

**LRB-2020-24 – 20/00514/IPL – Erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 221-240***)
- (b) Decision Notice (***Pages 243-244***)
  - Report of Handling (***Pages 245-251***)
  - Reference Documents (***Pages 253-265***)
- (c) Representations (***Pages 267-308***)



**LRB-2020-24 – 20/00514/IPL – Erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100247086-003

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	UNIT 5, DISTRICT 10,
Last Name: *	FRULLANI	Building Number:	
Telephone Number: *	01382224828	Address 1 (Street): *	25 GREENMARKET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	DD1 4QB
Email Address: *	jon@jfarchitect.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text" value="Smithy Cottage"/>
First Name: *	<input type="text" value="-"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Burton"/>	Address 1 (Street): *	<input type="text" value="Kinnaird"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Inchture"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perthshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH14 9QY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="jon@jfarchitect.co.uk"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="728969"/>	Easting	<input type="text" value="325158"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Planning Permission in Principle for the Erection of a Dwellinghouse at Land to West of the Mill House, Craigdallie, Inchtute

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see enclosed statement.

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

☐ Yes ☒ No

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

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

6056\_Local Review Board Statement

## Application Details

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

20/00514/IPL

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

08/04/2020

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

22/06/2020

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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



## **Declare – Notice of Review**

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

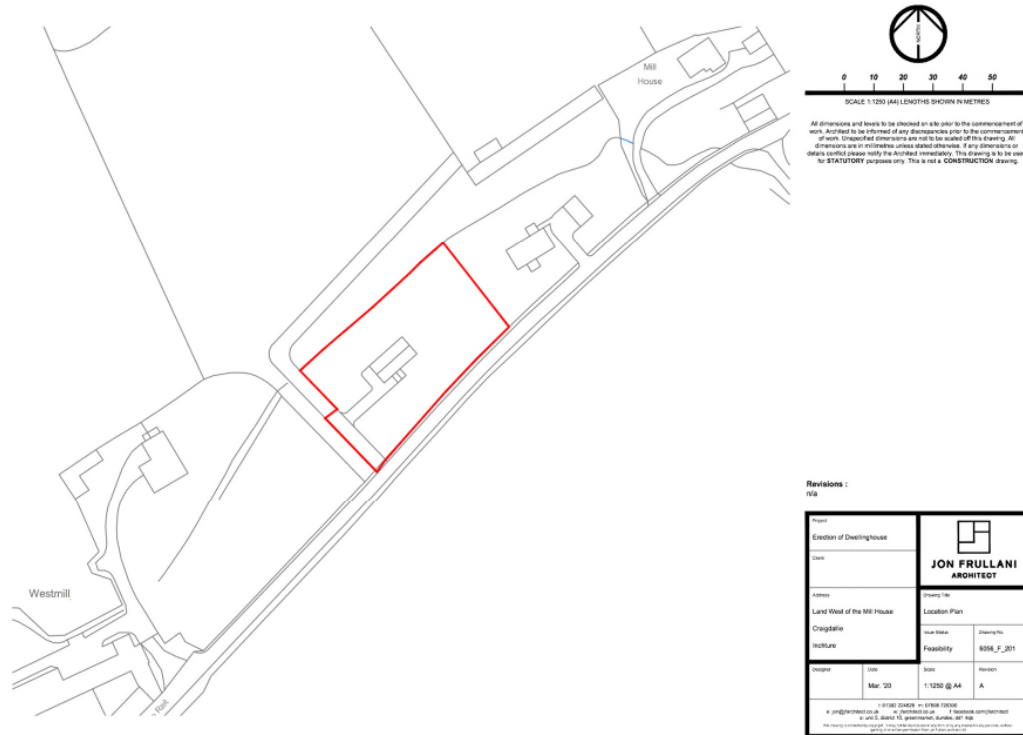
Declaration Name: Mr JON FRULLANI

Declaration Date: 16/09/2020



## ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) AT LAND 90M EAST OF WESTMILL FARMHOUSE, INCHTURE

### LOCAL REVIEW BOARD STATEMENT



**Town and Country Planning(Scotland) Act 1997 as amended**

**Planning Application Ref: 20/00514/IPL**

**Appellant: Mr & Mrs Burton**

**Date: August 2020**

### Contents

**1.0 Introduction**

**2.0 Application Site and Context**

**3.0 Proposed Development**

**4.0 Development Plan**

**5.0 Evaluation of Proposed Development**

**6.0 Evaluation of Council's Assessment of Planning Application Ref: 20/00167/FULL**

**7.0 Conclusion**

## 1.0 INTRODUCTION

This Local Review Statement has been submitted on behalf of Mr & Mrs Burton and relates to a Planning Application for the erection of a new dwellinghouse (in principle) at land 90m east of Westmill Farmhouse, Inchture.

