

**TCP/11/16(606) – 18/01802/FLL - Erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchture**

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**TCP/11/16(606) – 18/01802/FLL - Erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchture**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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 100164581-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	RICHARD HALL ARCHITECTS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	RICHARD	Building Name:	the studio
Last Name: *	HALL	Building Number:	
Telephone Number: *	07973 701025	Address 1 (Street): *	cordon mains
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	abernethy
Fax Number:		Country: *	United Kingdom
		Postcode: *	ph2 9ln
Email Address: *			

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="WEST LEYS FARM HOUSE"/>
First Name: *	<input type="text" value="ROBERT"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="MORGAN"/>	Address 1 (Street): * <input type="text" value="WEST LEYS FARM"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="E"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="ERROL"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH2 7TD"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="729446"/>	Easting	<input type="text" value="325951"/>
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## Description of Proposal

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

ERECTION OF A DWELLINGHOUSE AND GARAGE

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

WE BELIEVE THE DESIGN MEETS THE REQUIREMENTS OF THE RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN AND THAT DUE CONSIDERATION HAS MADE TO MEET THOSE REQUIREMENTS

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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

1. SUPPORTING STATEMENT TO THE NOTICE OF REVIEW, 2. THE LOCATION PLAN, 3. THE APPLICATION DRAWING PL01 REVISION B, 4. THE PLANNING APPLICATION DRAWING SUPPORTING STATEMENT, 5. THE PLANNING DECISION LETTER, 6. THE PLANNING OFFICER'S REPORT OF HANDLING, 7. THE TREE SURVEY, 8.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01802/FLL

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

09/10/2018

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

08/03/2019

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr RICHARD HALL

Declaration Date: 31/05/2019



APPLICATION FOR  
DETAILED PLANNING PERMISSION

FOR

**A NEW DWELLINGHOUSE AND GARAGE**

AT

LAND 30M NORTH WEST OF  
EASTER BALLINDEAN LODGE  
INCHTURE

**SUPPORTING STATEMENT  
FOR  
NOTICE OF REVIEW**

**30 MAY 2019**

richard **hall** chartered architect  
the studio  
cordon mains  
abernethy  
PH2 9LN

## Supporting Statement

### Notice of Review

Erection of a dwellinghouse and garage at land 30m north west of Easter Ballindean Lodge, Inchture – 18/01802/FLL.

### Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 8<sup>th</sup> March 2019. The 2 reasons for refusal are outlined below relating to Housing in the Countryside policy guidance and impact on Listed Buildings:-

1. *The proposal is contrary to Policy RD3 'Housing in the Countryside', of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Supplementary Guidance 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location. There are no existing definable site boundaries on the eastern or northern boundaries; therefore the proposal does not meet the requirements of criterion (a) building groups.*
2. *The proposal is contrary to Policy HE2 'Listed Buildings', of the Perth and Kinross Local Development Plan 2014, as the proposal will negatively impact upon the setting of the adjacent listed buildings (Easter Ballindean and Ballindean West Lodge).*

The following statement will conclude that the proposal for a new dwellinghouse and garage at the application site is acceptable and it is emphasized that:-

- the application site has sufficient historical boundaries and landscape setting to comply with categories of the Council's Housing in the Countryside Supplementary Guidance 2014
- the identical design concept for the proposed dwellinghouse was accepted by the Conservation Officer in an earlier application as not affecting the setting of the Listed Buildings comprising Easter Ballindean Lodge and Easter Ballindean House, and her concerns regarding replacement tree planting have been mitigated by the proposals.



## **Background and history to the proposal**

The applicant is a local farmer who owns and farms land around Ballindean and at West Leys in Errol. The Applicant has somehow found disfavour with the majority of the residents of Ballindean, and it seems they have grouped together to object to anything he proposes.

The application site forms the lower part of a redundant plum orchard. The trees have not been farmed for many years and fallen into a state of general decay. The field was used as a piggery and the roots of the plum trees have been generally undermined. A Tree Survey was conducted by Donald Rodger, a respected Arboriculturalist, and his findings confirm the existing trees are no longer worthy of retention. The application site is therefore considered a suitable location for a new dwellinghouse.

Before any detail design was carried out for the new dwellinghouse, an initial Pre-App enquiry (17/00326/PREAPP) was made in May 2017, to check the viability of the site in terms of Planning Policy. The Planning Officer visited the site. His emailed response is copied in full below, which was copied to the Conservation Officer Diane Barbary. I have highlighted the important points made in red;

*Dear Mr Hall,*

***Pre-application enquiry: Erection of a dwellinghouse on land 30metres North West of Easter Ballindean Lodge, Inchtute (17/00326/PREAPP).***

*I refer to your pre-application enquiry regarding the above proposal and write to you from the Planning Department of Perth & Kinross Council.*

*Any proposal such as this would be assessed against council policies and Scottish Government legislation. Of particular relevance is TAYplan 2012 and Perth and Kinross Council's Local Development Plan 2014. The most relevant policies of this Local Development Plan are policies PM1: Placemaking, HE2: Listed Buildings and RD3: Housing in the Countryside.*

*The Development Plan can be viewed online:*

<http://www.pkc.gov.uk/developmentplan>

*Other policies or documents which will be applicable include:*

*The Placemaking guide and Scottish Planning Policy 2014.*

### **Comment on proposal**

On looking at your proposal, I would firstly refer you to The Housing in the Countryside Supplementary Guidance relating to Policy RD3: Housing in the Countryside. This can be viewed via the following link:

<http://www.pkc.gov.uk/article/15063/Supplementary-guidance-Housing-in-the-countryside>

*It is considered that the principle of a **single dwellinghouse** could be supported on the site under criterion 1, Building Groups<sup>1</sup> and criterion 2, Infill Sites<sup>1</sup>, of the identified policy. I should however point out that for the dwellinghouse to be considered under these criterion then the proposal should respect the existing building lines and form a suitable link between the neighbouring buildings, forming a logical and sensitive extension to the building group.*

The proposed site is also bound by 2 Listed Buildings (both a Category B and Category C), therefore Policy HE2: Listed Buildings will apply. The proposal therefore **must** respect the existing setting of these Listed Buildings. *As the site is prominent due to the elevation of the land, I would suggest that the building is no more than 1 storey in height and the materials are respective of the neighbouring buildings.* I have discussed this proposal with one of our Conservation Officers, Diane Barbary (CC'd into this email), and Diane mirrors my comments and adds that a sensitive design and small scale proposal is crucial to this application being supportable to ensure the protection of the neighbouring Listed Buildings. I would strongly suggest that you include a Design Statement with any application you submit for this site to address any potential concerns.

Additionally, I note that the site is heavily vegetated at present, therefore a Tree Survey may be required when submitting any application to justify the woodland removal. Replacement planting may be required on the site depending on the level of tree loss, although this can only be confirmed where the level of tree loss is demonstrated.

Due to the sensitivity of the site and only a small scale dwellinghouse being likely to be supported, I would advise that you come forward with a **detailed application** and not an in principle application.

The proposed dwellinghouse may also be liable for developer contributions to be paid under Policy PM3: Infrastructure Contributions. I would suggest that you inform your client of this **in the earliest instance** to ensure that they are in a financial position to support the development. A copy of the Developer Contributions Guidance can be obtained from the following link:

<http://www.pkc.gov.uk/developercontributions>

### **Limitations of This Advice**

It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application

*involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.*

*You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.*

*I trust that this response has been of some assistance to you.*

*Kind Regards,*

**Sean Panton, Development Management, Planning & Development, Perth & Kinross Council, Pullar House, 35 Kinnoull Street, PERTH, PH1 5GD.**

*Comhairle Pheairt is Cheann Rois*

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Detailed designs were carried out on the back of the positive level of the communication with the Planning Officer, taking account of the his comments and of the comments from the Conservation Officer, and submitted for review in July 2017. Again his emailed response under reference 17/0486/PREAPP is copied in full below and the important points highlighted in red;

*Dear Mr Hall,*

***Pre-application enquiry: Erection of a dwellinghouse on land 30metres North West of Easter Ballindean Lodge, Inchtute (17/00486/PREAPP).***

*I refer to your pre-application enquiry regarding the above proposal and write to you from the Planning Department of Perth & Kinross Council.*

*Any proposal such as this would be assessed against council policies and Scottish Government legislation. Of particular relevance is TAYplan 2012 and Perth and Kinross Council's Local Development Plan 2014. The most relevant policies of this Local Development Plan are policies PM1: Placemaking, HE2: Listed Buildings and RD3: Housing in the Countryside.*

*The Development Plan can be viewed online:*

<http://www.pkc.gov.uk/developmentplan>

Other policies or documents which will be applicable include:

- The Placemaking guide and Scottish Planning Policy 2014.

### **Comment on proposal**

Please note that these comments relate purely to the design and layout of the dwellinghouse and all comments relating to the site itself should be obtained from the previous pre-application for the site, 17/00326/PREAPP, where a response was sent to you on the 23<sup>rd</sup> May 2017.

*I have discussed the design and layout of this proposal with our Conservation Officer Diane Barbary (CC'd into this email), and it is our opinion that the design and layout in its current format is acceptable, subject to a few minor amendments.*

*Firstly, I have no concerns with the overall design of the building appearing as 2 connecting buildings as this helps to reduce the overall bulk of the building. I do however have a slight concern with the overall massing of the south elevation in relation to the existing lodge, which will sit in front of the proposal. I would encourage you to either remove the 'family room' or have this reduced in size to form a 'stepped back' feature on the south elevation. This will help to break up the large elevation and will have less of a dominance on the existing lodge.*

*Secondly, I have no concerns with the walls being clad in vertical timber. I would however encourage you to have this more sensitively coloured as black stain will dominate the landscape and will not help the house to blend in with its immediate setting. I would encourage you to have a more natural coloured staining rather than black. In relation to the roof materials, whilst black stained timber will be acceptable for the roof, it may be more complementary if traditional slate is incorporated to respect the non-black stained timber cladding for the walls which I have suggested.*

*Finally, whilst I appreciate the topography of the land, I am slightly concerned at the landscaping required to accommodate the house. This could be resolved by reducing the size of the patio on the south elevation and making the landscape 'softer', by slightly lowering the building plot for the house.*

*In relation to roads, access, parking and amenity space, I have no concerns with the layout of this proposal. I am also pleased to see that a large amount of trees have been retained to help the development blend in more with its setting.*

*As per my previous pre-application response, I would strongly suggest that you include a Design Statement with any application you submit for this site to address any potential concerns.*

*The proposed dwellinghouse may also be liable for developer contributions to be paid under Policy PM3: Infrastructure Contributions. I would suggest that you inform your client of this **in the earliest instance** to ensure that they are in a financial position to support the development. A copy of the Developer Contributions Guidance can be obtained from the following link:*

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### **Limitations of This Advice**

*It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.*

*You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.*

*I trust that this response has been of some assistance to you.*

*Kind Regards,*

**Sean Panton**, Development Management, Planning & Development, Perth & Kinross Council, Pullar House, 35 Kinnoull Street, PERTH, PH1 5GD.

*Comhairle Pheairt is Cheann Rois*

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The suggested amendments were made to the design and the first application for Detailed Planning Permission 17/01693/FLL comprising drawings and reports as follows;

- Ballindean site survey 1
- Overview location map
- Location Plan
- Proposed site plan and floor plan
- Proposed elevations
- Tree Survey
- Supporting Statement

The first elevations proposed a white render finish. This was discussed with the Planning Officer and revised elevations with vertical timber were submitted.

Diane Barbary the Conservation Officer was consulted and she did not raise an objection to the design of the proposed dwellinghouse or its siting in relation to the Listed Buildings. Her Comments are copied in full below and the important points highlighted in red;

#### Comments to the Development Quality Manager on a Planning Application

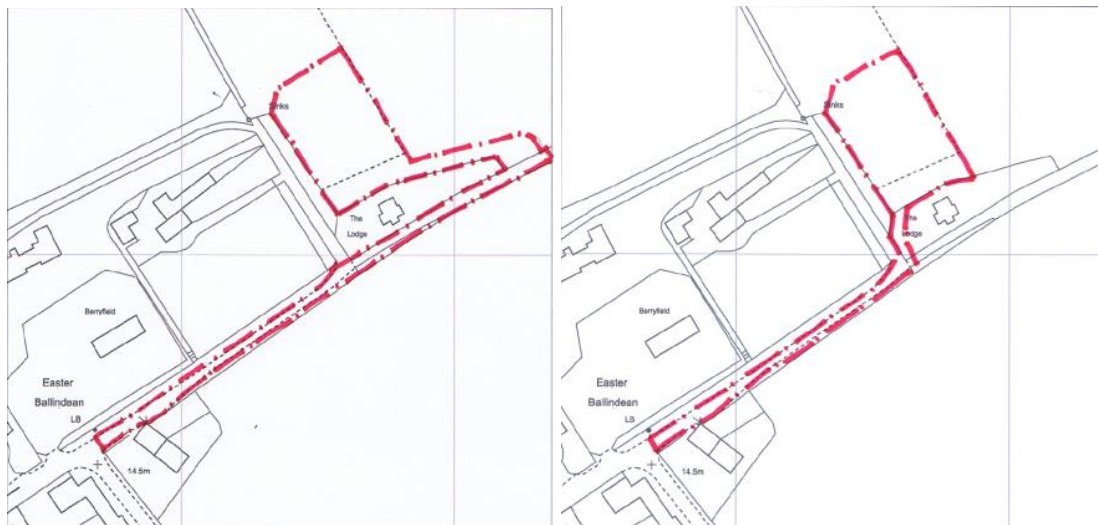
<b>Planning Application ref.</b>	17/01693/FLL	<b>Comments provided by</b>	Diane Barbary
<b>Service/Section</b>	Conservation	<b>Contact Details</b>	<a href="mailto:DianeBarbary@pkc.gov.uk">DianeBarbary@pkc.gov.uk</a> 75357
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage		
<b>Address of site</b>	Land 30m North West of Easter Ballindean Lodge, Inchtute		
<b>Comments on the proposal</b>	<p>The proposed development site is to the east of the category C listed farmhouse at Easter Ballindean (LB 11764). To the south east of the site is a category B listed early 19<sup>th</sup> century lodge (Ballindean West Lodge).</p> <p>The existing buildings here form a historic grouping, visible in views from the south. The proposed development is likely to be intervisible with the listed buildings in long views, due to its location on higher ground to the rear of Ballindean West Lodge.</p> <p>The potential visual impact will be reduced by retention of trees to the south and west of the site. I note that the application site is restricted to one third of the existing orchard, and trees within the remaining two thirds will be retained.</p> <p>The amended proposed external finishes (timber cladding, natural slate and full height glazing), result in an understated, contemporary appearance. While white render has been avoided on the south facing sections of the new house, the garage still appears to have a white render finish, which should be amended.</p> <p>As the building is single storey and the development site is to the rear of West Lodge, the visual impact on the setting of the listed buildings is limited, without significantly altering or intruding on the existing visual relationship between the lodge and farmhouse.</p>		

	Should the application be approved, appropriate conditions should be attached in relation to protection of trees on the site and replacement planting as specified in the submitted tree survey.
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	07/11/17

There were no other Statutory Consultee objections to the application and the Planning Officer recommended Approval. However, as there were a considerable number of public objectors to the application, it would have to be presented to the Planning Committee. Senior Officers reviewed the application and found “reasons for concern” over the amount of tree felling, although the Tree Survey pretty much condemned the orchard trees. The Tree Survey accompanies this Submission. We agreed to withdraw this application in order to consider the best way forward.

The Arboriculturalist was consulted and it was decided that due to the very poor condition of the plum trees and their general state of decay, they should be removed on the basis that new tree planting would form part of a new application. The tree removal was carried out in the early part of 2018. The tree removal was seen by the Applicant as a positive effort to clean up a decaying area of field adjacent to the Listed Easter Ballindean House and Easter Ballindean Lodge.

Some concern had been raised during the first application regarding the route of the new access road, although not enough concern to prevent the Planning Officer recommending approval. The access road into the application site was therefore redesigned and the proposed plans for the new dwelling house revised to suit. The new access road is an existing track into the application site and removes a large portion of the road surrounding the Listed Easter Ballindean Lodge, to its benefit. All of the other comments and concerns were accounted for in our redesign and based on the fact that the first application had not raised any objections from the Statutory Consultees. The below images compares the access arrangements between the withdrawn application and the current application:



Withdrawn application 17/01693/FLL

Current application 18/01802/FLL

The new application 18/01802/FLL for which this is the appeal for review, consisted of the following documents;

- Ballindean site survey 1
- Overview location map
- Revised Location Plan
- Revised site plan and floor plan
- Revised elevations
- Revised Tree Survey
- Revised Supporting Statement

All of these documents are attached to this submission.

This application attracted a greater number of objections, totalling 19. Many of these objections were unfounded in terms of Planning Policy and Guidance and veered towards a personal dislike for the Applicant.



Revised drawings were submitted to include further tree planting to protect the immediate environs of the Listed Easter Ballindean Lodge and to respond to the concerns raised by the Conservation Officer, Diane Barbary.

This application was eventually refused on 8<sup>th</sup> March 2019.

### **Reasons for Refusal and Grounds for Review**

The reasons for refusal are re-stated below, followed by the applicant's statement and argument against these reasons in support of the review.

*1. The proposal is contrary to Policy RD3 'Housing in the Countryside', of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Supplementary Guidance 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location. There are no existing definable site boundaries on the eastern or northern boundaries; therefore the proposal does not meet the requirements of criterion (a) building groups.*

*2. The proposal is contrary to Policy HE2 'Listed Buildings', of the Perth and Kinross Local Development Plan 2014, as the proposal will negatively impact upon the setting of the adjacent listed buildings (Easter Ballindean and Ballindean West Lodge).*

The Planning Officer's Report of Handling makes a very clear assessment of the Planning Policies and Guidelines and as such gives very clear explanation why this application actually meets the requirements. I therefore include extracts in italics as follows to respond to his reasons for refusal;

#### **Reason for Refusal 1. Extract 1**

*The local plan through Policy PM4 'Settlement Boundaries' specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This is relevant to this application as the site is not located within a defined settlement boundary.*

*However, through Policy RD3 'Housing in the Countryside', it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will*

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

- . a) Building Groups*
- . b) Infill site*
- . c) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance*
- . d) Renovation or replacement of houses*
- . e) Conversion or replacement of redundant non-domestic buildings*
- . f) Development on rural brownfield land*

*The submitted supporting statement identifies that there is an existing building group adjacent to the site and considers that the development will form a suitable “bookend” to this grouping. The building group criterion will be discussed in detail below.*

### **Building Groups**

*In relation to criterion (a), building groups, an existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case, the neighbouring buildings can be considered as a building group as there are more than 3 existing buildings which stand together at Ballindean.*

*Notwithstanding the above, I turn to supplementary guidance, ‘The Housing in the Countryside Guide’ that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-*

*‘Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).’*

*The application site does not lie within the existing building group however does lie adjacent to it, therefore will be considered as a potential extension to the building group. In this case, the site has sufficient boundary treatments on the western and southern boundaries however the site does not have any suitable definable boundaries on the northern and eastern boundaries. Whilst there are suitable boundaries slightly further up the hill on the northern boundary, this would have extended the site further away from the existing building group should they have been utilised.*

The argument that this is a building group is clearly made and the application site lies adjacent to it and will therefore be considered as an extension to it. It was argued in the Supporting Statement that the new house would act as an architectural bookend to the new Berryfields house around the centre-point of the grand Easter Ballindean House. It is still a clear and strong argument.

The only doubt expressed by the Planning Officer is regarding the northern and eastern boundaries. The north boundary however, is clearly defined by the topography and by the inferred building line cast by the rear boundary of Easter Ballindean House and Easter Ballindean. The extension of this line of boundary complies exactly with the principle, clearly made by the Planning Officer, of an extension to the settlement boundary.

The eastern boundary is an existing post & wire fence, which has formed the eastern edge of the former orchard for at least 30 years. I therefore don't how else to describe it but as an established and defined boundary. It also lines up with the eastern edge of the Easter Ballindean Lodge plot and therefore clearly aligns the eastern boundary of the settlement, following the guidance from the initial Pre-App response – “*respect the existing building lines and form a suitable link between the neighbouring buildings, forming a logical and sensitive extension to the building group*”.

It is therefore clear that all boundaries of the application site are clearly definable and therefore the requirements of Policy RD3 criterion (a) building groups are met.

## Reason for Refusal 2. Extract 2

*The Conservation Officer, who provided comments on this proposal, as well as being involved at pre-application stage, has stated that the recent removal of the trees within the site has increased the potential visual impact of the development on the setting of the listed buildings, when compared with the previously withdrawn application (17/01693/FLL). Given the large footprint of the proposed dwellinghouse it is likely to appear overly prominent in views from the south, and particularly intrusive in relation to Ballindean West Lodge. Remaining trees will screen the new development when viewed from the main approach to the south west, which protects the visual relationship between the two listed buildings to an extent. However, although the proposed building is single storey, the change in ground level will result in it appearing much higher than the lodge, which would be detrimental to its setting without substantial visual screening to the south of the development.*

*In this case, although the proposed external finishes are understated and visually recessive (timber cladding, natural slate and full height glazing), the Conservation Officer considers that this would not be sufficient to protect the setting of the lodge.*

*The agent was advised of this concern from the Conservation Officer on the 27<sup>th</sup> November 2018 and as such requested a 'Stop the Clock' on the application to allow more time to prepare an amended scheme to address the concerns. The amended drawings were consequently received on the 27<sup>th</sup> February 2019. The amended scheme included more tree and shrub planting to help act as a visual screen between the Lodge and a minimum height of 4m.*

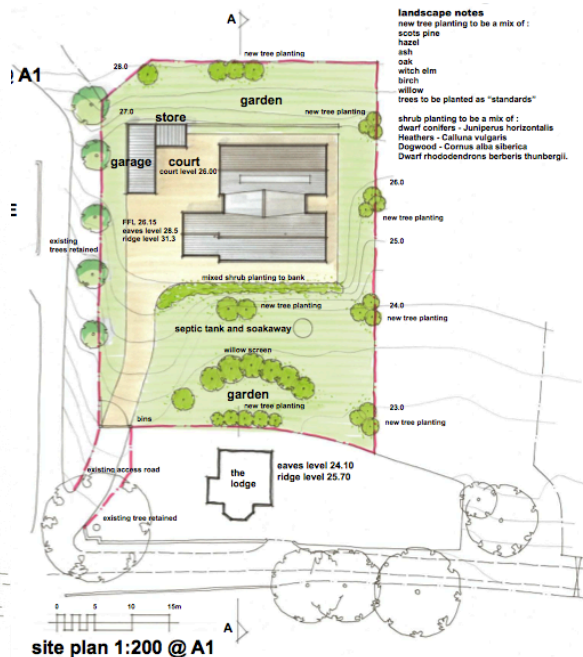
*The Conservation Officer has reviewed the amended scheme and considers it to be an improvement from the original scheme as if the planting is carried out correctly then it will help to mitigate any major impact upon the setting on the listed buildings. However, the Conservation Officer considers that due to the height of the site compared to the lodge that the tree planting proposed may still not be enough to reduce the impact of the development.*

The proposed finished ground level for the new dwellinghouse has been consistent throughout the design process and is the same in both the first application 17/01693/FLL and in this application 18/01802/FLL. The large trees surrounding the site on the southern and western boundaries remain in place and are indicated on both designs. The only trees that have been removed are the decayed plum trees, which were a maximum of 4 metres in height and were dying/decaying because their root system had been undermined. They therefore did not provide any substantial separation between the application site and the Easter Ballindean Lodge. However, the proposed development includes the planting of a mix of indigenous "standard" trees, that is, a tree with a minimum height of 4 metres, on the southern boundary between the application site and the Easter Ballindean Lodge, and a second band of willows again with a minimum height of 4 metres. These new trees will be healthy and will grow into place to create a clear protection for Easter Ballindean Lodge. The Conservation Officer's concerns are therefore unfounded, as it is simply a question of perception. The existing plum trees provided what can only be regarded as ground cover for the foreground of the first application 17/01693/FLL, yet she did not raise an objection to this application. The ground level of this house is exactly the same level as the second application house on the 26.00m contour, with 2 new bands of healthy trees planted with a start height of 4 metres which will quickly grow into place.

The site plans for the 2017 application and the 2018 application are shown below. The 2018 plan is identical to the 2017 plan other than the house plan has been handed, and the access road has been shortened to avoid enclosing Easter Ballindean Lodge. The site levels are identical and the position of the house is identical. The 2018 plan however benefits the Easter Ballindean Lodge with additional protective tree planting to the southern boundary. It also includes additional tree planting on the eastern boundary following the recommendations of the 2017 Tree Report.



2017 application site plan



2018 application site plan

Her comments on the first application 17/01693/FLL are as follows;

*As the building is single storey and the development site is to the rear of West Lodge, the visual impact on the setting of the listed buildings is limited, without significantly altering or intruding on the existing visual relationship between the lodge and farmhouse.*

She therefore seems happy that there is little impact on the visual setting of Easter Ballindean Lodge.

