

LRB-2022-36
22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG

INDEX

- (a) Papers submitted by the Applicant (***Pages 185-210***)
- (b) Decision Notice (***Pages 213-214***)
 - Report of Handling (***Pages 215-222***)
 - Reference Documents (***Pages 205 and 223-230***)
- (c) Representations (***Pages 231-246***)

LRB-2022-36

22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name **MR. W. & MRS. J. DUNCAN**

Address **NEWBIGIN HOUSE
WEST GEORGE STREET
BLAIRGOWRIE
PH10 6DZ**

Contact Telephone 1 **% AGENT**
Contact Telephone 2
Fax No

E-mail* **% AGENT**

Agent (if any)

Name **DAVID ROCHE**

Address **33 DARROCH GATE
COUPAR ANGUS ROAD
BLAIRGOWRIE
PH10 6GT**

Contact Telephone 1 **07804678763**
Contact Telephone 2
Fax No

E-mail* **drawscot41@gmail.com**

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

22/0047/FLL

Site address

**AGRICULTURAL STORE, 'CASTLEVIEW', CRAIGIE,
CLUNIE, BLAIRGOWRIE, PH10 6RG**

Description of proposed
development

**CONVERT EXISTING DISUSED STORAGE BUILDING
TO DWELLING HOUSE**

Date of application

12/3/2022

Date of decision (if any)

26 MAY 2022

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

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.

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

1. Further written submissions ☒
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE APPLICANTS BELIEVE THAT THE UNIQUE LOCATION & NATURE OF THE PROPOSALS ARE BEST APPRECIATED BY A SITE VISIT.

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. 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:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

A SPECIALIST REPORT BY AGRICULTURAL CONSULTANTS (SAC) WAS COMMISSIONED BY APPLICANT BUT DELAYS (OUTWITH OUR CONTROL/STAFF SHORTAGES ETC) MEANT IT DID NOT ARRIVE UNTIL SAME DAY AS RECOMMENDATION OF REFUSAL. THIS IS HIGHLY RELEVANT (AND SUPPORTIVE OF APPLICATION) AND IS THEREFORE BE INCLUDED. SEE * ABOVE

List of documents and evidence

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.

- APPEAL against Recommendation of REFUSAL (by APPLICANTS)
- SAC REPORT (by CONSULTANTS)
- PHOTOS OF EXISTING, E1-E5
- LOCATION PLAN & SITE PLAN: 001 B
- ELEVATIONS (PROPOSED) DRG 03A.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

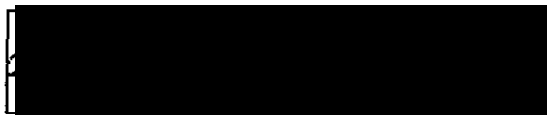
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

29 JUNE 2022

APPEAL against Recommendation of REFUSAL. Ref.22/00477/FLL
Proposed CHANGE of USE from AGRICULTURAL STORAGE
BUILDING to DWELLING HOUSE for Mr W. and Mrs J. Duncan
at 'CASTLEVIEW', CRAIGIE, CLUNIE, BLAIRGOWRIE, PH10 6RG

PREAMBLE : Any 'historic' unapproved works at this location took place before the Applicant took ownership of the land (having rented/worked it for some years previously) and were not in any way at his behest. He now seeks to regularise and greatly improve the situation by transforming the existing 'shed'/building into a home - much better integrated into its rural setting - and continue his modest livestock-breeding enterprise. The strong case for being 'on site' (animal welfare) is made elsewhere (see LAND USE).

We propose to address the REPORT OF HANDLING / DELEGATED REPORT's Recommendation of REFUSAL, dated 26 May 2022, in the order and description/headings presented by the Report, as follows:-

SITE VISIT: Given the chequered history of this site (see SITE HISTORY) it is surprising that the Council's officers did not make a site visit (instead relying on remote and electronic means) at which time they could have ascertained that the building is essentially where it received Planning Consent to be. Some confusion may have been created by the multitude of drawings dating from the 2009 Approval, some of which do show the distance from the NW face of the building to the access track incorrectly. While this error (seemingly not picked up by the Council in 2009) has been duplicated in some of the current Application drawings, it is academic; the building is sited where it got Planning Consent to be, ie as close to the bottom of the steep slope to the south east (see photo E1 and Cross Section overleaf) and as far back from the access track - and, incidentally, less visible - as is practicable.

BACKGROUND & DESCRIPTION OF PROPOSAL: (see also VISUAL AMENITY, DESIGN & LAYOUT). The proposals consist of extensive alterations to the external appearance to make the building more attractive and appropriate to its rural setting, with the interior re-modelled to form a comfortable 'retirement' home for the Applicants which, crucially, will allow Mr Duncan to continue his small-scale livestock (mainly cattle) business (see also LAND USE). The issue of drainage is addressed elsewhere.

Page 1 of 4

PROCEDURAL MATTER (DRAINAGE / 'Red Line'): The Applicant's Agent only "opted" not to include the existing drainage "within the site of the existing building" because the ground in question is on the other (north west) side of the access track (which is not in the Applicant's sole ownership) but is ground "owned or controlled" - IN THIS CASE OWNED - by the Applicant. It is standard procedure to delineate such ground in blue, which we have done. If the Council wish us to submit amended drawings showing it delineated in red we are happy to do so, but we note the Planners "consider it reasonable to process the Planning Application as it stands". We agree that "in the event of Approval of this Application...the issues over 'off-site' drainage should be "fully considered..."

SITE HISTORY As stated, the site - and "the site opposite", ie 'Hawkhill' , on the other side of the track - do indeed have "a history of refusals". In the sense that a previous owner/Applicant seems to have chosen - or tried - to get round Planning Policy by erecting an extensive storage building with the apparent intention of subsequently converting it to a dwelling, we understand the Council's difficulty. However we are faced with a fact :- this unlovely structure **exists**, is surplus to requirements (it always was) and there is now an opportunity to make it more attractive/suited to its location, add to the rural housing stock and provide continuity of 'agricultural' activity in this rural location. (The Applicants may be willing to consider a Condition that any future sale requires a commitment to such continuity). The proposals contain an area for storage of machinery/equipment adequate for a modest livestock operation. The matter of Private Drainage is addressed below. We note that the issue of drainage may be "time barred", which does seem to offer an opportunity to address it in a pragmatic manner...a modern treatment plant exists after all.

PRE-APPLICATION CONSULTATION, NATIONAL POLICY & GUIDANCE, DEVELOPMENT PLAN, TayPLAN and PKC LOCAL DEVELOPMENT PLAN

Noted

OTHER COUNCIL POLICIES, EXTERNAL CONSULTATION POLICIES, PKC LOCAL DEVELOPMENT PLAN

Noted

REPRESENTATIONS

Noted

It is surely significant that no "notified neighbour" or other interested party has expressed opposition to these proposals. It is our understanding that the local

community approve of, and are happy to encourage, Mr Duncan's livestock activity. As for the volume of traffic generated, this is unlikely to significantly increase as the Applicant would be 'on site', not travelling from Blairgowrie several times a day (see Land Use below), indeed may well decrease. NB The concern expressed that a similar development to the west (ie the derelict cottage at 'Hawkhill', on the other side of the access track) might be developed if this Application is approved is extremely unlikely, the remains of the cottage being now integrated into a cattle 'shed'.

ADDITIONAL STATEMENTS & APPRAISAL

Noted

Policy Appraisal We note that Policy 1 seeks to ensure that new developments "do not have an adverse impact on the area". The Applicants are seeking to greatly reduce the "adverse impact" of the existing structure, by creating an attractive dwelling (see drawings).

Land Use We note LDP2 and SPG 2020 seek to "support new housing in the countryside, in certain circumstances". We propose the circumstances detailed in this Appeal could hardly be more suitable to qualify for support.

The HITC 2020 definition of "traditional"- ie being built before 1919 - clearly does not apply, however within the constraints imposed by the existing structural 'envelope' the Applicant has introduced 'traditional' design elements (eg dormer window, timber cladding, re-rendering etc.)

The building is redundant and is used for general storage - not 'agricultural' purposes - only because it is there. (The Applicants' proposals contain a much smaller area for machinery/implement storage, adequate for his needs).

The Council's use of terms such as "farm", "detailed justification labour unit report" (?), "main farm buildings" etc does seem to be implying that the Applicant is making over-ambitious claims for his operation. This is not the case.

A detailed Report has been prepared by agricultural consultancy SAC but, unfortunately, due to circumstances outwith the Applicants' control, this was delayed in its issue by SAC staff shortages etc due to the recent pandemic, and arrived on the very day that the Planning Department issued its recommendation of Refusal. However the fact this report was "in the pipeline" was clearly signalled in our "Background and Supporting Statement" dated 29 March 2022.

This Report is attached and strongly supports the Applicants' case for on-site residency -(we would particularly draw attention to pages 6 and 7) - in particular on animal welfare grounds. In view of its centrality to the Applicants' case, we enclose a copy of the Report and trust that its contents will be fully taken into account.

Visual Amenity, Design and Layout

We note that our proposals "would improve the appearance of the building" With respect, we suggest the word "considerably" could reasonably be inserted here. Making this frankly ugly building into an attractive 'cottage style' dwelling is the responsible result to aim for.

Roads and Access

No comment

Drainage and Flooding

We agree that the previous owner appears to have ignored the "negatively worded Condition" regarding foul drainage; nevertheless the system installed is more than capable of dealing with the proposals in terms of capacity, phosphorous discharge etc. The Applicants are happy to provide any technical evidence requested by the Council, SEPA etc. that the treatment plant is up to current standards, and carry out any upgrading if required. We note that the drainage/treatment facility may well now be "immune from enforcement action"; this surely presents the opportunity to regularise the situation (see above).

from 'Conservation' - 'Direction by Scottish Ministers'

No comment

CONCLUSION and REASONS FOR DECISION / Justification / Informatives

We contend that we have addressed the concerns and strictures detailed in the DELEGATED REPORT and request that the Council decline to support the recommendation to Refuse this Application. We invite them to consider that the Application should be granted not only to mitigate the 'blighting' of an attractive corner of Perthshire, but to encourage the continuation of genuine rural activity by the Applicants.