Perth and Kinross Council registered the application on 8 April 2020 under planning application reference: 20/00514/IPL.

The planning application was validated on 17 April 2020 and determined on 22 June 2020. The Planning Decision Notice cites the following reasons for refusal of planning permission:

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 2019 and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to comply with Category 1 Building Groups as there are not three existing buildings as the site equivalent to the size of a cottage and the site does not meet the definition of Rural Brownfield as defined under Category 6. 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 or (5) Conversion or Replacement of Redundant Non Domestic Buildings.
2. *The proposal is contrary to Policy 6 of the Perth and Kinross Local Development Plan 2 2019 as it is considered that the retention of the field access in order to separate the site from the settlement boundary of Kinnaird is not in line with the spirit of the policy nor what that policy is trying to achieve i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.*

In determining the planning application, the Planning Authority is required, under Section 25 of the Town and Country Planning (Scotland) Act, 1997 (as amended) (the "Act") to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The appellant disagrees with the Case Officer's Decision and respectfully requests that the Review is considered in light of the material considerations detailed within this statement which we believe to justify approval of the proposal having regard to the requirements of Section 25 of the Act.

It is respectfully requested that this Review is supported and planning permission granted for the reasons provided in this statement.

2.0 APPLICATION SITE

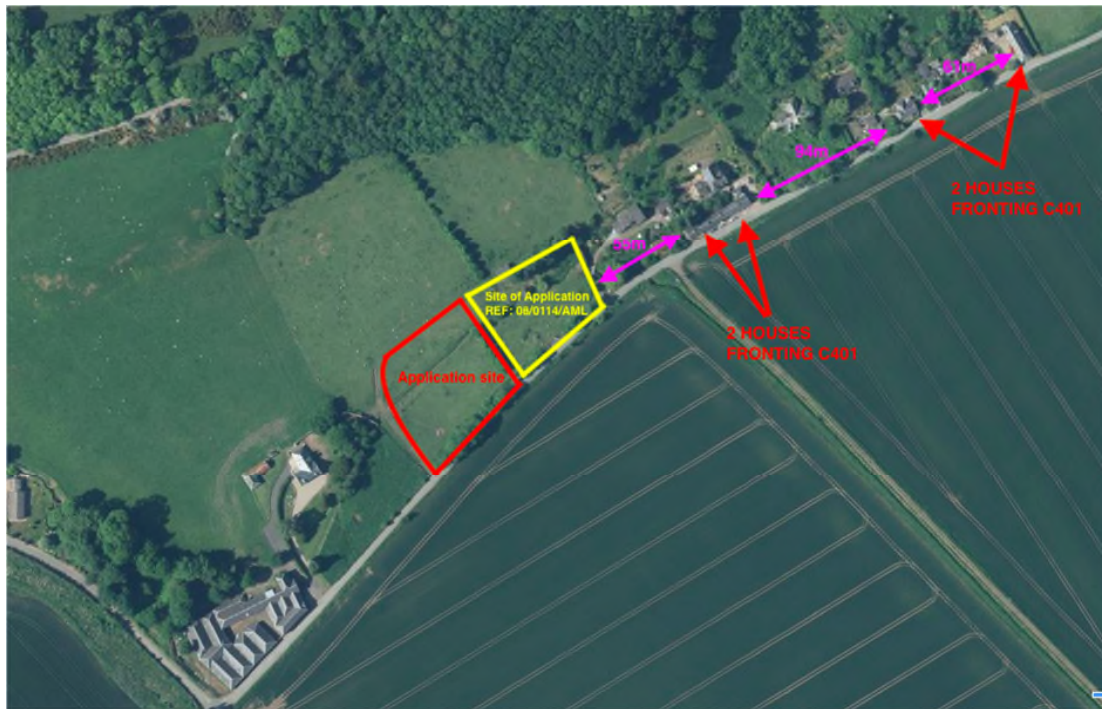
The site is located to the east of the Kinnaird village boundary and to the west of Craigdallie which is a linear settlement between Kinnaird and Ballindean as shown in Figure 1: Site Location Plan.