Her comments on the second application 18/01803/FLL are as follows;

*The recent removal of trees within the site has increased the potential visual impact of the development on the setting of the listed buildings, when compared with the previously withdrawn application (17/01693/FLL). Given the large footprint of the proposed dwellinghouse it is likely to appear overly prominent in views from the south, and particularly intrusive in relation to Ballindean West Lodge. Remaining trees will screen the new development when viewed from the main approach to the south west, which protects the visual relationship between the two listed buildings to an extent, and I note that additional tree planting is proposed to the east. However, although the proposed building is single storey, the change in ground level will result in it appearing much higher than the lodge, which would be detrimental to its setting without substantial visual screening to the south of the development.*

The footprint of the proposed house hasn't changed from the first application to the second – it's the same plan simply handed, so it seems a question of perception that she regards the second application proposal "a large footprint". The second proposed house sits in exactly the same place as the first, and in the first application she sees it as "single storey" and that *"the visual impact on the setting of the listed buildings is limited, without significantly altering or intruding on the existing visual relationship between the lodge and farmhouse"*. Yet, the second she perceives differently.

She is happy however, with the additional tree planting on the eastern boundary, which will help to reinforce the argument that the eastern boundary is "defined".

The new tree planting will be substantial and grow quickly to form a clear barrier between the application site and Easter Ballindean Lodge.

Further, from the long view of the application site from the south the new tree planting will form a clear band of vegetation as foreground for the new house and it will look settled into its "setting", creating a sense of "place". In actual fact the new tree planting will be very much better visually, than the removed decaying plum trees.

This actually ties the 2 reasons for refusal together with one clear answer. The new tree planting helps to define the boundaries and also protects the setting of the Listed Buildings.

## **Conclusion**

This application has followed the correct protocol from the start in consulting the Planning Department in a formal Pre-App enquiry to establish the Planning Policies applying to the application site, and it was quickly established that "the principle of a single dwellinghouse could be supported on the site under criterion1, "Building Groups' and criterion 2, "Infill Sites" of the identified policy RD3.

The proposed architecture of the house has been generally welcomed by the Planning Officer and his Report of Handling states;

*"The design which has come forward has complied with this advice with the proposed dwellinghouse being 1 storey in nature. The proposal has also been designed to appear as 2 smaller dwellinghouses with a connecting element. This helps to reduce the overall mass of the unit. On the south elevation of the proposal,*

*a large amount of glazing has been incorporated in order for optimum sunlight and solar gain to the property. This elevation is considered to be of a high quality and will contribute positively to the quality of the place.”*

There are no other objections from the Statutory Consultees.

The proposed boundaries to the site are therefore clearly defined through the natural topography of the site and through the positioning of the proposed house against the position of the neighbouring houses, following the guidance given in the first Pre-App response from the Planning Officer, and through the proposed substantial tree planting.

The requirements of Policies RD3 ‘Housing in the Countryside’ of the Perth & Kinross LDP 2014 and supplementary guidance are therefore met, as is the requirement of Policy HE2 ‘Listed Buildings’ as there will be no negative impact on the setting of the adjacent listed Buildings (Easter Ballindean and Easter Ballindean Lodge).

We therefore ask respectfully, this application is approved.





## PERTH AND KINROSS COUNCIL

Mr Robert Morgan c/o Richard Hall Architects Richard Hall The Studio Cordon Mains Abernethy PH2 9LN	Pullar House 35 Kinnoull Street PERTH PH1 5GD
	Date 8th March 2019

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01802/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 9th October 2018 for permission for **Erection of a dwellinghouse and garage Land 30 Metres North West Of Easter Ballindean Lodge Inchtute** for the reasons undernoted.

Interim Development Quality Manager

#### Reasons for Refusal

1. The proposal is contrary to Policy RD3 'Housing in the Countryside', of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Supplementary Guidance 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location. There are no existing definable site boundaries on the eastern or northern boundaries; therefore the proposal does not meet the requirements of criterion (a) building groups.
2. The proposal is contrary to Policy HE2 'Listed Buildings', of the Perth and Kinross Local Development Plan 2014, as the proposal will negatively impact upon the setting of the adjacent listed buildings (Easter Ballindean and Ballindean West Lodge).

## **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 relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

**18/01802/1**

**18/01802/2**

**18/01802/4**

**18/01802/5**

**18/01802/6**

**18/01802/7**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/01802/FLL	
Ward No	P1- Carse of Gowrie	
Due Determination Date	08.12.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse and garage.

**LOCATION:** Land 30 Metres North West of Easter Ballindean Lodge, Inchtute.

#### **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.

**DATE OF SITE VISIT:** 17<sup>th</sup> October 2018

#### **SITE PHOTOGRAPHS**



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

The application site is on land 30metres North West of Easter Ballindean Lodge, Inchtute. The site was formerly an orchard and is approximately 1800m<sup>2</sup>. The application seeks detailed planning permission for the erection of a single storey dwellinghouse and a detached single garage. The application forms the resubmission of application 17/01693/FLL, which was withdrawn in late 2017 due to a number of concerns which arose. This current

application therefore seeks to address the concerns from the previous application.

The proposed dwellinghouse will comprise of 4 bedrooms (one with an en-suite) and will be set over a single storey. The proposal will appear as 2 bungalows with a connecting element, located relatively centrally on the site. With regards to dimensions, the proposed dwellinghouse will measure approximately 19.5metres at maximum length and 15.5metres at maximum width. The overall footprint is approximately 232m<sup>2</sup> and the maximum height of the proposed dwellinghouse to the roof ridge is approximately 5.5metres.

The proposed single garage will be approximately 8.5metres at maximum length and 4metres at maximum width. This creates a resultant footprint of approximately 34m<sup>2</sup>. The garage will have a pitched roof and will measure approximately 3.5metres at maximum height. The garage will be located to the north-west of the proposed dwellinghouse, forming a small courtyard area. There will also be a small bin store attached to the side of the garage.

In relation to materials, the proposal will be clad in vertical timber cladding whilst the roof will be finished with traditional slate (excluding the connecting element of the proposed dwellinghouse which will be sarnafil) and all windows and doors will be aluminium high performance units. The rainwater goods will be uPVC and the courtyard will be paved with grey tegula blocks. The driveway will be finished in gravel with SUDS channels on either side.

The proposals have been advertised in the Local Press and a site notice posted, in accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987.

## **SITE HISTORY OF RELEVANCE**

17/01693/FLL - Erection of a dwellinghouse and garage 20 November 2017:  
Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 17/00486/PREAPP

A pre-application enquiry was undertaken where it was identified that the principle of the proposed development may be acceptable, subject to appropriate detailing.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Within the approved Strategic Development Plan, TAYplan 2016, the primary policies of specific relevance to this application are Policies 2 and 9.

#### **Policy 2: Shaping Better Quality Places**

Part A of Policy 2 seeks to 'deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets'.

#### **Policy 9: Managing TAYplan's Assets**

Part C of Policy 9 aims to safeguard the integrity of natural and historic assets through understanding and respecting the regional distinctiveness and scenic values of the TAYplan area.

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - 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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

#### Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

#### Policy ER6 - Managing Future Landscape - Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29

August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **OTHER POLICIES**

### Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide 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.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

### Listed Buildings and Conservation Areas

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015.

## **CONSULTATION RESPONSES**

### External

Dundee Airport Ltd:

Dundee Airport did not respond to the consultation.

Scottish Water:

No objection to the proposed development as there is currently sufficient capacity in the Clatto Water Treatment Works.

Inchture Area Community Council (IACC):

IACC Council objected to the planning application as they consider that the proposal is contrary to the adopted LDP.

### Internal

Development Negotiations Officer:

£9,099.00 of contributions is required.

Environmental Health (Contaminated Land):

No concerns with the proposed development.

Environmental Health (Noise Odour):

No objection to the proposed development, subject to conditional control regarding the proposed stove.

Transport Planning:

No objection to the proposed development.

## **REPRESENTATIONS**

19 letters of representation were received objecting to the proposed development, including a letter from the Inchture Area Community Council. In summary, the letters primarily highlighted the following concerns:

- Not in accordance with LDP
- Site is not considered 'infill'
- Not a natural extension to building group and would form ribbon development
- Visible site / visual impact and landscape impact
- Loss of orchard and agricultural land
- Impact upon biodiversity
- Impact upon setting and character of nearby listed buildings
- Precedent for future development
- Flood risk
- Not in keeping with the village
- Errors in the supporting statement



- No clear boundary delineation
- Impact upon existing road network

#### **ADDITIONAL INFORMATION RECEIVED:**

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted (Design Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted (Tree Survey)

#### **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 for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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 local plan through Policy PM4 'Settlement Boundaries' specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This is relevant to this proposal as the site is not located within a defined settlement boundary.

However, through Policy RD3 'Housing in the Countryside', it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- a) Building Groups
- b) Infill site

- c) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings
- f) Development on rural brownfield land

The submitted supporting statement identifies that there is an existing building group adjacent to the site and considers that the development will form a suitable “bookend” to this grouping. The building group criterion will be discussed in detail below.





### Building Groups

In relation to criterion (a), building groups, an existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case, the neighbouring buildings can be considered as a building group as there are more than 3 existing buildings which stand together at Ballindean.

Notwithstanding the above, I turn to supplementary guidance, ‘The Housing in the Countryside Guide’ that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

*‘Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).’*

The application site does not lie within the existing building group however does lie adjacent to it, therefore will be considered as a potential extension to the building group. In this case, the site has sufficient boundary treatments on the western and southern boundaries however the site does not have any suitable definable boundaries on the northern and eastern boundaries. Whilst there are suitable boundaries slightly further up the hill on the northern boundary, this would have extended the site further away from the existing building group should they have been utilised. The below images show the existing boundary treatments:

	
Northern Boundary ( <i>Not Considered Definable</i> )	Eastern Boundary ( <i>Not Considered Definable</i> )
	
Southern Boundary ( <i>Considered Definable</i> )	Western Boundary ( <i>Considered Definable</i> )

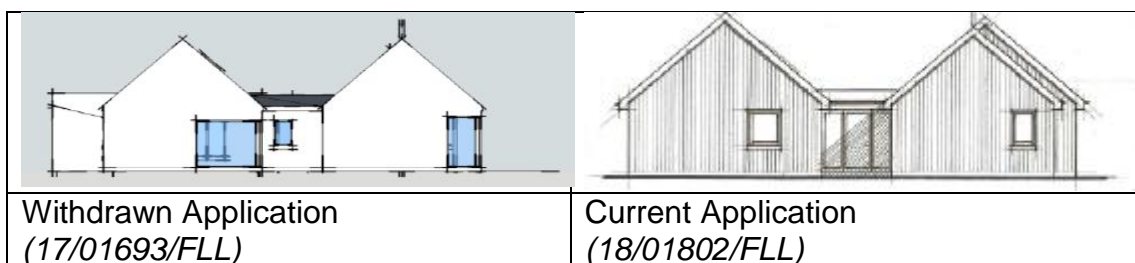
Whilst it is recognised that the site would extend the existing building group, sites must extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. In this instance, as seen in the photographs above, the lack of boundaries on the northern and eastern boundary would not comply with the siting criteria as set in the statutory guidance as only a post and wire fence is present on the eastern boundary and nothing currently exists on the northern. Whilst the proposed planting is noted, as this is not currently established, the eastern boundary would be considered as manufactured. As such, the proposal cannot be accepted under criterion (a) building groups and will be reason 1 for refusal on this report.

## Design and Layout

During pre-application consultation, it was highlighted to the agent that the proposal should not exceed 1 storey in height due to the topography of the land. Anything greater than 1 storey would take dominance on the landscape and could impact upon the setting and character of Ballindean.

The design which has come forward has complied with this advice with the proposed dwellinghouse being 1 storey in nature. The proposal has also been designed to appear as 2 smaller dwellinghouses with a connecting element. This helps to reduce the overall mass of the unit. On the south elevation of the proposal, a large amount of glazing has been incorporated in order for optimum sunlight and solar gain to the property. This elevation is considered to be of a high quality and will contribute positively to the quality of the place.

With regards to materials, the previously withdrawn scheme was a pure white rendered unit and did not blend in sympathetically with the landscape setting of the site. The pure white render would have taken dominance and would have resulted in the proposal standing out on the streetscene. As a result of this and taking into account the points raised in some of the letters of representation received, the agent amended the material palette to make it more sensitive. Consequently, this current scheme has removed the white render and replaced it with vertical timber cladding. This is considered to be a more sensitive material choice and would help the proposal to blend in more suitably to the surrounding environment. The timber cladding will blend into the mature vegetation and remaining woodland which will form a backdrop and overall will be inconspicuous in the wider context. The below plans show the differences in the material choice between the previously withdrawn application and the current application:



With regards to roofing, the proposed dwellinghouse incorporates a traditional slate roof which is consistent to the majority of buildings within Ballindean. This roof material is considered appropriate as it will not look out of place within the context of the site.

The layout of the site is also considered to be appropriate. The siting of the unit centrally on the site forms a suitable link between Easter Ballindean House and Easter Ballindean Lodge. The layout also allows for practical amenity space and suitable parking and turning facilities. The site will be partially levelled to ensure that the dwellinghouse is constructed on a flat area of land.

Overall, I have no concerns in relation to design and layout.

### **Impact upon Listed Buildings and Visual Amenity**

The proposed development site is to the east of the category C listed farmhouse at Easter Ballindean (LB 11764). To the south east of the site is a category B listed early 19th century lodge (Ballindean West Lodge - LB 11763).

The existing buildings here form a historic grouping, visible in views from the south. The proposed development is likely to be intervisible with the listed buildings in long views, due to its location on higher ground to the rear of Ballindean West Lodge.

The amended proposed external finishes (timber cladding, natural slate and full height glazing); result in an understated, contemporary appearance. The potential visual impact of the development will be reduced by retention of trees on the western boundary.

The Conservation Officer, who provided comments on this proposal, as well as being involved at pre-application stage, has stated that the recent removal of the trees within the site has increased the potential visual impact of the development on the setting of the listed buildings, when compared with the previously withdrawn application (17/01693/FLL). Given the large footprint of the proposed dwellinghouse it is likely to appear overly prominent in views from the south, and particularly intrusive in relation to Ballindean West Lodge. Remaining trees will screen the new development when viewed from the main approach to the south west, which protects the visual relationship between the two listed buildings to an extent. However, although the proposed building is single storey, the change in ground level will result in it appearing much higher than the lodge, which would be detrimental to its setting without substantial visual screening to the south of the development.

In this case, although the proposed external finishes are understated and visually recessive (timber cladding, natural slate and full height glazing), the Conservation Officer considers that this would not be sufficient to protect the setting of the lodge.

The agent was advised of this concern from the Conservation Officer on the 27<sup>th</sup> November 2018 and as such requested a 'Stop the Clock' on the application to allow more time to prepare an amended scheme to address the concerns. The amended drawings were consequently received on the 27<sup>th</sup> February 2019. The amended scheme included more tree and shrub planting to help act as a visual screen between the Lodge and a minimum height of 4m.

The Conservation Officer has reviewed the amended scheme and considers it to be an improvement from the original scheme as if the planting is carried out correctly then it will help to mitigate any major impact upon the setting on the listed buildings. However, the Conservation Officer considers that due to the height of the site compared to the lodge that the tree planting proposed may still not be enough to reduce the impact of the development.

Taking the response from the Conservation Officer into account, the proposal is therefore considered to erode the setting of the nearby listed buildings by virtue of prominence and as such will be reason 2 for refusal on this report.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the site falls within the Sidlaw Hills Special Landscape Area. The

provision of a dwellinghouse must therefore be assessed against the landscape framework available. As the proposal is 1 storey in nature and can utilise the backdrop of the trees and topography of the surrounding land, whilst being located at the edge of a building group, it is not considered to erode local distinctiveness, diversity and quality of the landscape and the features that give rise to the designation of the Sidlaw Hills Special Landscape Area.



**Residential Amenity**

Given the relative distances, position, orientation and location of neighbouring properties, the proposal is not considered to raise any issues in relation to residential amenity. The nearest window-to-window distance is 25metres which exceeds the Council’s draft Placemaking guide, which recommends 18metres. The overall height of the building is also not considered to result in any issues of overshadowing.

Environmental Health were consulted as part of this application and stated that they have no objection to the proposed development, subject to a condition being added to the consent in relation to the operation of the proposed stove. Overall, whilst the letters of representation are noted, it is considered that there are no impacts in relation to residential amenity.

**Roads and Access**

One of the concerns with the previously withdrawn application (17/01693/FLL) was in relation to site access. It was proposed to create a new driveway which essentially wrapped around ‘The Lodge’. This was considered to be unnecessary as there was an existing field access to the north west of The Lodge which could be utilised. This current proposal has therefore amended the access arrangements to utilise the existing field access. The access to the site is now considered to be acceptable and in keeping with the character of the area. The below images compares the access arrangements between the withdrawn application and the current application:

	
Withdrawn Application (17/01693/FLL)	Current Application (18/01802/FLL)



The below photographs show the existing access point and gate which will be utilised:



With regards to onsite arrangements, the proposal incorporates a large driveway area where there is adequate space for accommodating at least 3 vehicles. This is in addition to a garage. The driveway will be formed from gravel and the courtyard area will be paved with grey tegula blocks. Within the driveway, there is sufficient space to allow for vehicles to turn safely and exit the site in a forward gear. These arrangements are considered to be acceptable for the traffic likely to be generated by this proposal, which is expected to be minimal. Furthermore, the Transport Planning Officer who was consulted as part of this application has no objection to the proposed development after giving the site a full assessment. I therefore have no concerns in relation to roads and access.

At this point it is worth noting that planning permission does not guarantee rights of access to the site. This was raised as a concern within some of the letters of representation received.

### **Drainage and Flooding**

A number of the letters of representation received highlighted flooding as a concern. On assessing this however, the proposed drainage arrangements are not considered to be of significant concern and the proposed development is not considered to increase the risk of flooding.

The landscaping required to accommodate the proposal would result in the area to be developed being slightly elevated and the proposed driveway would have SUDS channels on either side to drain any water which could result in any issues of flooding. The location of the septic tank and soakaway is also at approximately 2.5metres lower than the finished floor level of the proposed dwellinghouse. This soakaway is considered sufficient for a development of this scale. Furthermore, the site is not shown on flood risk maps as an area of known flooding. I therefore have no adverse concerns in relation to drainage and flooding.

### **Trees and Biodiversity**

When the previous application was submitted (17/01693/FLL), the site had an orchard present on it. This orchard has now been felled. It is noted however

that the landowner would not require any consent from the Planning Authority to fell this orchard as the trees were not protected. No breach of planning control has therefore occurred, as suggested within some of the letters of representation received.

A Tree Survey was however submitted as part of the proposal which demonstrates the quality of the trees within the orchard, prior to them being felled. This has been reviewed by the Tree Officer. The Tree Officer has confirmed that whilst the loss of the orchard is regrettable, that the amended plan received on the 27th February 2019 shows sufficient replacement planting which could be controlled by adding conditions to the consent. The Biodiversity Officer also raises no adverse concerns with the proposed development now that the orchard has been felled.

## **Waste Collection**

The proposal incorporates a 12m<sup>2</sup> bin store on the eastern elevation of the garage. This is considered to be adequate provision for a dwellinghouse of this scale.

## **Developer Contributions**

### Primary Education

The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Inchtute Primary School, where there are currently capacity issues. The Development Negotiations Officer has therefore confirmed that £6,460.00 is required as an education contribution.

### Transport Infrastructure

The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The site is within the reduced contributions area. The Development Negotiations Officer has therefore confirmed that £2,639.00 is required as a transport contribution.

## **Economic Impact**



The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period as the agent wanted the opportunity to submit amended plans.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application.**

## **Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 '*Housing in the Countryside*', of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Supplementary Guidance 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location. There are no existing definable site boundaries on the eastern or northern boundaries, therefore the proposal does not meet the requirements of criterion (a) building groups.
- 2 The proposal is contrary to Policy HE2 '*Listed Buildings*', of the Perth and Kinross Local Development Plan 2014, as the proposal will negatively impact upon the setting of the adjacent listed buildings (Easter Ballindean and Ballindean West Lodge).

## **Justification**

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

**Informatives**

Not Applicable.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/01802/1

18/01802/2

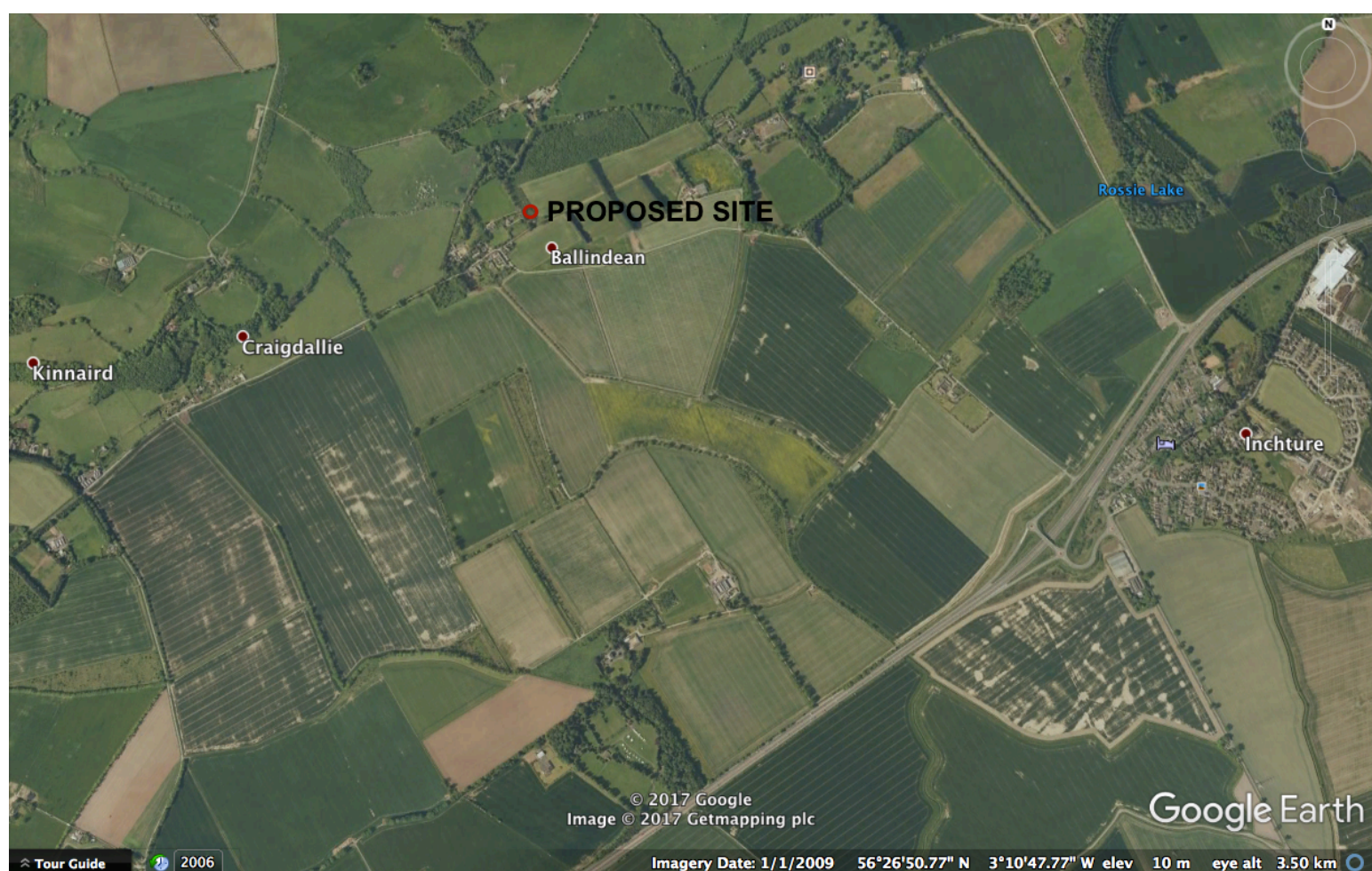
18/01802/4

18/01802/5

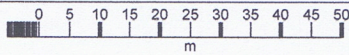
18/01802/6

18/01802/7

**Date of Report** 6<sup>th</sup> March 2019







OS MasterMap 1250/2500/10000 scale  
18 May 2017, ID: MNOW-00624985  
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APPLICATION FOR  
DETAILED PLANNING PERMISSION

FOR

**ERECTION OF NEW COTTAGE**

AT

EASTER BALLINDEAN

# **SUPPORTING STATEMENT**

**September 2018**

richard hall **chartered architect**  
the studio  
cordon mains  
abernethy  
PH2 9LN

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- 1.0 INTRODUCTION
- 2.0 EXISTING SITE
- 3.0 THE SETTING
- 4.0 PROPOSALS
- 5.0 CONCLUSION



## 1.0 INTRODUCTION

This application is for a new cottage on the site of a former agricultural field, which has had various uses, including a piggery and now is a dilapidated orchard. The village of Ballindean sits on a south facing slope and runs generally from east to west, and follows the edge of the road.