Signed, on behalf of W and J Duncan



David Roche D.Arch., RIAS Agent

Date 29 June 2022

Planning Justification Report

Castlevue

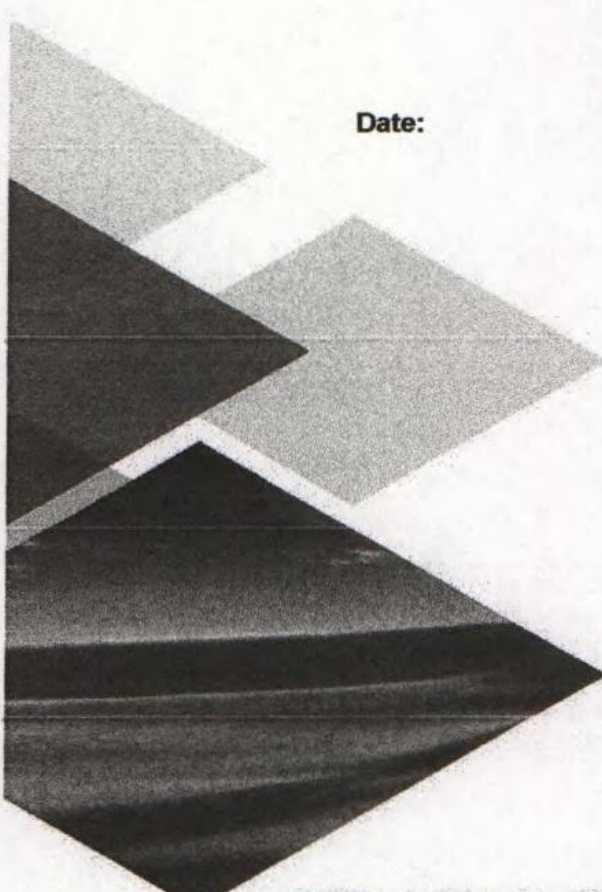
In support of application 22/00477/FLL

Prepared for: W & J Duncan

Prepared by: SAC Consulting

Contact: Mhairi Dalglish
Sandpiper House
Ruthvenfield Road
Inveralmond Industrial Estate
Perth
PH1 3EE

Date: May 2022



SAC Consulting is a division of SRUC
Leading the way in Agriculture and Rural Research, Education and Consulting

Prepared for:

W & J Duncan
Newbigging House
West George Street
Blairgowrie
PH10 6DZ

Prepared by:

SAC Consulting

Contact:

Mhairi Dalglish
Sandpiper House
Ruthvenfield Road
Inveralmond Industrial Estate
Perth
PH1 3EE

Tel: 01738 636611
Mob: 07765 707671
Email: mhairi.dalglish@sac.co.uk
Fax: 01738 627860

Reviewed by:

Annette Marshall

This report has been prepared exclusively for the use of the above client, on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk. No responsibility or liability is accepted for any interpretation made by any party that may be made of the contents of this report.

INTRODUCTION

This report has been prepared at the request of Mr William Duncan to supplement a planning application for the change of use from an agricultural storage building to a dwellinghouse at Castlevue, Craigie.

Information about the business policy and factors that would support the proposed application was gathered by Mhairi Dalgliesh, SAC Consulting (Perth) in discussion with William Duncan.

The need for the justification for the change of use is based around the existing agricultural business.

This report has been produced in May 2022 from the information provided.

CONTENTS

INTRODUCTION 1

SUMMARY AND CONCLUSION 2

BACKGROUND INFORMATION..... 3

LABOUR REQUIREMENTS AT CASTLEVIEW..... 5

THE NEED FOR ON-SITE ACCOMMODATION..... 6

ANIMAL HEALTH AND WELFARE 6

EFFICIENCY 6

SECURITY 7

HEALTH AND SAFETY 7

ALTERNATIVE ACCOMMODATION..... 7

BACKGROUND INFORMATION

The business of W & J Duncan farms both sheep and cattle over an area of 5.4 owned hectares as well as renting additional grazing in the local area. The stock includes mainly 8 breeding cattle and their calves as well as the older calves from the previous years' calving. So currently there is 15 calves on site. Sheep are the smaller side of the farming business with 4 sheep being lambed annually. William Duncan is responsible for all of the work involved with the business.

Mr and Mrs Duncan purchased the site as it currently stands. The building sited at Castleview was built under planning permission for an agricultural storage building. However, in my professional opinion, this building is highly unsuitable to be used for agricultural storage. The doorway size and roof height is not suitable for access by agricultural vehicles and machinery to unload agricultural supplies such as feed or fertiliser far less store the vehicle itself.

Mr and Mrs Duncan have established a very good relationship with the neighbouring residents who are in support of their farming business and running this farming business from the site at Castleview.

By Mr Duncan being able to reside on site at Castleview, it would drastically improve the speed of response should there be any urgent health or welfare issues that arise within the stock. If Mr Duncan was living on site, it would be much easier to routinely check the stock at key times of the year such as calving or lambing. This would ensure that should there be an issue to address, it can be addressed quickly and cut out the significant travel that Mr Duncan is currently having to undertake. This is highlighted by a recent example where a cow got into difficulty while calving and the distance to which Mr Duncan is from the main farming unit meant that by the time he got to the cow and got vet assistance to the animal, the cow unfortunately could not be saved and Mr Duncan lost one of his herd.

This is a prime example of why with sheep and cattle, it is imperative that the farmer can live on site to monitor stock easily and ensure the high standards of welfare that Mr Duncan prides himself on are maintained.

Additionally, it would increase the general efficiency of farming operations and increase the overall security of the unit.

SUMMARY AND CONCLUSION

The business of W & J Duncan farms cattle and sheep over an area of 5.6ha (owned land at Castleview) with additional grazing being rented in the local area.

There is currently no accommodation on site at Castleview however the design of the building that currently exists would be very easily adapted to a dwellinghouse.

There is a need for this change of use application so that William can live on site at Castleview to improve the ease of monitoring stock and bringing stock in to shelter to deal with veterinary or medical issues while also increasing the security of the farmland.

Based on the current farming activity, the estimated annual labour requirement for the farming operations is 0.23 labour units. However, there is a much stronger argument in terms of practicality and animal welfare.

This report fully supports the application to change the use of the agricultural storage building at Castleview to a dwellinghouse.

The building is in an ideal location to monitor stock in the surrounding fields and also access the areas of shelter/sheds.

The change of use to this existing building would not negatively impact on other residents' views.

The land around the existing building has no environmental significance or designated sites associated with it such as Sites of Special Scientific Interest (SSSI). Furthermore, there are no listed buildings or scheduled monuments near the existing building. Therefore, any changes that are proposed to the building would not result in a loss of any environmental or historic features.

LABOUR REQUIREMENTS AT CASTLEVIEW

Using Standard Labour Data for Agricultural and Horticultural Activities, sourced from Defra UK Farm Classification Document (October 2014), and information on existing land areas and livestock numbers the labour profile for the farming enterprises was calculated.

The calculation shows that the current farming system at Castleview has the justification for 0.23 labour units. The background information given above highlights the essential need for the dwellinghouse at Castleview.

This is a modest assessment of the labour needed as it does not account for the ever-increasing administrative tasks required by farming businesses for regulation or accountancy purposes.

The Standard Work Capacity is taken as 1,900 hours/person/year. This is calculated on the assumption that one person would work 39 hours per week and takes illness and public holidays etc. into account.

Land	Area (ha)	Hours/Annum/Ha	Total
Grassland - Grazing	5.6	3.1	17.36
<i>Sub total</i>			17.36
Livestock	Number	Hours/Annum/Number	Total
Beef cows	8	26	208
Other cattle	15	12	180
Ewes and rams (LFA)	4	3.7	14.8
Lambs (non-LFA)	8	3.1	24.8
<i>Sub total</i>			427.6
TOTAL			444.96
<i>Standard Labour Unit</i>			<i>1,900.00</i>
LABOUR REQUIREMENT (LU)			0.23

Table 1: Labour Requirements at Castleview

THE NEED FOR ON-SITE ACCOMMODATION

Animal Health and Welfare

With Mr Duncan able to live on site, it will make routine supervision of the sheep and cattle far easier and ensure high levels of animal welfare are maintained.

This will be crucial at the times of the year when the stock require frequent monitoring such as lambing and calving. With a permanent presence on site, it would ensure that Mr Duncan could pen up cows or sheep on site that require particular attention or supervision and be assured that he could keep a very close eye on them. Whereas currently with no dwellinghouse on site, he requires to house stock that require close attention in a trailer outside is home which is a far from ideal arrangement.

With sheep, they require close attention and care at lambing time to check for pregnancy toxemia, lambing issues or abortion. If a ewe is having difficulty lambing, then a timely response is critical to be able to save both the ewe and the unborn lamb. The same applies to calving cows and this was highlighted by Mr Duncan's unfortunate and avoidable loss of a cow during the 2022 calving period.

Within the cattle, sudden illness and injury are all issues that can arise and reasons why Mr Duncan requires to live on site to be able to regularly monitor the stock at all times of the day. Within sheep, issues such as fluke and blowfly strike are common with 1.5% of ewes and 3% of lambs in the UK affected each year by blowfly strike. However, symptoms are not always obvious hence why sheep need daily checking through the high-risk periods.

Efficiency

Having somebody on-site on a permanent basis is essential to conduct aspects of running the business such as taking delivery of fertiliser, feed and supplies. By having somebody onsite would help manage the checking and unloading of inputs. If Mr Duncan was able to live on-site then this would help to ensure the efficiency of working practices.

Security

Security is a hugely important consideration for this business. Opportunist theft and vandalism are ever increasing incidents in the rural area. These incidents result in much aggravation and add to the daily operations on the business but are also a severe financial burden.

Currently, with nobody living at Castlevue on a permanent basis, the site is at an even greater risk of being subjected to theft or vandalism.

Health and Safety

With the increasing awareness by the public of their access rights to the countryside there is potential for safety problems at Castlevue resulting from people not fully understanding their responsibilities in the countryside. Therefore, on-site accommodation is essential to allow better control of people entering the farmland at Castlevue and ensure that they do not compromise their safety or that of the livestock.

The main risks at Castlevue include:

- Stock being let out of fields and gaining access to roads.
- Movement of machinery such as tractors

These risks are all manageable when there is appropriate staff on-site to help educate people and to direct people away from causing potential harmful situations.