The site is formed by a looping access road to the agricultural fields to the north, natural landscape features and topographic boundary treatments that contain and define the site. There is a Mill Lade running through the site from east to west that forms the northern boundary of the proposed plot while the public road forms the southern boundary to the site. To the east the site is bound by an existing housing plot with extant planning permission (08/01148/AML) and to the west by the curtilage of West Mill Farmhouse.



The site slopes steeply to the north.  
**Figure 1: Site Location Plan**

The aerial photograph in Figure 2 illustrate the relationship between the application site Westmill Farmhouse to the west of the site as well as the existing housing units to the east.



**Figure 2: Aerial Photograph Showing Site Context**

### **3.0 PROPOSED DEVELOPMENT**

Planning application ref: 20/00514/IPL sought planning permission for the erection of a dwellinghouse (in principle) on land 90m to the east of Westmill Farmhouse, Inchture.

The proposed housing plot forms a gap site between the curtilage of West Mill Farmhouse and the housing plot approved by application ref: 08/0114/AML.

The proposal provides the logical expansion of the building group at Craigdallie into a contained site with defined boundaries as detailed in the site description above and as illustrated by Figure 1.

The site layout plan in Figure 3 demonstrates that the proposed housing plot is of a scale and layout that is commensurate with those surrounding. The proposed plot shall be accessed from the existing private road serving the fields to the north of the site. This will allow for the retention of the existing treelined southern boundary to the site and minimise any impact on the character of the rural streetscape.



The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

#### Principle of Development

The application site lies to the east of the settlement boundary of Kinnaird as defined by the adopted Local Development Plan and adjoins the Craigdallie building group. The site does not share a contemporaneous boundary with Kinnaird and as such the proposal does not engage Policy 6 Settlement Boundaries of the adopted Local Development Plan.

As the site lies within the landward area within the adopted Local Development Plan 2019, the proposal falls to be principally considered against *Policy 19: Housing in the Countryside* and its associated Housing in the Countryside Supplementary Guidance, which is the most recent expression of Council policy towards new housing in the open countryside. Policies 1A and 1B 'Placemaking' of the adopted Local Development Plan are also relevant.

The proposed development is compliant with Policy 19: Housing in the Countryside and its associated Housing in the Countryside Supplementary Guidance. This is because Category 1 Building Groups of the Supplementary Guidance states that:

*Building groups are those groups of buildings which do not have a defined settlement boundary in Local Development Plan 2.*

The collection of buildings forming Craigdallie is not defined as a settlement by the Perth and Kinross Local Development Plan 2019.

The Supplementary Guidance goes on to state that:

*For the purposes of this Supplementary Guidance a building group is defined as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group.*

In accordance with the definitive guidance contained within the Housing in the Countryside Supplementary Guidance, Figures 2 and 4 clearly evidence that the application site and the adjoining housing plot approved by application ref: 08/01148/AML(outlined in red and yellow) are gaps within the existing building group comprising of definitive housing plots.