The houses of Ballindean, are a range of larger detached properties, semi-detached and barn conversions. One noticeable new property, “Berryfields”, recently completed, adds an additional architectural dimension to the various styles within Ballindean. The main view of Ballindean, approaching from the south, is dominated by Easter Ballindean House, which is a grand formal building sitting on a higher contour, commanding the foreground. There is a lodge house to the east, which makes a formal stop to the village. This was the West Lodge to Ballindean House, now known as “Teen Lodge”. Berryfields forms a ‘bookend’ to Easter Ballindean House, and creates the opportunity to image the bookend with a new building to the east.



## 2.0 EXISTING SITE



The application site sits behind the lodge house on the same contour as Easter Ballindean House. It is a former piggery and is now a dilapidated orchard, the trees of which, have now been removed. There are some larger trees around its boundaries, which will be retained. The new house, Berryfields, which sits to the immediate west of Easter Ballindean House, sets a precedent as it also sits in a former orchard, but also sets up the opportunity to form a reflected bookend to the east, on the application site.

There is an existing vehicle access to the application site from the shared driveway to the lodge house, which is in the ownership of the applicant. The existing field access will be easily upgraded to form the driveway for the new cottage.



### 3.0 THE SETTING



The south-facing slope provides the perfect backdrop for the proposed new property. The 2 storey height of Easter Ballindean House provides the opportunity to slot a new single storey cottage behind the lodge, without breaking the imposed horizontal height limit.

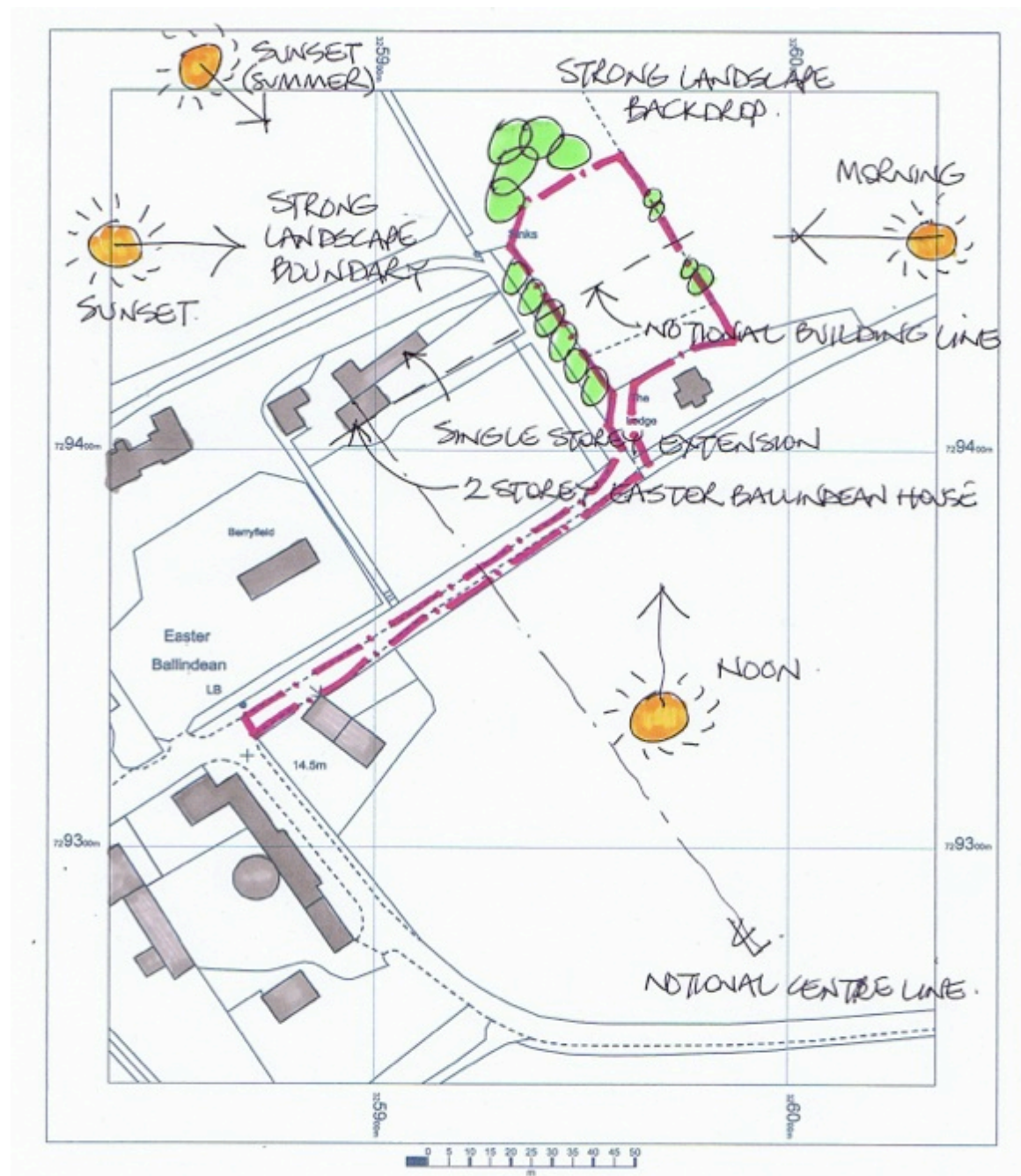
The application site has natural boundaries and a strong band of tall trees behind it to create the setting. There is a strong band of established trees to the west boundary, which will make a good protective separation between the new cottage and Easter Ballindean House.

The south facing setting allows the design to take advantage of the magnificent views to the Tay valley, and also to take advantage of potential solar gain in the buildings' design to help minimize energy consumption.

A Pre-application consultation was made with Planning Officer, Mr Sean Panton, and he was generally supportive of the proposals. His main requirement was that the new property should be single storey and have a minimum impact on the existing lodge.

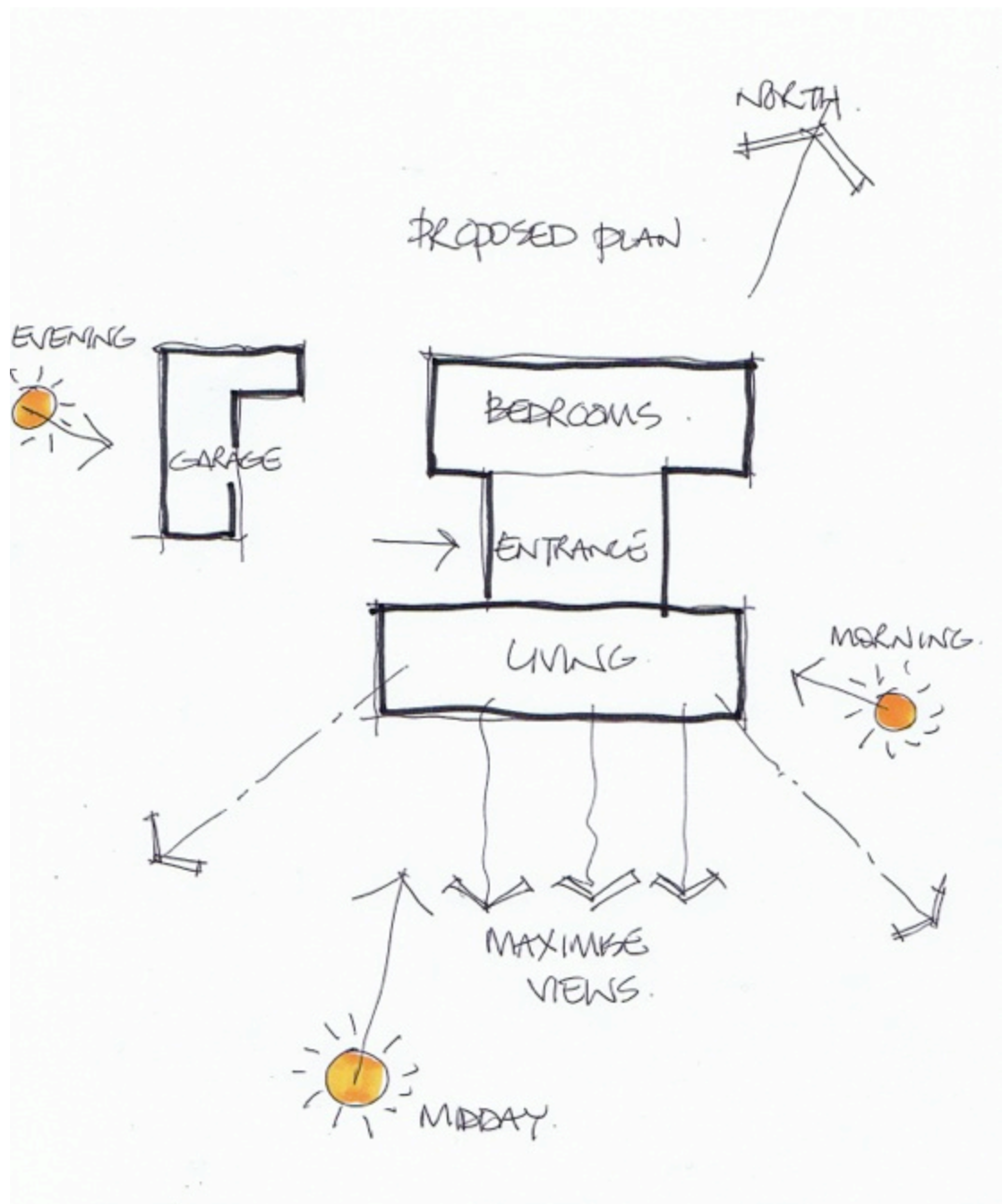


## 4.0 PROPOSALS



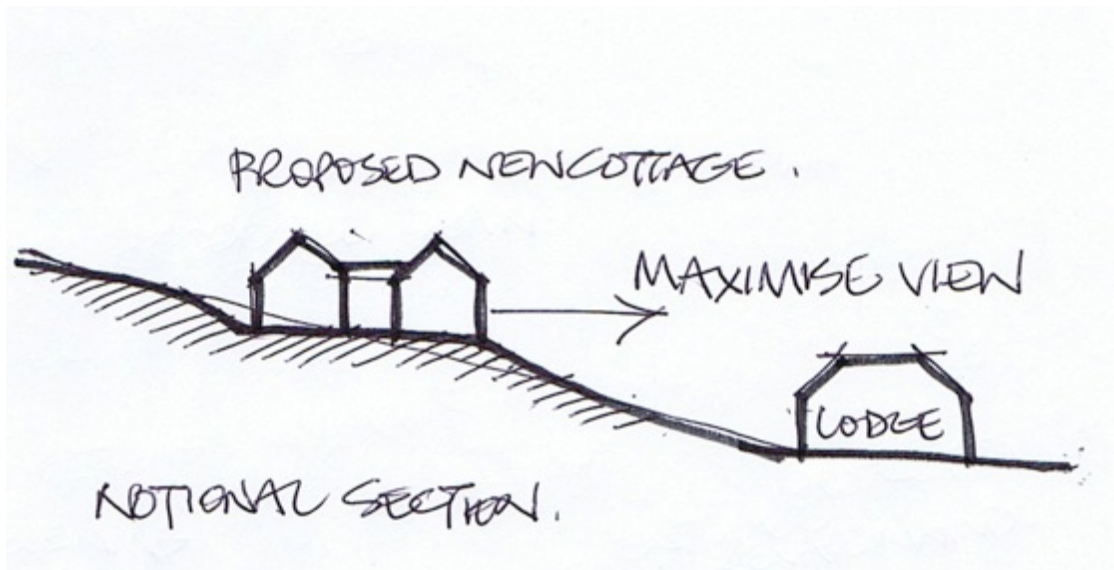
The illustrative plan above shows the notional centre-line set up by the symmetrical façade of Easter Ballindean House, through which it is possible to reflect a new building on the application site. It also shows the notional building line that controls the position of the proposed building on the application site.

It was agreed at the Pre-application meeting that the new building should have a minimum impact on the existing lodge. The proposed plan is illustrated in the following sketch, where the living part of the house has been separated into its minimum form to reduce its impact on its setting and on the existing lodge, but also protects the setting and the existing lodge by hiding its bedroom neighbour behind.



#### NOTIONAL PLAN

The section below shows how the potential mass of the proposed new cottage is minimised by separating the house into two distinct parts, the front south cottage protecting the lodge from the presence of the rear north cottage.



Architecturally the proposed cottage is imagined in a traditional form with gables and dual-pitched roofs. Proposed materials reflect the vernacular with natural slate and vertical natural timber. The timber boards will be treated with a UVA & UVB protective coating which will preserve and enhance the tone of the wood. This colour will match the warm tones of the adjoining listed buildings, but identify the new house as contemporary, rather than a pastiche of the existing. The south face of the 'living' cottage is designed to maximise the magnificent views and to maximise potential solar gain, to help minimise energy consumption.

It is intended that the proposed cottage will be constructed from timber frame with high levels of insulation, with triple glazed windows to further minimise heat loss and energy consumption.

The large areas of glass on the south elevation, make a bold contemporary statement while the architectural form reflects the vernacular.

This application is the second application for a new house on this site, the first withdrawn, to allow further consultation. The first application attracted a variety of objections, some of which mentioned the likelihood of flooding. The application site is a former agricultural field and the soil has not been turned for many years. The application development will take account of all formal requirements for efficient and sustainable drainage, in accordance with all regulations, and there will be no likelihood of creating any wash-off from the slope.

## 6.0 CONCLUSION

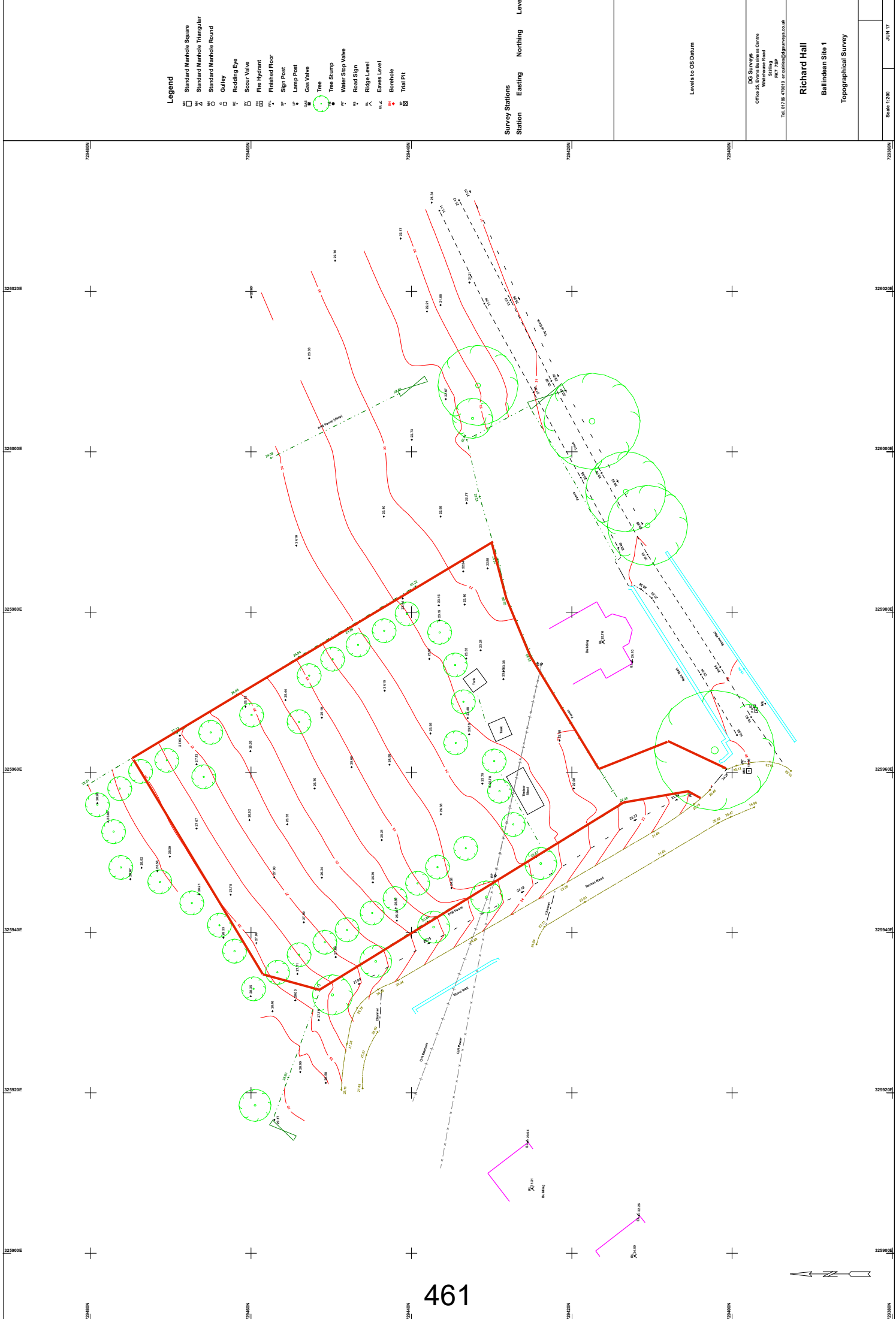
The proposed cottage is a contemporary open-plan house designed for modern family living, and designed to minimise energy consumption. It is also clearly designed to take account of its setting. It was established at the Pre-application meeting that this is a viable residential site in terms of Planning Policy. The application site has strong and established boundaries and the established tree belts will be retained. The site is currently derelict and this development will bring it back to life.

Easter Ballindean House is a magnificent house and sets up a grand theatre of open ground as you approach from the south. The proposed cottage will be in complete balance with this house, as it has been designed to be architecturally subservient in nature and will reflect the new Berryields in both form and colour.

The proposed cottage provides vital infill rural family accommodation, supporting Planning Policy's drive to make rural communities sustainable, and to maintain vitality in the settlement.







**Legend**

- Standard Manhole Square
- Standard Manhole Triangular
- Standard Manhole Round
- Gully
- Rodding Eye
- Scour Valve
- Fire Hydrant
- Finished Floor
- Sign Post
- Lamp Post
- Gas Valve
- Tree
- Tree Stump
- Water Stop Valve
- Road Sign
- Ridge Level
- Eaves Level
- Bornhole
- Trial Pit

Survey Stations  
Station Easting Northing Level

Levels to OS Datum

OG Surveys  
Office 25, Evans Business Centre  
Walsley Road  
Sheffield  
S18 7DP  
Tel: 01773 672019 enquiries@ogsurveys.co.uk

**Richard Hall**  
Ballinlean Site 1  
Topographical Survey



**Tree Survey  
Arboricultural Constraints  
and  
Implication Assessment**

*for*

**Easter Ballindean Cottage  
Errol**

*by*

**Donald Rodger Associates Ltd  
Arboricultural Consultants**

*for and on behalf of*

**Mr R Morgan**

**November 2017**

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## **1 INTRODUCTION**

This survey and arboricultural implication assessment relates to trees growing within and adjacent to a plot of land to the north of Easter Ballindean Lodge, at Ballindean, near Errol. It was commissioned by the owner, Mr R Morgan, and has been prepared in connection with proposals for the construction of a single dwelling house. The area of survey is illustrated on the accompanying tree survey plan.

The tree survey records in detail the nature, extent and condition of the existing tree cover within and adjacent to the subject site and provides interpretation and analysis on the findings. It provides a comprehensive and detailed pre-development inventory carried out in line with **British Standard 5837:2012** '*Trees in Relation to Design, Demolition and Construction - Recommendations*'.

Arboricultural constraints in terms of root protection area and retention value are assessed, consistent with the recommendations contained within BS 5837:2012. Recommendations are also provided regarding tree retention and protection, based on the proposed layout for the site.

The survey is based on a comprehensive visual inspection carried out from the ground by Donald Rodger on 2 November 2017. The weather conditions at the time were dry, bright and calm.

***Author's qualifications:*** Donald Rodger holds an Honours Degree in Forestry. He is a Chartered Forester, a Chartered Biologist, a Chartered Environmentalist and a Fellow and Registered Consultant of the Arboricultural Association. He has thirty years experience of arboriculture and amenity tree management at a professional level.

***Limitations:***

- ❑ The findings and recommendations contained within this report are valid for a period of twelve months from the date of survey (i.e. until 2 November 2018). Trees are living organisms subject to change – it is strongly recommended that they are inspected on an annual basis for reasons of safety.
- ❑ The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.
- ❑ The report relates only to those trees growing within the area of survey as shown on the accompanying plan. Trees outwith the survey area were not inspected.
- ❑ Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to even apparently healthy trees.
- ❑ This report has been prepared for the sole use of Mr R Morgan and his appointed agents. Any third party referring to this report or relying on the information contained herein does so entirely at their own risk.

## **2 TREE SURVEY METHODOLOGY**

### **2.1 Plum Orchard**

The site essentially comprises an abandoned plum orchard. This supports in the region of 80 individual trees of very similar age, size and appearance. These have been plotted as part of the tree survey and are described and assessed *en masse* as a group at section 3.2. The edge trees have been plotted as part of a land survey, carried out by others. The approximate positions of additional trees were plotted as part of the tree survey.

### **2.2 Individual Trees**

All obvious individual trees within and adjacent to the development plot with a trunk diameter measured at 1.5m from ground level of 75mm and greater are surveyed in detail. These are accurately plotted on the enclosed **Tree Survey Plan** and recorded in detail in the **Tree Survey Schedule** (Section 6).

The individually surveyed trees have been tagged with a uniquely numbered aluminium identity disc approximately 2m from ground level. A total of **13 individual trees** were surveyed in detail, with tag numbers running sequentially from **1186 to 1198**. The trees within the private garden of Easter Ballindean Lodge were surveyed remotely from outwith the curtilage of the property.

The majority of individual tree locations were plotted as part of a land survey, carried out by others. Two trees were added as part of the tree survey (1195 and 1198). The actual measured canopy spread of each individual tree within the survey is indicated on the Tree Survey Plan. This provides an accurate representation of the extent and configuration of the canopy cover as it affects the site.

Information on each numbered tree is provided in the Tree Survey Schedule (Section 6). Consistent with the approach recommended in **British Standard 5837:2012**, this records pertinent details, including:

- Tree number;
- Tree species;
- Trunk diameter;
- Tree height;
- Crown spread;
- Height in metres of crown clearance above adjacent ground level;
- Age;
- Condition category, Good, Fair, Poor or Dead as per BS 5837;
- Comments and observations on the overall form, health and condition of the tree, highlighting any problems or defects;
- Life expectancy;
- Retention category, A, B, C and U, as per BS 5837;
- Recommended arboricultural works;
- Priority for action.

All trees within the survey have been ascribed a **Retention Category**. In line with the recommendations contained within BS 5837:2012, this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value and suitability for retention within any proposed development. The retention category for each tree is shown in the Tree Survey Schedule and the central discs colour coded on the plan accordingly.

**A** – High category: trees whose retention is most desirable (green on plan).

**B** – Moderate category; trees where retention is desirable (blue on plan).

**C** – Low category; trees which could be retained (grey on plan).

**U** – Unsuitable for retention; trees which should be removed (red on plan).



### **3 SURVEY RESULTS**

#### **3.1 General Site Description**

The site falls within the rural hamlet of Ballindean, some 3 miles north west of Inchtute, Perth and Kinross. It comprises the southern third of a plum orchard which occupies a south facing hillside to the north of Easter Ballindean Lodge. Ballindean Farmhouse lies to the west and access is via a farm track. The site and its setting is illustrated on photos 1 and 2.

A number of established individual trees adjoin the site along the west boundary (trees 1186 to 1190) and to the south along the farm track and near Easter Ballindean Lodge.

The site has not been managed as a commercial orchard for many years and has latterly been used as piggery. The ground vegetation is very overgrown with abundant thistles.

#### **3.2 Plum Orchard**

The site encompasses the southern third of a large plum orchard established on the hillside to the north of Easter Ballindean Lodge. The trees have been regularly set out in eight parallel rows running perpendicular to the contours, with 4m between rows and 4m between trees in each row. The rows are mostly complete, save for a few missing trees which create small gaps (see plan).

The orchard has been established as a single operation and as such the trees are all the same age and in the region of 30 years. The trees are all of one variety and very similar in character and appearance. They are relatively small at around 4 to 5m in height with single trunks and bushy crowns (see photos 3 to

8). Trunk diameter varies from 10 to 15cm when measured at 1m from ground level. Many trees are still staked and tied.

The trees have not been maintained or managed for many years, with the result that they have become overgrown, with bushy and straggly crowns. Most trees display abundant twiggy deadwood in the lower crowns. The orchard has effectively been abandoned for many years as a commercial enterprise and has deteriorated in terms of condition and value. It was latterly used as a piggery. This resulted in considerable ground disturbance and possible root damage to the trees.

The orchard as whole, and particularly the subject site, does not make a significant contribution to the wider landscape of the locality. The small, low-lying trees are not immediately obvious when viewed from the south (see photos 1 and 2), and somewhat lost to the more dominant individual trees to the south of Easter Ballindean Lodge and the established woodland block on the brow of the hill to the north.

### **3.3 Individual Trees**

A single row of five trees stand on a grass verge to the west of the site (see photo 9). These consist of four domestic apple trees (1187 to 1190) and a single rowan (1186). These are in early maturity and in satisfactory condition. The apple trees have not been pruned or maintained.

