

**LRB-2022-35**  
**22/00714/IPL – Erection of a dwellinghouse (in principle),**  
**Sunnybrae, Windsole, Auchterarder, PH3 1PB**

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**LRB-2022-35**

**22/00714/IPL – Erection of a dwellinghouse (in principle),  
Sunnybrae, Windsole, Auchterarder, PH3 1PB**

**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 100581234-001

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:	A.S Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	Fife
		Postcode: *	KY14 6DA
Email Address: *	info@asassociatesltd.co.uk		

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="Sunnybrae"/>
First Name: *	<input type="text" value="Alan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mann"/>	Address 1 (Street): *	<input type="text" value="Windsole"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Auchterarder"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH3 1PB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@asassociatesltd.co.uk"/>		

## 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" value="SUNNYBRAE"/>
Address 2:	<input type="text" value="WINDSOLE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="AUCHTERARDER"/>
Post Code:	<input type="text" value="PH3 1PB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="713090"/>	Easting	<input type="text" value="295727"/>
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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 (in principle)

## 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.

Please refer to submitted Statement of Reasons for Seeking Review

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)

Statement of Reasons for Seeking Review, Application Form, Location Plan, Indicative Site Plan/Elevations, Report of Handling, Decision Notice

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00714/IPL

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

13/04/2022

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

20/06/2022

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection will be enable members of the Local Review Body to fully appreciate the characteristics of the site and its surroundings in relation to the proposal for erection of a dwellinghouse.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)



## 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: Mrs Alison Arthur

Declaration Date: 06/07/2022



Perth & Kinross Council Local Review Body

Statement of Reasons for Seeking Review

Application 22/00714/IPL  
Erection of a dwellinghouse (in principle)

Sunnybrae, Windsole, Auchterarder, PH3 1PB



July 2022



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Newburgh. KY14 6DA

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[info@asassociatesltd.co.uk](mailto:info@asassociatesltd.co.uk)

## 1.0 Introduction

1.1 This statement is prepared on behalf of our client, Mr Alan Mann (the applicant), for consideration by Perth and Kinross Council's Local Review Body. Mr Mann is the owner of the application site, where he seeks planning permission to develop a single dwellinghouse.

1.2 The statement below sets out Mr Mann's case in seeking review of the Appointed Officer's decision on application 22/00714/IPL and his request for review of the decision. We are grateful for the Local Review Body's consideration of this application.

1.3 The application was validated on 9th May 2022 and the decision issued, refusing planning permission, on 20th June 2022.

1.4 In summary, we make the following points to support Mr Mann's case:

- This proposal for a single dwellinghouse is demonstrated as gaining support from the policies and guidance of the Perth & Kinross Local Development Plan 2.
- The proposal gains support from Policy 6: Settlement Boundaries, providing a contribution to the shortfall in housing land in the Strathearn Housing Market Area. However, we question if the use of this policy, aimed at controlling 'ad hoc and unplanned expansion of settlements' is relevant in terms of this modest single dwellinghouse proposal.
- We highlight that the settlement boundary adjoining the application site is 'virtual' in that it is the boundary surrounding the E25 Employment land allocation, with no programming in terms of its possible future development. The site is, in reality, associated with a group of dwellinghouses located within countryside.
- The proposal is for a well contained site that forms an appropriate extension to an existing building 'group' in the countryside and, although it coincides with the settlement boundary, we believe there is an opportunity to assess the proposal in terms of Policy 19: Housing in the Countryside.
- We challenge the Council's first Reason for Refusal that the proposal is contrary to Policy 6: Settlement Boundaries. This proposal does not amount to 'unplanned and ad hoc expansion of Auchterarder'. The application site is insignificant in terms of 'extending' Auchterarder. Nonetheless, the proposal can be considered to comply with Policy 6 as it addresses a shortfall in housing land.
- We challenge the Council's second Reason for Refusal that the proposal is contrary to Policies 1A and 1B: Placemaking. The proposal, itself, will make a positive contribution to the quality of the surrounding area in terms of character and amenity, as confirmed by the Report of Handling. This proposal should be considered on its own merits as a single dwellinghouse on a well located and contained site.
- A detailed future proposal will set out layout, design, materials and landscaping, all subject to the future scrutiny of the Council to achieve high quality development. The applicant is content to accept conditions attached to a consent and payment of relevant financial contributions, including for Transport Infrastructure and Education.
- With respect, Mr Mann seeks the support of the Local Review Body in approving this application.



