

LRB-2024-05 - 23/01192/IPL - Erection of a dwellinghouse (in principle), land 20 metres east of Easter Drumatherty Cottage, Spittalfield, Perth

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 301-335)*



Robert Reid And Son
c/o Interurban Developments Ltd
John Russell
Inveralmond Business Centre
6 Auld Bond Road
Perth
PH1 3FX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **24th October 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01192/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 27th July 2023 for permission for **Erection of a dwellinghouse (in principle) Land 20 Metres East Of Easter Drumatherty Cottage Spittalfield Perth PH1 4LE** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

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 NPF4 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.

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

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REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|--|---------------|
| Ref No | 23/01192/IPL | |
| Ward No | P2- Strathmore | |
| Due Determination Date | 26th September 2023 – Extension agreed to 31 October | |
| Draft Report Date | 16th October 2023 | |
| Report Issued by | cm | Date 16/10/23 |

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 20 Metres East Of Easter Drumatherty Cottage
Spittalfield Perth PH1 4LE

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 is an application for planning permission in principle for a dwellinghouse on land to the east of Easter Drumatherty Cottage.

The application site is on the north side of the A984 and as stated on the application for measures 1153 sqm. Indicative plans show an existing beech hedge and oak tree on the south boundary are to be retained. New beech hedge planting is proposed to the rear (north) and side (east and west).

The application site is in a rural area characterised by open farmland with a dispersed building pattern of individual cottages and farm buildings. The existing land use is agriculture with a field access from the public road.

To the west of the application site is a detached cottage and to the south is a public road (A984) and agricultural land is to the north and east. Further to the east is the Category C Listed Easter Drumatherty Farmhouse.

SITE HISTORY

22/01650/IPL Residential development (in principle) 18 November 2022 Application Refused

22/01650/IPL Residential development (in principle) 29 June 2023 Application Refused by Local Review Body

Related Site History

08/01687/OUT Gourdie Farm - Erection of a dwellinghouse (in outline) – Refused and Appeal Allowed

09/00537/FUL Gourdie Farm - Erection of eco-friendly dwellinghouse – Application Refused and Appeal to DPEA withdrawn

09/01600/AML – Gourdie Farm – Erection of dwellinghouse (approval of matters specified by conditions) - Approved

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 5: Soils

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 17: Rural Homes

Policy 18: Infrastructure First

Policy 22: Flood Risk and Water Management

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 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 26B: Archaeology

Policy 27A: Listed Buildings

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

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

Policy 50: Prime Agricultural Land

Policy 52: New Development and Flooding

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 - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

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

External

Perth And Kinross Heritage Trust - Archaeological sensitive area and conditions recommended to ensure the site area is investigated.

Scottish Environment Protection Agency - Objection contrary to NPF4 due to flood risk area.

Scottish Water - No objection. No wastewater infrastructure in the area.

Internal

Conservation Team - No objections on heritage grounds to the proposal.

Structures And Flooding – Objection. Flood Risk Assessment (FRA) is required to evaluate, in particular, future flood risk, the close vicinity to the River Tay catchment and historic flooding in the area. From a review of the SEPA 1 in 200-year flood extent map and site/access topography, flood risk should be negligible. SEPA future flood maps 2080 indicate that the site floods. For further details regarding SEPA flood maps, please refer to Flood Risk Management Maps (sepa.org.uk).

Transportation And Development – No objection, subject to conditions. Requested further information during the application process in respect of the visibility splay.

Development Contributions Officer - This proposal is within the catchment of Glendelvine Primary School. Condition 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.

Environmental Health (Contaminated Land) - A search of the historic records did not raise any concerns regarding ground contamination and therefore no adverse comments to make on the application.

Environmental Health (Private Water) - No objection. Informative recommended in respect of private water supply.

REPRESENTATIONS

No representations were received.