A large, mature oak (1191) stands to the south west of the lodge house (see photo 10). This has been heavily crown-reduced, but appears to in satisfactory health and condition. A smaller, much younger oak tree (1195) stands to the east of the garden (see photo 11).

A row of three large, mature ash (1192 to 1194) stand on the southern edge of the farm track (see photos 10, 11 and 12). Along with the mature oak (1191), these collectively form the dominant landscape features. They were found to be in satisfactory condition.

A Scots pine (1197) and two small, self-seeded ash (1196 and 1198) stand to the east of the garden of Easter Ballindean Lodge (see photos 11 and 12). The pine is in fair condition overall with a dense bushy crown. The two ash are of lesser quality and value.

## **4 ARBORICULTURAL CONSTRAINTS**

### **4.1 Tree Retention Categories**

A retention category (A, B, C or U), based on the grading system as set out within British Standard 5837:2012, has been ascribed to each individually surveyed tree. This is explained at the tree survey schedule.

The majority of the trees are generally assessed as being of high (A) to medium (B) retention value. These are generally in satisfactory condition, have a reasonable future life expectancy and make a positive contribution to the landscape and amenity of the area. As such, they should be retained if possible.

The orchard is assessed as being of low (C) retention value. The trees are of small size and make little contribution to the wider landscape of the area. Abandoned for many years, the trees are in poor and declining condition and have a limited viable life expectancy.

### **4.2 Root Protection Area**

Definition of the root protection area (**RPA**) for trees is provided within British Standard 5837:2012. This is a minimum **area** which should be left undisturbed around each tree and is calculated as an area equivalent to a circle with a radius of 12 times the stem diameter. The RPA may change its shape depending on local site and tree factors, as assessed by an arboriculturalist. The RPA of the surveyed trees has been graphically plotted as a **grey circle** on the Tree Survey Plan.

## **5 ARBORICULTURAL IMPACT ASSESSMENT**

### **5.1 Development Proposal**

It is proposed to locate a single dwelling house with detached garage within the site. A new access is to be formed off the existing farm track to the south. Detailed proposals have been prepared by Richard Hall, Chartered Architect, and these are referred to here. The potential footprint of the proposed development is illustrated on the appended Tree Proposals plan, which accompanies this report.

### **5.2 Tree Removal and Retention**

It is proposed to remove the plum trees within the site boundary in order to facilitate the development and associated ground works. It is pertinent to note that at least two thirds of the orchard will be maintained on the land to the north. As noted previously, the grouping of plum trees on the lower slopes does not make a significant impact on the landscape and amenity of the locality. The loss of trees on this part of the site will therefore barely be noticed visually.

The orchard trees are relatively young in age and small in size and stature, and in a neglected and un-managed condition. Future management for fruit production is not economically viable, and further deterioration in condition can reasonably be expected. Tree removal could be mitigated by replacement tree planting (see section 5.5).

It is proposed to retain the individually surveyed trees. These more dominant specimens will continue to make a positive contribution to the rural landscape of the area.

### 5.3 Tree Protection

The trees to be retained should be protected prior to and throughout the construction phase.

- **Trees 1186 to 1190**

The canopy and RPA of these trees encroaches into the development site. These should be protected by creating a fenced **tree protection area** within which no development takes place and the root systems remain undisturbed. Clear guidelines on this matter are contained within British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' and this document is referred to as a baseline on which recommendations are made.

Based on the trees concerned, their RPA, existing site conditions and proposed development, the recommended line of tree protection fence is shown by a bold magenta line on the tree proposals plan (3.5m from the boundary fence). This will protect the trees to be retained *en masse* and prevent root damage and disturbance.

- **Trees 1191 to 1194**

These trees will not be affected by the proposals. The existing farm track is to be utilised and as such no temporary tree measures are required.

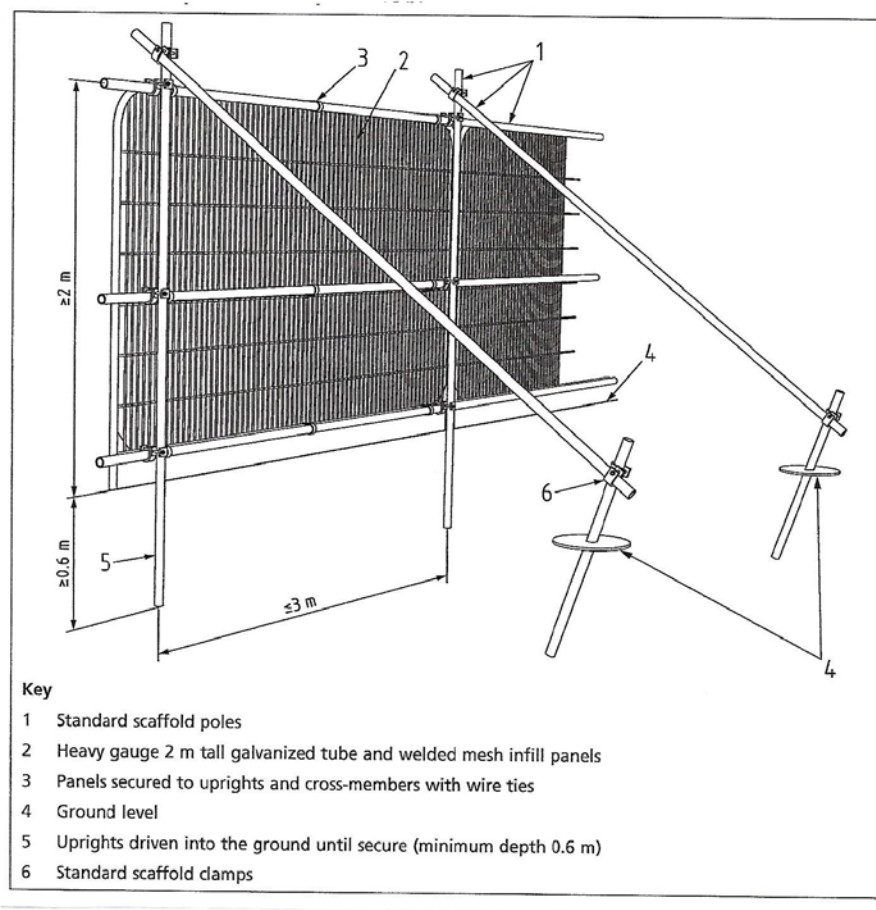
- **Trees 1195 to 1198**

The proposed new access drive falls within the RPA of tree 1197, the Scots pine. This is on one side only and not to any significant degree. This is unlikely to have any significant impact on this tree.

As a precautionary measure, temporary tree protection fencing is recommended for this group, as illustrated on the Tree Proposals Plan.

## 5.4 Tree Protection Fence

Robust fencing must be used to define the tree protection areas. This must be, as a minimum, as specified in section 6.2.2 of BS 5837:2012 and consist of a fixed scaffolding framework 2.3m in height set into the ground and well-braced to withstand impacts. Onto this, weldmesh panels (Heras fencing) will be securely fixed. ***Protective fencing must be erected prior to any construction works commencing on site and maintained throughout to completion.***



*Extract from BS 5837.*

Providing the tree protection areas area established **prior** to works commencing on site and maintained sacrosanct until completion, the tree cover to be retained will not be significantly affected. With the protective fencing in place as specified above, there exists a clear and defined area for development.

## 5.5 Tree Planting

Indicative locations are shown for replacement tree planting on the Tree Proposals Plan. This seeks to define the eastern edge of the plot.



## **6 TREE SURVEY SCHEDULE**

### **Explanation of Terms**

<b>Tag no.</b>	- Identification number of tree as shown on plan.
<b>Species</b>	- Common name of species.
<b>Dia</b>	- Trunk diameter in cm measured at 1.5m. <b>MS</b> = multi-stemmed.
<b>Hgt</b>	- Height of tree in metres.
<b>Crown spread</b>	- Radial crown spread in metres measured to the four cardinal compass points N, E, S and W.
<b>Crown height</b>	- Height in m of crown clearance above ground.
<b>Age Class</b>	- Age class category. <b>Young</b> <b>Semi-Mature</b> <b>Early Mature</b> <b>Mature</b>
<b>Cond Cat</b>	- Condition category ( <b>Good, Fair, Poor, or Dead</b> ).
<b>Notes</b>	- General comments on tree health, condition and form, highlighting any defects or areas of concern.
<b>Life Expct</b>	- Life expectancy, estimated in years.
<b>BS 5837 Cat</b>	- BS 5837:2012 Retention category ( <b>A, B, C or U</b> - see explanation overleaf.
<b>Rec Management</b>	- Recommended remedial action/arboricultural work.
<b>Priority</b>	- Priority for action.

## BS 5837:2012 Category Grading

Categories for tree quality assessment, based on guidance given in British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

### Trees unsuitable for retention

Category and definition	Criteria – Subcategories
<b>Category U</b>  Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<p>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).</p> <p>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</p> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</i></p>

### Trees to be considered for retention

Category and definition	Criteria – Subcategories		
<b>Category A</b> High quality and value with an estimated life expectancy of at least 40 years.	Particularly good example of their species, especially if rare or unusual; or those that are essential components of formal or semi-formal arboricultural feature.	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value.
<b>Category B</b> Moderate quality and value with an estimated life expectancy of at least 20 years.	Trees that might be in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management or storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value.
<b>Category C</b> Low quality and value with an estimated life expectancy of at least 10 years, or young trees with a diameter <150mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low landscape benefit.	Trees with no material conservation or other cultural value.

Tag no	Species	Dia	Hgt	N	E	S	W	Cr Cl	Age	Cond Cat	Notes	Life expect	BS 5837 Cat	Rec action	Priority
1186	Rowan	MS 35	6	3	3	3	3	2	Early mature	Fair	Multi stemmed from base with bushy crown. Fair condition overall.	20-40	B		
1187	Apple	24	6	4	5	4	3	2	Early mature	Fair	Domestic fruit tree. Slight crown bias to east. Fair condition overall. Not pruned or maintained for fruit.	20-40	B		
1188	Apple	26	6	2	5	4	3	2	Early mature	Fair	Domestic fruit tree. Slight crown bias to east. Fair condition overall. Not pruned or maintained for fruit.	20-40	B		
1189	Apple	26	6	3	5	3	3	2	Early mature	Fair	Domestic fruit tree. Slight crown bias to east. Fair condition overall. Not pruned or maintained for fruit.	20-40	B		
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1191	Oak	80	15	8	6	6	7	9	Mature	Fair	Large, mature specimen in garden of lodge. Stone retaining wall close to trunk. Crown has been heavily reduced in the past. Profuse epicormic growth on trunk. Fair condition overall.	>40	A		
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1194	Ash	55	22	6	8	8	3	8	Mature	Fair	One of a line of three similar ash trees on field boundary. Suppressed on west face with bias to south and east.	>40	A		
1195	Oak	25+ 23	7	4	3	4	4	3	Semi mature	Good	Semi mature tree in garden of lodge. Forks into two codominant stems at 1m. Bushy and healthy crown.	>40	B		
1196	Ash	27	8	5	3	3	3	1	Semi mature	Fair	Suppressed crown development with bias to north. Old root damage where trench excavated near base of trunk.	20-40	B		

Tag no	Species	Dia	Hgt	N	E	S	W	Cr Cl	Age	Cond Cat	Notes	Life expect	BS 5837 Cat	Rec action	Priority
1197	Scots pine	62	11	6	7	4	4	2	Early mature	Fair	Forks into two codominant stems at 1.5m. Bushy and heavily branched crown.	20-40	B		
1198	Ash	15	7	3	3	2	1	2	Young	Poor	Small, young tree growing out from under canopy of larger pine. Heavily suppressed with pronounced lean and bias to east. Poor specimen with limited future potential.	10-20	C		

## **APPENDIX 1**

- Photographs

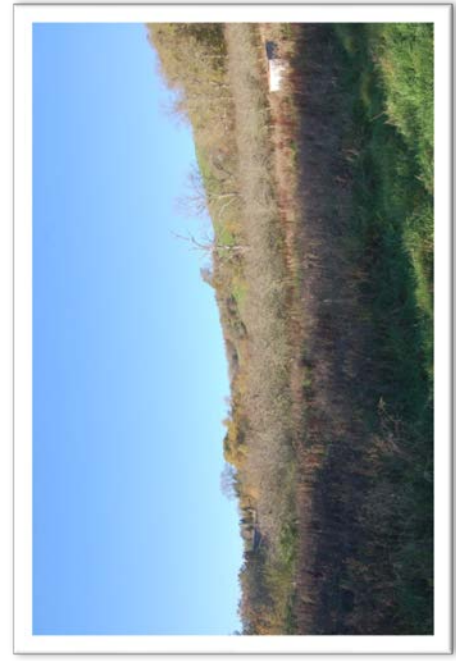




**Photo 1.** View of site, looking north.



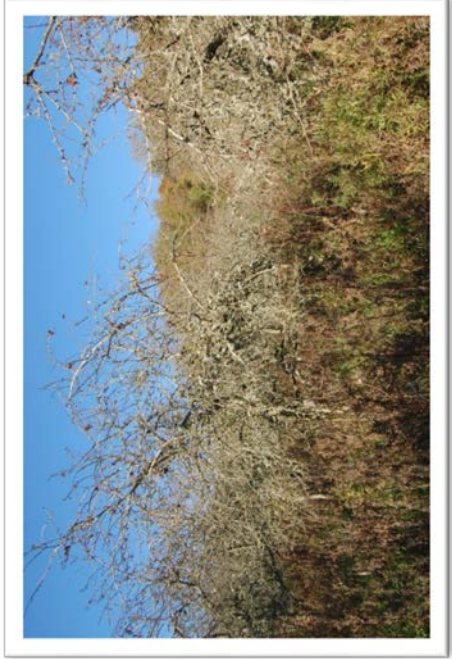
**Photo 2.** View of site, looking north.



**Photo 3.** Eastern edge of plum orchard.



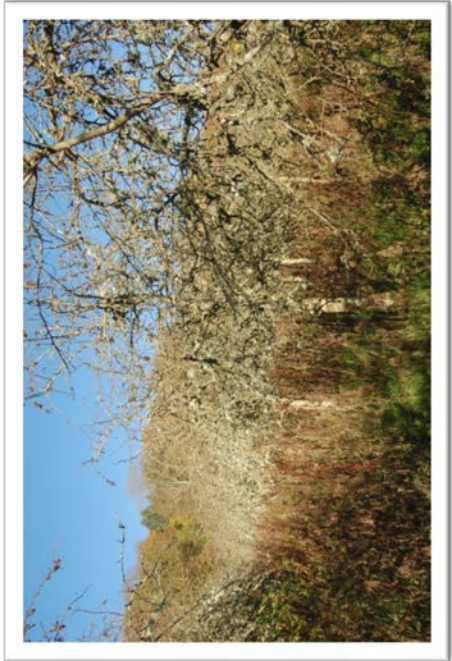
**Photo 4.** Internal view of plum orchard.



**Photo 5.** Internal view of plum orchard.



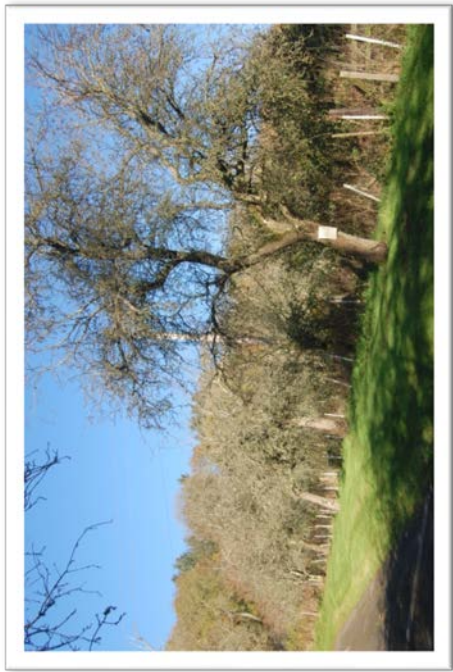
**Photo 6.** Internal view of plum orchard.



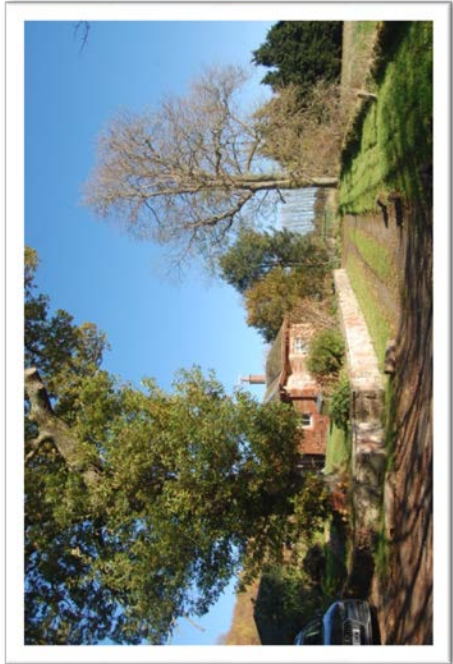
**Photo 7.** Internal view of plum orchard.



**Photo 8.** Internal view of plum orchard.



**Photo 9.** Trees 1186 to 1190.



**Photo 10.** Trees 1191 to 1198, looking east along track.



**Photo 11.** Trees 1192 to 1198, looking east along track.



**Photo 12.** Trees 1192 to 1198, looking west.



## **PLANS**

- Tree Survey and Constraints





Title:

TREE PROPOSALS

Easter Ballindean Cottage, Errol


Client: Mr R Morgan

Scale : NTS

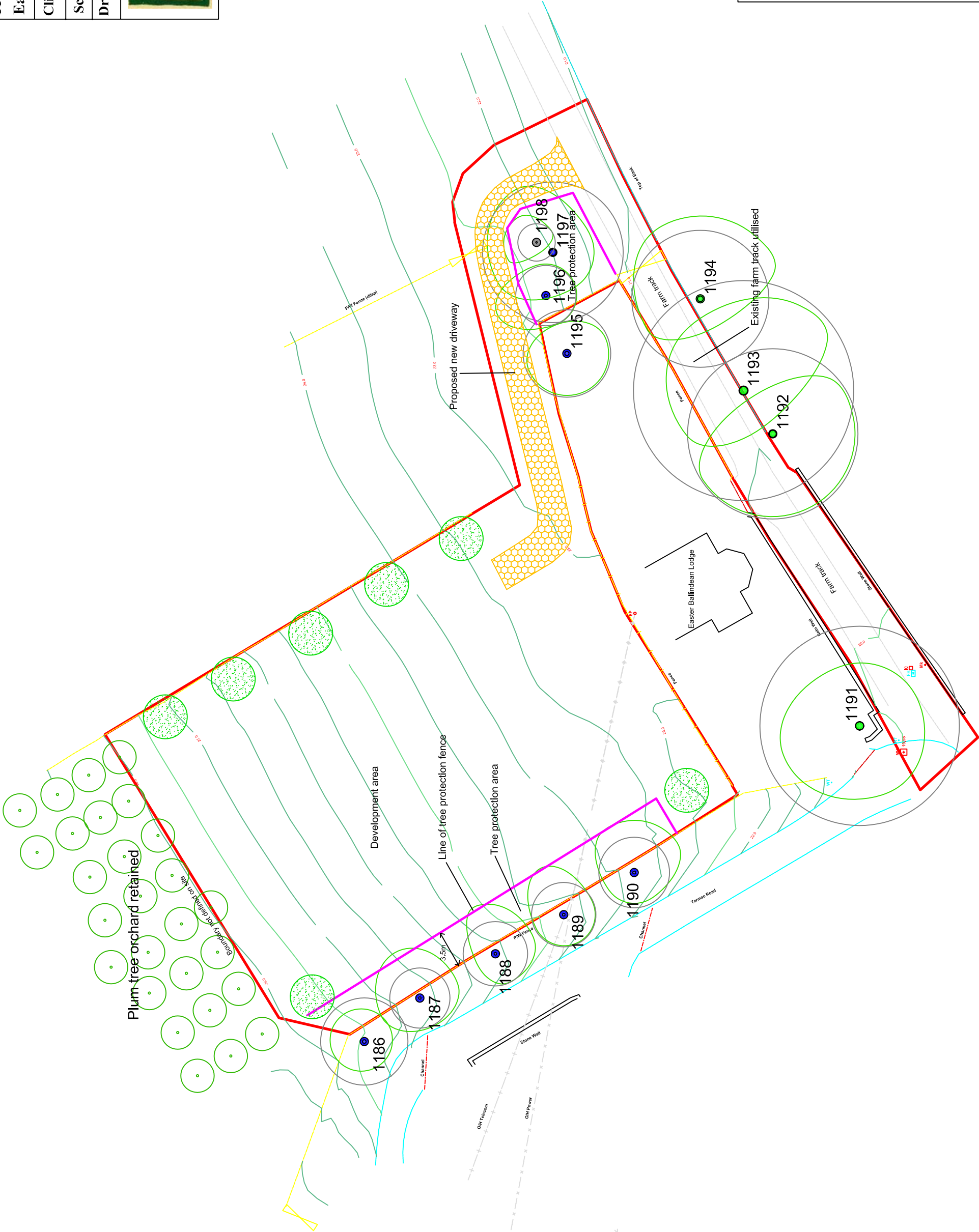
Drawn by: DR

Drwg no: 1746/2

Date: Nov. 2017



Donald Rodger Associates  
Arboricultural Consultants  
39a Main Street, Gullane  
East Lothian, EH31 2AP  
Tel/Fax 01620 842656







DONALD RODGER  
ASSOCIATES LTD

**Tree Survey  
Arboricultural Constraints  
and  
Implication Assessment**

*for*

**Plot at Easter Ballindean Lodge  
Errol**

*for and on behalf of*

**Mr R Morgan**

**October 2018**

**ARBORICULTURAL CONSULTANTS**

**Donald Rodger Associates Ltd, 39a Main Street, Gullane, East Lothian, EH31 2AP  
T. 01620 842656 M. 07710 781888 info@donaldrodger.co.uk www.donaldrodger.co.uk  
Director: Donald Rodger BSc(Hons)For, DMS, FICFor, FArborA, CBiol, MRSB, CEnv, RCarborA  
Registered in Scotland no. 499258 VAT reg no. 790 0818 24**

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## **1 INTRODUCTION**

This survey and arboricultural implication assessment relates to trees growing adjacent to a plot of land to the north of Easter Ballindean Lodge, at Ballindean, near Errol. It was commissioned by the owner, Mr R Morgan, and has been prepared in connection with proposals for the construction of a single dwelling house. The area of survey is illustrated on the accompanying tree survey plan.

There are no trees within the application boundary. The tree survey records in detail the nature, extent and condition of the existing tree cover adjacent to the subject site and provides interpretation and analysis on the findings. It provides a comprehensive and detailed pre-development inventory carried out in line with **British Standard 5837:2012** '*Trees in Relation to Design, Demolition and Construction - Recommendations*'.

Arboricultural constraints in terms of root protection area and retention value are assessed, consistent with the recommendations contained within BS 5837:2012. Recommendations are also provided regarding tree retention and protection, based on the proposed layout for the site.

The survey is based on a comprehensive visual inspection carried out from the ground by Donald Rodger on 28 September 2018. The weather conditions at the time were dry, bright and calm.

***Author's qualifications:*** Donald Rodger holds an Honours Degree in Forestry. He is a Chartered Forester, a Chartered Biologist, a Chartered Environmentalist and a Fellow and Registered Consultant of the Arboricultural Association. He has thirty years experience of arboriculture and amenity tree management at a professional level.

***Limitations:***

- ❑ The findings and recommendations contained within this report are valid for a period of twelve months from the date of survey (i.e. until 28 September 2019). Trees are living organisms subject to change – it is strongly recommended that they are inspected on an annual basis for reasons of safety.
- ❑ The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.
- ❑ The report relates only to those trees growing within the area of survey as shown on the accompanying plan. Trees outwith the survey area were not inspected.
- ❑ Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to even apparently healthy trees.
- ❑ This report has been prepared for the sole use of Mr R Morgan and his appointed agents. Any third party referring to this report or relying on the information contained herein does so entirely at their own risk.

## **2 TREE SURVEY METHODOLOGY**

All obvious individual trees adjacent to the development plot with a trunk diameter measured at 1.5m from ground level of 75mm and greater are surveyed in detail. These are accurately plotted on the enclosed **Tree Survey Plan** and recorded in detail in the **Tree Survey Schedule** (Section 6).

The individually surveyed trees have been tagged with a uniquely numbered aluminium identity disc approximately 2m from ground level. A total of **13 individual trees** were surveyed in detail, with tag numbers running sequentially from **1186 to 1198**. The trees within the private garden of Easter Ballindean Lodge were surveyed remotely from outwith the curtilage of the property.

The majority of individual tree locations were plotted as part of a land survey, carried out by others. Two trees were added as part of the tree survey (1195 and 1198). The actual measured canopy spread of each individual tree within the survey is indicated on the Tree Survey Plan. This provides an accurate representation of the extent and configuration of the canopy cover as it affects the site.