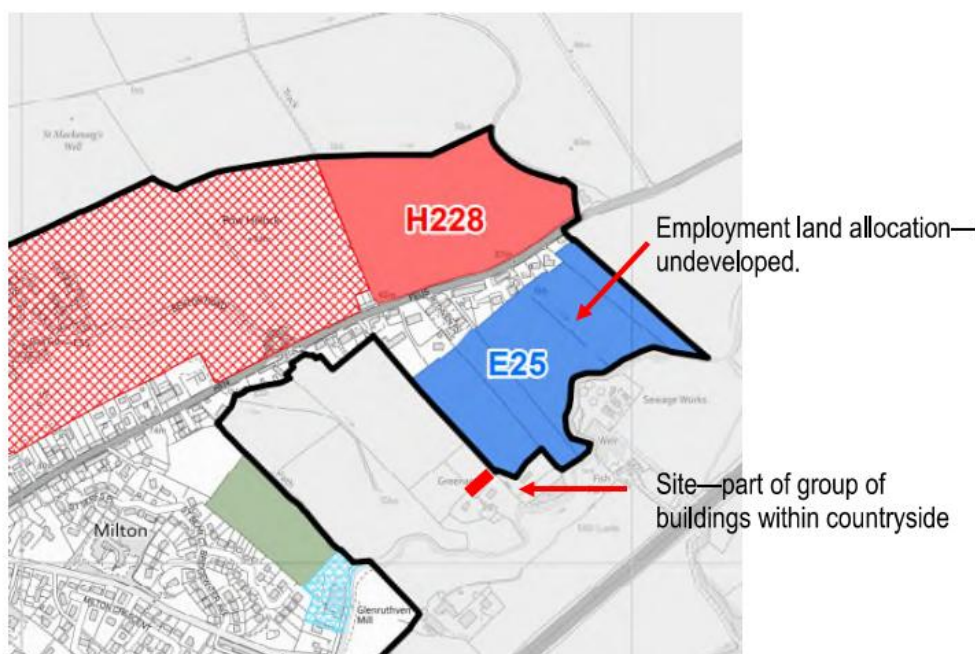
## 2.0 Consultations and Representations

2.1 None of the Council's consultees has indicated any objection to this proposal. A single representation was submitted, making a comment recorded as neutral – neither supporting or objecting to the proposal.

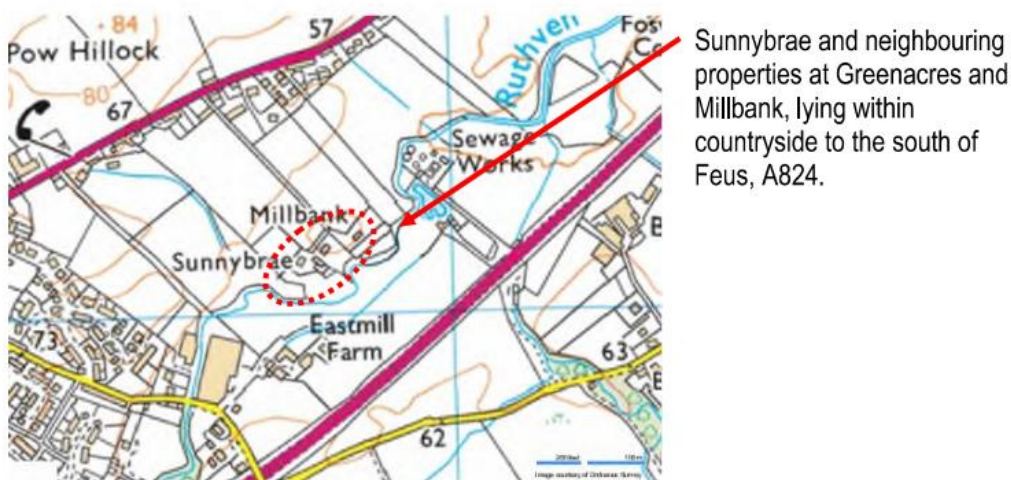
## 3.0 Site Context and Description

3.1 Sunnybrae is part of a group of three dwellinghouses, including Greenacres and Millbank, lying to the south of the A824, Feus, at the eastern side of Auchterarder. These properties are accessed by a private drive leading from the A824, within the town.

3.2 The group of dwellinghouses lies adjacent to the Auchterarder settlement boundary, at its eastern limit, as a result of the E25 Auchterarder—Employment, land allocation in LDP2, extract below. The group of dwellinghouses was not included within the settlement boundary, remaining 'countryside'. The extensive area of farmland forming the E25 allocation remains undeveloped. The appearance of Sunnybrae and its neighbours is that of a housing group within the countryside,



Annotated extract from P&KC LDP2 Auchterarder Settlement Statement



Extract from Bing Maps

3.3 The site is formed from a grassed area to the north side of Sunnybrae. It is described in the Report of Handling as 'paddock', although it could be more accurately described as garden ground and has been used in association with the house for more than 10 years.



Site viewed towards south west, (above) and north east (below) showing well contained location for proposal as part of existing group.







Site viewed towards south west, from private drive . Site is well contained by the existing housing group, dry stone walls, trees and hedging.



Site viewed towards west and Sunnybrae and adjacent housing group.



Corner of site viewed towards north east—land beyond wall is included in LDP Auchterarder settlement boundary.

#### 4.0 Planning History

4.1 There have been earlier applications for development on land at Sunnybrae: in 1991 (two dwellinghouses) and for a single dwellinghouse in 2006 and 2010. We highlight that these were not on this well contained small site occupying land closely associated with Sunnybrae. These applications had included a larger area of land extending to the north that the applicant no longer seeks to develop.

#### 5.0 Grounds for Seeking Review of the Application

5.1 Section 25 (1) of the Town and Country Planning (Scotland) Act 1997 includes that 'Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise – (a) to be made in accordance with that plan...'

5.2 The relevant Development Plan is the Taylan Strategic Development Plan 2017 and the Perth and Kinross Local Development Plan 2019 (LDP2). We do not believe that the proposal has strategic implications, and no further reference has been made to the Strategic Development Plan. The LDP provides the main basis for determining planning applications along with reference to guidance, including Perth and Kinross Council's Placemaking Supplementary Guidance 2020.

