

Perth and Kinross Council  
Planning and Placemaking Committee – 10 April 2024  
Report of Handling by Strategic Lead - Economy, Development & Planning  
(Report No. 24/110)

<b>PROPOSAL:</b>	Change of use, alterations and extension to workshop to form dwellinghouse
<b>LOCATION:</b>	Rowan, Garth, Fortingall

Ref. No: [22/01868/FLL](#)  
Ward No: P4 – Highland

### **Summary**

This report recommends approval of a detailed planning application for the change of use, alterations and extension to a former workshop to form a dwellinghouse at Garth, a small residential hamlet located to the north east of Fortingall as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This planning application seeks to obtain detailed permission for the change of use and alterations to an existing former workshop building to a private dwelling. The site is located within a residential hamlet named Garth, which is around 1 mile northeast of the village of Fortingall.
- 2 The proposal retains the majority of the external walls of the existing building, with the exception of a lean too extension that is proposed to be removed and replaced with a new extension. The roof of the existing building is to be replaced to provide living accommodation over two levels with the upper level within the new mansard style roof space via the use of rooflights.
- 3 The external finishes comprise a mix of wet dash render, timber cladding and natural slate. Three onsite parking spaces are to be provided, and the vehicular access would be via an existing private access which serves a number of other residential properties.
- 4 Foul drainage will be disposed of via an existing shared system (off site), and surface water will be disposed of via soakaways within the site.

## **PRE-APPLICATION CONSULTATION**

- 5 The proposal is not of a scale which requires formal pre-application consultation with the local community.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 The proposal is not of a scale which requires assessment through EIA.

## **DEVELOPMENT PLAN**

- 7 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**

- 8 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.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 9: Brownfield, vacant and derelict land and empty buildings
  - Policy 14: Design, Quality and Place
  - Policy 16: Rural Homes
  - Policy 29: Rural Development

### **Perth and Kinross Local Development Plan 2 (2019)**

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 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: Developer Contributions
- Policy 19: Housing in the Countryside
- Policy 31: Other Historic Environmental Assets
- Policy 41: Biodiversity
- Policy 53: Water Environment and Drainage
- Policy 60: Transport Standards

### **Statutory Supplementary Planning Guidance**

13 The following statutory SPG are applicable to this proposal,

- Placemaking 2020
- Developer Contributions and Affordable Housing 2023
- Housing in the Countryside 2020

### **OTHER PKC POLICIES**

#### **Non-Statutory Planning Guidance**

14 The following non-statutory PG is applicable,

- Planning & Nature 2020

### **NATIONAL PLANNING GUIDANCE**

15 The Scottish Government expresses its planning policies and guidance through Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

16 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

### **SITE HISTORY**

17 19/01356/FLL – Change of use, alterations and extensions to workshop (Class 5) to form a dwellinghouse, formation of landscaping, parking area and associated works.

## **CONSULTATIONS**

18 As part of the planning application process the following bodies were consulted:

### **External**

#### **Scottish Water**

19 No objection to the proposal.

### **Internal**

#### **Transportation and Development**

20 No objection to the proposal in terms of parking provision and the means of vehicular access.

#### **Developer Contributions Officer**

21 No requirement for any Developer Contributions.

#### **Environmental Health**

22 No objection in terms contaminated land issues however a standard condition should be attached to any permission.

## **REPRESENTATIONS**

23 Twelve letters of representations have been received, all of which are objecting to the proposal. Eleven of these are from individuals, and the other from the Glenlyon Community Council. The principal issues raised within the letters of representation are,

- Contrary to the Development Plan
- Inappropriate land use
- Impact on visual amenity
- Traffic concerns
- Impact on residential amenity
- Impact on ecology
- Impact on trees
- Drainage concerns

24 These issues are addressed below in the main appraisal section.

## ADDITIONAL STATEMENTS

25

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Supporting statement
Report on Impact or Potential Impact	Bat Survey

## APPRAISAL

26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the LDP2 and statutory SPG. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

27 In terms of other material considerations, this involves considerations of the sites previous planning history, and consideration of the Council's non-statutory planning guidance.

### Policy

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

29 Within the NPF4, Policy 3 (Biodiversity) places biodiversity front and centre of all planning decisions whilst Policy 14 (Design, Quality and Place) promotes high quality design for all new proposals. Policy 9 (Brownfield, vacant and derelict land and empty buildings) and Policy 17 (Rural Homes) offers support for new housing in the countryside under certain instances, whilst Policy 29 (Rural Development) encourages new rural development in general, in suitable and appropriate locations.

30 Within the LDP2, the site lies within the landward area where Policies 1 (Placemaking), 19 (Housing in the Countryside), 31 (Other Historic Environmental Assets), 41 (Biodiversity), 53 (Water Environment), 60 (Transport Standards) are all directly applicable.