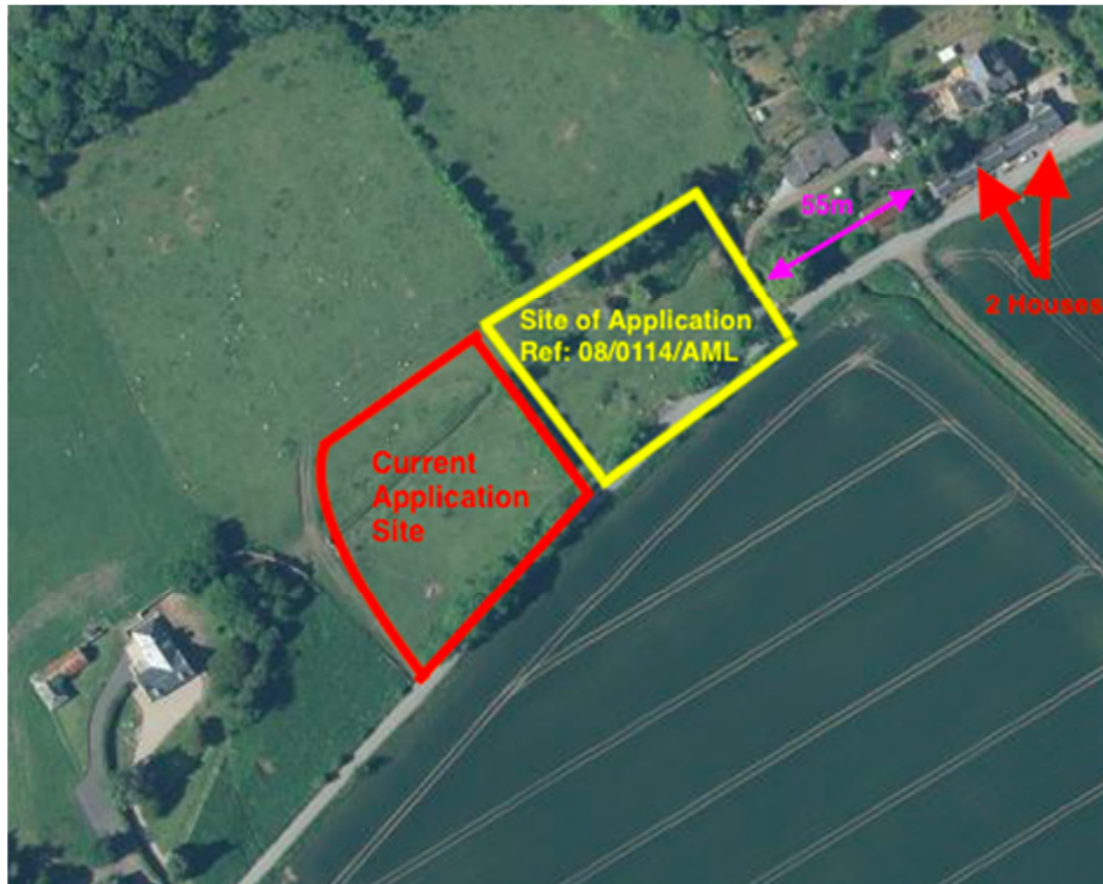
The Supplementary Guidance confirms that:

*Permission may be granted, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.*

*Permission will be granted for houses within building groups providing it can be demonstrated that:*

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





**Figure 4: Annotates Site Location Plan**

The application site is to the west of an existing building group that comprises of several existing buildings in a mainly linear arrangement with some of the houses set back from the public road to the south. The proposed site qualifies as an identifiable site being partially screened from public view and contained within the framework of a small hamlet and framed on all sides by vegetation, rising ground and a watercourse.

The proposed housing plot is of a scale and design that is commensurate with those surrounding the site as shown in Figures 1, 2 and 4 with the sloping topography and Mill Lade enclosing the site to the north while the tree lined eastern and southern boundaries screen the plot from the plot approved by application ref: 08/01148/AML as well as the public road to the south of the site. To the west the site is screened from the West Mill Farm House by a dense belt of trees and shrubbery.

The surrounding area is characterised by large plots containing a variety of traditional cottage style houses and contemporary two storey houses. The plot layout and orientation of the proposed houses shall replicate the form of the existing buildings to the east and west of the site strengthening the visual relationship and bond between the proposed development and the surrounding building group. The proposed development therefore respects the character, layout and building pattern of the existing group while extending the building group into a site with defined boundaries that is contained.

Although the proposed development will extend the existing building group it should be noted that further development would not be possible. This is due to site being contained through definitive natural landscape features.

The distance between the proposed development and the existing buildings will ensure that there is no adverse impact on residential amenity while the visual cohesion between the proposed house and the existing building group shall be strengthened by the plot layout, position of the proposed house houses and definitive plot boundaries.

In terms of Ribbon Development, the Housing in the Countryside Supplementary Guidance states:

*Proposals which create or contribute towards ribbon development will not be supported. For the purposes of this policy, ribbon development is defined as a line of houses built along an existing road each served by an individual access. Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported. The extension of a linear building group – to create a continuous line of no more than 5 houses – will only be supported where the group is being extended into a readily definable site.*

As demonstrated by Figures 1, 2 and 4, the layout and design of the existing building group ensures that not only do the houses on the northern side of the C401 have varying positions close to and set back from the road there are also examples of shared points of access. The proposed development will utilise the existing road serving the fields to the north of the site for access to the proposed house minimising any impact on the rural character of the C401 streetscape. Furthermore, the retention of the tree lined southern boundary will screen the proposed development from view minimising any visual impact on the appearance and character of the surrounding area. Figures 2 and 4 illustrate that there is not a continuous line of 5 or more houses within the building group positioned along the C401. While more than 5 houses within the building group will front C401 should planning permission be granted these are not in a continuous line given the separation distance between housing plots, access arrangements, land ownership and plot locations. Figure 2 illustrates that within the Craigdallie building group there are clusters of up to 2 houses fronting the C401 with houses set back from the C401 creating gaps between the clusters of houses fronting the road. Figures 2 and 4 clearly demonstrate that linear development is a characteristic of the Craigdallie building group with the proposed house and that approved by planning application ref: 08/0114/AML. In this regard the proposed development adheres to the requirements of Policy 19 and the associated housing in the countryside supplementary guidance.