Additional Statements Received:

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| 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 | FRA required and not 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 principal policy considerations are NPF4 Policy 17 Rural Homes and LDP2 Policy 19 Housing in the Countryside and related Supplementary Guidance. NPF4 Policy 17 supports development for new homes in rural areas which are suitably scaled, sited and designed to be in keeping with the character of the area and the development is demonstrated to be necessary to support the sustainable management of a viable rural business or croft and there is an essential need for a worker to live permanently at or near their place of work (NPF4 Policy 17v)). This aligns with LDP2 Policy 19 whereby the relevant category for assessment of the proposal is 3.3 Economic Activity.

Also, national and local placemaking policies, NPF14 Design, Quality and Place and LDP2 Policy 1A and 1B Placemaking, are relevant and state 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. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

The site is on prime agricultural land and NPF4 Policy 5 and LDP2 Policy 50 apply. National and local planning policy allows small-scale development directly linked to a rural business or farm, including housing, providing it is compatible with all other aspects of the policy framework of the Plan and there are no other suitable non-prime land sites available, and it does not adversely affect the viability of the agricultural unit. Also relevant is NPF4 Policy 9 b) which states 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.

In respect of new development and flooding NPF4 Policy 22 and LDP2 Policy 52 are relevant. National policy promotes avoidance as a first principle in areas at flood risk. LDP2 states there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas at medium to high flood risk of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

Housing in the Countryside

National and local planning policy supports proposals which are suitably scaled, sited and designed to be in keeping with the character of the area. Housing in the Countryside Supplementary Guidance (2020) outlines proposals must demonstrate that the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. Proposals will require to demonstrate that it meets the following criteria when viewed from surrounding vantage points - it blends sympathetically with landform; it uses existing trees, buildings, slopes or other natural features to provide a backdrop; it uses an identifiable site with long established boundaries which separates the site naturally from the surrounding ground; and it will make a positive contribution to the surrounding landscape. Further, the Supplementary Guidance states applicants must also provide evidence that consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within their landholding with an explanation as to why this option has not been pursued, for example, through the submission of a development viability statement.

In response to the above policy requirement –

Siting and Design – The site is a corner of a field on a working farm and is used as an access for farm vehicles from the public road (A984). It is unclear if the existing field access is required to be retained for farming operations. The detached cottage to the west of the application site offers some containment of the site together with the beech hedge on the south boundary. However, the plot lacks full enclosure with no long-established boundaries on all sides or natural features to provide a backdrop as required by the Supplementary Guidance.

The surrounding area is open farmland with a dispersed building pattern of individual cottages and farmhouses and farm buildings. The indicative site plan shows the scale of the plot in relation to the neighbouring cottage. A large residential plot is proposed measuring 1153 sqm and the plot and its frontage is almost double the size of the neighbouring detached cottage, Easter Drumatherty (plot measures 660 sqm approximately).

Guidance published online by the Scottish Government on self-building a home states that 400 sqm will be enough for a 4-bedroom house with a large garden (<https://www.mygov.scot/self-build-type/plot-size> last updated 25 July 2023). This is guidance only however it offers a comparison to the application site (1153 sqm) and the neighbouring cottage (660 sqm).

The proposed plot could clearly accommodate 2no dwellinghouses. The size of the plot and the scale of the frontage does not respect the neighbouring plot and the character of the area.

Scope for renovating, converting or redeveloping any existing houses or non-domestic buildings - A plan showing the location of the properties on the farm was submitted as further information during the application process. The plan shows four properties - Gourdie Farmhouse, No 1 and No 2 Gourdie Cottages (2 semi-detached cottages) and a Dorrان Bungalow. On a site visit, the 3-bedroom dwellinghouse next to Gourdie Farmhouse approved under applications (08/01687/OUT and 09/01600/AML) was noted in addition to the four properties indicated on the plan. Also, the 3-bedroom Dorrان bungalow appeared vacant, and an online search confirmed a tenant was being sought by the applicant. It is considered that the supporting information does not fully address the opportunities to renovate, convert or redevelop existing houses.

The proposal does not satisfy the siting and design criteria set out in national and local planning policy NPF4 Policy 17 and LDP2 Policy 19 and Housing in the Countryside Supplementary Guidance (2020).