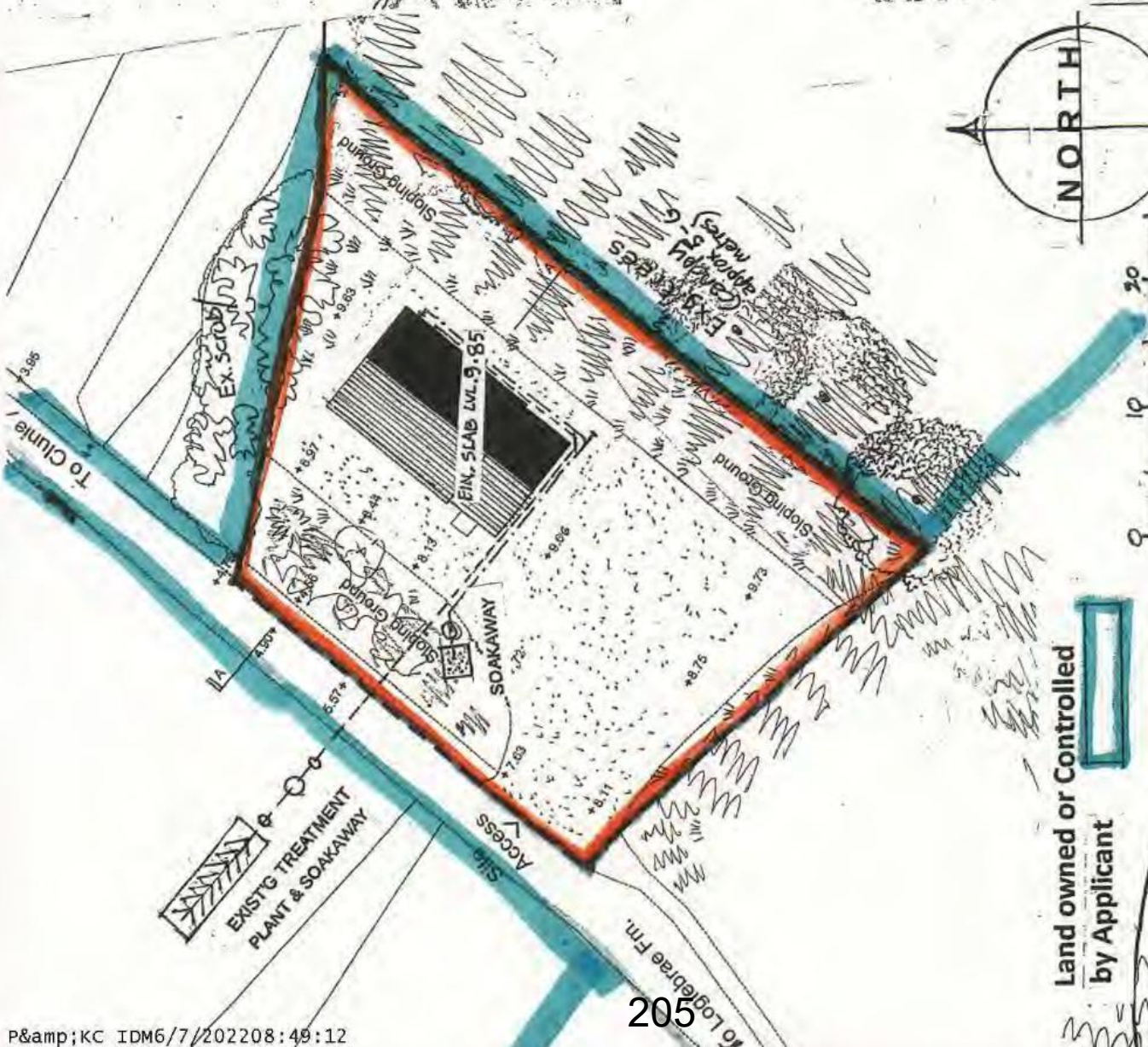
Alternative Accommodation

Currently Mr Duncan is living in Blairgowrie and needs to complete frequent trips to be able to properly care for his stock. These trips are resulting in excessive fuel use in order to be able to farm effectively. In May 2022, a spend of £120 on fuel was lasting less than 2 weeks due to the number and frequency of trips in the pick-up that were required.

No dwelling houses or plots of land have been sold by Mr and Mrs Duncan in the last 5 years. There are no vacant houses in the immediate vicinity to Castlevue that Mr and Mrs Duncan could move into.

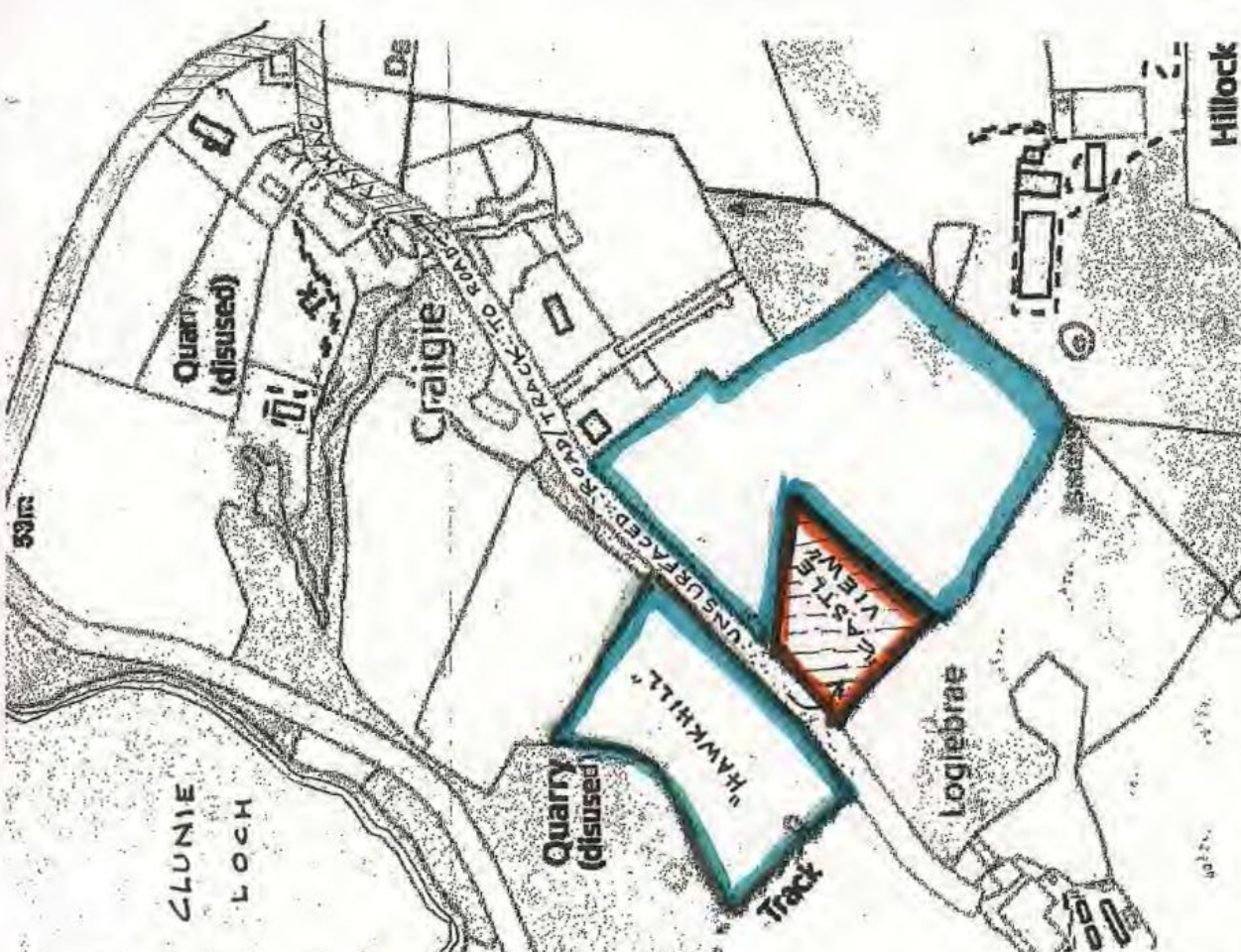
However, the building (initially built as an agricultural storage shed) that sits at Castlevue is designed in a way that it could easily transition to a house.

The approval of this change of use application would mean that this building could be utilised and given a purpose rather than solely being used for occasional items of storage as happens currently.



SITE PLAN (Existing) SCALE 1:500

Proposed Conversion of Store to Dwelling House, Craigie, Blairgowrie, PH10 6RG



DRG. NR.	Scale	TITLE	LOCATION PLAN	Date	Revis.	Date
001	1:2500 1:500	SITE PLAN, EXISTING		Mar 22 21 Apr 1	B	Mar 22 20
B	Show slab level Correct Land Ownr C. by D.R.A.W. Architect Coupar Angus					



E1 View from North East (showing slope)
(Cross section overleaf)

E2 North East gable.

E3 View from North

E4 Front elevation, from North West

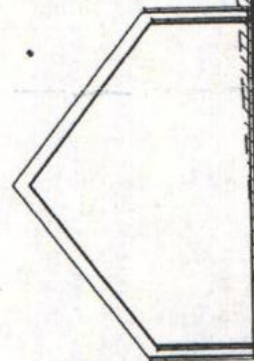
E5 View from South West

PERTH & KINROSS COUNCIL
APPLICATION No. *09/00170/1*
APPROVED CONDITIONALLY AND CONDITIONALLY
UNDER THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACTS AND REFERRED TO IN THE
APPROVAL DATES