5.3 The Council refused the planning application for two reasons and we challenge these reasons in the following statement:

##### Reasons for Refusal

1. The proposed development is contrary to Policy 6 'Settlement Boundaries' of the Perth and Kinross Local Development Plan 2 (2019) which seeks to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.
2. The proposed development is contrary to Policies 1A and 1B 'Placemaking' of the Perth and Kinross Local Development Plan 2 (2019) as the proposed development would not contribute positively to the quality of the surrounding area in terms of character or amenity and could lead to ribbon development which would be to the detrimental of the visual amenity of the area and impact on the rural landscape character of this edge of settlement location.

Reasons for Refusal—Decision Notice for 22/00714/IPL

#### Principle of Developing a Single Dwellinghouse in the Countryside

5.4 The application site lies in 'countryside', as defined in LDP2. Most proposals for development of a dwellinghouse in the 'countryside' are assessed in terms of Policy 19: Housing in the Countryside. However, the assessment of this application in the Report of Handling applies Policy 6: Settlement Boundaries to this proposal. It indicates that this policy is relevant to proposals on sites which 'adjoin' a settlement boundary.

5.5 The Auchterarder settlement boundary, as a result of the E25-Auchterarder Employment land allocation in LDP2, 'adjoins' the application site. This extensive site is undeveloped and the Council's LDP2 Delivery Programme (Feb 2022) does not include any future programming for the site and includes that the agent for the site states that submission of any detailed application will depend on market interest. This site could therefore remain undeveloped for a lengthy time into the future. In any case, the application site forms part of the group of buildings at Sunnybrae, Greenacres and Millbank, the group lying within open 'countryside' and outwith the settlement boundary.

5.6 The Report of Handling refers to the purpose of Policy 6 being to 'prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.' Policy 6 indicates that its objective is to contain development within settlement boundaries, in the main, but to allow for development on sites adjoining settlement boundaries in certain circumstances.



5.7 We contend that this proposal for a **single dwellinghouse is of no significance in terms of what is described as 'unplanned and ad hoc expansion'** and that the objective of Policy 6 is not impacted by this proposal. In effect, the proposal is contained within garden ground associated with Sunnybrae. **It will not amount to an extension of the settlement boundary, given that the buildings at Sunnybrae, Greenacres and Millbank are themselves not included in the settlement boundary.** In addition, the settlement boundary 'adjoining' the application site is 'virtual' and may remain so for a considerable period.

5.8 We contend that given that the 'group' has been excluded from the settlement boundary, any 'extension of the group' can be appropriately considered in terms of 'countryside' policy, **Policy 19: Housing in the Countryside**, in place of Policy 6: Settlement Boundaries

5.9 However, if the Local Review Body is of the same view as the Appointed Officer in terms of applying Policy 6: Settlement Boundaries, we contend that there is opportunity to find that the proposal can be supported by the policy, as set out below.

#### **Policy 6: Settlement Boundaries**

5.10 We contend that the proposal, if this policy is applied by the LRB in its assessment, can be supported by Policy 6 in terms of criterion (c), i.e. where the proposal is 'required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply'.

5.11 Whilst Policy H24 is aimed at larger scale proposals and this proposal does not align with the detailed terms of the policy, **it does contribute to the policy objective**, stated in the policy as 'The Council is committed to maintaining a five-year supply of effective housing land at all times'.

5.12 The Council's Housing Land Audit 2021 shows a shortfall in the effective housing land supply for the relevant Strathearn Housing Market Area. The Council is required, as contained in Scottish Planning Policy 2014, to maintain at least 5 years effective housing land supply and the Housing Land Audit 2021 shows a shortfall with only 4.1 years. **The Report of Handling states that the proposal fails to meet any of the categories of Policy 6 as '...no evidence of a shortfall in housing land supply has been provided.'** We are now providing this evidence in terms of our reference to the Housing Land Audit 2021 and its calculation that the Strathearn Housing Market Area has a 4.2 year effective housing land supply and therefore a shortfall in the required housing land supply.

5.13 Although this proposal is for a single dwellinghouse, it does nevertheless, contribute to reducing the shortfall, with the Housing Land Audit monitoring the number of units recorded on sites of less than 5 units. This proposal can, in a small way, contribute to this requirement. If Policy 6 continues to be applied to this proposal, **it is supported by the policy through compliance with criterion (c)**.

#### **5.14 In summary**

- We contend that this proposal is not relevant to the objectives of Policy 6: Settlement Boundaries, i.e. the 'unplanned and ad hoc expansion' of settlements; but, if the policy continues to be applied, it can be supported in terms of criterion (c), contributing to the shortfall in the housing land supply.
- We challenge the Council's first Reason for Refusal that the proposal is contrary to Policy 6: Settlement Boundaries'. This proposal does not amount to 'unplanned and ad hoc expansion of Auchterarder'. The application site is insignificant in terms of 'extending' Auchterarder. In any case this small area of land is associated with Sunnybrae and two other dwellinghouses, all not included in the settlement boundary. It is contradictory to consider the proposal as an extension to the settlement when the associated buildings are not within the settlement.