31 Policy 1 seeks to ensure that all new developments do not have an adverse impact on the local environment, which includes visual and residential amenity impacts. Policy 19 is the LDP2 version of the Housing in the Countryside policy and offers support to new housing in the countryside in certain instances and needs to be read in conjunction with both the SPG and Policy 17 of the NPF4.

Policy 31 looks to protect our non-designated assets, Policy 41 seeks to protect both local and protected wildlife, whilst Policy 53 looks to ensure that sites are adequately drained. Policy 60 looks to ensure that all matters concerning access and parking related matters comply with both the Council's standards and that of the NRDG.

- 32 In terms of statutory SPG, the Council's policies on Placemaking, Developer Contributions and Housing in the Countryside are all applicable, and the content of these broadly follows the comparable LDP2 policies.

### **Land Use Acceptability**

- 33 Detailed planning permission had previously been granted on this site the change of use and alterations of the former workshop to a dwelling. Whilst that permission has now expired, the fact that the comparable policy sections within current Development Plan aligns with the previous planning policies which were relevant at the time when the previous application was considered is a significant consideration.
- 34 There nevertheless remains a requirement to assess the proposal against the current Development Plan, especially as the nature of the proposal has slightly altered.
- 35 All parts of the Development Plan in relation to new housing in the countryside supports (still) supports the principle of a redevelopment of an existing, redundant and traditional building to a new dwelling as long as the development is suitability scaled and designed to be in keeping with the character of the area. The Development Plan goes on to place a high emphasis on the reuse and retention of existing buildings (as opposed to replacement), and whilst the applicant has opted to re-configure the roof arrangement of the existing building, they have kept the original footprint by incorporating the existing walls into the design – which all aligns positively with the Development Plan requirements. The principle of the retention of the principal walls also aligns with the broader aims of Policy 31 which looks to preserve our non-designated historic assets.
- 36 In light of this, and bearing in mind the building is set within an established residential building group, the key test of the acceptability of this proposal is not necessarily the principle of the use of the altered building as a dwelling or the compatibility of the proposed residential use, but whether or not the physical works required to facilitate the residential use are acceptable from a visual and residential amenity perspective.

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

- 37 Whilst the existing building is historic is not of any specific architectural merit, nor does it contribute significantly to the visual amenity of the area. It is nevertheless historic and has some local interest, and in that regard the retention of the original external walls and its footprint is welcome, and is in accordance with the

principles of the Development Plan. There is however a significant change in the appearance of the proposal from the existing, and other surrounding properties which all have typical roof forms. The introduction of the mansard style roof, replacing the two small pitches to maximise internal space is the most significant design consideration, and this has been raised with a number of the representations.

- 38 Mansard roofs styles are not uncommon, and are not unacceptable simply by default. The context in which this particular roof type is used needs to be considered and how the resultant development would relate to the surrounding environment. In this case, the design solution to maximise the internal space is considered acceptable, and with the use of slates, wet dash and timber finishes the overall design quality is high, and this is encouraged within throughout the Development Plan. The lack of a certain style of roof style in the area does not necessary mean that a new style is not appropriate purely for that reason.
- 39 The key test is whether or not the resultant development would in its own right introduce an incongruous feature which would be to the visual detriment of the area concerned. Following the initial submission, the applicant opted to make some subtle amendments to the roof design to improve its appearance. The changes involved a reduction in the area covered by the new roof, small design changes, reduction in the size of rooflights and no overhang to the adjacent vennel. These alterations in combination with the high quality external finishes now results in a development which is considered to be acceptable, not visually incongruous and in accordance with the various Design and Placemaking policies of the Development Plan.
- 40 In terms of other layout matters, matters such as parking, turning amenity space, private drainage are all acceptable.

### **Residential Amenity**

- 41 The principal impact on existing residential amenity will be with 4 Garth, which is the property immediately opposite the site to the east. That property has a first-floor window facing towards the site. It is proposed to utilise the two existing ground floor windows, and then to incorporate additional rooflights at first floor level. Any direct interaction is therefore likely to be at first floor level. The size and location of the rooflights have been altered since the original submission, with the rooflights reduced in size and also moved further up the plane of the roof. This goes some way to address the potential for direct interaction, however for the taller person there would still be some scope for direct viewing across to towards the existing property and the close relationship between the existing and proposed is a concern. To address this, it is suggested that rooflights incorporate frosted/opaque glazing (to the master bedroom, and ensuite of Bedroom 3 is used to reduce the interaction and to protect existing residential amenity and this is a conditional requirement.

