Planning Application – 23/01106/FLL - Change of use of flat to form short-term let accommodation unit (in retrospect), 62 Monart Road, Perth, PH1 5UQ – Mr J Smith**

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), 62 Monart Road, Perth PH1 5UQ.

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 majority decision that:

- (ii) the review application for change of use of flat to form short term let accommodation unit (in retrospect), 62 Monart Road, Perth PH1 5UQ, be refused for the following reasons:
  1. By virtue of the potential for an increase in noise nuisance both when using the property, and arriving/leaving the property, the proposal would impact adversely on the character and amenity of the local area which is predominately residential in character, particularly the residential amenity of those living permanently in the block and close by. Accordingly, the proposal is contrary to Policy 30(e) (Tourism) of the National Planning Framework 4 (2023) which states that new proposals for short term holiday letting will not be supported where the proposal will result in an unacceptable impact on local amenity and character of the area.
  2. By virtue of the shared entry arrangements, the flattened nature of the property and the predominately residential character of the existing area, the proposal would result in an increased potential for noise nuisance and general disturbance to occur and affect other existing residents in the block, and those living

close by. It would also introduce a land use which is not compatible with the surrounding predominately residential properties. The proposal is therefore contrary to Policy 17 (Residential Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's non-statutory Planning Guidance on Short Term Lets which both seeks to protect existing residential amenity, and Policy 1A of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all new proposals contribute positively to the surrounding environment.

3. By virtue of the potential for an increase in noise nuisance both when using the property and arriving/leaving the property, the proposal is contrary to Policy 56 of the adopted Perth and Kinross Local Development Plan 2 (2019) which looks to protect sensitive receptors from noise generating sources.
4. It has not been demonstrated that there is a sufficient level of either designates or available parking to service the use of the property as a short term let. The proposal is therefore contrary to the principles of the National Roads Development Guide 2015, which requires all new developments to have suitable parking provisions.

#### **Justification**

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

#### **Note**

Councillor D Illingworth dissented from the majority opinion. He considered that the proposal would have limited impact on local amenity, and with close proximity to non-residential uses, the proposal should be granted.

- (iv) **LRB-2024-07  
Planning Application – 23/01859/FLL - Erection of a dwellinghouse, land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross, KY13 9JY – Mr and Mrs C Megginson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross, KY13 9JY.

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 majority decision that:

- (ii) the review application for erection of a dwellinghouse, land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross, KY13 9JY, be refused for the following reasons:
  1. The proposed development is poorly designed, fails to respect the building pattern and character of the area and will have a significant detrimental impact on residential amenity. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and NPF4 Policy 17: Rural Homes and Policy 1A; Placemaking and Policy 19: Housing in the Countryside and the related Housing in the Countryside Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
  2. The proposed development does not respect the setting of the site and its characteristics. The removal of a mature tree group and an attractive green buffer to enable the development will lead to the fragmentation of an existing green network. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1A: Placemaking, Policy 40B: Trees, Woodland and Development and Policy 42: Green Infrastructure.

#### **Justification**

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

#### **Note**

Councillor D Illingworth dissented from the majority opinion. He considered that the proposal would have limited impact on local amenity, and therefore the proposal should be granted.

THERE WAS A 5 MINUTE RECESS AND THE COMMITTEE RECONVENED.

- (v) **LRB-2024-08**  
**Planning Application – 23/01675/FLL - Installation of solar panels, The Cottage, Leslie Road, Scotlandwell, Kinross, KY13 9JE – Ms L Hatch**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of solar panels, The Cottage, Lesley Road, Scotlandwell, Kinross, KY13 9JE.

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 installation of solar panels, The Cottage, Lesley Road, Scotlandwell, Kinross, KY13 9JE, be refused for the following reasons:
  - 1. The proposed solar panels, by virtue of their modern design, scale, maximum height and prominent siting, would have a detrimental impact on the character and appearance of the Scotlandwell Conservation Area.  
Approval would therefore be contrary to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the designated conservation area.
  - 2. The proposed solar panels by virtue of their modern design, scale, maximum height and prominent siting, would be detrimental to the traditional character and appearance of the dwellinghouse and detrimental to the character and appearance of the Scotlandwell Conservation Area.  
Approval would therefore be contrary to Policies 7(d), 11 and 16(g)(i) of National Planning Framework 4; contrary to Policies 1A, 1B(c), 28A and 33A(a) of Perth and Kinross Local Development Plan 2; and contrary to Historic Environment Scotland's guidance "Managing Change in the Historic Environment: Micro-renewables" and "Managing Change in the Historic Environment: Roofs".

#### **Justification**

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

## **6. DEFERRED 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.

It was noted that, at its meeting of 18 January 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure; (i) 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; and (ii) the applicant to review and comment on the response from Development Management as per (i) above and in

conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

**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:

- (i) the review application for change of flat to form short term let accommodation unit (in retrospect) 4B Bonneathill Road, Pitlochry PH16 5BS, be granted subject to the imposition of relevant conditions, terms and informatives.

**Justification**

Members considered that the proposal was in accordance with the Development Plan, and therefore approval should be granted.

- (ii) **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.

It was noted that, at its meeting of 18 January 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure; (i) 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; and (ii) The applicant to review and comment on the response from Development Management as per (i) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

**Resolved:**

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 majority decision that:

- (ii) the review application for change of use of flat to form short term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA, be refused for the following 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), Policy 1A: 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 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.

#### **Note**

Councillor D Illingworth dissented from the majority opinion. He considered that the proposal would have limited impact on local amenity and was suitably close to the town centre, and therefore the proposal should be granted.

- (iii) **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 form short term let accommodation unit (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.

It was noted that, at its meeting of 18 January 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure; (i) 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; and (ii) The applicant to review and comment on the response from Development Management as per (i) above and in conjunction with the new Non-Statutory Planning Guidance on Change of

Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

**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 change of flat to form short term let accommodation unit (in retrospect) 4A Bonnethill Road, Pitlochry PH16 5BS, be granted subject to the imposition of relevant conditions, terms and informatives.

**Justification**

Members considered that the proposal was in accordance with the Development Plan, and therefore approval should be granted.

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