5.15 We refer to the second reason for refusal, including that the proposal is contrary to Policies 1A and 1B 'Placemaking' as the proposal *'would not contribute positively to the quality of the surrounding area in terms of character or amenity...'*

5.16 We are perplexed by the conclusion leading to this Reason for Refusal appears to largely contradict the assessment carried out in the Report of Handling which finds the proposal to be acceptable in terms of these issues, as set out below:

- An 'indicative' drawing was submitted with the application and we highlight that the Report of Handling includes that, although the detailed design and layout would be assessed in a detailed application, ***'The proposed house is a relatively modest 1.5 storey property of traditional design which would not appear out of place within this rural context. The layout of the house within the plot also doesn't raise any particular issues in relation to garden space or access.'***
- The Report of Handling also assesses the proposal as acceptable in terms of landscape and visual impact stating that ***'It is considered that, in isolation, the development of this plot of land would not necessarily result in a significant impact on the landscape character or visual amenity of the area.'***
- In terms of residential amenity the Report of Handling also provides support, stating that ***'The proposed development does not raise any concerns in relation to residential amenity...'***

5.17 The second reason for refusal also states that the proposal is contrary to Policies 1A and 1B 'Placemaking' as it *'could lead to ribbon development which would be to the detrimental (sic) of the visual amenity of the area and impact on the rural landscape character of this edge of settlement location.'*

5.18 We are very concerned that the positive assessment of the submitted application, as referred to in 5.16 above, has been undermined by the considerable weight that the Appointed Officer has given to a hypothetical situation, making an assessment of a scenario of future development to the north. The Appointed Officer raises the issue of 'precedent'. We do not believe that this modest proposal on a well contained site sets any precedent for future development in the open fields to the north, and it would be entirely possible for the Council to resist any applications contrary to its LDP at the time. In any case, our understanding is that precedent should be only given minimal weight in planning decision making and the role of the decision maker is to consider the application, as submitted, on its own merits.

#### 5.19 In summary

- We contend that this proposal is supported by Policies 1A and 1B Placemaking and that a future dwellinghouse on this site will make a positive contribution to the quality of the surrounding area in terms of character and amenity.
- A detailed future proposal will set out layout, design, materials and landscaping, all subject to the future scrutiny of the Council to achieve high quality development. The assessment of the proposal contained in the Report of Handling supports this conclusion, as referred to in 5.16.





Recent Google aerial image illustrating that site lies within countryside as part of building group

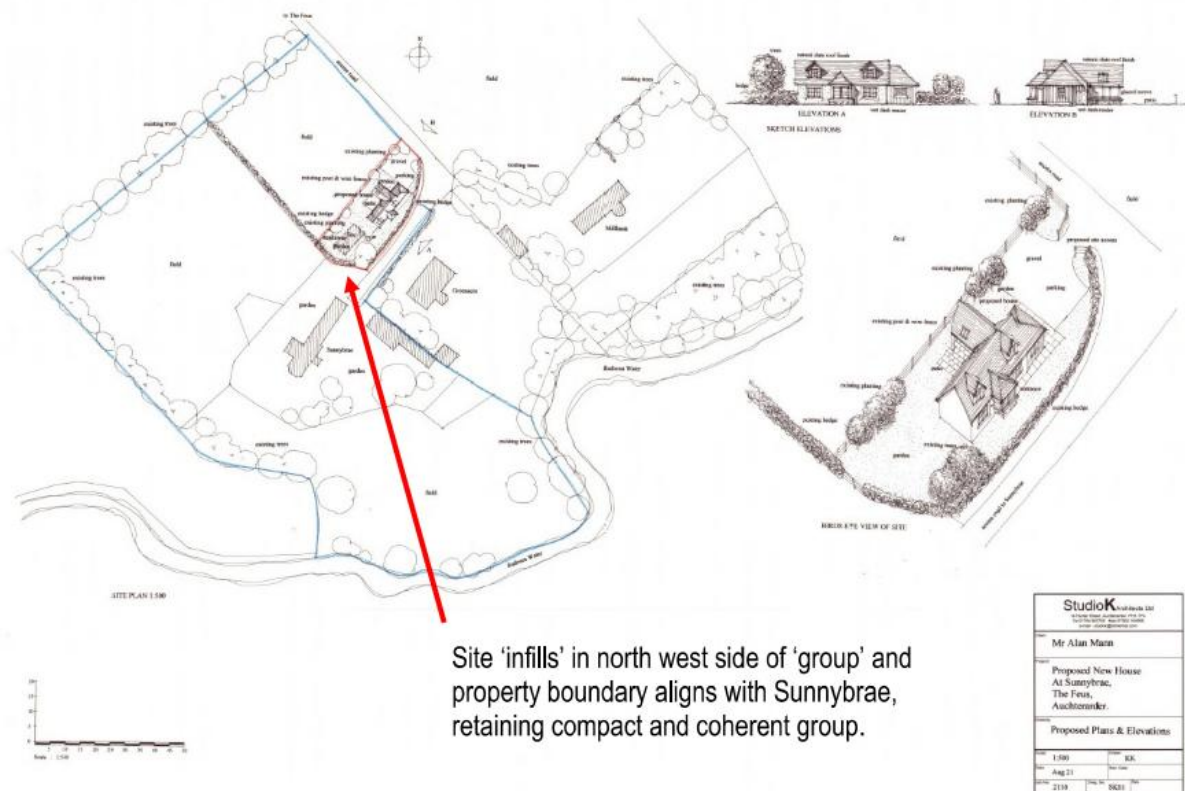
### Policy 19: Housing in the Countryside

5.20 The group of houses, Sunnybrae, Greenacres and Millbank, has been excluded from the Auchterarder settlement boundary in the preparation of the LDP2, and is therefore in the countryside. We contend that the dwellinghouses meet the definition of a 'group' as set out in Housing in the Countryside Supplementary Guidance 2020, i.e. '3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group.' We note that In the decision on a historic appeal for application 10/01090/IPL the Scottish Government Reporter concluded that 'These 3 dwellings are on spacious plots and form a coherent group' and 'In my opinion, the existing group of 3 dwellings is sufficiently compact to meet these requirements.'