22 JUN 2009

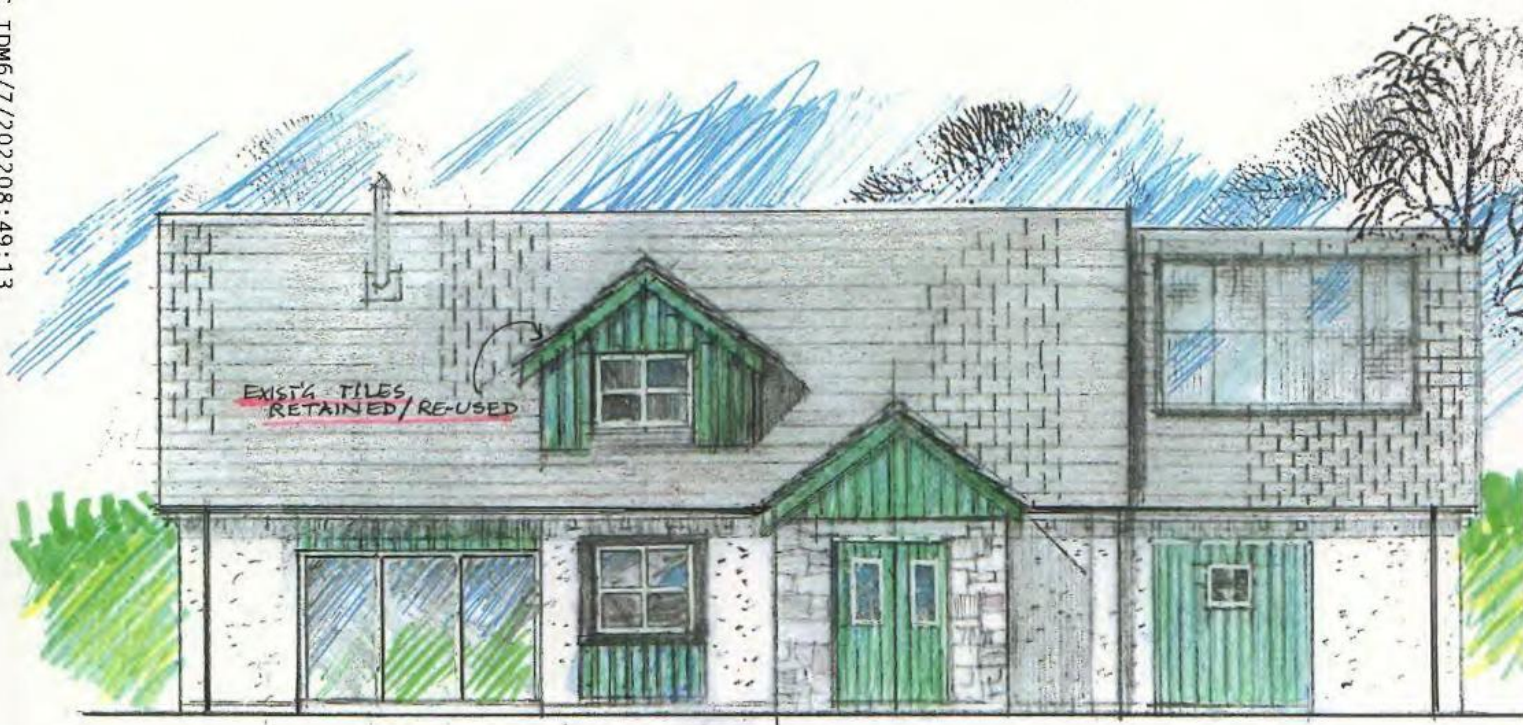
ATTACHED HERETO

DEVELOPMENT QUALITY MANAGER

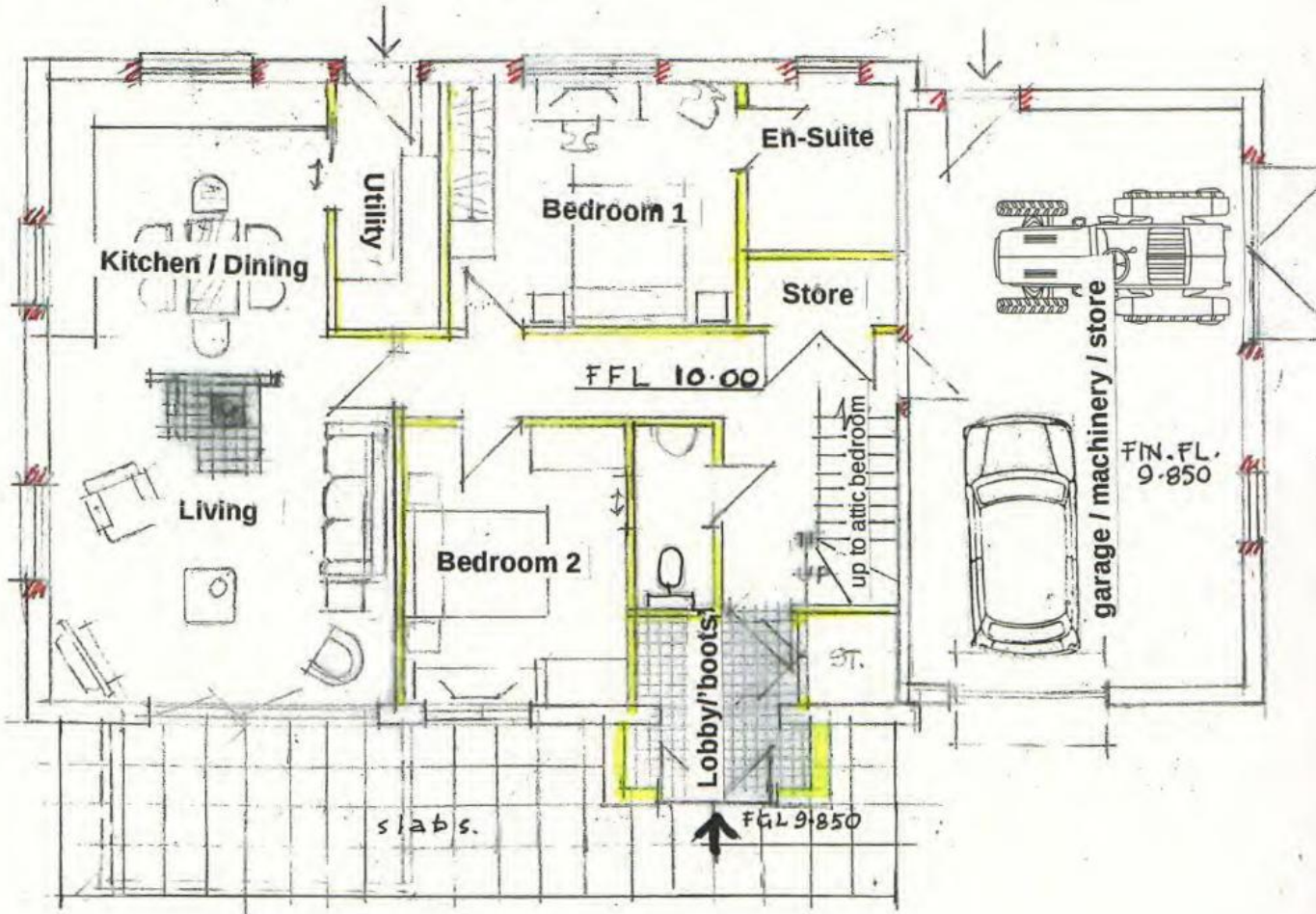


0 5 10 15 20
METRES

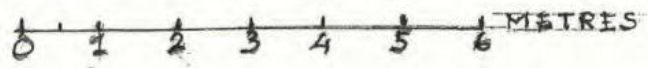
Access
Track



Front (North West) Elevation

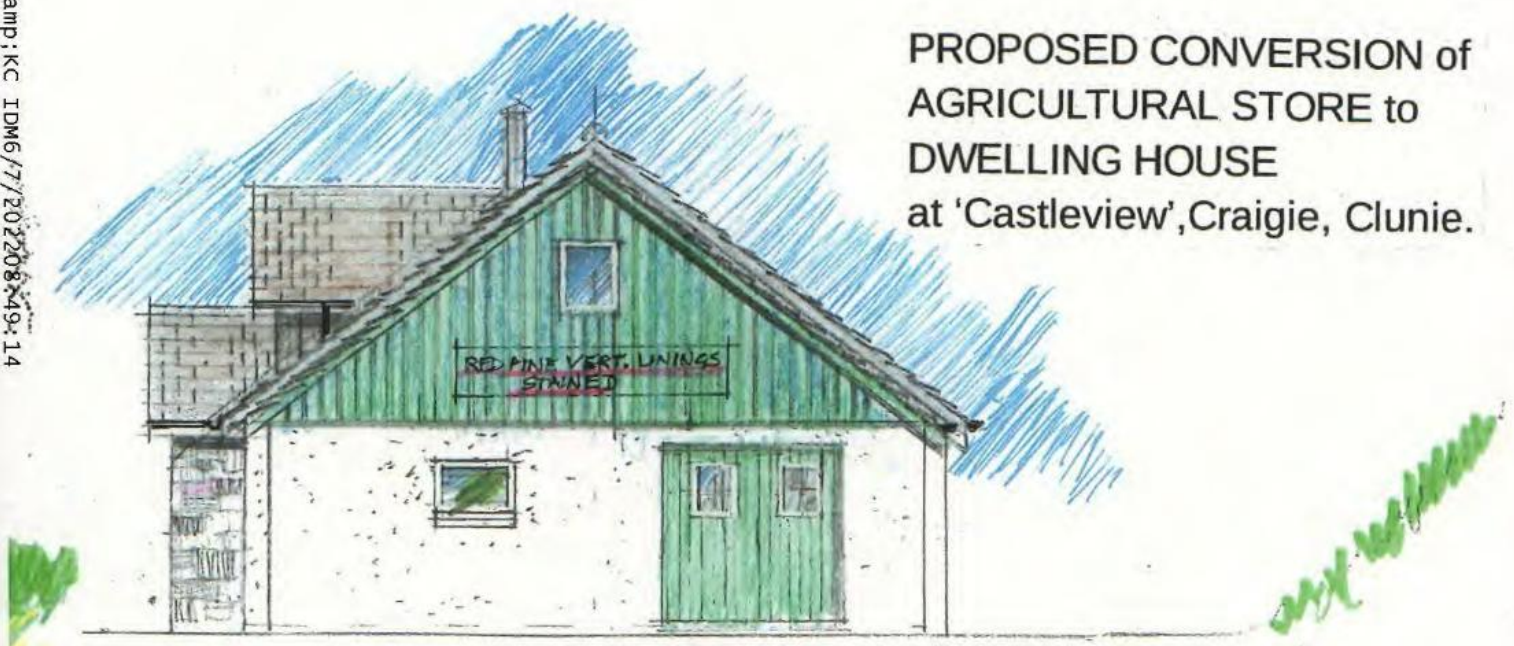


PLAN Scale 1:100



ps∓kc ID#6/7/202208x49:14

PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castlevue', Craigie, Clunie.



Side (South West) Elevation



Side (North East) Elevation



Rear (South East) Elevation

DRG. NR.	Scale	TITLE PROPOSED PLAN	Date	Revis.	Date
03	1:100	and ELEVATIONS	Mar 22	A	28/3/22
	A209	Notes etc added 29/3/22		D.R.A.W. Architect	Coupar Angus

LRB-2022-36

22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, page 205)*



Mr And Mrs William And Judith Duncan
c/o D.R.A.W
David Roche
Hill House
Beech Hill Road
Coupar Angus
PH13 9AZ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **26th May 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00477/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 7th April 2022 for Planning Permission for **Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue Land 160 Metres North East Of Logie Brae Farm Craigie Clunie**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is for a conversion of a non-traditional building in an isolation location, which is not part of a building group or an infill opportunity. There is insufficient evidence to demonstrate that there is a justified economic need for a dwelling in this location. To this end, the proposal is contrary to Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Guide 2020 as the development does not accord with any of the 6 listed categories of acceptable development.
2. It has not been demonstrated that the total phosphorus discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence/authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. To this end, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

Justification

1

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

Notes

1 The applicant should be aware that an enforcement investigation in relation to the authorised foul drainage system, and the amended location of the approved agricultural shed - is to commence.

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

Plan Reference

01

02

03

04

05

06

07

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00477/FLL	
Ward No	P5- Strathtay	
Due Determination Date	6th June 2022	
Draft Report Date	25th May 2022	
Report Issued by	AMB	Date 26 May 2022

PROPOSAL: Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue

LOCATION: Land 160 Metres North East Of Logie Brae Farm
Craigie Clunie

SUMMARY:

This report recommends **refusal** of a detailed planning application for the change of use of an existing agricultural building to a dwelling on a site outside Clunie, 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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This proposal seeks the change of use of an existing modern agricultural building to a dwelling, on a rural site outside Clunie within the Lunan Valley area. To facilitate the change of use, some external alterations are proposed – which include dormers at first floor level as well as other window / door alterations, and a small extension. The main fabric of the building will remain.

The site is accessed via private access, and it is proposed to connect to an existing private drainage system which has been installed off site – and outwith the planning red line planning site.