- 42 In terms of the impact on light entering the neighbours window the change in the roof arrangement will result in a breach of the 25degree rule, the measurement which is typically used for the base line for measuring the impact on light entering a window. The amendment to negate any overhang to the vennel has increased this breach. The breach is however minor, and bearing in mind the existing situation and the relationship with the existing workshop is considered acceptable.
- 43 In terms of being able to provide a suitable residential amenity, it is noted that a number of the representations raise concerns about the build to plot ratio, and also the level of usable residential amenity space. It is the case that when considering the principal part of the site, the built ratio is high at around 35% of the plot, and this excludes the parking and turning area at the south of the property. The acceptability of a high built ratio does however need to be weight up against both the type of development proposed, and also the level of usable amenity space which can be provided.
- 44 In terms of the former, the proposal is for a renovation, conversion and alteration of an existing building and not a new building. The applicant as opted to retain some of the original fabric of the building and by doing so this has heavily influenced the level of usable amenity space, and also the build ratio. Excluding the area to the front of the property, upon completion there would be two distinct linear areas of amenity space – to the west an area of around 6m x 15m and to the north another area of around 9m x 3m with some overlapping between the two. Around 115sqm would be readily available to future occupiers of the site and considering the fairly regular shape and the lack of neighbouring interaction to the north and west, this is considered acceptable in the context of what is proposed.

### **Core Path / Right of Way**

- 45 Within the representations concerns have been raised over the impact that the development would have on access along the narrow vennel which is located immediately to the east of the site. The route of the vennel is not a formal core path or a right of way, and any access restrictions across or along its route is matter for the individuals involved to resolved. To address some of the concerns raised regarding this, the applicant has nevertheless amended the design of the eaves to ensure that there is no overhang to the vennel via gutters or the roof itself. With the likely need for scaffold on the eastern elevation at some point during the construction, there will be some inevitably be some disruption to the passage of the vennel but it is not within the planning remit to control and monitor what is essentially a private matter.

### **Roads and Access**

- 46 This proposal raises no issues in terms of the vehicular access or parking related matters – which are all as existing. It is noted that a number of the representation



raises access and parking related concerns, however Transport and Development have no issues with the proposed arrangements for both.

### **Trees**

- 47 There are trees to the west of the site, however these trees are not affected by the proposal and suitable protection measures can be implemented to ensure that no unnecessary damage occurs.

### **Impact on Biodiversity**

- 48 A bat survey has been undertaken. Subject to the recommended mitigation and enhancement measures being followed and then implemented, there are no concerns in relation to bio-diversity matters and the requirements of the relevant bio-diversity policies of the Development Plan are being met.

### **Impact in Listed Buildings**

- 49 There are some listed buildings within the area, however this site is either listed or within the setting of those listed properties.

### **Water Supply**

- 50 The applicant has indicated that they proposed to connect to a public water supply. In the event that this is not possible, and a connection to a private water supply is advanced, the applicant will need to comply with all the relevant private water legislation and ensure that they have the necessary legal rights to take an extra connection. The grant of a planning permission does not supersede any title or land burdens.

### **Drainage and Flooding**

- 51 The proposal raises no issues in terms flooding issues.
- 52 In terms of drainage matters, the applicant has indicated that there is agreement in place to connect foul drainage to an existing system which is already installed and servicing the property to the south. Subject to the necessary agreement from Building Standards, and SEPA the principle of this raises no concerns.

### **Developer Contributions**

- 53 The proposal has no requirement for any Developer Contributions or Affordable Housing provision.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 54 None.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 55 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 comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory SPG. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application, subject to the following conditions,**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019

3. Prior to the commencement of the development hereby approved, an evaluation for the potential of the site to be affected by contamination by a previous use, which includes as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) shall be submitted to and approved in writing by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently approved by the Council as Planning Authority.

Verification that the scheme has been fully implemented must be submitted to and approved in writing by the Council as Planning Authority.

Reason - In order to ensure the site is fit for the residential use proposed.

4. The mitigation and recommendations contained in the Bat and nesting bird survey, approved as Plan no 17 shall be implemented in full during the construction phase and on completion of the development. For the avoidance of doubt, a minimal of 2 bird nesting boxes shall be installed within the curtilage of the site, and shall be sited and installed in line with the guidance of the Scottish Wildlife Trust.

Reason - In order to ensure that all bio-diversity interests are suitability addressed.

5. The rooflights on the east elevation serving the master bedroom and en-suite of Bedroom 3 shall either be frosted, obscure or opaque glass in perpetuity.

Reason - In order to protect existing residential amenity.

## **JUSTIFICATION**

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

## **PROCEDURAL NOTES**

None.

## **INFORMATIVES**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

Background Papers: 12 letters of representation  
Date: 28 March 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

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