5.21 We contend that this proposal gains support from Policy 19: Housing in the Countryside and its related Supplementary Guidance, in terms of criterion 1) Building Groups which supports proposals for 'houses which extend the group into a readily definable adjacent site'.

5.22 The related policy criteria include that that: 'new housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern; new housing will not detract from the visual amenity of the group when viewed from the wider landscape; and a high standard of residential amenity will be provided for both existing and new housing'.

5.23 We contend that a dwellinghouse on this site can readily meet with these above criteria. The application site is well defined, bounded by stone dykes, private access road, trees and hedging. The size and nature of the site makes it an 'infill' on the north west boundary of the 'group' with its site boundary almost aligned with the property at Sunnybrae, filling a gap in the overall grouping of the buildings and retaining the compact and coherent grouping.





5.24 The related policy criteria include that that: *'new housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern; new housing will not detract from the visual amenity of the group when viewed from the wider landscape; and a high standard of residential amenity will be provided for both existing and new housing'*.

5.25 We contend that a dwellinghouse on this site can readily meet with these above criteria, as confirmed by the Council's own assessment in the Report of Handling (referred to in 5.16) As the proposal is for planning permission in principle, the layout, design, materials and residential amenity will be detailed to meet with the Council's requirements in a further application.

#### 5.26 In summary

- The location of the proposal, on a well contained site within an existing group of dwellinghouses which lie within 'countryside' merits consideration in terms of Policy 19: Housing in the Countryside. The proposal is 'adding to the existing group' rather than creating 'ad hoc expansion' of the settlement boundary, in terms of Policy 6: Settlement Boundaries.
- The proposal is supported by Policy 19: Housing in the Countryside: it extends the group comprising Sunnybrae, Greenacres and Millbank and associated buildings into a readily definable adjacent site
- The proposal is supported by the detailed criteria of Policy 19: Housing in the Countryside as acknowledged by the Council's assessment in the Report of Handling, as referred to in 5.16

## **6.0 Detailed Policy Considerations**

6.1 We highlight to the Local Review Body that the application Report of Handling assesses the proposal in terms of detailed considerations:

- Design and Layout
- Landscape and Visual Impact
- Residential Amenity
- Roads and Access
- Drainage and Flooding
- Conservation Considerations
- Natural Heritage and Biodiversity
- Developer Contributions
- Low and Zero Carbon Generating Technologies

6.2 The Council's assessment finds that there is no reason to refuse the proposal for a single dwellinghouse in terms of any of these above considerations (setting aside the questionable assessment made of the impact of further development beyond the application site, referred to in 5.18 above).

6.3 The Report of Handling notes that a future detailed application may be subject to appropriate conditions, and financial contributions in terms of A9 Transport Infrastructure and possibly Education. The applicant is content to agree conditions and make appropriate financial contributions.

## **7.0 Conclusion**

7.1 We strongly contend that there is opportunity for the Local Review Body to find that this proposal gains support from the Local Development Plan<sup>2</sup> and its supplementary guidance, as summarised in paragraph 1.5. With respect we seek the support of members in approving this application.



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	22/00714/IPL	
Ward No	P7- Strathallan	
Due Determination Date	8th July 2022	
Draft Report Date	13th June 2022	
Report Issued by	DN	Date 13/06/2022

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Sunnybrae Windsole Auchterarder PH3 1PB

#### 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.

#### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application relates to a paddock of land located immediately adjacent to but out with the settlement of Auchterarder. The site extends to the approximately 760sqm and is positioned to the north of a linear grouping of three dwellinghouse. The site presently contains two chicken huts and is entirely laid in grass. The south, east and west boundaries are defined by established hedgerow and trees, whereas the northern boundary is largely delineated with a post and wire fence.

The applicant previously sought permission in 2006 and 2010, albeit on a larger site, for the erection of a single dwellinghouse. On both occasions the applications were refused as being contrary to the Housing in the Countryside Policy and the subsequent appeals dismissed by the Reporters Unit. Then more recently in 2021 an application was again submitted for the erection of a house in the same location but on a smaller plot (Ref: 21/01744/IPL). This application was again refused as being contrary to Policy 6 'Settlement Boundaries' of LDP2.

Planning permission in principle is again sought of the erection of a house within same plot, as per the 2021 refusal. The reason of the resubmission is due to the applicant failing to seek an appeal against the refusal to the Local Review Body (LRB) within the specified timescales. Through this submission the applicant will presumably seek to appeal the refusal to the LRB.

The plans submitted are exactly the same as the 2021 application, with an indicative plan submitted that proposes a 1.5 storey house of traditional design and finish positioned centrally within the site and taking access from the access road to the east.

## **SITE HISTORY**

03/00011/FUL Erection of conservatory at 25 March 2003 Application Approved

91/01503/FUL ERECTION OF 2 HOUSES & GARAGES AT 31 October 1991  
Application Refused

98/01065/FUL Alterations and extension to house at 10 September 1998 Application Approved

05/00504/FUL Extension to house 11 May 2005 Application Approved

06/01858/OUT Erection of a dwellinghouse (in outline) 30 January 2007 Application Refused

10/01090/IPL Erection of a dwellinghouse (in principle) 15 November 2010  
Application Refused

21/01744/IPL Erection of a dwellinghouse (in principle) 30 November 2021  
Application Refused



## **PRE-APPLICATION CONSULTATION**

None

## **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 2 (2019).

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

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

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

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

National Roads Development Guide

Developer Contributions and Affordable Housing Supplementary Guidance

## CONSULTATION RESPONSES

Scottish Water  
No objection

Development Contributions Officer  
Conditions in relation Primary Education and Auchterarder A9 Junctions contributions are required.