PROCEDURAL MATTER

Drainage / Redline

It is noted that the applicant has opted not to include the proposed drainage system within the planning unit. In this case, they have connecting to an existing system, which has not obtained planning permission in its own right and its installation is specifically contrary to the terms of the planning permission which related to the existing agricultural building.

Drainage for this site is particularly sensitive, and is part of one of the main planning issues. The exclusion of it from the planning application site is a concern, as any forthcoming planning permission will seek control over the drainage system, which is far more challenging if the system is outwith the redline - albeit within a blue line which represents land within the applicants control.

However, in this case as the ultimate recommendation is for a refusal it is considered reasonable to process the planning application as it stands, however if in the event of any approval of this application being forthcoming the issues over off site drainage and controls over it should be fully considered before a decision is issued.

SITE HISTORY

The area (including the site itself) has a very long history of refusals relating to a combination of new build residential, and the siting of both temporary and permanent caravans – all with new foul drainage. The most recent of which was 18/00489/IPL for a new dwelling on the site opposite.

An agricultural shed was approved on this site in 2009 (09/00170/FUL) however from looking at the plans and images from Google, the shed has actually been built approx. 10m further SE from the details shown on 2009 application, and drainage installed.

Condition 4 of the 2009 permission explicitly excluded private drainage.

Both these elements *may* now however be time barred – if commenced / installed 10+ years ago, which is possible but not proven.

PRE-APPLICATION CONSULTATION

A pre-application response was issued to the agent concerning this development (19/00339/PREAPP), which raised concerns over the proposal's compatibility with the LDP2 and the SPG on Housing in the Countryside.

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. The SPP looks to support new housing in the open countryside

in sustainable locations, and to protect our environmentally sensitive sites from inappropriate new developments.

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 site is located within the landward area of the LDP2, and within the Lunan Valley area where the following policies are applicable,

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

Policy 45A: Lunan Lochs Catchment Area

OTHER COUNCIL POLICIES

Placemaking Guide 2020

This is the most recent expression of Council policy towards Placemaking Standards.

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policy towards developer contributions.

Housing in the Countryside 2020

This is the most recent expression of Council policy towards new housing in the open countryside.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and raised no objections.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal and have raised no objections in terms of the proposed vehicular access and parking issues.

Development Contributions Officer has commented on the proposal and indicated that a developer contribution in relation to Primary Education is required in the event of any approval being forthcoming.

Environmental Health have commented on the proposal in terms of the proposed stove and air quality and have recommended a standard condition to be attached to any permission.

Biodiversity/Tree Officer was consulted on the proposal but have opted not to make any specific comment.

REPRESENTATIONS

One letter of representation has been received, which is a neutral comment.

The main points raised within this letter is that there is a concern that if this application is approved, a similar proposal will be supported (eventually) to the west ie consent for a agricultural store proposed, then in the future a further application lodged for a dwelling.

A concern has also been raised about the volume of traffic using the private access.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required (refusal)
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	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.

In terms of other planning considerations, consideration of the Council's SPG on Placemaking, Housing in the Countryside and also Developer Contributions are all material considerations.

Policy Appraisal

In terms of land use policies, the key policies are found within the LDP2.

Within that plan, *Policy 1 (Placemaking)*, *19 (Housing in the Countryside)* and also *45 (Lunan valley)* are all relevant.

Policy 1 seeks to ensure that all new developments do not have an adverse impact on the area in which they are located, whilst *Policy 19* is the LDP2 version of the HITC policy and needs to be read in conjunction with the SPG of 2020. Both these policies offer support for new housing in the open countryside, in certain instances.

Policy 45 looks to protect the environmentally sensitive Lunan Valley area, and to control private drainage.

Land Use

The site is located within the landward area, where the housing in the countryside policies are applicable – as contained within the LDP2, and the SPG of 2020. Both these documents look to offer support for new housing in the open countryside in certain instances.

The proposal is not part of a building ground, not an infill site, not a renovation or replacement of an existing house and is not a brownfield site.

The HITC policies offer support for the conversion (or replacement) of non-residential buildings, but this only relates to traditional buildings – not modern ones. The fact that this agricultural store has been wet dashed and finished with slates does not make it traditional.

The HITCG 2020 defines ‘traditional’ as being a building which was built before 1919, and as such the proposal does not accord with this section of the HITC policies. There is also some doubt about whether or not the building is redundant, or still in use. If the building is not redundant, then as well as not being traditional, it would also not align with the redundant element of the HITC policy.

The HITC policies also offer support for economic need housing, and some mention of this has been made within the applicant’s supporting submission. However, the extent of the ‘blue line’, which indicates land within the applicant’s control appears relevantly small for a functional farm unit and there is no indication of what is occurring on the land in terms of a functional farm operation, and a detailed justification labour unit report. There is also no details of where the main farm buildings are, and how the farm functions.

Ultimately, there is insufficient information available to demonstrate beyond reasonable doubt that firstly, there is a genuine farm operation in existence and secondly that there is a need for onsite presence.

In all, the proposal does not accord with the HITC as contained within the LDP2 or the SPG of 2020.

Visual Amenity, Design and Layout

In terms of the impact on the visual amenity of the area, the proposed changes would improve the appearance of the dwelling,

However, this alone is not a reason for supporting the proposal when the principle of a residential use on the land is not acceptable and there remains a concern over the proposed drainage arrangements.

Residential Amenity

The proposal does not directly affect any existing residential amenity. A standard condition should however be attached to any permission in relation to the stove, to ensure air quality is protected.

In terms of being able to provide a suitable level of residential amenity for future occupiers of the dwelling, a suitable level of usable amenity space is being delivered for the size of dwelling proposed.

Roads and Access

The proposal raises no issues in terms of road relates matters.

Drainage and Flooding

In terms of drainage issues, the site is located within an environmentally sensitive area which is locally known as the Lunan Valley. New stand-alone systems are not generally permitted within this area, and a new development must ensure that the total phosphorus discharge must not exceed the current level.

In this case, the approved agricultural unit had a negatively worded condition which was explicit insofar as no foul drainage was to be approved. Regardless of whether or this element is immune from enforcement action, it is unregulated and unconsented, and the exact details of the system which has been installed has not been provided.

No details of many people have been using the inside toilet have been submitted, what the capacity of the existing system is and how it discharges - so even working on a basis that the system is now immune from enforcement, if it cannot be demonstrated that the existing usage would be comparable to a family home – the proposed residential use would not comply with *Policy 45* of the LDP2 as it has not been demonstrated that the phosphorus discharge from this development does not exceed current levels.

It is also not clear is a CAR licence is in place for the existing system, and the proposed system is outwith the red line planning site.

Conservation Considerations

The proposal does not impact on any cultural heritage issues.

Natural Heritage and Biodiversity

The proposed drainage arrangements could have an adverse impact on the integrity of the Lunan Valley area, which is environmentally sensitive. In the event that the existing building, which has been built with slates, has been empty for some time then there could be local or protected habitats using the building and this should be assessed further in the event of any approval being considered.

Developer Contributions

In the event of any approval being forthcoming, a developer contribution in relation to Primary Education would be required to be secured.

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

The planning application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

- 1 The proposal is for a conversion of a non-traditional building in an isolation location, which is not part of a building group or an infill opportunity. There is insufficient evidence to demonstrate that there is a justified economic need for a dwelling in this location. To this end, the proposal is contrary to Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Guide 2020 as the development does not accord with any of the 6 listed categories of acceptable development.

- 2 It has not been demonstrated that the total phosphorus discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence/authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. To this end, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

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

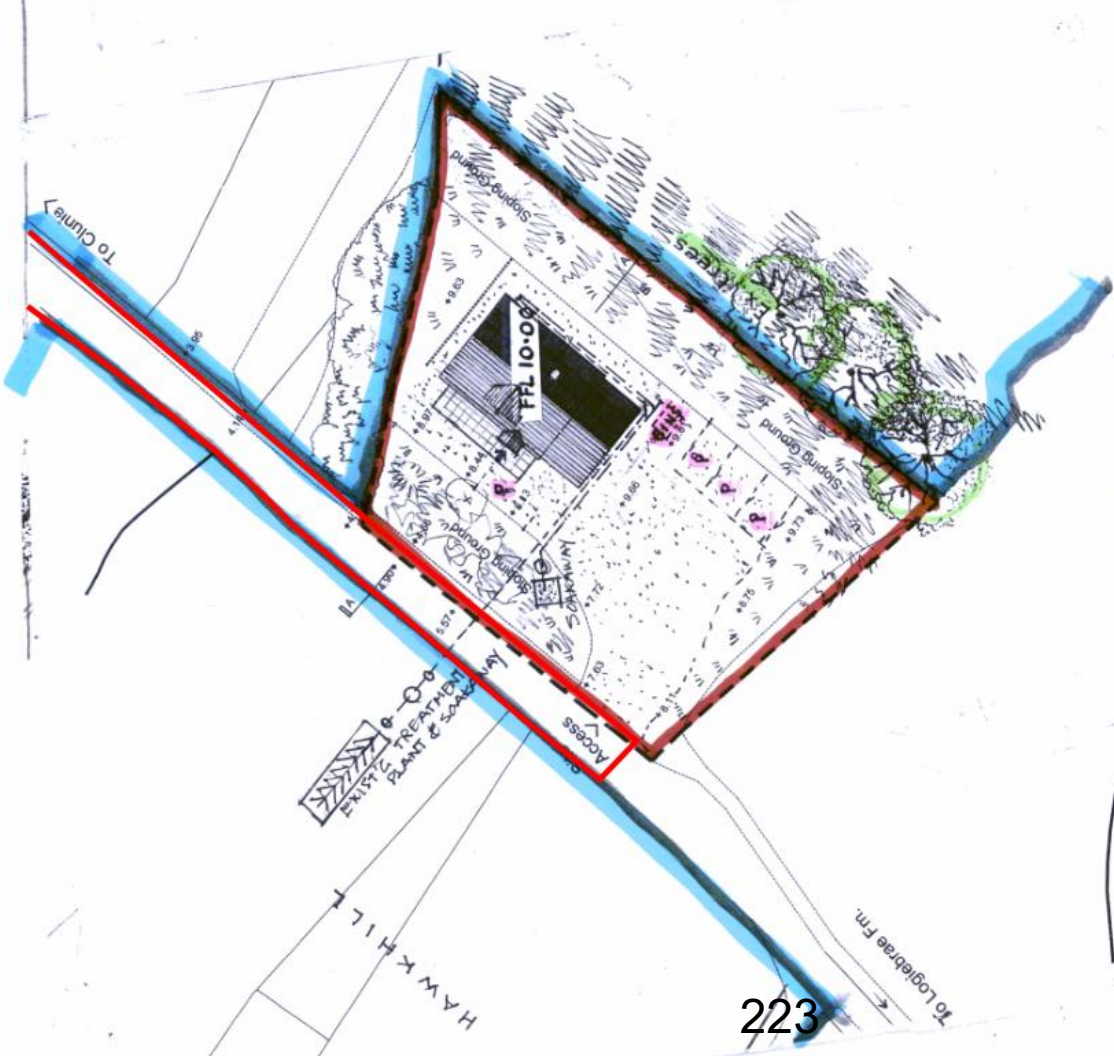
The applicant should be aware that an enforcement investigation in relation to the authorised foul drainage system, and the amended location of the approved agricultural shed - is to commence.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