Information on each numbered tree is provided in the Tree Survey Schedule (Section 6). Consistent with the approach recommended in **British Standard 5837:2012**, this records pertinent details, including:

- Tree number;
- Tree species;
- Trunk diameter;
- Tree height;
- Crown spread;
- Height in metres of crown clearance above adjacent ground level;
- Age;

- Condition category, Good, Fair, Poor or Dead as per BS 5837;
- Comments and observations on the overall form, health and condition of the tree, highlighting any problems or defects;
- Life expectancy;
- Retention category, A, B, C and U, as per BS 5837;
- Recommended arboricultural works;
- Priority for action.

All trees within the survey have been ascribed a **Retention Category**. In line with the recommendations contained within BS 5837:2012, this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value and suitability for retention within any proposed development. The retention category for each tree is shown in the Tree Survey Schedule and the central discs colour coded on the plan accordingly.

- A** – High category: trees whose retention is most desirable (green on plan).
- B** – Moderate category; trees where retention is desirable (blue on plan).
- C** – Low category; trees which could be retained (grey on plan).
- U** – Unsuitable for retention; trees which should be removed (red on plan).



### **3 SURVEY RESULTS**

#### **3.1 General Site Description**

The site falls within the rural hamlet of Ballindean, some 3 miles north west of Inchture, Perth and Kinross. It comprises an open field which occupies a south facing hillside to the north of Easter Ballindean Lodge. Ballindean Farmhouse lies to the west and access is via a tarmac farm track.

A number of established individual trees adjoin the site along the west boundary (trees 1186 to 1190), with a further grouping to the east of Easter Ballindean Lodge (trees 1192 to 1198). A single tree (1191) stands within a raised planter adjacent to the farm track to the south west of the lodge.

The area of survey, site features and spatial distribution of the tree cover is graphically illustrated on the appended Tree Survey Plan.

#### **3.2 Tree Description and Assessment**

A single row of five trees stand on a grass verge to the west of the site (see photo 1). These consist of four domestic apple trees (1187 to 1190) and a single rowan (1186). These are in early maturity and in satisfactory condition. The apple trees have not been pruned or maintained. The trees all display a slight bias to the east due to the effect of exposure. Their canopies overhang the subject site by several metres.

A large, mature oak (1191) stands to the south west of the lodge house (see photo 2). This has been heavily crown-reduced, but appears to be in satisfactory health and condition. An area of hard-standing used as a car park lies adjacent to the west of the tree.



**Photo 1.** Trees 1186 to 1190.



**Photo 2.** Tree 1191 (LHS). Note car park at base.

A row of three large, mature ash (1192 to 1194) stand on the southern edge of the farm track (see photos 2 and 3). Along with the mature oak (1191), these collectively form the dominant landscape features. They were found to be in satisfactory condition.

A Scots pine (1197), oak (1195) and two small, self-seeded ash (1196 and 1198) stand to the east of the garden of Easter Ballindean Lodge (see photos 3 and 4).

The pine is in fair condition overall with a dense bushy crown. The two ash are of lesser quality and value.



**Photo 3.** Trees 1192 to 1194 (RHS) and trees 1195 to 1198.



**Photo 4.** Trees 1192 to 1194 (LHS) and trees 1195 to 1198.

## **4 ARBORICULTURAL CONSTRAINTS**

### **4.1 Tree Retention Categories**

A retention category (A, B, C or U), based on the grading system as set out within British Standard 5837:2012, has been ascribed to each individually surveyed tree. This is explained at the tree survey schedule.

The majority of the trees are generally assessed as being of high (A) to medium (B) retention value. These are generally in satisfactory condition, have a reasonable future life expectancy and make a positive contribution to the landscape and amenity of the area. As such, they should be retained if possible.

### **4.2 Root Protection Area**

Definition of the root protection area (**RPA**) for trees is provided within British Standard 5837:2012. This is a minimum **area** which should be left undisturbed around each tree and is calculated as an area equivalent to a circle with a radius of 12 times the stem diameter. The RPA may change its shape depending on local site and tree factors, as assessed by an arboriculturalist. The RPA of the surveyed trees has been graphically plotted as a **grey circle** on the Tree Survey Plan.

## **5 ARBORICULTURAL IMPACT ASSESSMENT**

### **5.1 Development Proposal**

It is proposed to locate a single dwelling house with detached garage within the site. A new access is to be formed off the existing farm track to the south west, utilising the already formed parking bay. Detailed proposals have been prepared by Richard Hall, Chartered Architect, and these are referred to here. The potential footprint of the proposed development is illustrated on the appended Tree Proposals plan, which accompanies this section of the report.

The site is open and devoid of tree cover. It is proposed to retain the trees adjoining and in the proximity of the site. No trees are to be removed as part of the proposal.

### **5.2 Tree Protection**

- **Trees 1186 to 1190**

The canopy and RPA of these trees encroaches into the development site. They will be protected prior to and throughout the construction phase by creating a fenced **tree protection area** within which no development takes place and the root systems remain undisturbed. Clear guidelines on this matter are contained within British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' and this document is referred to as a baseline on which recommendations are made.

Based on the trees concerned, their RPA, existing site conditions and proposed development, the recommended line of tree protection fence is shown by a bold magenta line on the tree proposals plan 3.5m from the boundary fence. This is

outwith the RPA and canopy spreads of the trees. This will protect the trees to be retained *en masse* and prevent root damage and disturbance. The root protection area is shown hatched in magenta.

- **Trees 1191 to 1198**

These trees will not be affected by the proposals due to their distance from the site and the proposed development. As such, no temporary tree measures are required in this instance.

- **Tree 1191**

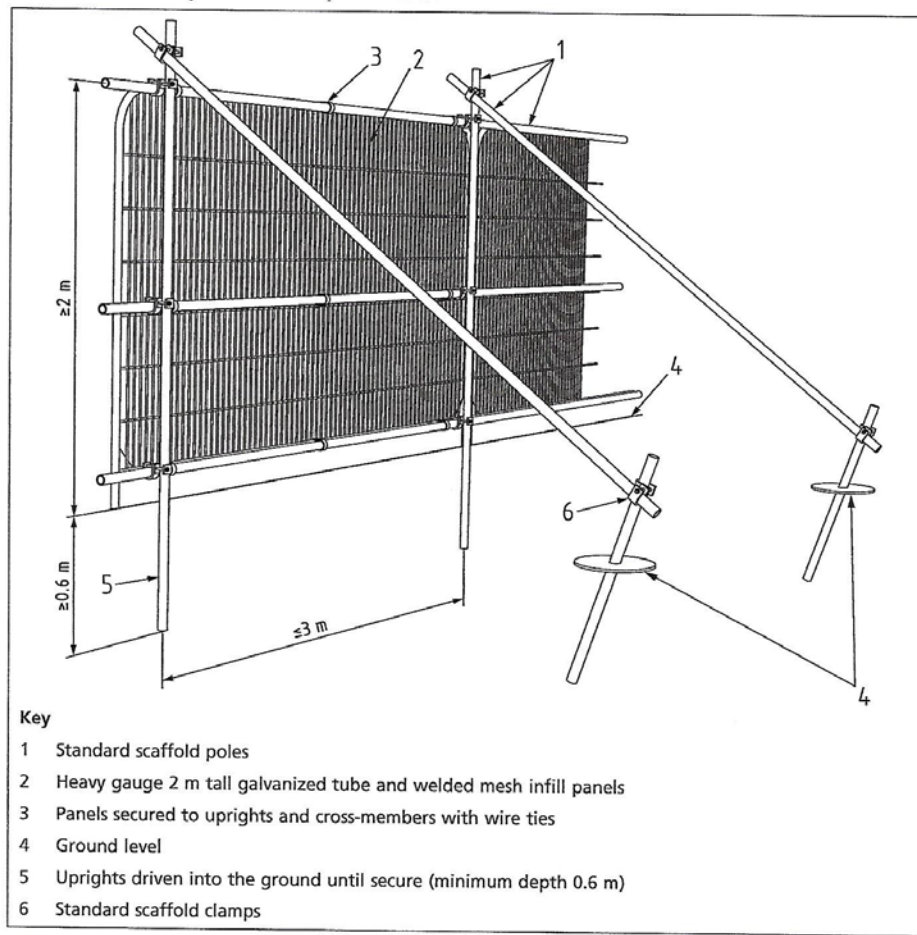
This tree will remain unaffected. Detailed proposals for creating the new access road are provided at Section 5.4.

### **5.3 Tree Protection Fence**

Robust fencing must be used to define the tree protection areas. This must be, as a minimum, as specified in section 6.2.2 of BS 5837:2012 and consist of a fixed scaffolding framework 2.3m in height set into the ground and well-braced to withstand impacts. Onto this, weldmesh panels (Heras fencing) will be securely fixed. *Protective fencing must be erected prior to any construction works commencing on site and maintained throughout to completion.*

Providing the tree protection area is established **prior** to works commencing on site and maintained sacrosanct until completion, trees 1186 to 1190 will not be affected. With the protective fencing in place as specified above, there exists a clear and defined area for development.





*Extract from BS 5837.*

## 5.4 Access Drive

A new access is to be formed to the south west of the site. This utilises the existing vehicular parking bay, which has a reinforced grass-grid surface with a loose stone infill (see photos 2 and 5). The parking bay lies below the level of the tree, which stands on a raised bed with a low, stone retaining wall. The existing parking bay provides an effective, low impact surface which allows for the free percolation of rainwater and exchange of soil gases. This does not appear to be having any adverse impact on the mature oak.



**Photo 5.** Existing parking area adjacent to tree 1191.

It is proposed to extend the existing parking bay to form the new access using the same materials and construction method. The extent of this is illustrated on the Tree Proposals Plan. This method of construction will be employed within the canopy spread and RPA of the tree, and will not have any adverse impact on its health and well-being.

## **5.5 Tree Planting**

Indicative locations are shown for replacement tree planting on the Tree Proposals Plan. It is proposed to plant a total of 12 new trees along the eastern boundary comprising a mix of native species to include silver birch, rowan, gean and field maple. The trees will be planted as light standards to achieve optimum establishment.



## 6 **TREE SURVEY SCHEDULE**

### **Explanation of Terms**

<b>Tag no.</b>	-	Identification number of tree as shown on plan.
<b>Species</b>	-	Common name of species.
<b>Dia</b>	-	Trunk diameter in cm measured at 1.5m. <b>MS</b> = multi-stemmed.
<b>Hgt</b>	-	Height of tree in metres.
<b>Crown spread</b>	-	Radial crown spread in metres measured to the four cardinal compass points N, E, S and W.
<b>Crown height</b>	-	Height in m of crown clearance above ground.
<b>Age Class</b>	-	Age class category. <b>Young</b> <b>Semi-Mature</b> <b>Early Mature</b> <b>Mature</b>
<b>Cond Cat</b>	-	Condition category ( <b>Good, Fair, Poor, or Dead</b> ).
<b>Notes</b>	-	General comments on tree health, condition and form, highlighting any defects or areas of concern.
<b>Life Expct</b>	-	Life expectancy, estimated in years.
<b>BS 5837 Cat</b>	-	BS 5837:2012 Retention category ( <b>A, B, C or U</b> - see explanation overleaf.
<b>Rec Management</b>	-	Recommended remedial action/arboricultural work.
<b>Priority</b>	-	Priority for action.

## BS 5837:2012 Category Grading

Categories for tree quality assessment, based on guidance given in British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

### Trees unsuitable for retention

Category and definition	Criteria – Subcategories
<p><b>Category U</b></p> <p>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years</p>	<p>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).</p> <p>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</p> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</i></p>

### Trees to be considered for retention

Category and definition	Criteria – Subcategories		
<p><b>Category A</b></p> <p>High quality and value with an estimated life expectancy of at least 40 years.</p>	Particularly good example of their species, especially if rare or unusual; or those that are essential components of formal or semi-formal arboricultural feature.	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value.
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1196	Ash	27	8	5	3	3	3	1	Semi mature	Fair	Suppressed crown development with bias to north. Old root damage where trench excavated near base of trunk.	20-40	B		

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1198	Ash	15	7	3	3	2	1	2	Young	Poor	Small, young tree growing out from under canopy of larger pine. Heavily suppressed with pronounced lean and bias to east. Poor specimen with limited future potential.	10-20	C		

## **PLANS**

- Tree Survey and Constraints
- Tree Proposals

Title:

TREE SURVEY

Easter Ballindean Lodge, Errol


Client: Mr R Morgan

Scale : NTS

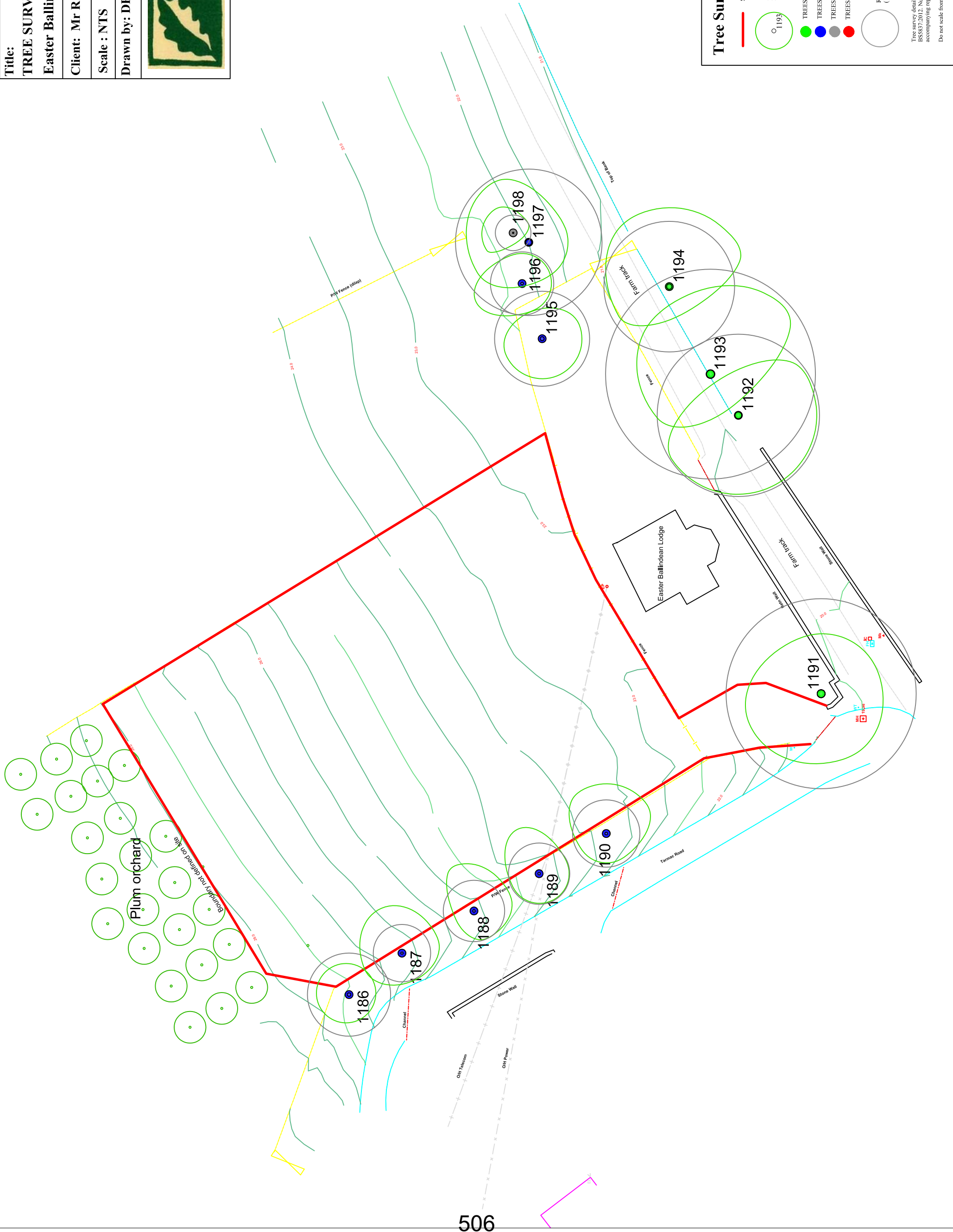
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Drawn by: DR

Date: Sept. 2018



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39a Main Street, Gullane  
East Lothian, EH31 2AP  
Tel/Fax 01620 842656



Title:

TREE PROPOSALS

Easter Ballindean Lodge, Errol


Client: Mr R Morgan

Scale : NTS

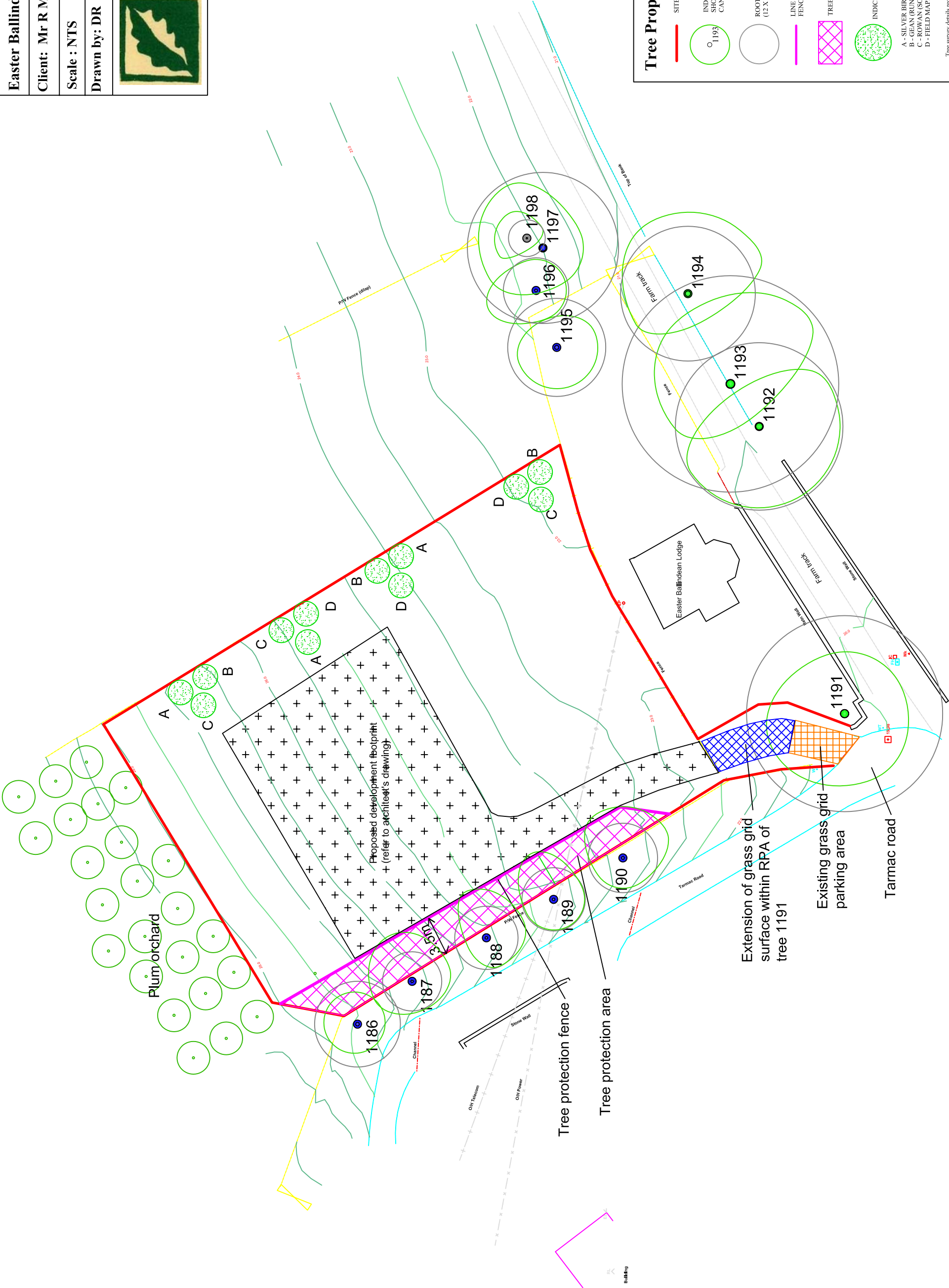
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Drawn by: DR

Date: Sept. 2018



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Tel/Fax 01620 842656







**TCP/11/16(606) – 18/01802/FLL - Erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchture**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 429-430)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 431-446)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, pages 447-461 and 487-507)*



**TCP/11/16(606) – 18/01802/FLL - Erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchtire**

## **REPRESENTATIONS**



# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mr Angus Forbes

Address: [REDACTED]

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Trees

Comment: I am bitterly disappointed that an Orchard of historical importance was destroyed to make way for this planning application, if this is allowed to go ahead then we will see further historical orchards destroyed along the Carse.

I enquired if PKC could apply a Tree Preservation Order on these trees when I was aware this might happen but the funds were not available to do that, surely the least PKC can do now is refuse planning permission to ensure that further orchards are not destroyed in the name of development.

The house proposal is out of character to the area, not only that, it will stand out next to the listed buildings that sit as its neighbours.

This seems to be in contravention to the Landscape Supplementary Guidance in Tayplan which is to "preserve the distinctive character of small villages along the Braes of the Carse"



# Memorandum

To Head of Development Management From Regulatory Services Manager

Your ref 18/01802/FLL

Our ref RM

Date 17/10/2018

Tel No (

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006**

**Consultation on an application.**

**RE: Erection of a dwellinghouse and garage Land 30 Metres North West Of Easter Ballindean Lodge Inchtute for Mr Robert Morgan**

**Contaminated Land** (assessment date – 11/10/2018)

## Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.





## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/01802/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage		
<b>Address of site</b>	Land 30 Metres North West Of Easter Ballindean Lodge, Inchtute		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Inchtute Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The site is within the reduced contributions area.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £6,460 (1 x £6,460) Transport Infrastructure: £2,639 (1 x £2,639)</p>		

	<p><b><u>Total:£9,099</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p><b>Recommended informative(s) for applicant</b></p>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash or cheques be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Bank Transfers</b></p> <p>All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700</p>


	<p><b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b>  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Education Contributions</b>  For Education contributions please quote the following ledger code:  1-30-0060-0001-859136</p> <p><b>Transport Infrastructure</b>  For Transport infrastructure contributions please quote the following ledger code:  1-30-0060-0003-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<p><b>Date comments returned</b></p>	<p>18 October 2018</p>





The Development Quality Manager  
Perth and Kinross Council  
Planning and Development  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Mr Grant Reid and Dr Nicola Cook



13<sup>th</sup> October 2018

Dear Sir/Madam,

**Re: Planning Application 18/01802/FLL "Erection of a Dwellinghouse and Garage" Land 30M NW of Easter Ballindean Lodge, Inchture"**

In response to your letter dated 10<sup>th</sup> October 2018 we have viewed the details of the above planning application, a follow-up to his previous application on the same site (17/01693) which was subsequently withdrawn by the applicant after much objection from local residents. We wish to object on the grounds listed below.

- **Access**

- In the Application for Planning Permission the applicant signs that he is the sole owner of all the land to which the application relates. This is not true. The "existing access road" / "vehicular parking bay" (referred to in the Proposed Plans and Elevations, Design statement and Tree Survey) that cuts across our garden belongs to us (the owners of Easter Ballindean Lodge (EBL)) and not to Mr Robert Morgan. The existing access will certainly not be "easily upgraded to form the driveway of the new cottage" as the applicant has no rights to alter anything about this access.
- The remainder of the access route, stretching from our garden down to the main road through the village, is in the ownership of the proprietors of Easter Ballindean House.

- **The proposed dwellinghouse is not in line with the "Housing in the Countryside Policy" – Perth and Kinross City Council 2012.** Specifically, the policy states that all proposals "in terms of scale, layout and design [must be] appropriate to and have a good fit with, the landscape character of the area in which it is located. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality." In addition, the section on "Building Groups" within the "Housing in the Countryside Policy" states that "Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well-established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s)."

- One of the main changes from the earlier withdrawn application (apart from the destruction of all of the plum trees that covered the site!) is the proposed rerouting of the access through the ground owned by Easter Ballindean Lodge. Even if vehicular access for residential purposes were specifically granted in terms of the title (which it is not), to allow it would materially adversely affect the amenity of the Lodge. This is contrary to HICP. The current standard of residential amenity of EBL could not be preserved if access to another house was permitted through its garden



running so close to the Lodge building. There would also be no suitable access for construction traffic to the site.