Transport Planning  
No objection subject to condition

## REPRESENTATIONS

The following points were raised in the 1 representation received:

- Impact of additional traffic on single track lane

The above point is addressed in the report below.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## 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 and the adopted LDP2.

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 6 '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. It goes on to state that development which is located on sites which adjoining that boundary will only be accepted in certain circumstances. If the site lies out with a settlement boundary, the principle of development is normally considered under Policy 19 Housing in the Countryside and the associated Housing in the Countryside supplementary guidance. However, in this instance only Policy 6 'Settlement Boundaries' applies as the Housing in the Countryside Guide under "category 1 - building groups" and "category 2 - infill sites" makes it clear on pages 10 and 11 that:

"proposals adjacent to and outwith a settlement which has a defined boundary in the Local Development Plan 2 will be assessed under Policy 6 Settlement Boundaries and not Policy 19 Housing in the Countryside".

This particular fails to meet any of the categories within Policy 6 where development may be accepted adjacent to settlement boundaries. It is simply seeking to establish the principle of a single house and does not involve rural business or diversification, is not justified under operational need and no evidence of a shortfall in housing land supply has been provided.

The purpose of Policy 6 is to specifically to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan. This view is supported by other recent decisions where refusals have been issued in similar circumstances as being contrary to Policy 6. These decisions have also been backed by the Council's Local Review Body upon appeal. It is therefore the established view of the Council to refuse applications adjacent to settlement boundaries which is reflected in Policy 6 of LDP2.

If the applicant does wish to pursue development on this site, the most appropriate means to do so would be seek for an alteration of the settlement boundary through review of the Local Development Plan.

Given the information contained within the Housing in the Countryside Guide regarding sites adjacent to settlement boundaries, there is no requirement to assess this proposal against the Housing in the Countryside Guide 2020 (HiCG 2020) as the guide makes it clear that Policy 6 'Settlement Boundaries' is the relevant policy in this instance.

As outlined above, the proposal is contrary to Policy 6 'Settlement Boundaries' and therefore the principle of residential development fails to comply with the Perth and Kinross Local Development Plan 2019.

## **Design and Layout**

The applicant has submitted indicative elevational plans and a site layout plan. The proposed house is a relatively modest 1.5 storey property of traditional design which would not appear out of place within this rural context. The layout of the house within the plot also doesn't raise any particular issues in relation to garden space or

access. However, this plan is purely indicative at this stage, and it would be upon the submission of a detailed application that the design and layout of the proposed house would be assessed in any detail.

### **Landscape and Visual Impact**

It is considered that, in isolation, the development of this plot of land would not necessarily result in a significant impact on the landscape character or visual amenity of the area. That said, if approved it could lead to further similar proposals for additional plots within the field to the north and beyond which would lead to ribbon development along the existing access and potentially lead to coalescence with the settlement of Auchterarder. This type of unplanned development would potentially impact on the character and amenity of area. As such, it is considered that the proposals are country to Policy 1A and 1B of LDP2.

### **Residential Amenity**

The proposed development does not raise any concerns in relation to residential amenity. The proposed plot would provide sufficient private amenity space and would not introduce any significant levels of overlooking or overshadowing of the neighbouring property.

### **Roads and Access**

The site is presently accessed by a 350m long private single-track access that is presently shared with the three existing houses adjacent to the site. It is noted that concerns have been expressed regarding the impact of additional traffic from the proposed house which could lead to difficulties in traffic passing on the existing narrow track. Whilst the level of additional traffic generated by one additional house is likely to be minimal, it is considered that additional passing places would be beneficial given the apparent lack of any provision at present. It is therefore recommended that should permission be granted; a condition is applied requiring the provision of passing places at suitable locations along the existing access.

### **Drainage and Flooding**

There are no known issues in relation to the flooding or drainage within the site. The site is also not located within any areas at risk to a 1 in 200 year flood event, as per SEPA's indicative flood maps.

In regard to drainage, as this application is only in principle, there is no requirement for this information at this early stage. However, the indicative site plan indicates that provision will be made on site for a septic tank and soakaway arrangement and the application forms indicate that surface water drainage will also be provided.

As per the requirements of Policy 53B, the use of a private drainage system is unlikely to be acceptable and all foul drainage should be connected into the public drainage system that serves Auchterarder.

## **Conservation Considerations**

There are no issues or concerns in relation to conservation related matters.

## **Natural Heritage and Biodiversity**

There are no issues or concerns in relation to natural heritage or conservation related matters.

## **Developer Contributions**

### Education

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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Auchterarder Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however if this application were to be approved a condition should be applied to ensure that any future detailed development complies with the requirements of Policy 5 and its associated supplementary guidance.

### Transport Infrastructure – A9

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution from developments within Auchterarder and the wider Strathearn housing market area towards the cost of delivering the A9 junction improvements which are required in the interests of safety.

The application falls within the identified A9 junction improvements boundary and a condition to reflect this should be attached to any planning application granted.