#### Design and Layout

The site is required to be assessed against the 'Placemaking' policies of the adopted Local Development Plan. Although the detailed design of the proposed house has not yet taken place the indicative site layout plan accompanying this application demonstrates that the proposed house can be accommodated on the site.

The indicative site layout plan demonstrates visually that the proposed development by virtue of the scale, plot size and house position will not adversely impact on the density of development within the established building group or the amenity and character of the surrounding area.

The proposed house will be served by 3 curtilage parking spaces. Access to the proposed plot shall be taken from the existing private road to the west of the site. However, as the development shall not share access arrangements with neighbouring houses the proposed development shall not compromise the amenity of neighbouring properties in this regard.

The proposed house has been purposefully positioned on the site so as to ensure that there is a distance of no less than 25m between the proposed houses and those existing. The generous space between buildings shall further reinforce the rural character of the area and visual cohesion of the building group through uniformity in plot size, layout, building orientation and distance between buildings.

#### Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all parties to the development, those

who would live in the new dwelling and those that live in neighbouring buildings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

The proposed house shall be positioned centrally within the new plot. The position of the new house will ensure a generous distance exceeding 18m from the West Mill Farmhouse and the new house to be built to the east of the site approved by application ref: 08/01148/AML. This will ensure that the privacy and amenity of neighbouring properties is preserved by the proposed development.

The Indicative Site Layout Plan in Figure 2 demonstrates that the proposed house will be afforded generous internal and external space standards and off street parking facilities. The windows of the proposed house will be positioned no less than 25m from neighbouring houses. This will prevent the proposed house from overlooking, over shadowing and physically impacting on existing buildings within the group. Taking account of the indicative site layout plan we believe that the proposals would not compromise the amenity of the existing building group and will equally provide a suitable level of residential amenity for future occupiers of the new house.

#### Access

It is proposed to access the site from the private road serving the fields to the north of the site. The proposed access shall be designed to meet the standards required by the Council to ensure safe access and egress from the property whilst maintaining safety levels associated with other roads users and residents. The adaptation of the existing vehicle access shall comply with the Council's transportation development standards.

#### Drainage and Flooding

SEPA's flood maps demonstrate that the site has not been the subject of flooding. Surface water from the proposed houses and areas of hard surfacing shall be attenuated and allowed to drain from the site sustainably.

Taking cognisance of the reasoned justification outlined above we have demonstrated that the proposed development adheres to the requirements of Policies 1A & 1B Placemaking, 19 Housing in the Countryside and 52 New Development and Flooding of the adopted Perth and Kinross Local Development Plan 2019. In addition the proposal has been evidenced to take full account of the guidance contained in the Housing in the Countryside Supplementary Guidance.

### **Material Considerations**

#### **1. National Policy and Guidance**

The Scottish Government sets out the national planning context in both National Planning Framework 3 and in Scottish Planning Policy (SPP) 2014.

The National Planning Framework outlines the long-term strategy for Scotland and provides a spatial representation of the Government's economic strategy, and plans for delivery of infrastructure.

SPP sets out Scottish Government policy on how nationally important land use planning matters should be addressed across the country.

Together the application of the National Planning Framework and Scottish Planning Policy at the national, strategic and local levels will enable the planning system to deliver the Scottish Government's vision and outcomes for Scotland that include:

- A successful, sustainable place;
- A low carbon place;
- A natural, resilient place;
- A connected place.

SPP sets out the principal overarching policies on Sustainability and Placemaking and reaffirms that these policies should be applied to all development.

Both the NPF3 and SPP stipulate the need for a coordinated approach to rural development. This is reaffirmed by SPP which states that in rural areas, where new development can often help to sustain communities, plans and decision-making should generally promote a pattern of development that is appropriate to the character of the particular area. This should include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.