- The proposed dwellinghouse is not in keeping with the character of the building group of Ballindean, the urban design is in stark contrast with the red stone, sourced locally, that the vast majority of houses in Ballindean are constructed from. (NB: There is indeed already a new-build property in the village as the applicant makes much of; "Berryfields". However, Berryfield is true "infill", does not interrupt the setting of listed properties in the village and is largely obscured by existing well-established trees for the majority of the year. Also, the applicant suggests that the land upon which Berryfield is constructed was previously an orchard. This is not the case, it was a small paddock.)
  - It is suggested in the Supporting Statement that the proposed new house would form a "reflected bookend" with Berryfields. This is an over-imaginative comment and indeed could be used to justify any extension to any existing group of houses anywhere. Any development of the site would certainly not contribute positively to the quality of the surrounding built and natural environment or respect the character of the area and would in fact detract from the existing high residential and visual amenity of the building group as a whole.
  - The site is neither infill nor is it a site that would extend the existing building group into a compact nucleated shape any more than an application at any other site on the existing boundary of the village. The reasons why one of Mr Morgan's previous planning applications in the village - 15/01573 - was rejected are the same for this current application. The proposal would continue the group of buildings beyond its present limits and thus would be **ribbon development**. It is specifically stated in the HICP that proposals that contribute to ribbon development will not be supported. If permission were granted for this site it would set a very dangerous precedent and would almost inevitably lead to future piecemeal applications (as has already happened with 15/01573) for other artificially formed "sites" on the applicant's land.
- **The erection of the proposed dwellinghouse would have an adverse effect on the setting of nearby listed buildings.**
    - Our home, EBL, and the nearby Easter Ballindean House (EBH) are both listed properties (Category B and C respectively) which benefit from open countryside both as a backdrop and in the foreground; a major part of their character.
    - Erection of a large property in the proposed location would have an adverse effect on the setting of these listed buildings. As can be seen from the Proposed Site and Floor Plan, EBL would be particularly affected by the presence of this large building more than twice its size. The proposed property would completely dominate the background of EBL rising above it by some 5.6 metres (difference between ridge level of EBL [25.7m] and ridge level of proposed property [31.3m]). The backdrop to EBL would become a large urban-style house as opposed to countryside, in effect our Category B listed home would be lost against the background of the dominant building.
  - **Inappropriate development site**
    - In the application the applicant responds "no" to the question "Is the site within an area of known risk of flooding?" This area is a known risk of flooding with run-off from the hill affecting much of the area. We can provide both photographic and



video evidence of water running off this land and through the garden of EBL and adjacent driveways.

- We are extremely concerned about the positioning of a septic tank and soakaway given the existing flooding issues. The land has been compacted due to the presence of an orchard and livestock over the years and water doesn't soak away so much as pour off the hill – there are obvious hygiene concerns regarding run-off from the septic tank making its way into our garden. In spite of the drainage channels put in by the applicant at the top of the hill several years ago, these have not been regularly maintained, there are definite flooding problems on this site.
- The site has always been agricultural land and in terms of planning policy there is a strong presumption against development as it would result in irreversible loss of agricultural land. The Supporting Statement states that the site is currently derelict. It was not derelict before the applicant chose to bulldoze all 240 plum trees that comprised the largest plum orchard in the Carse! The grant of planning permission would not have been needed to bring the site back to life - it was previously already teeming with life albeit not of the human kind. The orchard was a haven for wildlife and biodiversity. It is Council policy to halt the loss of biodiversity. The Council has been a major supporter of the Tay Landscape Partnership; one of TLP's major projects is the preservation of orchards in the Carse of Gowrie. Whilst I appreciate that the orchard was not protected and so the landowner could do as he wished with the land, to consider granting planning permission where so many trees have been deliberately destroyed prior to the application being submitted would be contrary to council policy.
- The current boundaries to the site are inadequate. There are no landscape features at all on the north (the applicant destroyed the orchard and the indication of a few remaining trees is incorrect) and east boundaries. There is a wire fence on the west boundary and five trees dispersed along it that belong to EBH. Much of the boundary with EBL to the south comprises self seeded buddleia and can hardly be classed as a well-established boundary. In any event the proposed dwellinghouse would sit so far above this that the south boundary provides no effective landscape feature. To lend weight to our view that the boundaries are plainly inadequate we refer you to the recent decision of a planning officer to refuse an application (and backed up by a rejection of the appeal by the Local Review Body) at New Mains Farm, Inchtute (17/00836 and others). That site (less than a mile from the current site) is similar in some respects to the current application site as it adjoins open farmland although any development on the current site would in fact be more visible as it is situated on sloping rather than flat land. The New Mains Farm site had dense, tall, well established trees and hedging on all sides, yet the planning officer still considered that it lacked "substance and significance" and that it "would not provide suitable site containment or provide a landscape setting for new dwellings". The reasoning he gives for refusing that application applies even more so in this instance.
- We have outlined above issues with access. However, it should be noted here that the HICP states that satisfactory access should be available or capable of being provided by the developer and in this case it cannot be so provided.

- **Other comments**

- The applicant states that this is "vital infill rural family accommodation". We have already outlined that it is not "infill" but neither is it "vital". The applicant received



planning approval some years ago for a site on his farmland a few hundred metres to the east of the village (PKC ref: 09/01880). This house has never been built.

- There is no housing shortage in the area. Therefore, the proposed dwellinghouse would not be "vital". The applicant is well aware of this as he is still trying to sell another house (Burn View) that he obtained planning permission for and initially tried (unsuccessfully) to sell as a building plot. That property has already been on the market for more than a year and has not sold. There are other unsold building plots currently on the market just a couple of miles away at Flawcraig and at Charleston, Westown. Other houses in the village of Ballindean itself have not sold quickly. The house is not vital - his application is simply an attempt to maximise the value of land owned by the applicant.

Overall, we would urge the planning department to refuse this application in light of the numerous development policies that it would contravene and the blatant inaccuracies in this application.

Yours faithfully,

Mr Grant Reid and Dr Nicola Cook

# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/01802/FLL	Our ref	LA
Date	19 October 2018	Tel No	██████████

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5G

## Consultation on an Application for Planning Permission

**RE: Erection of a Dwellinghouse and Garage, Land 30 Metres North West of Easter Ballindean Lodge, Inchtute for Mr Robert Morgan**

I refer to your letter dated 10 October 2018 in connection with the above application and have the following comments to make.

### Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

### Comments

This application contains provision for two Stovax Riva 4 (5kW) wood burning stoves and associated flues.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. This will not be necessary with a domestic sized stove as proposed in this case and therefore I have no adverse comments to make with regards to air quality.

Another matter pertaining to the stove which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the proposed property is a single storey detached dwellinghouse which sits in an elevated position and that the flues will discharge above roof ridge height and this will aid dispersion of emissions. I would advise that this could be further minimised by the use of fuel recommended by the manufacturer and I would therefore have no objections to this development provided that the following condition is attached to the consent.

## Conditions

- EH50** The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.



# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mr Alasdair Bailey

Address: [REDACTED]

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Loss Of Trees
- Over Looking

Comment: I would like to register my objection to this proposal on the following grounds;

1. It represents an extension to the village boundary of Ballindean and is on an unconstrained site within a larger field (contrary to Housing in the Countryside policy)
2. It would overlook the former lodge house to the south and harm its character as a 'gateway'
3. Development will take up prime agricultural land
4. Contrary to the supplementary guidance in LDP which states that any development must "preserve the distinctive character of small villages along the Braes of the Carse." (the Braes of the Carse being the area to the north of the A90 up to and including the south facing slopes of the Sidlaw hills)


I note further that a great many mature orchard trees were felled in the weeks prior to this application being submitted. They're gone forever but we don't need to set a precedent that this is the way things can be done.





The Development Quality Manager  
Perth and Kinross Council  
Planning and Development  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Mr Nick Guest

A large black rectangular redaction box covers the contact details of Mr Nick Guest, with green arrows pointing to the left and right edges of the box.

21st October 2018

Dear Sir/Madam,

**Re: Planning Application 18/01802/FLL "Erection of a Dwellinghouse and Garage" Land 30M NW of Easter Ballindean Lodge, Inchtute"**

As a long term home owner in Wester Ballindean Hamlet we wish to object to the above planning application on the grounds listed below.

The planning application is incorrect as it states the applicant is the sole owner of the land in the application whereas he is not the owner of the access route.

The proposed dwelling house is not in line with the *"Housing in the Countryside Policy" – Perth and Kinross City Council 2012*.

The proposed dwellinghouse is not in keeping with the character of the building group of Ballindean, the urban design is in significant contrast with the red stone, sourced locally, that the vast majority of houses in Ballindean are constructed from.

The site is not an infill and is an extension of the hamlet. This is a further attempt by the applicant to bypass planning rules and by spurious grounds attempt to create a ribbon development on land that the applicant own around the hamlet. The applicant had previously owned farm land around Wester and Easter Ballindean before selling the land other than land immediately adjacent to the hamlet boundary. The applicant has made multiple applications to develop this land.

It is specifically stated in the HICP that proposals that contribute to ribbon development will not be supported. If permission were granted for this site it would set a very dangerous precedent for other artificially formed "sites" on this applicant's land.

It is particularly concerning to the local community that several hundred plum trees were removed in order to give the applicant spurious grounds for claiming the land is derelict. It is misleading of the applicant not to accept that this land was agricultural. It would be a dangerous precedent to set to give the impression that agricultural land and orchards within the Carse of Gowrie can be bulldozed to give the impression of derelict land such that planning applications can then be made.

The erection of the proposed dwelling house would have an adverse effect on the setting of nearby listed buildings. It would be clearly visible from many aspect of the Carse of Gowrie.

The applicant has previously farmed this land and is well aware of the significant drainage issues and flood risk in this part of the Carse of Gowrie. The applicant response that the site is not within an area of risk of flooding is incorrect and an indication that the applicant is not giving due regard and respect in making planning applications.



The site if visited would be clearly seen not to have sufficient and defined boundaries and we believe the applications description is therefore misleading and inaccurate

The applicant claims that it is vital due to a shortage of housing.

The applicant past record of development would refute this claim. The applicant received planning approval some years ago for a site on his farmland a few hundred metres to the east of the village (PKC ref: 09/01880). This house has never been built.

There is no housing shortage in the area indeed the applicant failed first to sell a development building plot he owned in the nearby village or Rait and the subsequent house he built on this plot. This house Burn view has been on the market for approximately 2 year. There are also permitted several building plots throughout the Carse of Gowrie that have not sold in the last 7-8 years. If the planning department wishes to receive a list of these plots I would be happy to source and provide them.

The house is not vital - this application is simply an attempt to maximise the value of land owned by the applicant and to set a precedent to make further ribbon development applications.

I would be extremely concerned if the planning department were to support this application in light of clear breaches of the numerous development policies and the significant number of false, misleading and inaccurate statements made in this application.

Yours faithfully,

Nicholas Guest



**From:** Dennis Burrowes [REDACTED]  
**Sent:** 22 October 2018 10:15  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: Planning Application18/01802.

Dear Sir,

I understand that Mr Robert Morgan has applied, again, for planning permission to build a house on land 30m nw of Easter Ballindean Lodge, Easter Ballindean. I also live in [REDACTED] and the end of our drive is contiguous with the land which is the subject of this application and is therefore very well known to us. I also lodged a letter of objection before when Mr Morgan unsuccessfully applied to build on this plot and the points raised then still hold good.

On a personal note I would like to say that I am most concerned that the applicant wishes to literally drive through the garden of [REDACTED] both of whom have put a considerable amount of work into improving their garden such that what was an ordinary cottage garden is now a delightful and colourful garden with extensive flowers, shrubs and even pet ducks such that it is a special feature of this end of the village and greatly enhances the view of the village from the approach road. To have a driveway going through the garden is to be greatly regretted. Similarly, it is to be regretted that the very productive plum orchard, which again was a prominent feature of the village, disappeared at one fell swoop presumably such that the applicant could describe the site now as a plain field. Such an action could be considered a dangerous precedent for other like minded land owners with orchards and must be considered contrary to the Council's support for projects protecting existing orchards.

Other points of objection will be raised by my neighbours, all of which I support, and in particular that the application would be contrary to PKC's adopted local plan, the site cannot be described as an infill site and nor is it within the village. I have certainly witnessed flood water going through the proposed site into the back garden of Ballindean Lodge but am not aware of any work having been undertaken to rectify this issue. This end of the village is fortunate in having two listed buildings and approval of this application would surely have a materially adverse effect on the setting of these listed buildings and must be contrary to good planning policy. If the finish of the proposed building were other than a sandstone coloured finish then surely this would not be acceptable to a planning authority given its nearness to the two buildings referred to.

For these above reasons I would hope that planning permission is not granted.

I would be grateful if you would acknowledge receipt of this email.

J.D.Burrowes,.

ENTERED IN COMPUTER

22 OCT 2018



# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Ms Beth Pover

Address: [REDACTED]

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to lodge my opposition to this planning application on the grounds that application is not in keeping with other houses in the area and is planned within close proximity to existing dwelling house.

In agreement with other comments, I'm appalled that Perth & Kinross Council has permitted the destruction of a mature orchard to make way for this application.



24th October 2018

Dear Sirs

**18/01802-Erection of dwellinghouse and garage - Land 30m northwest of Easter Ballindean Lodge, Inchture**

I am saddened, but not surprised, that yet again the residents in our small village are required to deal with another planning application by this applicant. This current application is almost identical to 17/01693 and follows what is now a familiar pattern. He submits an initial application, waits for all objections to be lodged, then withdraws it, then later resubmits the application knowing the basis of the prospective objections and in the hope that people will not bother to object a second time.

I understand that all planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. The relevant plans here seem to be TAYPlan and the Perth & Kinross Local Development Plan 2014 (LDP). Policies PM1A, RD3, EP2 are also relevant as is the updated Housing in the Countryside Policy, the Housing in the Countryside Guide and also the Landscape Supplementary Guidance. In relation to the protection of Listed Buildings from inappropriate development also of relevance are Policy HE2 of the LDP and Policy 3 of TAYPlan. In my opinion this application is contrary in some respect to all of the above.

My objection to this current planning application is based on the following reasons.

**Contrary to RD3, PM1A and HCIP**

The Supporting Statement (like that for the previous application) contains a number of factual inaccuracies that are of relevance when considering the application. It does not state specifically why the applicant believes the development would fall within the accepted categories of the HCIP but simply suggests that the site is "infill". It clearly is not. The building group of Ballindean is clearly defined. There are no other buildings to the north or east of the site. The same argument was put forward and rejected by the planning officer in relation to the same applicant's application 15/01573 on an adjacent site in Ballindean. The refusal was appealed and his appeal unanimously rejected again by the Local Review Body.

The site is neither infill nor is it a site that would extend the building group into a compact shape any more than an application at any other site on the existing built boundary of the village. The reasons why 15/01573 was rejected are the same for this current application. The proposal would continue the group of buildings beyond its present limits and thus would be **ribbon development**. It is specifically stated in the HCIP that proposals that contribute to ribbon development will not be supported. If permission were granted for this site it would set a very dangerous precedent and would almost inevitably lead to future piecemeal applications (as has already happened with 15/01573) for other artificially formed "sites" on the applicant's adjoining farmland.

It is suggested in the Supporting Statement that the proposed new house would form a "reflected bookend" with the property known as Berryfields. This is fanciful in the extreme and could be used to justify almost any extension to an existing group of houses. Any development of the site would certainly not contribute positively to the quality of the surrounding built and natural environment or respect the character of the area and would in fact detract from the existing high residential and visual amenity of the building group as a whole.

Even if the application site extended the building group into a definable site (which I consider it does not) it does not have a landscape framework capable of absorbing the proposed development. Any development would have an adverse impact on the wider landscape setting. This is contrary to HCIP. Whilst the boundary with Easter Ballindean Lodge to the south is of long standing (albeit not that well established as much of it just comprises self seeded Buddleia), the applicant seems to have "shot himself in the foot" somewhat by removing the whole of the plum orchard of some 240 established trees prior to resubmitting his application. By having not only removed all of the plum trees located on the site itself but also all of those to the north of the site there is now no longer any boundary at all to the north. The sketch at 4.0 Proposals in the Supporting Statement incorrectly shows a group of trees on the north boundary.



The west boundary of the site is only a wire fence. As mentioned in the Tree Survey there are five trees to the west of the site's west boundary but these are within my own property. The applicant has no control as to whether they are retained or not. There are basic errors in the Tree Survey as well as the Supporting Statement, for example the trees referred to are not domestic apple trees as suggested. The trees are spaced approximately 7m apart and cannot in any way be described as "a strong band of established trees". They are certainly not densely planted as suggested in the sketch diagram at 4.0 Proposals in the Supporting Statement. The east boundary is now completely open as even the line of plum trees that was shown as being retained in the previous application have now been uprooted and removed as part of the general clearance.

To summarise: no landscape features at all on the north and east boundaries, a wire fence on the west boundary and a patchy boundary comprising mainly of self seeded Buddleia with Easter Ballindean Lodge on the South boundary. Only one of the four boundaries is possibly sufficient or "well established" so the site does not have a suitable setting capable of absorbing the proposed development and is thus directly contrary to the siting criteria of HCIP.

To back up my contention that the current boundaries are plainly inadequate I would refer you to the recent decision of a planning officer to refuse an application (and backed up by a rejection of the appeal by the Local Review Body) at New Mains Farm, Inchture. (17/00836 and others). That site (only a mile from the current site) is similar in some respects to the current application site as it adjoins open farmland although any development on the current site would in fact be more visible as it is situated on sloping rather than flat land. The New Mains Farm site had dense, tall, well established trees and hedging on all sides yet the planning officer still considered that it lacked sufficient "substance and significance" and that it "would not provide suitable site containment or provide a landscape setting for new dwellings". The reasoning he gives for refusing that application applies even more so in this instance.

### **Access**

Whilst I appreciate that legal issues between land owners such as rights of access are not directly relevant from a planning perspective the applicant's Title Sheet clearly shows that, despite his assertion that he owns the "existing vehicle access", he does not. Further, he does not own the remainder of the access road leading from the public road and the access he has over it in terms of his title is not stated to be for residential use. One of the main changes from the earlier withdrawn application (apart from the destruction of all of the plum trees that covered the site) is the proposed rerouting of the access through the ground owned by Easter Ballindean Lodge. Even if vehicular access for residential purposes were permitted in terms of the title to grant permission on the basis of this proposed access would materially adversely affect the amenity of the Lodge. This is contrary to HCIP. The current standard of residential amenity of the existing Lodge could not be preserved if access to another house were allowed to be taken through its garden running so close to the Lodge building. There would also be no suitable access for construction traffic to the site. The HCIP states that satisfactory access should be available or capable of being provided by the developer and in this case it cannot be so provided.

Also, as an aside, the public road passing through the village (the Higher Carse road) is narrow with passing places and cannot readily accommodate two vehicles travelling in opposite directions. The access road leads from the public road at a blind bend in the village. It would not be in the interests of road safety to grant planning for a house which would increase the volume of traffic using the access road and exiting to and from the public road at the blind corner. Any further new development anywhere in Ballindean would of necessity involve additional vehicles using the road. The public road has recently been designated a "walking and cycling friendly road" to encourage these pursuits. Further traffic on the road runs contrary to this aim.

### **Loss of Orchard, farm land**

The site has always been agricultural land and in terms of planning policy there is a strong presumption against development as it would result in irreversible loss of agricultural land. The Supporting Statement states that the site is currently "derelict." It was not derelict before the applicant chose to bulldoze all 240 plum trees that comprised the largest plum orchard in the Carse! The grant of planning permission would not have been needed to bring the site back to life - it was previously already teeming with life albeit not of the human kind. The orchard was a haven for wildlife and biodiversity. It is stated in the HCIP that the Council's policy is to halt the loss of biodiversity. The Council has been a major supporter of the Tay Landscape Partnership one of the major projects of which is the preservation of orchards in the Carse of Gowrie. Whilst I appreciate that the orchard was not protected and so the landowner could do as he wished with the land, to consider granting planning permission where so many trees have been deliberately destroyed prior to the application being submitted seems somewhat perverse. So much work has been done by PKC and local and national groups to try to protect and enhance the existing orchards in the area. To grant planning permission in these circumstances would be a green light to landowners to destroy further orchards in the hope of securing financial gain from future planning. If PKC does not have the funds to grant Tree Preservation Orders to

protect its orchards the very least it can do is offer them some protection by not granting planning for houses on the sites of orchards that have been deliberately destroyed.

This is not a proposal that respects the character, layout or building pattern of the existing building group. The village tapers to the east with Easter Ballindean Lodge (not Teen Lodge) forming a full stop. (As an aside, it is questionable whether the Lodge should even be treated as part of the building group. I understand that the Lodge was originally the West Lodge to the much larger Ballindean House (now Teen Ranch) rather than ever an adjunct to Easter Ballindean House and so arguably has no reference to the building group forming the western part of Ballindean at all.) Any further development at the east end of the village where the eastmost houses are both listed buildings would materially affect and erode the character of the village.

#### **Contrary to Landscape Supplementary Guidance**

In addition to being contrary to the siting requirements of the HICP this type of development would now also be contrary to the Landscape Supplementary Guidance that was adopted in June 2015. It would lead to a harmful visual change to the character, amenity and appearance of the open countryside and to the attractive building group of Ballindean itself. A specific objective of the Guidance is to “preserve the distinctive character of small villages along the Braes of the Carse” and Ballindean is one such village. The objective would not be achieved if the current application were to be approved.

#### **Contrary to HE2 and Policy 3 -Landscape and visual impact – setting of Listed Buildings**

If non-compliance with the HICP was not sufficient in itself to warrant refusal of this application the proposed development of the site would also have a significant adverse impact on the setting of two prominent listed buildings these being Easter Ballindean Lodge (Category B) and my own property Easter Ballindean House (Category CS).

Whilst I can find no definition for the word “setting” in planning legislation I understand that Local Authorities are strongly encouraged not to interpret the word narrowly. Many of the factors suggested by Historic Scotland (Managing Change in the Historic Environment – Setting) as to what contributes to “setting” would all indicate that any development in this site would be inappropriate.

Historic Scotland’s guidance highlights that at all times the listed building should remain the focus of its setting. Easter Ballindean House is a very prominent building in its settings in the Carse landscape as is rightly acknowledged in the Supporting Statement. Easter Ballindean Lodge is, however, also a very prominent, although much smaller, building and indeed has a higher Category B listing to reflect its significance to the local setting. Both buildings draw the eye when viewed from near and far, but especially from the South, due not only to their attractive facades but also by their uninterrupted rural settings with open countryside as both backdrop and foreground. Any development on the proposed site would reduce the prominence of the listed buildings when they should remain the focus of their setting.

As mentioned previously, much is made in the Supporting Statement of the granting of permission for the new house now known as Berryfields (planning application 13/00662) and of how this sets a precedent for the current application. In connection with that previous planning application for Berryfields concerns were raised by the Conservation Officer about the adverse impact that the proposed development might have on the setting of the listed buildings nearby. He considered that it would vie with Easter Ballindean House and detrimentally affect its setting. If the Berryfields site was acknowledged by both the Planning and Conservation officers to be “very sensitive” then the current site must be even more so. It seems to be accepted, even in the Supporting Statement, that the principal setting consideration for both of the listed buildings is from the South. There would be an adverse and unacceptable intervisibility impact on both Easter Ballindean House which would be on the same level as the proposed new property and on Easter Ballindean Lodge which would lie immediately below the proposed new property.

**Intervisibility is therefore an absolutely key issue.**

Planning legislation directs that attention must never be distracted by the presence of any new development whether it be within or outwith the curtilage of a listed building. Any development of the orchard site would clearly distract from Easter Ballindean Lodge being immediately to the south of it and from Easter Ballindean House immediately to the west of it. The Lodge is a very small but beautifully proportioned building which would be “lost” when looking towards it by a much larger stark modern building higher up the hill and located immediately behind it when viewed from the South.

Further, the approved planning permission for Berryfields clearly does not set a precedent for the present application as it was clearly an infill site (a small field used to graze a few sheep and not an orchard as suggested in the Supporting

Statement). **Please note** : - I did not object to the Berryfields application as I accepted that its location fell within one of the HCIP categories. This application clearly does not.

### **Contrary to EP2 - Flooding**

Flooding issues are of relevance to this site despite the assertion in the Supporting Statement that the site has not been, and will not be, affected by flooding. This is factually incorrect. The applicant constructed large drainage channels higher up the hill to the north of the site a few years ago to alleviate flooding. Regular maintenance of these ditches higher up the hill would be needed in all time coming to avoid water regularly cascading off the hill and down through the site (as had been happening for many years). Such maintenance cannot be guaranteed in the future or indeed made an enforceable condition of planning. Photos and video footage of such flooding incidents are available to show the extent of the problem. Other local residents in the village have similar photos and can speak to the frequency of these flooding incidents. Policy EP2 states that there is a general presumption against proposals that seek development of a site where there is a significant probability of flooding from any source.

### **Scale and design**

As I do not consider that any development of the site for housing is appropriate in terms of the LDP and the HCIP I will be brief with my comments on the scale and design of the proposed dwellinghouse.