## **Embedding Low & Zero Carbon Generating Technologies**

Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.

As this application is only in principle, there is no requirement for this information at this early stage. However, if permission were to be granted, a condition would be required to ensure that adequate measures are submitted as part of any detailed submission.

## **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below.

## **Conditions and Reasons**

The proposed development is contrary to Policy 6 'Settlement Boundaries' of the Perth and Kinross Council Local Development Plan 2019 which seeks to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.

The proposed development is contrary to Policies 1A and 1B 'Placemaking' of the Perth and Kinross Local Development Plan 2019 as the proposed development would not contribute positively to the quality of the surrounding area in terms of character or amenity and could lead to ribbon development which would be to the detrimental of the visual amenity of the area and impact on the rural landscape character of this edge of settlement location.

## **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**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02







Mr Alan Mann  
c/o Arthur Stone Planning And Architectural Design  
Limited  
Alison Arthur  
85 High Street  
Newburgh  
KY14 6DA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice :**17th June 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/00714/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 9th May 2022 for permission for **Erection of a dwellinghouse (in principle) Sunnybrae Windsole Auchterarder PH3 1PB** for the reasons undernoted.

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposed development is contrary to Policy 6 'Settlement Boundaries' of the Perth and Kinross Council Local Development Plan 2019 which seeks to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.
2. The proposed development is contrary to Policies 1A and 1B 'Placemaking' of the Perth and Kinross Local Development Plan 2019 as the proposed development would not contribute positively to the quality of the surrounding area in terms of character or amenity and could lead to ribbon development which would be to the detrimental of the visual amenity of the area and impact on the rural landscape character of this edge of settlement location.

### **Justification**

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

### **Notes**

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

**Plan Reference**

**01**

**02**



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 100551332-001

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

## Type of Application

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

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

## Description of Proposal

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

Erection of a dwellinghouse (in principle)

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *		Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Alan	Building Number:	
Last Name: *	Mann	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

SUNNYBRAE

Address 2:

WINDSOLE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AUCHTERARDER

Post Code:

PH3 1PB

Please identify/describe the location of the site or sites

Northing

713090

Easting

295727

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

760.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

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

Paddock.

## Access and Parking

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

☐ Yes ☒ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>Septic tank and soakaway as per site plan.</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

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

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr H Higgans

Address:

[REDACTED]

Date of Service of Notice: \*

18/04/2022

Name:

Mr L and E Smith

Address:

[REDACTED]

Date of Service of Notice: \*

18/04/2022

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

[REDACTED]

Address:

[REDACTED]

Date of Service of Notice: \*

[REDACTED]



Signed: Alison Arthur

On behalf of: Mr Alan Mann

Date: 13/04/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

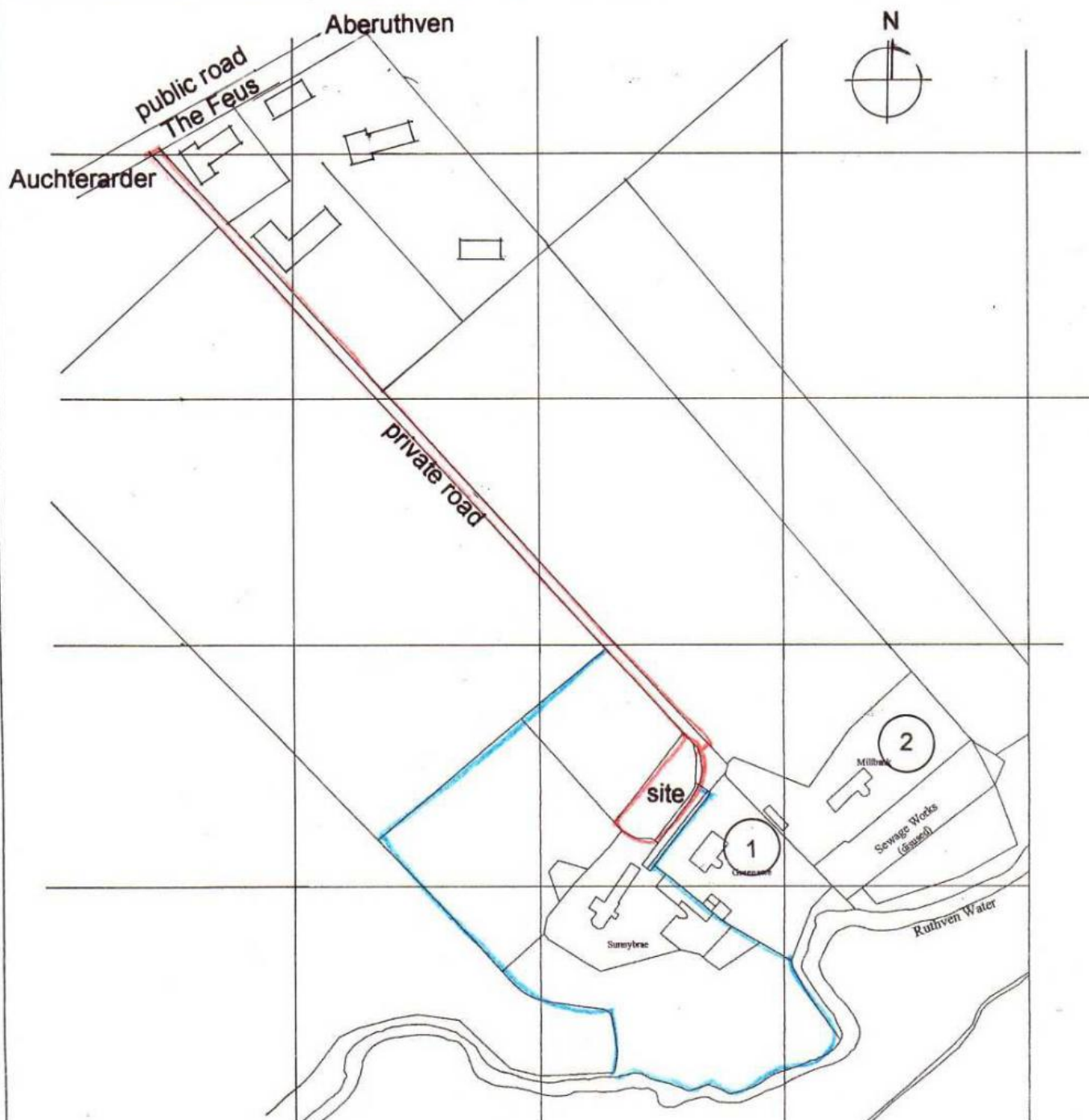
Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