Essential Need for a Dwellinghouse

NPF4 Policy 17 v) supports development for new homes in rural areas which are demonstrated to be necessary to support the sustainable management of a viable rural business or croft and there is an essential need for a worker to live permanently at or near their place of work. LDP2 Policy 19 and the related Housing in the Countryside Supplementary Guidance (2020) (HitC) sets out the criteria to be met for a new house to support an existing business and breaks this down into the following

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Farm Workers – applicants must provide evidence that a new house is essential to the continued operation of the farm for animal welfare reasons. Evidence should be in the form of a business appraisal, prepared by an independent expert, which demonstrates that the farm is financially sound and economically viable. The appraisal should be based on labour hours for the existing farming operation and must clearly set out the proportion of labour hours and the types of operations which require a full-time worker or workers to be on-site for the majority of the time.

Non-farming business - applicants must be able to satisfactorily demonstrate that the provision of a house is essential to the continued operation of the business. This will normally be through the submission of a business plan, prepared by an independent expert, which demonstrates that the business is financially sound and economically viable, that it genuinely contributes to the local economy and that there is a need for an additional worker to live on-site.

A supporting planning statement and an SAC Report (July 2023) have been submitted to demonstrate there is an economic and operational need for the dwellinghouse. The SAC report highlights this is a long-established arable farm business growing cereal, oilseeds, potatoes and carrots over 560ha. The report states the grassland is rented out and the business has a duty of care of the animals which are grazed on their land – no further detail is provided.

The supporting information states this is an arable farm and therefore there is no justification for a new dwellinghouse for animal welfare reasons.

The SAC Report states the business is a partnership involving two generations of a family – one retired from the business and one overseeing the day to day running of the business alongside their son. The proposed dwellinghouse is for the son so he can move out of the family home (the farmhouse) and increase his involvement in the business to ensure that succession is a smooth process. The report notes the business owns the farmhouse and rents out 3 properties. It states the rented properties on the farm provide an essential income source separate to the agricultural income to provide sustainability. There is no vacant accommodation on-site or any buildings which could be renovated.

The SAC report states there are 3 members of staff as well as the son. There are 3 properties on site for rent and this is in addition to the farmhouse and the adjacent dwellinghouse where the retired business partners reside (08/01687/OUT and 09/01600/AML refers). As highlighted previously in the report, a vacant Dorran bungalow was on the rental market during the application process.

In respect of the location of the proposed dwellinghouse, the applicant's supporting information states that *'to achieve the advantages of moving out (independence, privacy, self-esteem and self-reliance) both father and son recognise there needs to be a degree of separation between their residences. They are firmly of the view that having this separation will be beneficial for the Family Business and the location between Gourdie Farm and Gourdie Cottages would not achieve this. The proposed location provides the son a degree of separation/independence while being relatively close to the main farming operation as well as providing further supervision of the farm and the farm track'*.

The application site is distant from the farmhouse and related farm buildings and cottages. It is considered the supporting information does not fully address the opportunities to renovate, convert or redevelop existing houses nearer to the place of work or other potential sites in and around the farmyard near the place of work.

The SAC report notes security is hugely important. The proposed site will be in view of the access road to Gourdie Farm and highlights that there is a need for the new dwellinghouse as there is a risk of people entering the farm unannounced and wandering off the route of the core path. Also, the dwellinghouse is required to overlook the vehicle access for the purposes of security.

In response, the distance the farm road runs from the public road to the farmhouse and cottages is over 1000m. The Dorran Bungalow is located on the farm road approximately 645m from the access. The application site is over 375 metres to the east of the main farm access on the north side of the A984, with a property and high hedging screening the access. It is unclear how the vehicle access could be overlooked from the application site as a result of this distance. Further information was submitted during the application process to address this and a drawing (14) submitted to highlight that the view of the farm is at an elevated level from the application site.