In my opinion the building is inappropriate for the site and the proposed design, detail and finishes appear out of character with their surroundings. It is not a good fit with the landscape character. It does not reflect the local architecture and would simply look out of place in a rural setting. Again, much is made of the design and finish of Berryfields. Its design is based on an old barn in the neighbouring village of Craigdallie whilst the design and footprint of the proposed house has no local comparison. Berryfields currently has a white wood finish to its upper level which is unfortunate and seems out of place in the village where it is the only "white" building. It is understood, however, that the owners intend in future to repaint this to a more subtle colour to suit the village setting. It should also be noted that Berryfields has a very well-established tree lined boundary (probably 40+ years) to the south and east almost completely obscuring the house for part of the year and that it does not lie directly in front of or behind a listed building. The boundary between Easter Ballindean House and Berryfields is a dense long-established mixed tree boundary so that there is a very definite delineation between Berryfields and the listed building next to it. On the contrary the proposed new house would have no such established screening from Easter Ballindean House and would be highly visible year-round. Due to its footprint and shape it would appear the size of two houses and would unduly dominate the length of the boundary line. The proposed large footprint house would stick out like a sore thumb against the red sandstone listed buildings immediately adjacent to it. The HCIP clearly states that any new building should be "sympathetic in terms of scale and proportion to other buildings in the locality" – this proposal complies in neither respect.

The final argument in the Supporting Statement is that somehow this application is justified as it would provide "vital infill rural family accommodation". It is clearly not "infill" as previously explained. There is no housing shortage in the area so the house would not be "vital". The applicant is well aware of this. He is still trying to sell another house (Burn View) that he obtained planning permission for, tried unsuccessfully to sell as a plot and then built a house himself. It is located in the nearby village of Rait and still remains on the market at least 2 years after having been first advertised for sale. There are other building plots within a couple of miles of Ballindean (at Flawcraig and at the former Charleston Farm at Westown) that have been on the market for years and remain unsold. Other houses in the village of Ballindean itself have not sold quickly. This application is simply an attempt to maximise the value of land belonging to the applicant and can in no way be classified as "vital".

It is unfortunate that the pre-application advice given to the applicant indicated that the current site might comply with planning requirements. The applicant has told me that this was also the case with his previous application 15/01573 for the site he created in the corner of the field directly in front of Easter Ballindean House which was refused, appealed and the refusal of planning unanimously upheld. This application is similar in many respects. It is made clear though to applicants that any pre-application advice given is not binding and full consideration of the planning policies only takes place once applications are lodged. This is the stage we are at now. I would strongly urge you to refuse this current application in light of the numerous planning policies that it would contravene and there being no material considerations to dictate to the contrary.

Yours faithfully

  
Alison Ramsay

### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/01802/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage		
<b>Address of site</b>	Land 30 Metres North West Of Easter Ballindean Lodge, Inchturk		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	26 October 2018		



# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mrs Marilyn Webb

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Pitroddie Old Manse

Pitroddie

Perth

PH2 7RJ

24 October 2018

Dear Sirs

Objection to: 18/01802-Erection of dwellinghouse and garage - Land 30m northwest of Easter Ballindean Lodge, Inchtute

The Braes of the Carse Conservation Group (BCCG) was formed in 2009 to try and conserve the unique beauty, character and historical environment of the Braes of the Carse of Gowrie. Our Group's aim is to provide a voice for residents and interest groups in an area north of the Perth - Dundee dual carriageway (A90) approximately between Glendoick in the West and Knapp in the East. We have participated fully in the community involvement process for various strategic planning matters since our formation, in particular in relation to TAYPlan, the Local Development Plan (LDP1 and 2) and the new Landscape Supplementary Guidance. We wish to object to the above planning application for reasons consistent with views we have previously expressed.

When previously commenting during and after the preparation of the LDP we have consistently expressed concern that any wavering by PKC in the rigorous enforcement of the policy in the Housing in the Countryside Guide might result in ribbon development and/or the suburbanisation



of the countryside with the resultant loss of the distinctive character of the small villages and hamlets.

The current planning application is almost identical to 17/01693 submitted and withdrawn in 2017. It is also in similar terms to application 15/01573. This was refused by the planning officer, appealed by Mr Morgan and his appeal unanimously turned down by all members of the Local Review Body. The current application, just like the 2015 and 2017 applications is exactly the type of application about which our members have consistently expressed concern.

We consider that the application is contrary to RD3 in the LDP and the updated HICP and that these policies should be rigorously applied.

This is not an infill site or within the village itself. Neither does it extend the village into a compact shape any more than a development on any other boundary of the village. Easter Ballindean Lodge was previously the West Lodge to Ballindean House and, as such, arguably should not be treated as part of the same building group as the other houses in that part of Ballindean. The site in any event would be an extension to the village. Approval of this application would set a dangerous precedent and be a green light to landowners to apply for planning for housing on any land adjacent to a village. Approval of this application would result in exactly the type of ribbon development that the Policy is designed to prevent and about which we and our members are concerned.

We consider the style, design and detailing of the housing proposed is also entirely inappropriate for the area. Most of the houses, and all of the listed buildings, are built of red sandstone and most other houses are predominantly reddish in colour. We are concerned that such development would be entirely contrary to the Landscape Supplementary Guidance adopted in June 2015. The site is within the Sidlaw LLA. The Landscape Supplementary Guidance acknowledged that the Braes of the Carse retains an important relationship with the adjacent Carse of Gowrie. The settlements along the foot of the Braes were acknowledged as being important features with special qualities retaining their historic character. An objective of the Guidance is to "preserve the distinctive character of small villages along the Braes of the Carse". Ballindean is a perfect example of such a small village. The objective will not be achieved if applications such as the one under consideration are approved.

The Landscape Supplementary Guidance acknowledged the view of our Group that the small hamlets and villages in the Braes, such as Ballindean, are an important part of our landscape and deserve protection. The Illustrated Architectural Guide to Perth & Kinross (a publication supported by PKC, PKHT and Perth Civic Trust and others) acknowledges the special character of the village and calls Ballindean "a picturesque estate hamlet". An important part of the character of the village are its various listed buildings. The proposed development would have a major adverse impact on the setting of two of the prominent listed buildings in the village being Ballindean Lodge (Category B) and Easter Ballindean House (Category CS).

Historic Scotland's (Managing Change in the Historic Environment - Setting) guidance suggests that at all times the listed building should remain the focus of its setting. Easter Ballindean Lodge and the House are prominent in their settings in the landscape. They enjoy uninterrupted settings with open land in front. The Lodge used to be set against the backdrop of an established plum orchard but this has now been entirely destroyed by the landowner in advance of this most recent planning application. Any development on the proposed site would undoubtedly reduce the prominence of these listed buildings in the landscape. The question of inter visibility cannot be overcome.

We had argued strongly in our objection to the previous application for this site that the plum orchard was an important feature in the local landscape. Both the Wester Ballindean heritage mixed orchard at the west end of the village and the plum orchard at the east end of the village gave a pleasing rural symmetry to the village of Ballindean. In 2011 we contacted Perth & Kinross Council with a view to having a Tree Preservation Order put on Wester Ballindean orchard. We were told by letter dated 14th July 2011 that this would not be necessary as "any proposed building development would be contrary to existing development plan policies". One of our members and a local Councillor had contacted PKC earlier this year when the felling of the plum trees just commenced asking if a TPO could be put on the plum orchard and was told that this was not possible. We would argue that to reward the applicant for destroying an established orchard by granting planning permission on the former orchard site would make a mockery of the planning system.

The applicant argues that a precedent has been set with the permission granted for Berryfields. It should be noted that BCCG did not object to the application for Berryfields in the field (not an orchard as suggested) to the west of Easter Ballindean House as we did not consider that it sufficiently affected the setting of listed buildings and we also considered that it was infill development within the village. This application is, however, completely different in that the current site is immediately to the north of and directly behind the listed building Easter Ballindean Lodge (being the main aspect when viewed by the public). Also Berryfields is screened by very mature boundary trees and bushes whereas any house on the proposed sloping site would be highly visible, dominate the small Lodge house and impossible to screen. This is even more the case now that all of the orchard trees have been removed.

As we have consistently argued to the Council, we do not consider that it is appropriate to grant permission to build housing in areas that have in the past or are likely in the future to suffer flooding. In the application it is stated that the site has not been affected by flooding. We understand from our local members that this is simply incorrect. The site is on a slope and we have been made aware of flood water running through the site in the past.

For all of the above reasons we would strongly object to this application and ask you to reject it. We are writing separately to the Head of Planning on two of the issues mentioned in this objection

(the protection of orchards and the additional protection being offered, if any, to sites located in the Sidlaws Local Landscape Area) as these issues are relevant not only to this particular application but are also of general concern to our group.

Yours faithfully

Marilyn Webb  
Secretary BCCG



## Tracy McManamon

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**From:** Terry Smith [REDACTED]  
**Sent:** 31 October 2018 10:49  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 18/01802

ENTERED IN COMPUTER

31 OCT 2018

Dear Sir/Madam,

We are writing to formally object to the above planning application by Mr Morgan.

Development would be contrary to PKC's adopted Local Development Plan. It does not comply with the Housing in the Countryside's Policy.

This site is not an "infill" nor is it within the village or a natural extension to it. The site would constitute Ribbon Development, which is contrary to PKC policy. The new house at Berryfields, which Mr Morgan used as justification of the proposed new house, was a genuine infill and should not be used as a precedent for this application.

The site does NOT have 'well established' landscape features. This is even more the case now that he has decimated all of the orchard trees by removing them. The north and east boundaries are totally open and exposed. There is simply a post and wire fence on the west boundary and the south boundary a very patchy line of wild buddleia that is most definitely neither a screen nor an established landscape feature.

The site itself used to have 90 established plum trees on it. These trees have been removed along with the rest of the orchard to the north which was home to many species of birds including some that are in massive decline. The site was a haven for wildlife and biodiversity and has been made a field again. About 240 established trees in total were destroyed.

PKC has supported projects that protect existing orchards and encouraged planting of new orchards in the Carse. To grant permission for a house on a site that has been cleared of a well established orchard prior to the application being lodged simply to increase its value by gaining planning permission for housing would send out the entirely wrong message to landowners and encourage others to do likewise.

It would set a dangerous precedent and encourage future planning applications for other artificially created small sites adjoining any other part of the village and/or for the much larger housing development put forward to the council by the developer, previously rejected by PKC, for inclusion in the Local Development Plan. This new application is simply an underhanded way to circumnavigate PKC's previous rejection and set a precedent for more houses to be built if one or two houses could be accepted on this site.

Planning Policy dictates that permission should not be granted if doing so would have a materially adverse effect on the setting of listed buildings. The house would be immediately north of Easter Ballindean Lodge and immediately east of Easter Ballindean House, which are both listed buildings. The uninterrupted setting of both listed buildings with open countryside as backdrop and foreground when viewed from the main viewing angle being to the south would be adversely impacted by any development on this site. It would unduly dominate and detract from the view of the small B listed Lodge.

This site frequently floods during heavy periods of rain, so much so that 3 mallard ducks actually reside on the land. Regardless of Mr Morgan's attempt to get the site to be better drained and thus preventing the flooding, nothing seems to stop it from happening and cannot be guaranteed that this will not happen again in future years. With the established orchard trees now no longer there, it seems quite likely that the flooding will actually increase in the coming years.



The design and scale of the house is inappropriate. It has an unduly large footprint as it is single story. It would look wildly out of place in a rural setting. The design would be inappropriate when set against the local red sandstone of the listed buildings that would be adjacent to it and the rest of the village.

Ballindean is within the Sidlaws Special Landscape area in terms of Landscape Supplementary Guidance adopted by PKC in June of 2015. One of the stated objectives of this designation is to preserve the distinctive character of the small villages in the Braes of the Carse and the granting of permission for this house would be contrary to the Guidance.

Thank you for reading and considering our strong objections to this proposal.

Sincerely,

Prof Terence Smith  
Mrs Shelley Smith

[Redacted signature]

Sent from my iPad

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/01802/FLL	<b>Comments provided by</b>	Diane Barbary
<b>Service/Section</b>	Conservation	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage		
<b>Address of site</b>	Land 30m North West of Easter Ballindean Lodge, Inchture		
<b>Comments on the proposal</b>	<p>The proposed development site is to the east of the category C listed farmhouse at Easter Ballindean (LB 11764). To the south east of the site is a category B listed early 19<sup>th</sup> century lodge (Ballindean West Lodge).</p> <p>The existing buildings here form a historic grouping, prominent in views from the south. The proposed development will be intervisible with the listed buildings in their immediate setting and in long views, due to its location on higher ground to the rear of Ballindean West Lodge.</p> <p>The recent removal of trees within the site has increased the potential visual impact of the development on the setting of the listed buildings, when compared with the previously withdrawn application (17/01693/FLL). Given the large footprint of the proposed dwellinghouse it is likely to appear overly prominent in views from the south, and particularly intrusive in relation to Ballindean West Lodge. Remaining trees will screen the new development when viewed from the main approach to the south west, which protects the visual relationship between the two listed buildings to an extent, and I note that additional tree planting is proposed to the east. However, although the proposed building is single storey, the change in ground level will result in it appearing much higher than the lodge, which would be detrimental to its setting without substantial visual screening to the south of the development.</p> <p>In this case, although the proposed external finishes are understated and visually recessive (timber cladding, natural slate and full height glazing), this would not be sufficient to protect the setting of the lodge.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	01/11/18		





# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Dr charles Wolf

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area

Comment: Dear Sir/Madam

This represents yet a further attempt of Mr Morgan to obtain planning consent to build houses in an area surrounding the historical hamlet of Ballindean. These applications are extremely disturbing and disruptive to the entire local community, particularly as they are often based on misleading information and will destroy the historical ambience of the area. The plum orchard which Mr Morgan has deliberately removed to suggest that the village extends past its current curtilage is a travesty. The current plan is a ribbon development and if granted will only encourage Mr Morgan to submit further plans to extend the hamlet, for example into the arable field area to the south of Ballindean House which has been artificially created by him to look like a development site by enclosing it with trees. I fully concur with the other comments that have been raised against this proposal.





## Tracy McManamon

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**From:** Ernie Jamieson [REDACTED]  
**Sent:** 02 November 2018 19:14  
**To:** Development Management - Generic Email Account  
**Subject:** Planning app 18/01802-Land 30m NW of Easter Ballindean Lodge

ENTERED IN COMPUTER

05 NOV 2018

To Development Quality Manager at PKC,

OBJECTION.

The development would be contrary to PKC's adopted Local Development Plans. It does not comply with the Housing in the Countryside Policy.

The site is not "infill" or within the village or a natural extension to it. The site would constitute "ribbon development" contrary to PKC policy. The new house Berryfields (used as justification for the proposed new house) was genuine infill and should not be used as a precedent for this application.

The site does not have "well established" landscape features. This is even more the case now that ALL of the orchard trees have been removed!. The north and east boundaries are totally open. There is just a post and wire fence on the west boundary and patchy screening mainly just of wild buddleia to the south.

The site itself used to have 90 established plum trees on it. These have been removed along with the rest of the orchard to the north (about 240 trees in total!!!). PKC has supported projects that protect existing orchards and encourage planting of new orchards in the Carse. To grant permission for a house on the site that has been cleared of a productive, well established orchard prior to the application being lodged simply in an attempt to increase its value by gaining planning permission for housing, would send out the wrong message to landowners and encourage others to do likewise. The site was a haven for wildlife and biodiversity and is now just part of a field again...

It would set a dangerous precedent and encourage future planning applications for other artificially created small sites adjoining any other part of the village and/or for the larger housing development put forward to the Council by the developer (and previously rejected by PKC) for inclusion in the Local Development Plan.

Planning policy dictates that permission should not be granted, if to do so would have a materially adverse effect on the setting of listed buildings. The house would be immediately north of Easter Ballindean Lodge and immediately east of Easter Ballindean House (both listed buildings). The uninterrupted setting of both buildings with open countryside as backdrop and foreground when viewed from the main viewing angle being to the south, would be adversely impacted by any development on this site. It would in particular unduly dominate and detract from the view of the beautiful small "B" listed Lodge.

The site has frequently flooded in the past during periods of heavy rain with water running off from the hills and it cannot be guaranteed that this will not happen again in future years.

The design and scale of the house is inappropriate. It has an unduly large footprint as it is single storey. It would look out of place in our rural setting. The design would be inappropriate when set against the red sandstone of the listed buildings that would be adjacent to it and the rest of the village.

Ballindean is within the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance adopted by the PKC in June 2015. A stated objective of this designation is to preserve the distinctive character of the small villages in the Braes of the Carse and the granting of permission for this house would be contrary to the Guidance.

Ernie & Lara Jamieson  
[REDACTED]





Development Quality Manager,  
Planning Dept.  
Perth - Kinross Council  
Pulman House, 35 Kinross St.  
Perth.

2/11/18.

Dear Sir,  
Planning Application 18/01802

I write to object to the above planning application behind East Ballindean Lodge, Ballindean.

The site was recently cleared of the plum orchard, comprising over 200 trees planted in the mid-80s by Mr. Acheson to redress the loss of many orchards in the Carse. This clearance was wilful destruction of a valuable asset to the hamlet, providing an attractive feature and a haven for wildlife. It is also outside the envelope of the hamlet and does not comply with the Housing in the Countryside policy.

Any further development would impinge on the attractive neighbouring properties which are listed. Access to this "site" would adversely affect the owners of East Ballindean Lodge and their garden.

As I live directly above the "site" I know the amount of rainwater and snowmelt which cascades down the hill, and often causes flooding below. The applicant seems determined to ruin Ballindean at all costs. I ask that the application be refused.

Yours faithfully,

Mrs D. Feltie





**Tracy McManamon**

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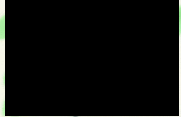
**From:** [REDACTED]  
**Sent:** 05 November 2018 10:57  
**To:** Development Management - Generic Email Account  
**Subject:** 18/01802

Application 18/01802

Objection on all the points my neighbours have already pointed out . My concerns are that Mr Morgan has on previous times applied for planning on the farm ground . This piece of ground has been destroyed of a beautiful orchard of plumb trees destroying wildlife . He has no thought for the environment we all live in the Hamlet . He did get planning many years ago for one farm house which was never built .

Regards

Avril Douglas



Sent from my iPhone

ENTERED IN COMPUTER

05 NOV 2018



# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mr Derek Henderson

Address: [REDACTED]

## Comment Details

Commenter Type: community council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Excessive Height
- Flooding Risk
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development

Comment: 18/01802/FLL-Erection of dwellinghouse and garage 30m NW of Easter Ballindean Lodge, Inchtute

Inchtute Area Community Council (IACC) wish to register its objection to the above planning application.

In accordance with Schedule 5 (Consultation by the Planning Authority) of the Regulation 23 Development Management Procedure (Scotland) Regulations 2008) and the guidance in Planning Advice Note (PAN) 47 Community Councils should ascertain, co-ordinate and express the views of the local community and are advised to limit their attention to proposals which raise issues of genuine community interest. IACC is aware of the concern of many local residents regarding this application and considers that the proposed development raises issues not only in relation to this particular site but to the whole village of Ballindean and that it is also relevant in relation to other small villages within our Community Council area. For these reasons we consider it appropriate that we comment on this planning application.

We objected to previous applications (13/01454 and 15/01573) on a neighbouring site in Ballindean village and our reasons for objecting to this current application are the same. We also previously objected to application 17/01693 for this site when it was part of an established plum

orchard. That application was withdrawn and plum orchard has since been removed.

This site, like previous application sites, is outwith the natural village boundary. It would extend the existing small building group which is not a settlement and therefore has no settlement boundary. It is not an infill site. The site would be an inappropriate extension to the village and ribbon development of the type that we consider the Housing in the Countryside Policy is designed to prevent.

To grant permission for this site would set a precedent that would simply encourage more "manufactured" sites adjoining Ballindean (either further sporadic small sites adjoining the village or indeed the much larger site put forward for inclusion (but not taken forward by PKC) in the LDP) or indeed manufactured sites adjoining any other small village in our area that does not have the protection of being classed as a "settlement" with a boundary.

Many of the villages within the IACC area lying to the north of the A90 have retained their historic character. This is acknowledged in the Landscape Supplementary Guidance adopted in June 2015. Most of the villages have a number of listed buildings that add value to the character and identity of the area. IACC considers that it is important that the setting of these listed buildings is protected. The proposed development is immediately behind Easter Ballindean Lodge and adjacent to Easter Ballindean House. The proposed house would have an adverse effect on the setting of listed buildings. The uninterrupted view of these two buildings when approaching the village from the road to the south is particularly important to the setting of this village.

We support the protection of the orchards in our area and are concerned at its removal with the loss of an important local wildlife habitat.

.

The type of suburban house proposed would also be out of keeping with the village setting and adversely affect its character.

We have noted concerns expressed by the local community that the site has regularly experienced flooding over many years. Having seen the problems already experienced by some of our residents caused by flooding in the Carse we would ask you not to support this, or indeed any other, application where potential flooding is an issue.

For all of these reasons we would object to this application.

Yours faithfully

Derek Henderson,  
Chairperson

For and on the behalf of Inchtute Area Community Council







Development Quality Manager  
Perth & Kinross Council  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
Perth, PH1 5GD

6<sup>th</sup> November 2018

Dear Sir/Madam,

**18/01802-Erection of dwellinghouse and garage 30m NW of Easter Ballindean Lodge, Inchture**

I write to object to the above application. My reasons are largely identical to the reasons I gave in 2017 for objecting to a similar application at this site (17/01573), namely:

1. contravenes Scottish Planning Policy, Perth & Kinross Local Development Plan and Housing in the Countryside policy RD3.
2. not an infill site, nor within the village; opens the way to ribbon development
3. Detrimental effect on adjacent listed buildings.

These and other valid reasons for objection to application 18/01802 have been articulated in much greater detail by Ballindean residents, and I agree with their comments.

I used to drive past the Ballindean site almost daily for over 30 years and witnessed the planting of the plum orchard in the mid-1980s. As a keen naturalist and member of the Carse of Gowrie Heritage Orchard Forum I am keen to support local orchards. Plum orchards are rare in this area, so I was astounded when the plum orchard north of Easter Ballindean Lodge was destroyed this summer. I checked the Tree Survey submitted with application 18/01802, and also that done for the previous (withdrawn) application (17/01573), and note a number of differences and errors (as listed in other objections), notably the current omission that "the majority of trees [in the upper part of the orchard] are in a generally satisfactory condition, have a reasonable future life expectancy, **and make a positive contribution to the landscape and amenity of the area**". Impossible now that they have all been removed, contrary to the drawings in the current Tree Survey.

Other objectors have noted that the plum orchard had become a haven for wildlife and biodiversity *and a rich source of food for pollinators and birds*. I appreciate that biodiversity does not yet appear to be a major concern for planners, but I note that PKC was a major supporter of Tay Landscape Partnership and one of the projects (in which I was involved) was the preservation of local orchards. Also, I note that PKC aims to halt the loss of biodiversity by means of the Housing in the Countryside Policy.

A further consequence of the destruction of the orchard is that there are no longer established boundaries to the north and east of the site which, I note, was the reason for rejecting a recent application in this area.

My last reason for objecting to 18/01802 is that it does not enhance the landscape and amenity of this part of the Sidlaws Special Landscape Area, set up to "preserve the distinctive character of the small villages along the Braes of the Carse. I would ask you not to approve this application.

Yours faithfully,

Dr. J.A.T. Woodford





# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mrs barbara young

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area

Comment: i am writing in relation to the proposed planning application 18/01802. i do not believe it is within the PKC's local development plan and does not comply with the Housing in the Countryside Policy. It is neither an infill site or natural extension to the hamlet. It would be a ribbon development as opposed to infill. The proposed site has been cleared of 90 plum trees which is so sad as this was part of the Carse orchards of old. About 240 trees in total have been removed in the orchard to the north. This is against the PKC's project to support existing orchards and planting of new orchards in the Carse. Sadly this means a great loss for wildlife and biodiversity in the area. This planning if approved would set a precedent for future planning applications which would ruin the old hamlet. The style of housing is totally out of keeping with the area of housing which are mainly built with local sandstone. Indeed Easter Ballindean House and the Lodge and both listed buildings and their facades would be compromised by this application. The site has been flooded over the past few years causing major problems in the hamlet and i feel this application would cause more problems for the water run off. Ballindean is within the Sidlaw Special Landscape Area in relation to the Landscape Supplementary Guidance adopted by PKC in 2015. An objective is to preserve the distinct character of the small villages in the Braes of the Carse, this application i believe would be contrary to the Guidance.

Yours

Barbara Young



# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mr John Smith

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area

Comment: We would like to object to this application on the following grounds. This is another application from Mr Morgan where he is continuing to gain permission for housing anywhere around the village of Ballindean. Over the last few years he has planted hedging and erected fences to form artificial plots for houses. We do not believe this application complies with Perth & Kinross Council's local development plan and also does not comply with the Housing in the Countryside Policy. The planned area is not a natural extension to the hamlet - it represents an extension to the village boundary of Ballindean. The design and scale of the house is inappropriate. The style of housing is totally out of keeping with the area of housing which are mainly built with red sandstone. It is also an inappropriate design for a building that will sit adjacent to listed buildings and the rest of the village.

This development will take up prime agricultural land. The proposed site itself used to have 90 established plum trees on it. These have been removed as well the rest of the orchard to the north (about 240 trees in total). This is against the Perth & Kinross Council's project to support existing orchards and planting of new orchards in the Carse. Sadly, this means a great loss for wildlife and biodiversity in the area. This planning if approved would set a precedent for future planning applications which would ruin the old hamlet. Additionally, the site has frequently flooded in the past during periods of heavy rain and it cannot be guaranteed that this will not happen again in the future.