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

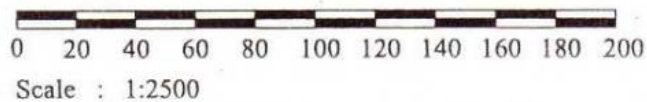
Declaration Name: Mrs Alison Arthur

Declaration Date: 13/04/2022



**Location Plan**  
**1:2500**

copyright –  
studioKarchitects/Findmaps



Client <b>Mr Alan Mann</b>	<b>StudioKArchitects</b> 14 Hunter Street, Auchterarder PH3 1 PA Tel 01764 663795 Mob 07902 164566 e-mail – <a href="mailto:studiok@btinternet.com">studiok@btinternet.com</a>	
Project <b>Proposed new house At Sunnybrae The Feus, Auchterarder.</b>	Scale <b>1:2500</b>	Drawn <b>KK</b>
	Date <b>Aug 21</b>	Rev Date
Drawing <b>Location Plan</b>	Job No <b>2110</b>	Dwg No <b>LP01</b>



**LRB-2022-35**

**22/00714/IPL – Erection of a dwellinghouse (in principle),  
Sunnybrae, Windsole, Auchterarder, PH3 1PB**

**PLANNING DECISION NOTICE** *(included in  
applicant's submission, pages 157-158)*

**REPORT OF HANDLING** *(included in applicant's  
submission, pages 147-155)*

**REFERENCE DOCUMENTS** *(included in applicant's  
submission, pages 167-168)*



**LRB-2022-35**  
**22/00714/IPL – Erection of a dwellinghouse (in principle),**  
**Sunnybrae, Windsole, Auchterarder, PH3 1PB**

## **REPRESENTATIONS**





Monday, 16 May 2022



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Sunnybrae, Windsole, Auchterarder, PH3 1PB**  
**Planning Ref: 22/00714/IPL**  
**Our Ref: DSCAS-0064891-DZX**  
**Proposal: Erection of a dwellinghouse (in principle)**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Turret Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Auchterarder Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Kerry Lochrie**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

#### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

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

<b>Planning Application ref.</b>	22/00714/IPL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Sunnybrae Windsole Auchterarder PH3 1PB		
<b>Comments on the proposal</b>	<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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of The Community School of Auchterarder Primary School.</p> <p><b>Auchterarder A9 Junction</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p> <p>The application falls within the identified A9 Junction Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>		

	<p><b>Auchterarder A9 Junction</b></p> <p><b>CO03</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to Auchterarder A9 Junction Improvements, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	20 May 2022



## Mr Les Smith (Neutral)

### **Comment submitted date: Sat 21 May 2022**

Since this planning application is similar to the last application submitted for this site (Ref No 21/01744/IPL) our previous comment, which was noted on that occasion, still applies. The access to the site is by a single lane track approximately 350 metres long, which currently serves three houses. Our concern is that the extra traffic on this track created by a fourth house might lead to an increased frequency of meeting on-coming vehicles, and having to back-up.



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

<b>Planning Application ref.</b>	22/00714/IPL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Sunnybrae, Windsole, Auchterarder PH3 1PB		
<b>Comments on the proposal</b>	<p>The applicant is proposing to erect a dwellinghouse on an existing paddock to the east of Sunnybrae. Indicative house arrangements have been provided, but no detail on the number of bedrooms or floor layout. I am unable to see any material difference to the submission of application 21/01744/IPL.</p> <p>The vehicle access to the public road network for the property will be via the existing shared vehicle access for Sunnybrae, Greenacre, and Millbank. The applicant has not shown any passing places on the vehicle access into the site.</p> <p>The applicant should consider the following when submitting a detailed planning application:</p> <ul style="list-style-type: none"> <li>• The number of car parking spaces being provided for the dwellinghouse should be in accordance with The National Roads Development Guide.</li> <li>• Should a garage be proposed for parking, the size of space within the garage must be a minimum of 7.0m x 3.0m (internal dimensions), as set out in the standards defined in The National Roads Development Guide.</li> <li>• Turning facilities shall be provided within the site to enable vehicles to enter and leave in a forward-facing gear.</li> <li>• The location of passing places, currently provided and additional passing places to be provided</li> </ul> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.</p>		

<b>Recommended planning condition(s)</b>	The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	31 May 2022