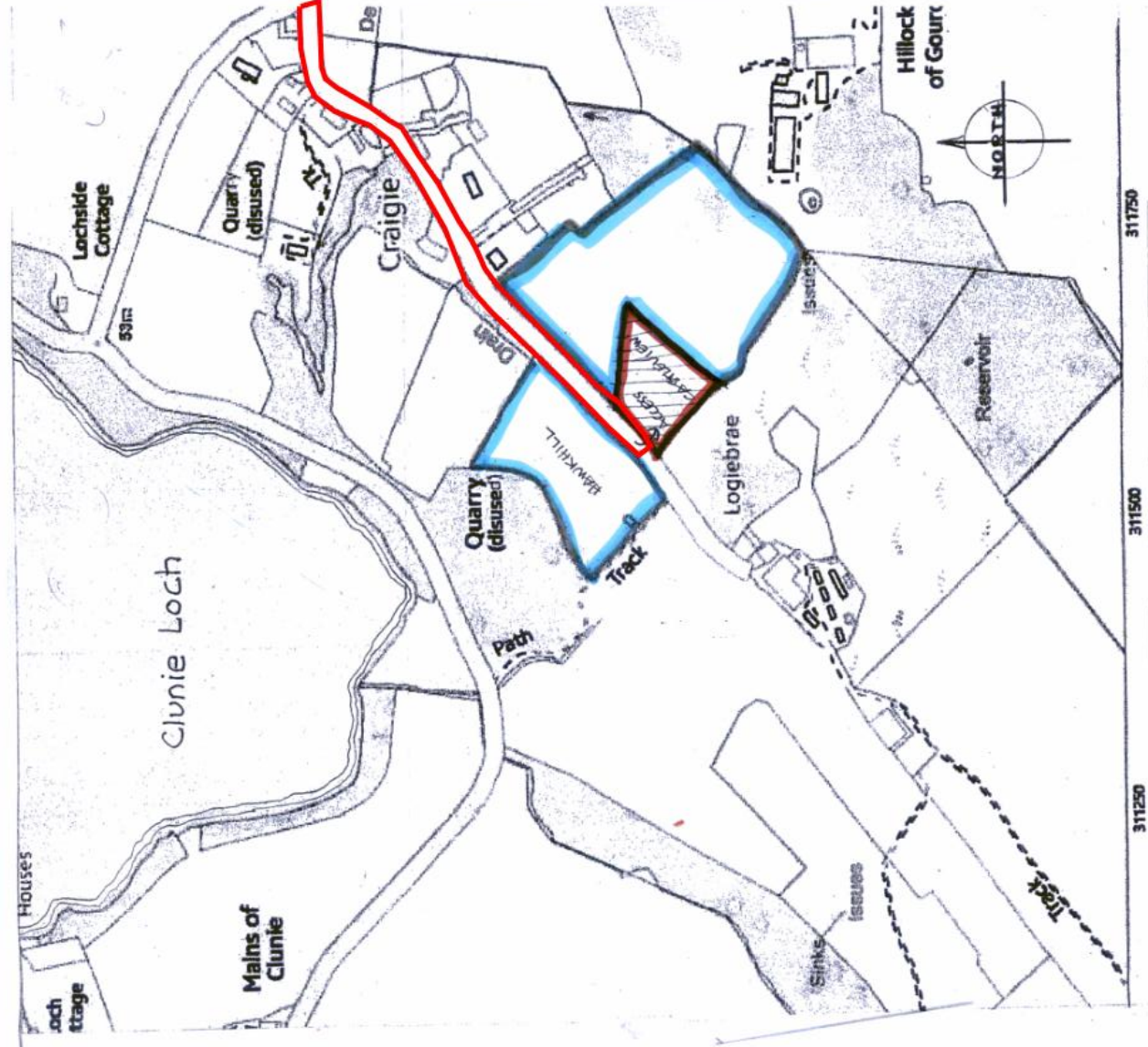
01 – 07 (inclusive)



SITE PLAN (Proposed)

Scale 1:500

Proposed Conversion of Store to Dwelling House, Craigie, Blairgowrie, PH10 6RG

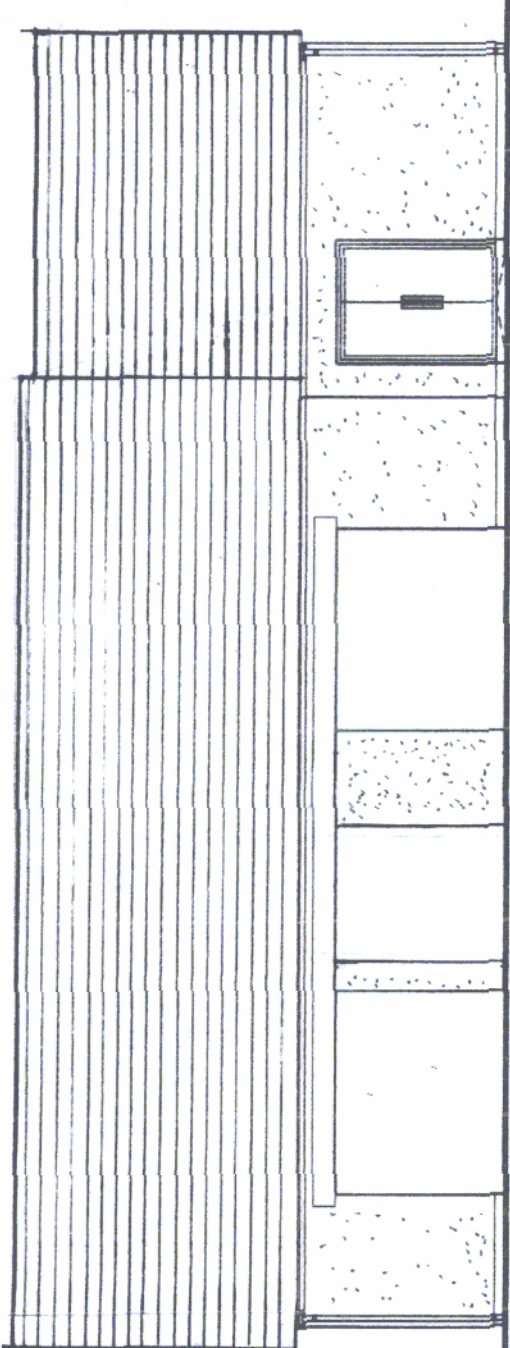


LOCATION PLAN

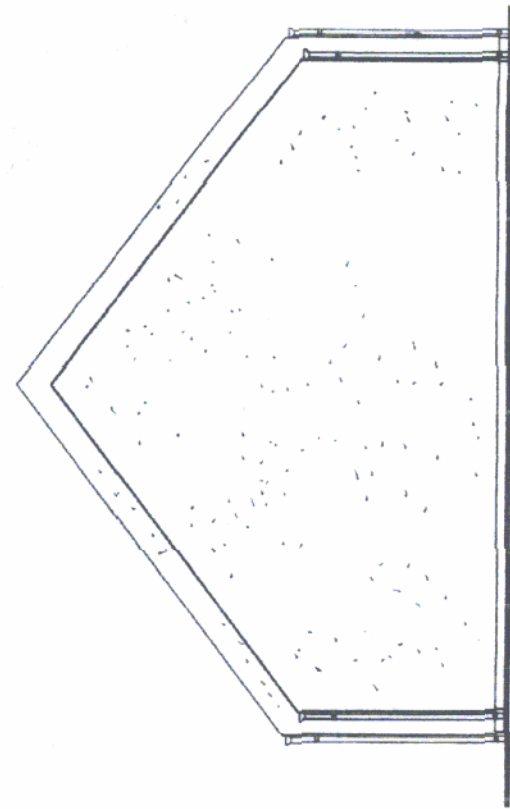
Scale 1:2500

DRG. NR.	Scale	TITLE	LOCATION PLAN	Date	Revis.	Date
01	1:2500 1:500	SITE PLAN, PROPOSED	A			Mar 26 2012
					D.R.A.W. Architect	Coupar Angus

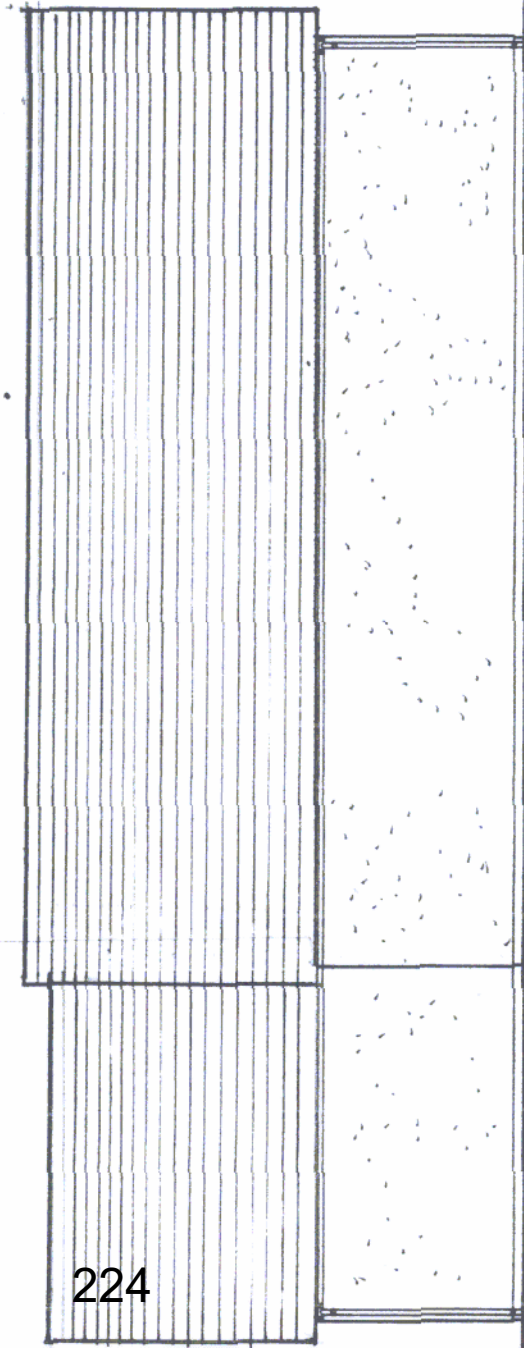
Land owned or Controlled by Applicant



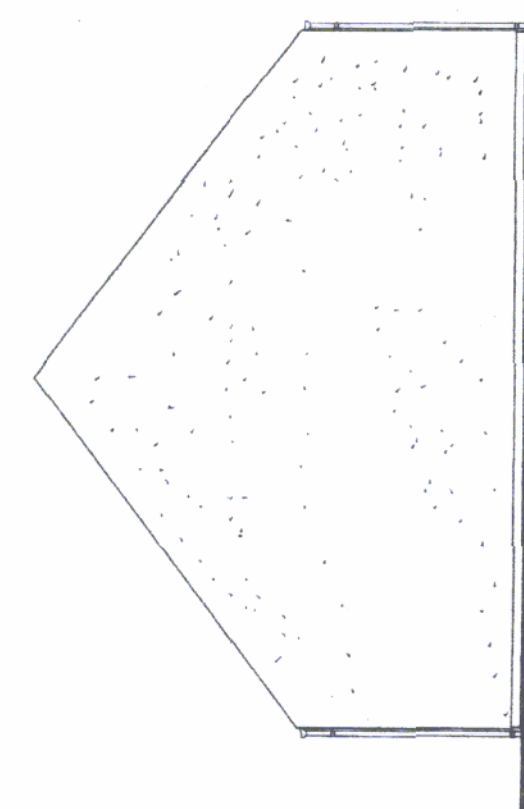
North West Elevation



South West Elevation



South East Elevation



North East Elevation



Scale 1:100

PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castleview', Craigie, Clunie.