For all of the above reasons we would strongly object to this application and ask you to reject it.

John and Agnes Smith

# Comments for Planning Application 18/01802/FLL

## Application Summary

Application Number: 18/01802/FLL

Address: Land 30 Metres North West Of Easter Ballindean Lodge Inchtute

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: [REDACTED]

## Comment Details

Commenter Type: community council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development

Comment: The Society wishes to object to the application 18/01802/FLL for the 'Erection of a dwelling house and garage at Land 30 metres North-West of Easter Ballindean Lodge'.

The Society objected to a near-identical proposal in November 2017 (17/01693/FLL), and our objections of that date still stand:

\* the current proposal constitutes ribbon development outwith the established settlement envelope of the Easter Ballindean hamlet, when the hamlet is already at capacity. This is contrary to Perth & Kinross Council's 'Housing in the Countryside' policy;

\* the proposal will have a very negative impact on long views of the open braes of the Carse and on the settings of the two listed building in the immediate vicinity;

\* the applicant asserts that the new structure will 'bookend' the listed Georgian Easter Ballindean house - that is, form the end-point of some sort of balanced architectural composition including another modern property on the other side of the main house. This seems fanciful both in terms of the positioning of the new structure (the existing Lodge House already occupying the 'bookend' position) but also in terms of the size, style and detailing of the new structure proposed.

Finally, we are aware that the application site, formerly an orchard, was cleared by the applicant in order to make way for this development. The plum orchard, together with the mixed orchard at the western end of the village, was an important feature in the local landscape and gave it a pleasing symmetry. Its disappearance will mean that the proposed development will have an even more unfortunate impact on the setting of the listed buildings.

Tracy McManamon

**From:** Barry Klaassen [REDACTED]  
**Sent:** 09 November 2018 00:07  
**To:** Development Management - Generic Email Account  
**Subject:** planning application 18/01802 Land 30m NW of Easter Ballindean Lodge  
 Ballindean Inchtur

ENTERED IN COMPUTER

09 NOV 2018

Dear Sir/Madam

PLANNING APPLICATION 18/01802

I write to object to the above further planning application by Mr R Morgan of Errol

As Longstanding residents ( over 20years) of the hamlet of Ballindean we have been subject to the seemingly near constant application and re-application over several years for planning and wholesale re development of the farm land encircling our peaceful village applications 13/01454, 15/01573 and 17/01693 not forgetting the wholly inappropriate original application for numerous houses all around Ballindean with re routing of the road through our village to the south of the established village with street lighting creating a "rat run"

while Mr Morgan had planning approval for a single dwelling at Easter Ballindean Farm " necessary for farm workers to watch over livestock" this was never built and contrary to what is stated in this new application he is no longer the sole owner of the farmland having sold recently much of the farm to other party. He has retained all the land immediately adjacent to the village, in which he has planted recent hedging in no doubt an attempt to, as matures, pick off for ribbon development in a piecemeal fashion.

More seriously in order to validate this application our small community with historic links to fruit and orchard farming have lost a mature plum orchard on this proposed building site. over 240 mature plum tree have been destroyed creating the derelict site which was until a few weeks ago a haven for wildlife and biodiversity and was a fitting vista to the east of our village adjacent to 2 of the villages most important listed buildings Easter Ballindean House and Easter Ballindean Lodge

This proposed site is described as infill and suggests is a similar development at the recently built Berryfields. This is quite untrue. This is clearly ribbon development in clear contravention of PKC Policy further to attempt to bring about this a delightful mature plum orchard has been destroyed and laid waste contravening PKC continuing support within areas of the Carse of Cowrie to protect existing orchards and encourage new planting. The applicant describes the site as having "well established " landscape feature ..now the destruction of the orchard has occurred this is nothing more than a derelict landscape

This artificial creation of derelict sites for potential ribbon development sets to our minds a dangerous precedent and would encourage future further in appropriate development as has been lodged with you previously for inclusion in the local development Plan

the site in question is prone to flooding , as is much of the farm land adjacent to the village With the wholesale removal of this significant number of trees from this orchard , this will to our minds only make the run off and flooding worse

finally I would comment on the design and scale of the proposed dwelling which is not in-keeping with the east end of the village particularly as it is adjacent to the Listed buildings constructed of traditional red sandstone the proposed building has an unduly large footprint all single storey not in keeping with the rest of the village

I anticipate you will receive a high level of objection to this further application we the residents of Ballindean are being unduly harassed by a landowner who lives out with our Braes of the Carse Conservation Community and has a single motive to turn agricultural land around our village into in-appropriate housing for profit



SCANNED

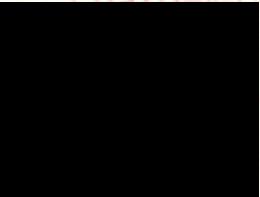
I trust our Objections will be lodged with all other comments and taken seriously by the Planning department

yours faithfully

Dr B and Mrs L Klaassen

ENTERED IN COMPUTER

10 MAY 1994



Perth and Kinross Local Review Body  
Council Building  
2 High Street  
Perth  
PH1 5PH

Mr Grant Reid and Dr Nicola Cook

18<sup>th</sup> June 2019

Dear Sir/Madam,

**Re: Review of decision to reject Application 18/01802/FLL "Erection of a Dwellinghouse and Garage" Land 30M NW of Easter Ballindean Lodge, Inchture"**

In response to your letter dated 11<sup>th</sup> June 2019 we would like to make additional representation as invited. The application was refused for two main reasons. Briefly, a) the application contravened The Housing in the Countryside Policy with no existing and definable boundaries to the east and north and b) negatively impacts two nearby listed buildings. The applicant refutes these statements with two main arguments. We outline below why these arguments do not hold.

Argument 1 - the application site has sufficient historical boundaries and landscape setting to comply with categories of the Council's Housing in the Countryside Supplementary Guidance 2014

- There is no boundary whatsoever to the east of the site. The applicant states that "The eastern boundary is an existing post & wire fence, which has formed the eastern edge of the former orchard for at least 30 years." This fence does not exist. Please see below photograph taken 19<sup>th</sup> June 2019.
- In the initial application on this site (17/01693/FLL) the northern boundary was to be the remaining part of the plum orchard to the north of the proposed development site. Between the withdrawal of application 17/01693/FLL and the submission of application 18/01802/FLL the applicant demolished the entire orchard. Ergo, there is no northern boundary.
- We would add that the trees that form the so-called western boundary do not belong to the applicant and could at any point be removed by their owner. Therefore, these trees do not constitute a permanent western boundary.

Argument 2 - the identical design concept for the proposed dwellinghouse was accepted by the Conservation Officer in an earlier application as not affecting the setting of the Listed Buildings comprising Easter Ballindean Lodge and Easter Ballindean House, and her concerns regarding replacement tree planting have been mitigated by the proposals.

- It is our understanding that the Conservation Officer and Planning Officer can only give recommendations at the pre-application stage. Both of the letters from Mr. Sean Panton included in the Review Notice clearly state that there are "limitations to the advice" pending the full application process.
- The applicant maintains that the replacement tree planting on the southern boundary of the proposed development site mitigates the Conservation Officer's concerns. This replacement planting would not provide adequate screening to hide a property more than double the size of the listed Easter Ballindean Lodge. In any case, trees planted in that location would compromise above-ground electricity supply and could have an adverse effect on the retaining wall at the rear of Easter Ballindean Lodge.



In addition to the above we would like to raise the following points:

- The applicant's representative states that the "residents of Ballindean have grouped together to object to anything the applicant proposes". Residents are fully entitled to object to planning applications and it is reasonable to expect that they will do so when proposed development negatively affects their homes. Our objection letters have never "veered towards a personal nature" and we have repeatedly cited Planning Policy and Guidance; every application we have objected to has contravened PKC Planning Policy.
- The Review Notice states that the access route to the proposed development site has changed to our advantage between applications 17/01693/FLL and 18/01802/FLL. *"The new access road is an existing track into the application site and removes a large portion of the road surrounding the listed Easter Ballindean Lodge, to its benefit."* Neither of the proposed access routes are to our benefit! The first wrapped around our B-listed home and the second passes right through its garden. Notably, the diagrams included in the review notice on page 10 are misleading in the sense that the track is portrayed as being at the edge of the garden. This is not the case as a site visit would confirm.
- We are aware that access rights are not considered in the process of granting planning but reiterate that we find it unacceptable that the applicant is permitted to continually submit applications full of inaccuracies and making false claims of ownership in the first instance (we outlined these inaccuracies in our objection letter dated 13<sup>th</sup> October 2018).

Yours faithfully,

Mr Grant Reid and Dr Nicola Cook



## CHX Planning Local Review Body - Generic Email Account

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**From:** Councillor Angus Forbes  
**Sent:** 19 June 2019 10:06  
**To:** CHX Committee - Generic Email Account  
**Subject:** LRB re 18 01802/fll

I am writing in support of the councils decision to refuse the above planning application at Ballindean. I have been against this development since the start and am very disappointed that the developer has destroyed one of the last few remaining orchards in the hope that it will further his attempts to get this application through.

The residents of Balindean are, in my opinion, firmly against this development and I support then wholeheartedly

Councillor Angus Forbes  
Conservative Councillor for The carse of Gowrie Ward  
<https://www.facebook.com/councillorangusforbes/>  
Phone 01738475087

Convener of Environment and Infrastructure



Mrs. L. Simpson,  
Perth & Kinross Local Review Body,  
Council Building,  
2 High St., Perth.

21/6/19.

Dear Sirs,

Planning Application 18/01802/FLL

I refer to the above planning application for a house behind Easter Bellindean Lodge, Inchture. I reiterate my objections to this stated in my previous letter of 24/10/17, previous application no. 17/01693, namely - 1) The total destruction of a flourishing plum orchard planted in mid-1980's, of great benefit in terms of biodiversity, and redressing the loss of Carse orchards, 2) The site is liable to flooding owing to its position below the hill where I live, and 3) The inappropriate building of a house/houses impinging on the amenity and settings of nearby listed buildings. The character of this ancient hamlet must be preserved, and I also ask that it be given Conservation status.

Yours faithfully,

**Mrs Rettie**



# The Braes of the Carse Conservation Group

Pitroddie Old Manse  
Pitroddie  
Perth  
PH2 7RJ

23 June 2019

Dear Sirs

**TCP/11/16 (606)**

**Review of 18/01802-Erection of dwellinghouse and garage - Land 30m northwest of Easter Ballindean Lodge, Inchtute**

The Braes of the Carse Conservation Group (BCCG) was formed in 2009 to try and conserve the unique beauty, character and historical environment of the Braes of the Carse of Gowrie. We have participated fully in the community involvement process for various strategic planning matters since our formation, in particular in relation to TAYPlan, the Local Development Plan (LDP1 and 2) and the new Landscape Supplementary Guidance.

We wish to make further comment in respect of the refusal of this planning application in light of the appeal to the Local Review Body.

Please refer to our original letter of 24<sup>th</sup> October 2018 which explains our initial objections more fully.

The appeal is based on 2 grounds. We agree with the planning officer in his assessment of both.

1. The proposal does not comply with Policy RD3 Housing in the Countryside or its Supplementary Guidance. The proposed development is not infill. It would be an extension to the hamlet of Ballindean which is not acceptable in terms of Policy as it is not a definable site. It does not have suitable boundaries. It would also be contrary to the terms of the Supplementary Landscape Guidance in terms of which the small villages along the Braes of the Carse are acknowledged to be of historic importance and their distinctive character should be retained.
2. The proposal would adversely affect the setting of listed buildings contrary to Policy HE2. We refer you to our original objection letter. The site on which Berryfields now stands (and on which the appellant seeks to place reliance) is completely different from the present site. Berryfields was clearly infill and it is screened by mature trees and hedging so that it does



not affect the setting of the adjacent listed building. The sloping site nature of the current site combined with the fact that it has no boundary definition at all on 2 (north and east) sides would result in any development being highly visible adversely affecting the setting of both adjacent listed buildings and dominating the small category B listed Lodge house.

Our Group has a particular interest in the planting of new orchards and the preservation of existing orchards which have been a feature in the Carse for centuries. We appreciate that a landowner may cut down trees on their land if there is no Tree Preservation Order in place. We are, however, concerned that prior to making the planning application the landowner felled a large plum orchard (about 240 trees) which was a distinctive and important feature of the local landscape. From a biodiversity perspective our members are concerned and disappointed that this valuable resource has now been lost. We find the suggestion in the Supporting Statement that the removal of the orchard was a "positive effort to clear up a decaying area of field adjacent to the listed Easter Ballindean House and Easter Ballindean Lodge" fanciful and clearly "spin". It was a large and well established fruit orchard teeming with a variety of wildlife which has now reverted to simply being a corner of an open field.

We support the planning officer's original decision for the reasons given as it accords with the Development Plan. We would therefore urge you to reject the appeal.

Yours faithfully



 Marilyn Webb  
Secretary BCCG

## CHX Planning Local Review Body - Generic Email Account

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**From:** Alison Ramsay <[REDACTED]>  
**Sent:** 23 June 2019 14:24  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16(606) re 18/01802/FLL- Erection of a dwellinghouse and garage, land 30m NW of Easter Ballindean Lodge, Inchture



23<sup>rd</sup> June 2019

Dear Sirs,

I would wish to make some further comments in light of the content of the applicant's Supporting Statement for Notice of Review.

1. Firstly I would ask you to read my original letter of objection dated 24<sup>th</sup> October 2018. I ask this so you can see that the grounds of my objection are detailed, reasoned and purely planning based. It is implied in the Supporting Statement that the refusal decision should be overturned as the planning and conservation officers were unduly influenced by the large number of objections (19) and that these objections were not based on planning policy but due to some sort of personal vendetta against the applicant. This is simply incorrect. The number of objections indicates the strength of feeling across a broad range of the local residents that development of the site would contravene planning policy and guidance. This view would be the same whoever the applicant!  
Please note that in addition to objections from local residents objections were also lodged by our 3 local councillors (from 3 different political parties), the Inchture and Area Community Council, the Architectural Society of Scotland and a local Conservation Group. In short, the original objections were large in number, from a variety of local residents, councillors, and interest groups, and were planning based and not personal.
2. It is also suggested that the planning officer and conservation officer should not be entitled to change their view on matters and that they should have to stand by initial comments made in pre app correspondence or in connection with the applicant's previously withdrawn planning application for the site (17/01693FLL). This is clearly incorrect as any such comments are not binding and matters can only be considered fully once an application is lodged. Also, (as mentioned further below) some of the comments had been made before the applicant had removed all of the orchard trees so that the whole setting of the proposed site was fundamentally altered.

The applicant's "planning related" basis for a review of the refusal is his view that (i) the site is an acceptable extension to the village as it has adequate boundaries and thus complies with the Housing in the Countryside Policy and Supplementary Guidance and (ii) it does not negatively impact on the setting of listed buildings. Again I would ask you to read my letter of objection which explains in more detail why I do not agree with either suggestion.

I will deal briefly with each of these 2 elements of the appeal in turn.

- (i) It is agreed by the applicant that that for the site to comply it would have to "extend the building group into a definable site formed by existing topography and/or well established landscape features which will provide a suitable setting".

The site simply does not have established boundaries and an adequate landscape setting as required under HICP. The south boundary is patchy and comprises mainly self seeded buddleia and scrubby trees. Tree growth has recently been lopped back by SSE to prevent it interfering with overhead electricity cables and will always need to be kept at a low height for this reason. The west boundary trees are in my own garden and although they presently form a limited boundary with the site the applicant does not control these trees and cannot undertake to "retain them" as is suggested.

However, most importantly, the other two boundaries on the east and north are **non existent**. This is one of the reasons for the planning officer's decision. The fence that is alleged to form the east boundary **does not exist**. The north boundary, which in connection with the earlier withdrawn planning application was previously the backdrop of the remaining northern section of the plum orchard, also now no longer exists following the removal in August 2018 of the entire plum orchard. A site visit will confirm this.

The site is therefore not "definable". **It now simply forms an unenclosed corner of a field**. If this were held to comply with the HICP then any corner of any field adjacent to a building group could be turned into a building plot which is clearly not the intention of the Policy or Guidance.

- (ii) The question of the intervisibility of any building on the site with the adjacent listed buildings cannot be overcome. This is due to the sloping nature of the site as any new build would sit much higher and dominate the much smaller listed Lodge below it. Historic Scotland's guidance highlights that at all times listed buildings should remain the focus of their setting. Both Easter Ballindean House and Easter Ballindean Lodge are prominent in their setting in the Carse landscape. They draw the eye when viewed from near and far, but especially from the South, due not only to their attractive facades but also by their uninterrupted rural settings with open countryside as both backdrop and foreground. Any development of the site would reduce the prominence of both listed buildings when they should remain the focus of their setting.

The applicant suggests that the conservation officer should not have changed her view regarding the suitability of the site for development. Her initial comments were partly based on the retention of two thirds of the orchard. She makes clear in her assessment that the removal of the entire orchard has increased the visual impact that any new building would have on the adjacent listed buildings. The proposed tree planting simply cannot protect the setting of the listed buildings and in particular Category B listed Easter Ballindean Lodge. There is no planting at all at present and the proposed trees could not provide an effective barrier or provide an adequate setting. In particular the trees could not be allowed to grow as suggested on the south due to the presence of the overhead electricity line. As stated previously the Council officials are entitled to change their views once they have fully considered matters and particularly if circumstances in relation to a site have changed.

In light of all of the information now in your possession I would ask that you refuse this appeal and support the decision by the planning officer to refuse the application on the grounds stated by him.

Yours sincerely  
Alison Ramsay

**From:** Dennis Burrowes [REDACTED]  
**Sent:** 24 June 2019 11:32  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application. TCP11/16(606) Local Review Body re 18/01802/FLL

Dear Sir,

I am writing in connection with the above case which I understand will be considered by an LRB in the near future. I wrote to you originally about this case on 22/10/18 stating our objections to the application, which letter you acknowledged on 22/10/18. We would like our objections as contained in that letter to be considered by the LRB and would particularly stress the policy and planning issues. I know other local residents will be contacting you and we would support their objections particularly in relation to inadequate/nonexistent boundaries and the considerable negative impact in relation to the two listed buildings sited close to the site which is the subject of this application.

We would appreciate acknowledgement of this email.

Yours faithfully,  
Dennis and Gill Burrowes.

[REDACTED]



-----Original Message-----

From: Barry Klaassen [REDACTED]  
Sent: 25 June 2019 12:22  
To: Development Management - Generic Email Account  
Subject: Local Review Body Appeal planning application 18/01802/FLL

dear Sir or Madam

As long term residents of Ballindean in the Carse of Gowrie it has come to our notice the applicant of the above planning application which was previously and overwhelmingly rejected last year has made application to appeal the decision to the local review body of the council

I understand the applicant makes comments that the numerous ( over 19) objections from the residents of Ballindean are as result of a "personal vendetta " again the applicant and have no substance re impact on our conservation village

I wish to write again to you to oppose any such development by this applicant on this site

We the residents of Ballindean over the last years since the applicant (a resident of Errol) bought farming land adjacent to our village, have been subjected to numerous planning applications( see your records) to develop the farming land surrounding our village with multiple housing propositions non of which are in keeping with the aesthetic of the Braes of the Carse villages the applicant was approved for a farm house on nearby land some years ago ...a dwelling necessary to look after the animals that were to graze on the land ...no such building took place , no livestock were managed around Ballindean for any significant period and the applicant has now sold this part of the land which had planning granted for the farmhouse! Clearly there is little to support a genuine plan to farm here, but simply to convert the agricultural land for dwellings/ buildings for profit



This most recent application for a dwelling house 30metres behind Easter Ballindean Lodge will have significant negative impact on this listed building and the nearby Easter Ballindean house also a listed and supposed protected property in our objections submitted at the application stage we outlined comprehensively all our issues with this application I will not repeat these again, you have these on record, but would make the point there are no circumstantial changes to this appeal that can or would make this application acceptable ....the applicant has in preparing his land for this application destroyed an historic plum orchard from which the biodiversity and ecology of this environment has never recovered

We as residents of Ballindean assure you we bear no malice toward the applicant we do however continue to object to unacceptable propositions that will have a significant negative impact on our village community and our environment

I do hope our continued objections continue to be heard

sincerely

Dr Barry and Mrs Louise Klaassen



## CHX Planning Local Review Body - Generic Email Account

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**From:** J SMITH [REDACTED]  
**Sent:** 25 June 2019 22:43  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(606)

In reference to the above appeal to review the decision to refuse the application for reference 18/01802/FLL I would like to make the following representations.

1. One of the reasons given for requesting a review is that the applicant felt that many of the objections were based on a personal vendetta against the applicant, rather than being for planning reasons. This is certainly not the case from my perspective as I don't know the applicant.
2. The review has also been requested as the applicant feels that the site has adequate boundaries and will not have a negative impact on the existing listed buildings. I don't believe either of these claims to be factual. The planned site does not have established boundaries on the east and north of the site. This is partly due to the removal of the plum orchard, last year, which leaves the site as an unenclosed corner of a field. This removal of the whole orchard will also increase the visibility of the new building on the adjacent listed buildings. This point was made by the conservation officer in her assessment.
3. The applicant suggests that the planning officer and conservation officer have changed their view from comments made on a previous planning application (17/01693/FLL). These comments were made before the applicant completely removed the plum orchard trees thus changing the setting of the site. Only comments made on the current application, in the current setting of the site, should be considered as relevant to the review of the current application refusal.

John G. Smith  
[REDACTED]



8 July 2019  
Ref : R447/LRB/01

Local Review Body  
Perth & Kinross Council  
Council Buildings  
2 High Street  
PERTH  
PH1 5PH



For the attention of **Lisa Simpson**, Clerk to the Local Review Body

Dear Sirs,

TCP/11/16(606)  
TOWN & COUNTRY PLANNING ACT 1997  
THE TOWN & COUNTRY PLANNING (SCHEMES OF DELEGATION &  
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013  
APPLICATION REF: 18/01802/FLL – ERECTION OF A DWELLINGHOUSE  
AND GARAGE AT LAND 30 METRES NORTH WEST OF EASTER  
BALLINDEAN LODGE, INCHTURE

I refer to the above and your emails of 27<sup>th</sup> June and 3<sup>rd</sup> July, with attached representations. I now submit my further comments as follows;

1. The Pre-Application process is a protocol by which the basic principles for development are established by a formal response from the Planning Officer, to a set of submitted proposals. The Planning Officer's response is extremely important, as the detailed design process is taken forward on the basis of that response, having established the basic principles of Planning Policies. The design, carried out by the Architect/Designer thereafter, is a cost to the Applicant and therefore the Planning Officer's response has financial implications. There is an inferred Contract between the Applicant and the Planning Officials, where the Applicant goes forward, following the guidance from the Planning Officials, at financial expense. This application is part of that process, from the initial Pre-Application Enquiry made in May 2017. The Planning Officer's response was clear that *"the principle of a single dwellinghouse could be supported on the site under Criterion 1, Building Groups and Criterion 2, infill sites, of the identified policy. I should however point out that for a dwellinghouse to be considered under these criterion, then the proposal should respect the existing building lines and form a suitable link between the neighbouring buildings, forming a logical and sensitive extension to the building group."* It was also backed up by the response from the Conservation Officer, who stated *"I have no concerns with the overall design of the building appearing as 2 connecting buildings as this helps to reduce the overall bulk of the building."* This then formed the basis for the design going forward, with these positive responses. The existing building lines were established; the north boundary of the.....



application site was formed by extending the north boundary of Easter Ballindean House to the east, and the east boundary of the application site was formed by extending the easternmost boundary of Easter Ballindean lodge to the north, which is in accordance with the advice given by the Planning Officer, forming a logical and sensitive extension to the building group. The east boundary was already established by a post and wire fence, now removed, and by the extent of the planting of the plum trees. The east boundary is also recorded on the OS Map and has been for over 30 years. The application site is therefore quite clearly defined, and accords with the requirements of Policy RD3.

2. While this is an appeal for the refusal of application number 18/01802/FLL, it is has to be considered as part of the overall process of advice and response from the Planning Officials, from the first Pre-Application Enquiry and the previously withdrawn application number 17/01693/FLL. The first application established the proposed boundaries and this enclosed an area of the existing plum orchard. The proposal was to remove all of the plum trees on the application site, and both the Planning Officer, and the Conservation Officer accepted this. There has never been any change to the fact that the plum orchard was to be removed. The Arboriculturalist checked the condition of the plum trees and it was established that the trees were basically dying. Whatever was proposed for the application site, the trees would have had to be removed because of their derelict state, and this has now been done.
3. As stated in my Supporting Statement for the Notice of Review the new tree planting helps to define the boundaries and also protects the setting of the Listed Buildings. The proposed north and east boundaries align the proposed new house with the existing buildings, form a suitable architectural link and respect the existing building lines. The requirements of Policy HE2 are therefore met.

I trust the above is in order and I look forward to confirmation of the date of the Review Meeting.

Yours faithfully



Richard G A Hall *RIBA RIAS*