The drawing clearly shows the farm is elevated however the view of the farm road is limited as shown in the photo (14) and the view is over 500m away over open fields. The vacant Dorran bungalow is located on the farm road to the south of the main farmhouse and cottages and provides overlooking at the midway point and there is

also a cottage at the entrance to the farm road, Wester Drumatherty Farm Cottage. The supporting information does not demonstrate that the location of the dwellinghouse would aid security and overlook the farm access. The siting of the dwellinghouse for security reasons has not been fully justified.

HitC states the following will be taken into account for all proposals –

- Changes in the business over the last 5 years – applicants may be required to confirm whether any houses or buildings associated with the business have been sold off which could instead have been renovated or converted to provide accommodation.
- Distance of the house from animals or livestock.
- Whether the size of the house is appropriate – if the new house is to provide a second residential unit for the farm or business rather than being the main house, the scale should reflect this.
- Whilst each application has to be considered on its own merits it may, in some cases, be appropriate to consider the likelihood of further applications for new housing, for example, arising from the subdivision of a farming unit.

The first two matters above have been addressed in the report. Notwithstanding this is an arable farm business, the size of the proposed plot does not reflect that this is an additional residential unit to the main farmhouse. Also, given the size and location of the plot there is the potential of further applications for new housing.

The proposal does not demonstrate there is an essential need for a worker to live permanently at or near their place of work and therefore it does not satisfy NPF4 Policy 17 Rural Homes and LDP2 Policy 19 Housing in the Countryside and related Supplementary Guidance (2020).

Greenfield Site and Prime Agricultural Land

This 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.

The site is on prime agricultural land and NPF4 Policy 5 and LDP2 Policy 50 apply. NPF4 Policy 5 b) ii) supports development which is small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite. LDP2 Policy 50 allows small-scale development directly linked to a rural business or farm, including housing, providing it is compatible with all other aspects of the policy framework of the Plan and there are no other suitable non-prime land sites available, and it does not adversely affect the viability of the agricultural unit.

As outlined previously in the report, the proposal does not satisfy LDP2 Policy 19 Housing in the Countryside and related Supplementary Guidance (2020) and the proposal is not compatible with the policy framework of the local development plan. The application does not fully demonstrate there are no other suitable non-prime land sites available within the farm holding.

The proposal does not satisfy NPF4 Policy 5: Soils paragraph b) ii) and LDP2 Policy 50: Prime Agricultural Land.

Design and Layout

As this application is in principle there is no detailed design, and this would be assessed should any detailed application be submitted. As noted previously in the report, the size of the plot and the scale of its road frontage is almost double the size of the neighbouring cottage. The surrounding area is open farmland characterised by a dispersed building pattern of individual cottages, farmhouses and farm buildings. The proposal does not respect the neighbouring plot and the character of the surrounding area.

The proposal does not satisfy NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020).

Residential Amenity

As this application is only in principle there is no opportunity to assess residential amenity in detail. A sympathetic design and layout could be achieved to respect the residential amenity of the neighbouring cottage. However, the principle of development is considered to be unacceptable.

Roads and Access

The proposed vehicle access will be onto the A984 public road network. At the request of Transportation and Development, the applicant provided further details during the application process to show an appropriate visibility splay could be provided. A number of planning conditions are recommended by Transportation and Development should the application be approved including full details of vehicle parking and turning facilities.

Drainage and Flooding

SEPA object to the proposal as the proposed development may put people or property at risk of flooding which is contrary to national planning policy (NPF4 Policy 22). The site is fully shown to be at risk of flooding based on the SEPA Future Flood Maps.

The Council's Flooding Team object to the proposal due to flood risk and the consultation response states a Flood Risk Assessment is required to evaluate future flood risk, the close proximity of the River Tay catchment and historic flooding in the area.

A Flood Risk Assessment cannot be conditioned and is required to be submitted for review by consultees as part of the planning application process.

The proposal does not satisfy NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding.

