

**LRB-2023-52**

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

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

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

**REFERENCE DOCUMENTS**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100632053-001

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

## Type of Application

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

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

## Description of Proposal

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

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

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(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:

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1 (Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name: \*

Last Name: \*

Company/Organisation

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

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

Northing

698969

Easting

311894

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

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

Title:

Mr

Other title:

First Name:

ANDREW

Last Name:

BAXTER

Correspondence Reference Number:

22/00025/PREAPL

Date (dd/mm/yyyy):

22/08/2022

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

## Site Area

Please state the site area:

0.32

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

UNIMPROVED GRASSLAND

## Access and Parking

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

Yes  No

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

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

Yes  No

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

## Water Supply and Drainage Arrangements

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

Yes  No

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? \*

New/Altered septic tank.

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

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

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

Discharge to land via soakaway.

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

Discharge to coastal waters.

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

NEW PRIVATE WASTE WATER TREATMENT PLANT

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

Do you have any agricultural tenants? \*  Yes  No

## Certificate Required

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

Certificate E

## Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*



(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: MARK WILLIAMSON

On behalf of: Mr GORDON MUIRHEAD

Date: 01/07/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

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

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

Supporting Planning Statement

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

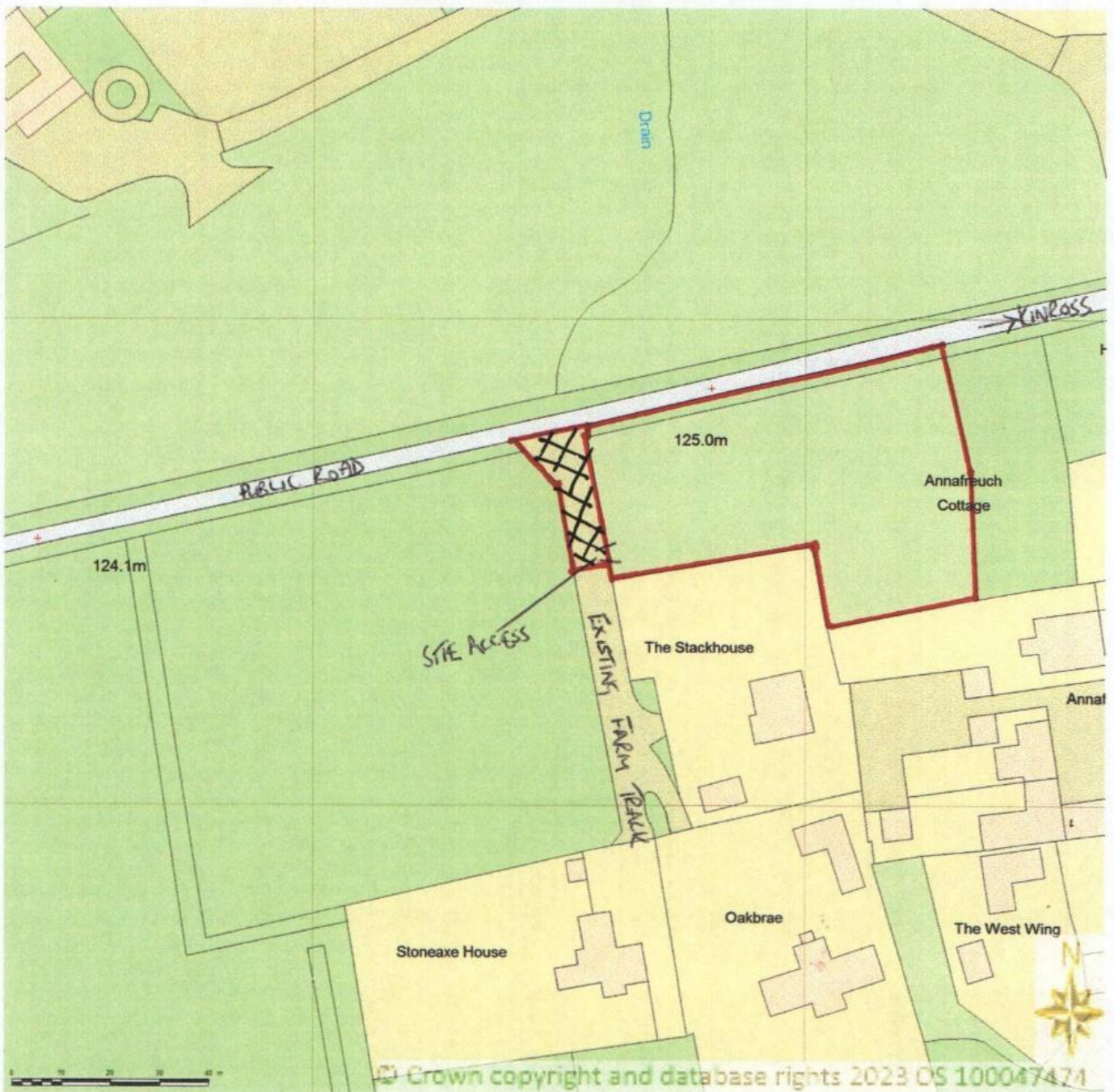
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr MARK WILLIAMSON