DRG. NR.

02

Scale

1:100

TITLE

EXISTING ELEVATIONS

Date

Mar. 22

Revis.

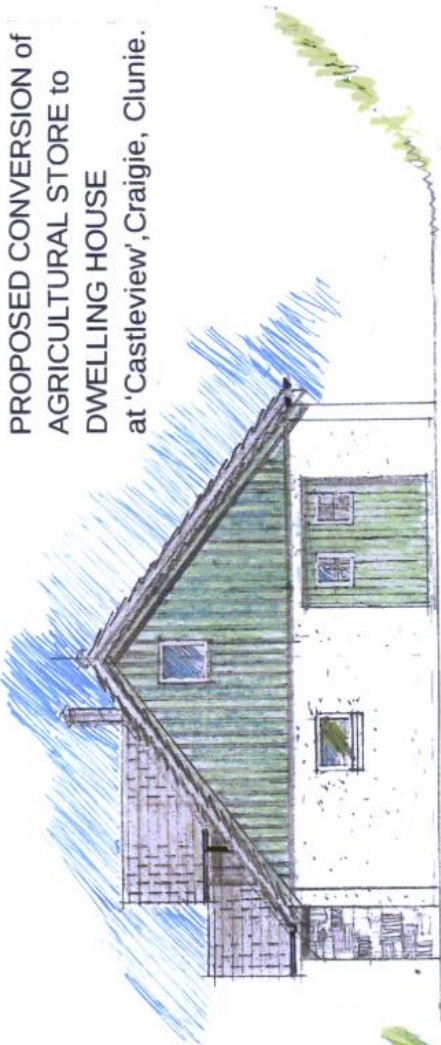
A

Date

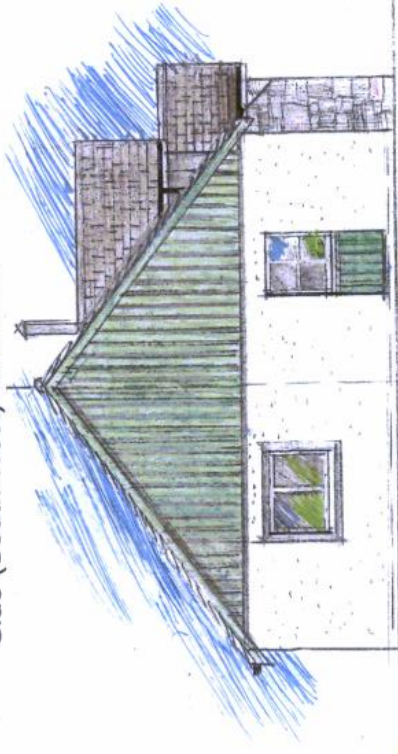
18/3/22

D.R.A.W. Architect, Coupar Angus

PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castleview', Craigie, Clunie.



Side (South West) Elevation



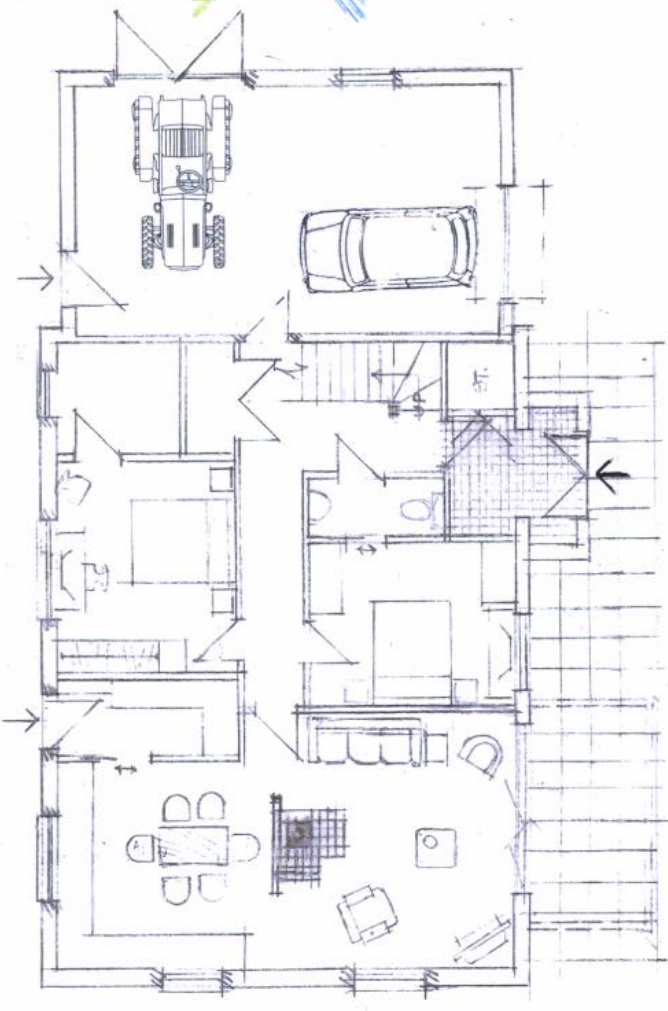
Side (North East) Elevation



Rear (South East) Elevation



Front (North West) Elevation

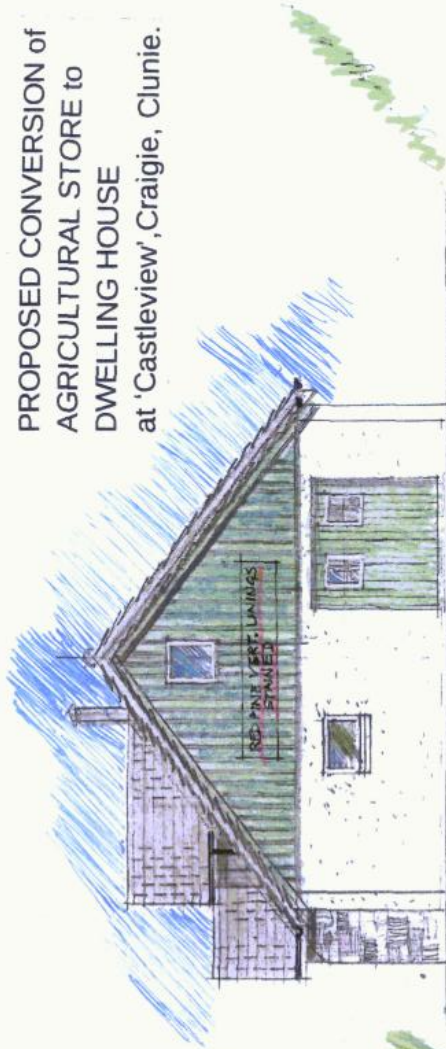


PLAN Scale 1:100



DRG. NR.	Scale	TITLE PROPOSED PLAN	Date	Revis.	Date
03	1:100	and ELEVATIONS	1/3/21		
D.R.A.W. Architect Coupar Angus					

PROPOSED CONVERSION of
AGRICULTURAL STORE to
DWELLING HOUSE
at 'Castleview', Craigue, Clunie.