The location of the application site accords with the broad approach of the above national policy and guidance statements to promote a pattern of development that is appropriate to the character of the particular area, together with supporting sustainable economic growth. Therefore, the proposed development is considered to positively contribute to placemaking objectives and will provide for new housing of a high-quality design that is also deliverable in a location that is appropriate.

## 2. Views of the Objectors

4 letters of objection were received by the Council when determining planning application ref: 20/00514/IPL. The objections raise the following concerns:

- Contrary to LDP2
- Flood risk
- Impact on Listed building
- Impact on special landscape character
- Adverse impact on visual amenity of the area

The material considerations highlighted in red have been addressed in the assessment of the proposal against the requirements of the Development Plan above and are not supported.

## 6.0 EVALUATION OF COUNCIL'S ASSESSMENT OF PLANNING APPLICATION REF: 20/00514/IPL

In assessing planning application ref: 20/00514/IPL the Planning Case Officer has refused planning permission for the following reasons:

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 2019 and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to comply with Category 1 Building Groups as there are not three existing buildings as the site equivalent to the size of a cottage and the site does not meet the definition of Rural Brownfield as defined under Category 6. 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 or (5) Conversion or Replacement of Redundant Non Domestic Buildings.
2. *The proposal is contrary to Policy 6 of the Perth and Kinross Local Development Plan 2 2019 as it is considered that the retention of the field access in order to separate the site from the settlement boundary of Kinnaird is not in line with the spirit of the policy nor what that policy is trying to achieve i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.*

Reason for refusal 1 specifically states that the proposed development is contrary to Policy 19 on the basis that the site fails to meet the criteria of a Category 1 Building Group as there are not 3 or more existing buildings equivalent to the size of a cottage within the group. However, the Case Officer's Report of Handling states:

*The site forms a gap between the settlement boundary of Kinnaird and the next building group. The site is defined due to the presence of a lade to the north and would be considered under Category 1 Building Groups as an extension to the group.*

In this regard the Report of Handling contradicts the decision notice for application ref: 20/00514/IPL as the site clearly sits within a building group comprising of more than 3 buildings equivalent in size to a cottage. This is

further evidenced by the assessment of the proposal against the criteria for ribbon development in the Report of Handling detailed below.

With reference to Policy 19, the Report of Handling goes on to state that:

*The policy defines ribbon development as a line of houses built along an existing road each served by an individual access. Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported. The extension of a linear building group – to create a continuous line of no more than 5 houses – will only be supported where the group is being extended into a readily definable site.*

*The Policy Officer has made an assessment from the desktop information and takes the view that the building group extends much further than the three roadside houses (detailed in the agents statement) and takes in the additional houses to the east. It is acknowledged that the houses are set back from the road to varying extents and it is accepted that there may also be a range of access arrangements in place.*

*The guidance does state that each proposal will be assessed on its own merits and the policy officers assessment is the same as that of the case officer that overall these houses do appear to form a linear building group.*

Interestingly the Case Officers assessment of whether the site constitutes ribbon development or not is based solely on the meaning of ribbon development as defined by the Housing in the Countryside Supplementary Guidance and the definition being interpreted in the same way by the Case Officer and Policy Planner. The assessment, however, doesn't take into account guidance contained within this definition. This being the linear character of the Craigdallie building group along the C401 or that through back land development (development that is set back from the C401) there is not a continuous line of 5 or more houses. This is evidenced by the aerial photographs in Figures 2 and 4. In this regard, Figures 2 and 4 illustrate that linear development is a principle character of the Craigdallie building group which comprises of housing built along the northern side of the C401 public road. Figures 2 and 4 also demonstrate that while the proposed development does fall within the meaning of ribbon development as defined by the Housing in the Countryside Supplementary Guidance the specific merits of this proposal are permissible under the auspices of Category 1 Building Groups of Policy 19 as detailed in the statements submitted in support of application ref: 20/00514/IPL and Section 5.0 of this statement.

Turning to Reason for Refusal 2, Policy 6 clearly states:

Where there is no defined boundary, or for proposals on sites that do not adjoin a settlement boundary, Policy 19: Housing in the Countryside, or Policy 8: Rural Business and Diversification will apply.