Declaration Date: 01/07/2023

P&amp;P: KC IDW25/7/2023 14:37:35

SITE LOCATION PLAN  
AREA 5 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 311849, 698952




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15/06/2023 14:23:34




P&Amp; KC IDW25/7/2023 14:37:34

SITE LOCATION PLAN  
AREA 5 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 311849, 698952



 APPLICATION SITE

 APPLICANT'S LAND OWNERSHIP

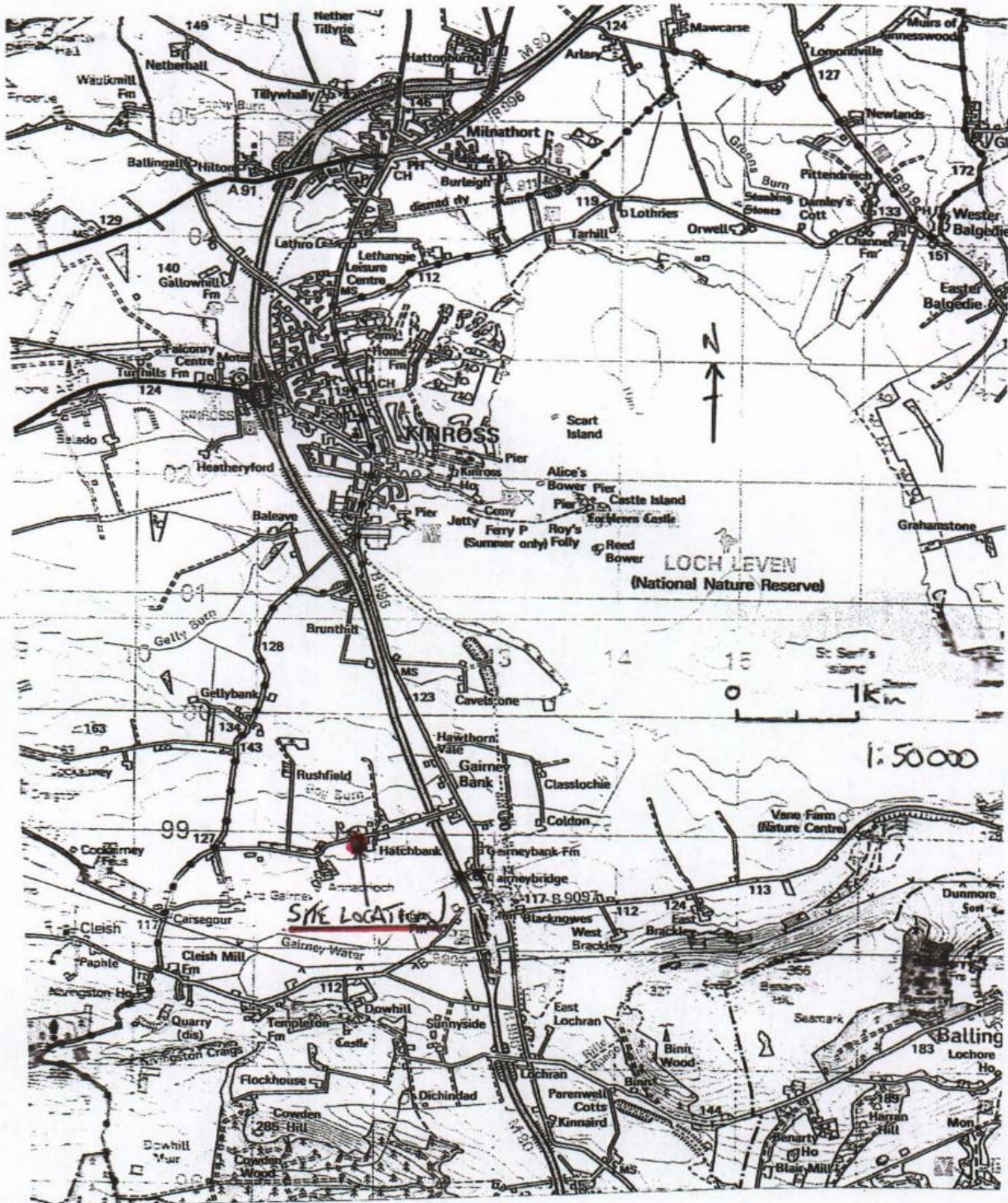


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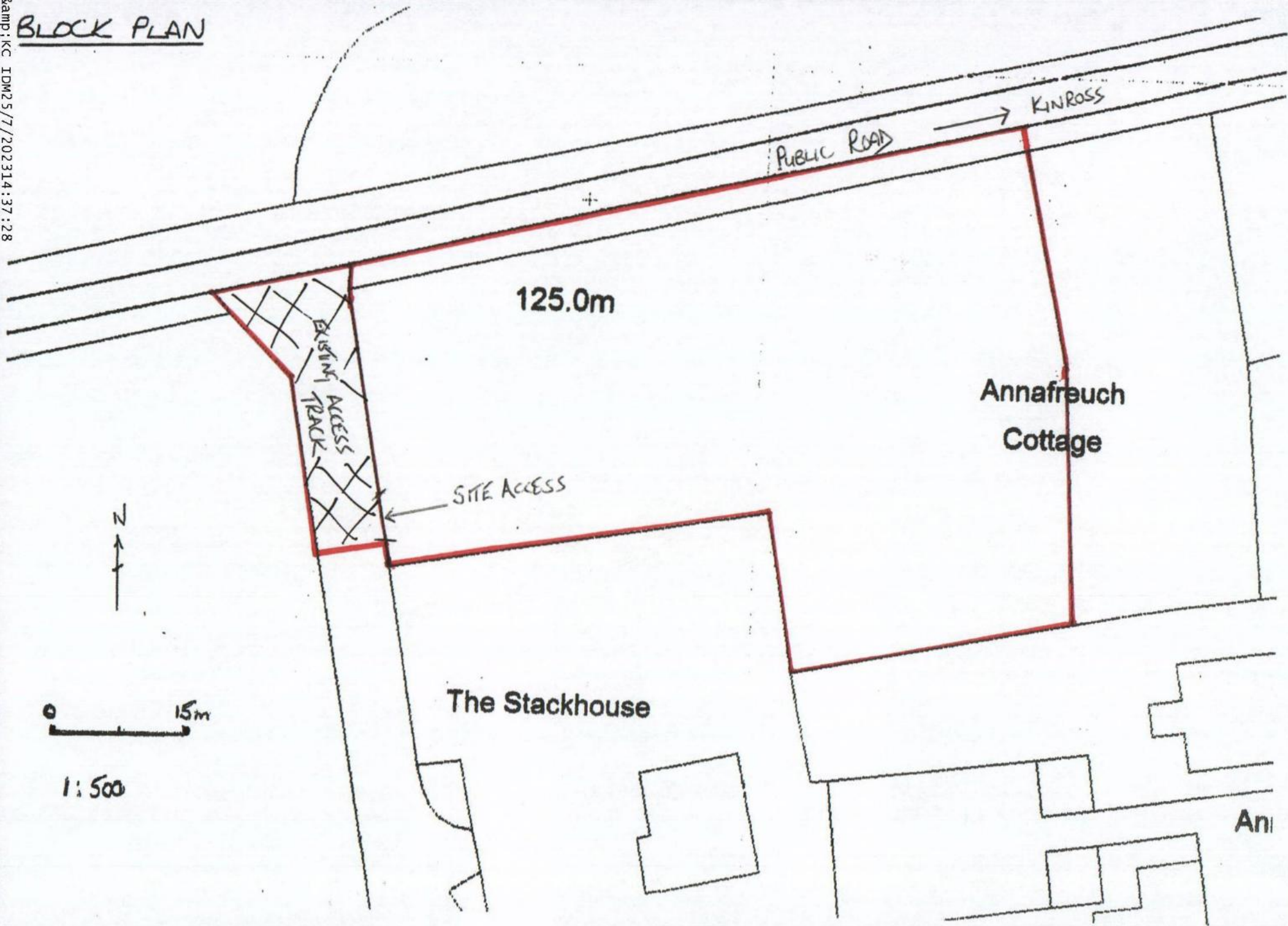
# SITE LOCATION