Side (South West) Elevation



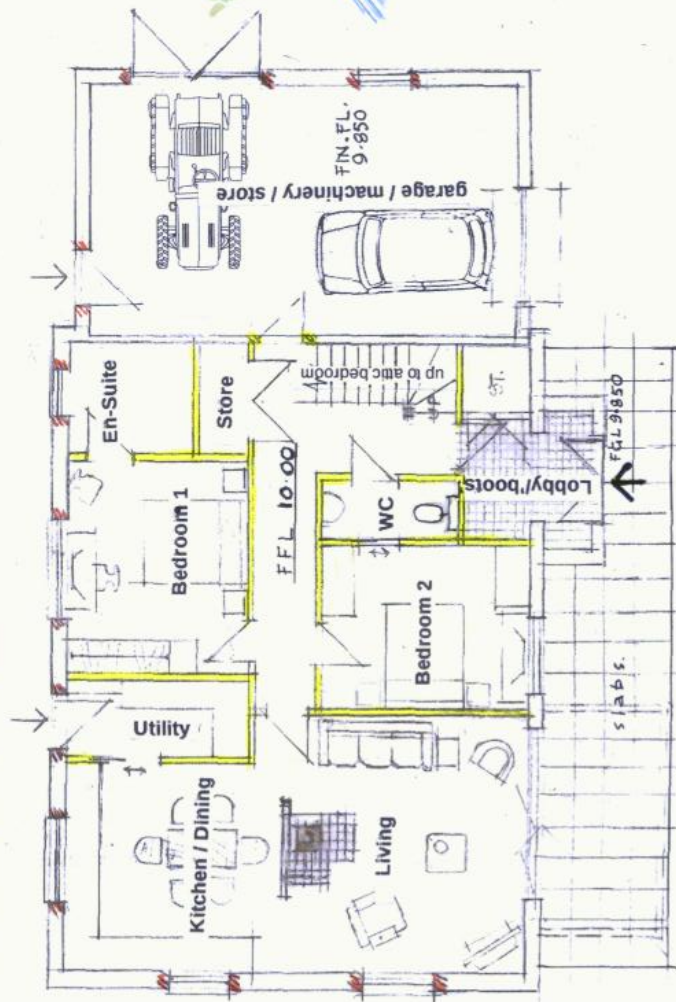
Side (North East) Elevation



Rear (South East) Elevation



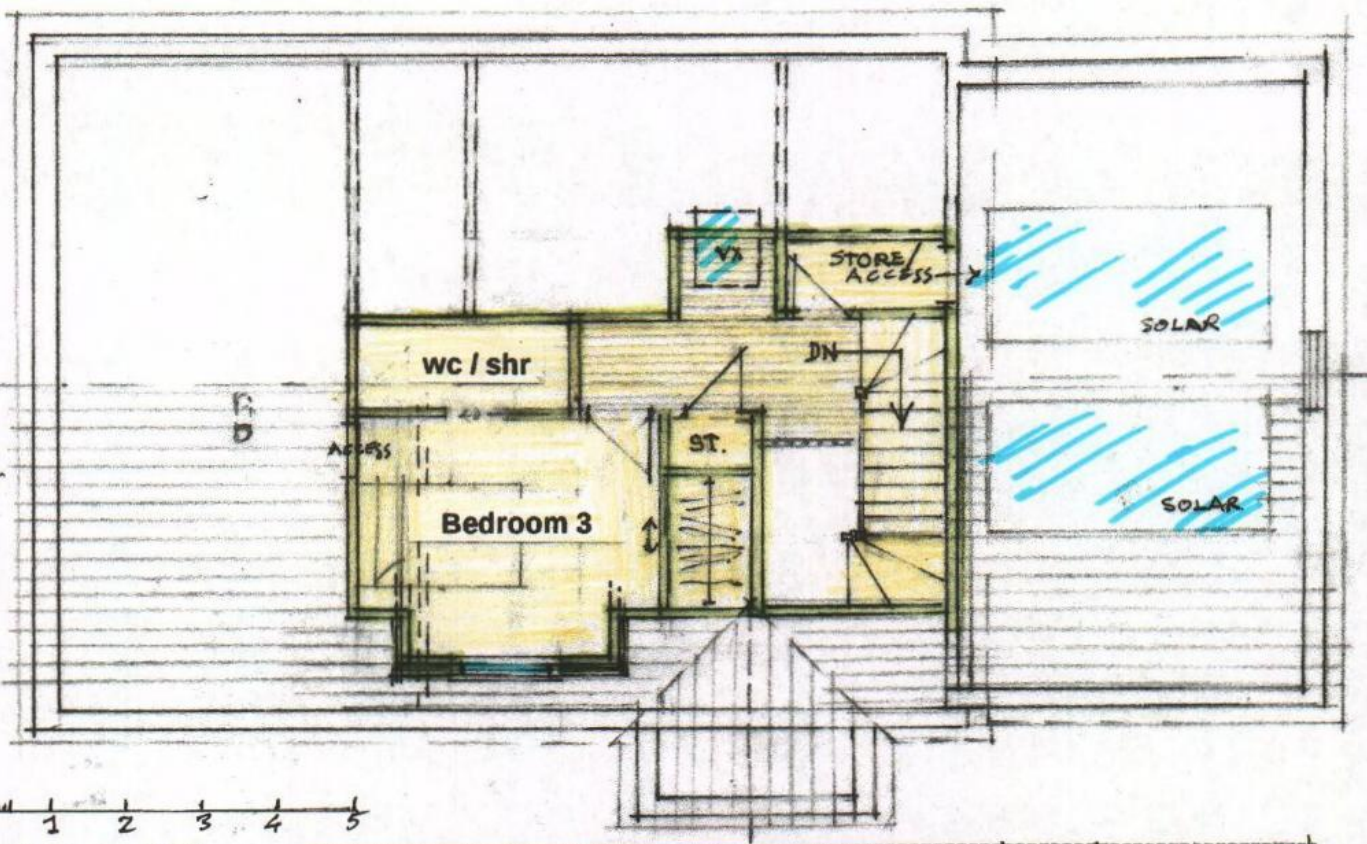
Front (North West) Elevation



PLAN Scale 1:100

0 1 2 3 4 5 6 METRES

DRG. NR.	Scale	TITLE PROPOSED PLAN and ELEVATIONS	Date	Revis.	Date
03	1:100		Mar 22	A	28/3/22
A - Notes etc added 29/3/22					
D.R.A.W. Architect Coupar Angus					



0 1 2 3 4 5
SCALE 1:100

DRG. NR.	Scale	PROPOSED CONVERSION of AGRICULTURAL STORE to	Date	Revis.	Date
04	1:100	HOUSE, Craigie, Clunie, UPPER FLOOR PLAN	5/4/22		
		D.R.A.W. Architect Coupar Angus			

PROPOSED DEVELOPMENT of AGRICULTURAL STORE to form DWELLING HOUSE at 'Castlevue', Craigie, Clunie, PH10 6RG, for W. and J. DUNCAN
BACKGROUND & SUPPORTING STATEMENT 22 / 00477 / FLL

NB. With reference to the Council's 'invalidity' letter dated 24 March 2022, the following supercedes all previous Background and Supporting information supplied (including as amended by our letter dated 18 March 2022). Revised drawings are also submitted.

The background to this Application may be familiar to the Council and its Planning Officers. The previous owner was given permission to erect a building here, ostensibly for agricultural/storage purposes. The design of the building and the materials used made it pretty clear that the intention was to convert the property to a dwelling house in the future.

Since then, the Council, invoking their Houses in the Countryside and Lunan Valley etc. policies have discouraged that notion. The situation, for some years now, might be called the worst of all worlds:- an unlovely building, unsympathetic to its setting, now exists. It has Planning Consent (as a Store) and a Building Warrant but no practical use other than, partially, as storage.

The property - both the 'Castlevue' site in question and the 'Hawkhill' site to the north-west of the access track- was purchased by the Applicant - who had rented the land since 2011 to raise livestock (cattle) - in 2019. Mr Duncan therefore has strong ties to the land in question and with neighbouring residents.

He now seeks to 'retire' while continuing the livestock activity, which he greatly enjoys. There is, in fact, a strong case for "operational need" supporting an on-site presence here; bad weather or an animal welfare emergency can make the distance from Blairgowrie problematical, indeed as recently as week commencing 20 March 2022, a cow died while giving birth in difficult conditions, in spite of the efforts of vet, neighbours etc. This has been reported to the Scottish Agricultural College who have given an assurance that they will support the "operational need" case. (The Applicant will still require some storage for tools, machinery etc. but only the equivalent of a double garage).

A suitable sewage treatment (Klargester) plant exists - more than capable of serving a three bedroom house and restricting the phosphorous loading on adjacent water courses exists - and technical specifications can be provided.

It is difficult to see how leaving the present situation as it is benefits anyone:- this charmless and underused building cannot be just wished away. We therefore propose to radically alter the appearance of the property as part of its conversion to make it much more attractive and appropriate to its setting, and as 'green'/energy efficient as possible, and are happy to have detailed discussions with the Planners to this effect.

In conclusion, the Applicant may be willing to discuss entering into an agreement restricting "selling on" the proposed house (outwith his family) for an agreed period of years, if this was deemed appropriate and acceptable.

David Roche D.Arch. RIAS

Agent for Mr and Mrs Duncan

LRB-2022-36**22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie, PH10 6RG**

REPRESENTATIONS

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sirs

[REDACTED] regarding the planning application to change of use from agricultural storage building to dwelling house by Mr and Mrs. William and Judith Duncan.

Can we comment as follows:

- We have no objection to the application in question.
- We do however have some areas of concern which are:
 - a) The building works going on opposite to the derelict building opposite to the agricultural storage building .We would NOT like to see this follow the path of the aforementioned application in terms of use of an agricultural building and then planning permission to follow for a dwelling house .
 - b) The increase in traffic daily due to the fact that Livestock are being moved up the lane and food needs to be brought to them . To be fair to Mr Duncan he has invested time and effort in terms of improving the quality of the road , but this needs watching as the infrastructure on the lane and around it is not capable of accommodating an increase in Traffic flow . with elderly residents and children living in the area it also could be dangerous .
 - c) Craigie is a small quiet Hamlet , rests in an area of green belt , is full of wildlife and farming ground . To convert a derelict farmhouse building and tidy up the environment surrounding it ,into one dwelling house is fine but we would have strong objections should this be the precursor to any further development on the land in Craigie and its surrounds .

Thank you for your consideration.

Kind regards

James Dracup

Tuesday, 10 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
www.scottishwater.co.uk



Dear Customer,

Land 160 Metres North East Of, Logie Brae Farm, Craigie Clunie, PH10 6RG
Planning Ref: 22/00477/FLL
Our Ref: DSCAS-0064348-WTL
Proposal: Change of use from agricultural storage building to dwellinghouse |
Land 160 Metres North East Of Logie Brae Farm Craigie Clunie

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:.

- ▶ This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Foul Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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.
 - ▶ It is 195m to the 3 inch Asbestos Cement Main
-

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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
 - ▶ 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

▶ 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 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

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.

Yours sincerely,

Ruth Kerr

Development Operations Analyst

Tel: 0800 389 0379

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

Planning Application ref.	22/00477/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Change of use from agricultural storage building to dwellinghouse		
Address of site	Land 160 Metres North East Of Logie Brae Farm, Craigie, Clunie		
Comments on the proposal	<p>The applicant is proposing to convert and agricultural storage building to a three bedroomed dwellinghouse. Vehicle access to the property will remain unchanged from that already used to access the storage building.</p> <p>Parking will be provided on site for four vehicles, which is in line with the requirements of the National Roads Development Guide.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	18 May 2022		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00477/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email: [REDACTED]
Description of Proposal	Change of use from agricultural storage building to dwellinghouse		
Address of site	Land 160 Metres North East Of Logie Brae Farm Craigie Clunie		
Comments on the proposal	<p>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.</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>Primary Education</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 Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: 1 x £5,164 <u>Total: £5,164</u></p> <p>Phasing</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>Recommended informative(s) for applicant</p>	<p>Payment</p> <p>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.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</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>NB: 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>Other methods of payment</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>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>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"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates.

	<p>e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly.</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Indexation</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>Accounting Procedures</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>
Date comments returned	20 May 2022

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00477/FLL

Our ref OLW

Date 23 May 2022

Tel No

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PKC 22/00477/FLL RE: Change of use from agricultural storage building to dwellinghouse, Land 160 Metres North East Of Logie Brae Farm, Craigie, Clunie for Mr And Mrs William And Judith Duncan

I refer to your letter dated 2 May 2022 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend the undernoted informative be included on any given consent.

Comments

This application is for the change of use from agricultural storage building to form a dwellinghouse which will include the provision of a single woodburning stove and associated flue.

Air Quality

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. Though the application does not include any information on the stove, it is likely to be domestic sized and therefore I have no adverse comments to make with regards to air quality.

Odour

Another matter pertaining to the stove which could cause an issue has 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 flue will terminate above roof ridge height, which will aid in dispersion of emissions. I would advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

In light of the above, the residential amenity at neighbouring dwellinghouses should not be adversely affected by smoke/odour.

I would therefore have no objections to this development provided that the following informative is attached to the consent.

Informative

The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