Historic Environment

Easter Drumatherty is a category C listed farmhouse dating to approximately 1830. The red sandstone farmhouse is particularly prominent in the existing open, flat farmland setting. The west gable is a significant landscape feature on the approach from the west, along a straight section of the Old Military Road (A984). The site has remained undeveloped to the east or west, maintaining a clear visual and historic relationship to the wider agricultural landscape.

The design and layout should respect the setting and views of the listed building. As this application is only in principle there is no opportunity to assess the design and layout in detail. However, the principle of development is considered to be unacceptable.

Perth and Kinross Heritage Trust have highlighted that the application site is in an archaeological sensitive area. In line with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26B: Archaeology, conditions are recommended to ensure that prior to any development commencing a programme of archaeological work should be agreed in writing by the Planning Authority in consultation with Perth and Kinross Heritage Trust, should planning permission be granted.

Natural Heritage and Biodiversity

The indicative site plan shows the retention of an oak tree and beech hedge on the roadside and a new beech hedge is proposed on the rear and side boundaries of the plot. Natural Heritage and Biodiversity enhancements could be ensured by planning conditions. However, the principle of development is considered to be unacceptable.

Developer Contributions

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. This proposal is within the catchment of Glendelvine Primary School. A condition is recommended to ensure compliance with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020, should planning permission be granted.

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

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 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 NPF4 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.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

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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 100635004-001

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 dwellinghouse with associated infrastructure (in-principle)

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

Agent Details

Please enter Agent details

| | | |
|---|--|---|
| Company/Organisation: | <input type="text" value="Interurban Developments Ltd"/> | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * |
| First Name: * | <input type="text" value="John"/> | Building Name: <input type="text" value="Inveralmond Business Centre"/> |
| Last Name: * | <input type="text" value="Russell"/> | Building Number: <input type="text" value="6"/> |
| Telephone Number: * | <input type="text"/> | Address 1 (Street): * <input type="text" value="Auld Bond Road"/> |
| Extension Number: | <input type="text"/> | Address 2: <input type="text" value="-"/> |
| Mobile Number: | <input type="text"/> | Town/City: * <input type="text" value="Perth"/> |
| Fax Number: | <input type="text"/> | Country: * <input type="text" value="United Kingdom"/> |
| | | Postcode: * <input type="text" value="Ph1 3FX"/> |
| Email Address: * | <input type="text"/> | |
| Is the applicant an individual or an organisation/corporate entity? * | | |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> 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"/> |
| First Name: * | <input type="text" value="T"/> | Building Number: <input type="text"/> |
| Last Name: * | <input type="text" value="Reid"/> | Address 1 (Street): * <input type="text"/> |
| Company/Organisation | <input type="text" value="Robert Reid and Son"/> | 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:

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

Northing

741206

Easting

312235

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1153.00

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)

Agricultural Field

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).

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

Septic tank and discharge to soakaway

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

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: John Russell

On behalf of: Mr T Reid

Date: 11/07/2023

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 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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes 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 John Russell

Declaration Date: 07/07/2023



- Vegetation on verge trimmed to achieve visibility splay
- 2.4 x 215m visibility splay
- Hedgerow realigned at front of site to achieve visibility splay



**ID.C.0097 - Land NW of
Easter Drumatherty Farm,
Spittalfield**

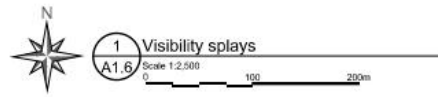
Client: Mr T Reid - (Robert Reid and Son)

| rev. | date | remark |
|------|------|-------------|
| 0 | | No Revision |

Document Date:
07 July, 2023

Document Phase:
Planning Documents

Visibility splays





Gourdie Farm

Gourdie Farm Access
and Core Path

View of Farm Access
and Farm Buildings which sit
at an elevated level.



**ID.C.0097 - Land NW of
Easter Drumatherty Farm,
Spittalfield**

Client: Mr T Reid - (Robert Reid and Son)
rev. date remark
0 No Revision

Document Date:
07 July, 2023

Document Phase:
Planning Documents

**Relationship to
Farm Access**

A1.5