P&M; KC IDM25/7/202314:37:22





# BLOCK PLAN



1:500

## **Supporting Statement**

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

**Applicant: Mr Gordon Muirhead**

### **Introduction & Description of the proposal**

This is an application in principle for the erection of a single dwellinghouse on an area of land at Hatchbank which is a small hamlet situated 2.5km to the south of Kinross and to the west of the M90. The application site consists of a 0.32ha area of level ground which is currently unimproved grassland.

The site is bounded to the north by the public road/stone dyke and beyond the road directly adjacent is a large stand of mature woodland which serves to screen the buildings at Hatchbank from the north. The site is bounded to the west by a farm access track and to the south and east by existing dwellinghouses. These are long established boundaries containing the site.

### **Development Plan Policy**

The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2019.

#### **NPF 4**

Policy 3: Biodiversity

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Policy 17: Rural Homes

#### **Perth and Kinross Local Development Plan 2019**

The application site falls within the designated countryside in the adopted Perth and Kinross Local Development Plan 2019 where the relevant policies for residential development are summarised below :-

#### Policy 1: Placemaking.

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

#### Policy 5: Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

#### Policy 19: Housing in the Countryside

The Council will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:

- (1) building groups;
- (2) infill sites;
- (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;
- (4) renovation or replacement of houses;
- (5) conversion or replacement of redundant non-domestic buildings;
- (6) development on rural brownfield land.

#### Policy 39: Landscape

Development and land use change, including the creation of new hill tracks, should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes; which requires reference to the Tayside Landscape Character Assessment. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.



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

The Council will follow the principles of the Scottish Government Policy on Control of Woodland Removal and developers are expected to fully accord with its requirements. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.

#### Policy 41: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area. The Council will apply the principles of the Planning for Nature: Development Management and Wildlife Guide and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development.

#### Policy 46A: Loch Leven Catchment Area

Total phosphorus from built development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of Loch Leven. All applicants will be required to submit details of the proposed method of drainage, and details of phosphorus mitigation, where applicable, with their application for planning permission and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.

#### Policy 46B: Loch Leven Catchment Area

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures.

Exceptions will only be permitted where one of the following criteria can be met: (a) where drainage can be diverted outwith the catchment; or (b) where the developer is able to implement acceptable mitigation measures consistent with the Council's published Guidance that are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

## **Other policies**

### **Housing in the Countryside Supplementary Guidance 2020**

New Housing in the Countryside Supplementary Guidance was adopted by the Council in March 2020. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

### **Developer Contributions and Affordable Housing Supplementary Guidance September 2016**

Along with affordable housing guidance this includes guidance on education provision and transport infrastructure.

