

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 3 April 2018 at 10.30am.

Present: Councillors W Wilson, I James and L Simpson.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

### 172. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### 173. MINUTE

The minute of meeting of the Local Review Body of 6 March 2018 was submitted and noted.

### 174. APPLICATIONS FOR REVIEW

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT

**(vii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and stables on land 90 metres west of Fintadie Farm, Kinross.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) defer the application to allow for clarification on the siting and position of the proposed dwellinghouse;
- (iii) following the receipt of all further information, the application be brought back to the Local Review Body.

**(i) TCP/11/16(517) - Planning Application – 17/01429/FLL – Erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins – Mr K Webster**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
  - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2012, as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
  - 3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
  - 4. The proposal is contrary to Policy PM1B, criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
  - 5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and quality of landscape through the siting of the development within this area of Perth and Kinross.

6. The proposal does not provide or demonstrate that a satisfactory residential environment can be created due to the proximity of the agricultural buildings to the west and south of the site. Accordingly there is the potential for future residents at this site to suffer annoyance from noise and odour from the agricultural activity contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

**Justification**

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

**(ii) TCP/11/16(518) - Planning Application – 17/01429/FLL – Erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree – Pitnacree Estate**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree, be refused for the following reasons:
  1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern of the group and that a high standard of residential amenity cannot be achieved. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or replacement of redundant non-domestic buildings or (6) Rural Brownfield Land.

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2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the scale of the proposed development and the prospective loss of trees would not contribute positively to the surrounding built and natural environment.

**Justification**

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

**(iii) TCP/11/16(519) – Planning application - 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS – Mr A and Mrs C Gordon**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

**(iv) TCP/11/16(520) – Planning application - 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond – Tulchan Estates Limited**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

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**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 – Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in that the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding. Furthermore it has not been adequately demonstrated that the proposed dwelling position within the farm holding would achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.
  - 2. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. In particular the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding.
  - 3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of the landscape experience through the siting of the development within this area of Perth and Kinross.
  - 4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
  - 5. The proposal is contrary to policy PM1B criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

**Justification**

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

THERE FOLLOWED A TEN MINUTE RECESS

**(v) TCP/11/16(521) – Planning application - 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd – Mr P McRobbie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

**(vi) TCP/11/16(522) – Planning application - 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD – Mr and Mrs P Boyce**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD, be refused for the following reasons:

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1. The dormer extension, by virtue of its excessive proportions, inappropriate bulk, massing, design and composition, would compromise the character and architectural integrity of the cottage, resulting in an adverse impact on the visual amenity of the area. Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and appearance of the area by complementing its surroundings in terms of design, appearance, scale and massing.
2. The dormer extension, by virtue of its excessive proportions, inappropriate materials, bulk, massing, design and composition, would be harmful to the character and appearance of the Kinross Conservation Area. Approval would therefore be contrary to Scottish Planning Policy 2014 and Policy HE3A of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development proposals preserve or enhance the character and appearance of Conservation Areas.

**Justification**

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

**175. DEFERRED APPLICATIONS FOR REVIEW**

- (i) TCP/11/16(501) – Planning application - 17/01337/FLL – Erection of a stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND – Dollar Equestrian**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 9 January 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without: (i) comment from the Development Quality Manager on the acoustic consultants e mail, the manure plan and the revised landscape plan; (ii) the subsequent opportunity for any comment upon the comments made by the Development Quality Manager and: (iii) and unaccompanied site visit.

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An unaccompanied site visit having been carried out on 29 March 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (ii) having regard to the material before the Local Review Body and the comments from the Planning Adviser, the comments from both the Development Quality Manager and Applicant, and having carried out a site visit on 29 March 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND, be refused for the following reasons:
  - 1. The proposal is contrary to Policy EP8 'Noise Pollution' of the Perth and Kinross Local Development Plan 2014, as the permanent retention of the timber stables does not provide a satisfactory residential environment for the neighbouring house plot due to the combined proximity of the existing equestrian use and timber stables, where there is the potential for future residents at this site to suffer annoyance from noise and odour.
  - 2. The proposal is contrary to Policy PM1A 'Placemaking' of the Perth and Kinross Local Development Plan 2014, as the permanent retention of the timber stable buildings would not contribute positively to the quality of the surrounding area in terms of character or amenity, particularly in relation to the residential amenity of the neighbouring house plot immediately to the east.

**Justification**

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

**Note:** Councillor James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of stable buildings (in retrospect) should be granted. He reasoned that the stable buildings would not have an impact on traffic and that the nature of the stable buildings would not be out of character at this locality in the countryside.



**(ii) TCP/11/16(509) – Planning application - 17/01524/FLL – Erection of dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder – K Laver and D Malcolm**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 6 February 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 29 March 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (iii) having regard to the material before the Local Review Body and the comments from the Planning Adviser, and having carried out a site visit on 29 March 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
  - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2012, as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in the location. Specifically, the proposal fails to comply with Category 3.5 as it is not a test pilot project or sufficiently ground-breaking to warrant a dwellinghouse in this countryside location. Furthermore, there is no mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.

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3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape experience through the siting of the development within the Ochil Special Landscape Area.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of the Ochils.
5. The proposal is contrary to policy PM1B, criterion (a), of the Perth and Kinross Local Development Plan 2014 as the proposal fails to create a sense of identity and erodes the character of the countryside.

**Justification**

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

**Note:** Councillor James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse and outbuilding should be granted. He considered the proposal to be ground-breaking as a pilot project, and therefore not contrary to the Council's Housing in the Countryside Guide 2012.

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