## **Principle of Development**

The proposed site is within the designated countryside in the adopted Perth and Kinross Local Development Plan 2019 where residential development needs to be assessed under the Council's Housing in the Countryside Supplementary Guidance 2020.

Under this policy guidance there is a presumption in favour of housing development in the countryside under the following circumstances:-

- (1) Building Groups.
- (2) Infill sites.
- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (4) Renovation or replacement of houses.
- (5) Conversion or replacement of redundant non-domestic buildings.
- (6) Development on rural brownfield land.

NPF 4 Policy 17: Rural Homes is relevant where new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area.

Under the Housing in the Countryside Supplementary Guidance 2020 permission will be granted for houses within building groups providing it can be demonstrated that:

- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
- New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
- A high standard of residential amenity will be provided for both existing and new housing.

Permission may also be granted which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established features.

It is considered in this case that the proposal will allow for the extension of the existing building group into a readily definable adjacent site where the main road and stone wall and farm access road and fencing, provide well-established boundaries containing the site. Further containment is provided by the mature stand of trees to the north. The grouping of housing at Hatchbank is screened and contained to the wider countryside, as illustrated in the submitted aerial photo. A single dwellinghouse will not have a detrimental impact on the appearance and character of the countryside at this location, in accordance with the Housing in the Countryside Guidance and Policy 17 of NPF4.

### **Scale, Design and Layout**

This is an application in principle and the detailed design of the dwellinghouse will be determined at the detailed planning stage where it will be designed appropriately to complement the existing dwellinghouses and therefore will not have any adverse impact on the character of the existing dwellinghouses or the appearance of the wider area. There will be no loss of any significant mature trees as a result of the proposed development.

As suggested in a previous Pre-Application Enquiry response for this site there is an opportunity for built development to be “set back” within the site to preserve a sense of “openness” along the roadside, in accordance with Policy 1 of the adopted LDP.

### **Residential Amenity**

The application site is of sufficient size to comfortably accommodate a dwellinghouse without impacting on the amenity of neighbouring properties with regard to privacy, overlooking or overshadowing in accordance with Placemaking policy.

### **Landscape and Visual Amenity**

The application site is well contained by existing dwellings and long standing man-made and natural boundaries and the proposed residential plot will not have any adverse impact on the landscape character or visual amenity of the countryside around it, in accordance with Policy 39 of the adopted local development plan.

### **Trees and Biodiversity**

There are no trees or hedgerows on the site. It is intended at the detailed stage to indicate biodiversity enhancement through tree/shrub planting in the landscape plan in accordance with local development plan policy.

### **Access and parking**

Access to the site will be taken off an existing farm track which comes off the public road, there will not be a new access formed onto the public road. There is adequate space within the site for parking and turning facilities in accordance with accepted standards.

### **Drainage and Hydrology**

The application site is within the Loch Leven Catchment Area. The applicant will provide acceptable phosphorus mitigation through the upgrade of another property's treatment plant within the catchment area in order to satisfy the terms of the mitigation strategy for the catchment area, in accordance with Policy 46.

The application site is not in an area of flood risk as identified in SEPA flood maps.

### **Conclusions**

The proposal for a single dwellinghouse at Hatchbank is considered to be acceptable in principle as the proposal will extend the existing grouping into a readily definable adjacent site with long established boundaries, in accordance with the relevant housing in the countryside planning policy guidance and NPF4 Policy 17.

A dwellinghouse on this site will not be detrimental to the residential amenity of existing dwellings and will not have any adverse impact on the existing built or landscape character, the visual appearance or biodiversity of the area.

The applicant has secured sufficient phosphorus mitigation to accommodate the proposed development.

It is considered that the vehicular access and on-site parking for the proposal is satisfactory in terms of road safety standards. The proposal is considered to be in accordance with the relevant NPF4 and local plan policies.