The Case Officers Report of Handling justifies assessing the proposed development against Policy 6 on the basis of the original planning statement submitted with the application acknowledging that to the west the site is bounded 'by the curtilage of West Mill Farmhouse'. The supporting statement is correct in that the nearest residential property to the application site is West Mill Farmhouse which is located within the Kinnauld settlement boundary. However, the application site is located on the eastern side of the access track separating it from the Kinnauld settlement boundary. The distance between the site and settlement boundary varies between 5.5m and 10.8m. Therefore, the application site doesn't adjoin the Kinnauld settlement boundary and as such Policy 6 is not engaged by the proposed development.

In demonstrating compliance with Policy 19 of the Local Development Plan our client is not attempting to exploit a 'loophole' in the Council's development strategy as is clearly being articulated by the Case Officer in the contrived manner in which the application has been assessed and the case for refusal constructed. This is evident by the use of Policy 6 to assess the proposed development and justify refusal of planning permission when the policy itself states that where proposals do not adjoin a settlement boundary Policy 19 will apply.

It is a trait of Local Authority Planners to predetermine applications for planning permission on the basis of first impressions rather than follow the direction given by Sections 25 and 37(ii) of the Town and Country Planning

(Scotland) Act 1997 as amended by the Planning ETC (Scotland) Act 2006. This appears to be the case with planning application ref: 20/00514/IPL where great attention has been paid to the perceived failings of the proposed development without unbiased assessment against the requirements of adopted Perth and Kinross Local Development Plan. The interpretation and application of the Council's policy of Ribbon Development being case and point.

It should be noted that at no time has the Case Officer attempted to provide advice or guidance as to what would be an acceptable separation distance between the Kinnaird settlement boundary and the application site. This proactive approach to development would have allowed our client to revise the design and layout of the proposed development through the submission of a new application for permission allowing for the approval of planning permission and the delivery of development thus stimulating economic recovery in a post-COVID environment. For the avoidance of doubt our client is amenable to reducing the size of the application site to increase the distance between the site and the Kinnaird settlement boundary should the Local Review Body believe the proposal to engage Policy 6 of the adopted Local Development Plan.

The Scottish Planning Policy stipulates that in considering planning applications planning authorities should adopt a presumption in favour of development that contributes to sustainable development. Scottish Planning Policy states:

*"The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost."*

In demonstrating compliance with Perth and Kinross Local Development Plan we have evidenced that the proposed development aligns with the Scottish Planning Policy aspiration of achieving the right development in the right place. In doing so our client anticipated that Perth and Kinross Council would adopt a presumption in favour of development rather than the presumption against development which has been clearly articulated by the Council's approach to planning application ref: 20/00514/IPL.

## **7.0 CONCLUSION**

The purpose of this statement has been to demonstrate that the proposal aligns with the aspirations of the Scottish Planning Policy, National Planning Framework as well as the Development Plan and satisfies the specific requirements of the adopted Perth and Kinross Local Development Plan.

Taking these matters into consideration it is respectfully requested that, having regard to the requirements of Section 25 and 37 of the Town and Country Planning (Scotland) Act, 1997, as amended, this appeal is supported and planning permission granted.

**LRB-2020-24 – 20/00514/IPL – Erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**







Mr And Mrs Burton  
c/o Jon Frullani Architects  
Jon Frullani  
Unit 5  
District 10  
25 Greenmarket  
Dundee  
DD1 4QB

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice : **22nd June 2020**

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

Application Reference: **20/00514/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 17th April 2020 for permission for **Erection of a dwellinghouse (in principle) Land 90 Metres East Of Westmill Farmhouse Inchtute** for the reasons undernoted.

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

### **Reasons for Refusal**

- 1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2019 and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to comply with Category 1 Building Groups as there are not three existing buildings as the site equivalent to the size of a cottage and the site does not meet the definition of Rural Brownfield as defined under Category 6. 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 or (5) Conversion or Replacement of Redundant Non Domestic Buildings.

- 2 The proposal is contrary to Policy 6 of the Perth and Kinross Local Development Plan 2019 as it is considered that the retention of the field access in order to separate the site from the settlement boundary of Kinnaird is not in line with the spirit of the policy nor what that policy is trying to achieve i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.

### **Justification**

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

### **Notes**

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

#### **Plan Reference**

20/00514/1

20/00514/2

20/00514/3

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	20/00514/IPL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	16th June 2020	
Report Drafted Date	22nd June 2020	
Report Issued by	JF	Date 22/06/20

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

**LOCATION:** Land 90 Metres East Of Westmill Farmhouse Inchtute

#### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 16 June 2020

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of a dwellinghouse in principle at land east Of Westmill Farmhouse Inchtute.

The site is bound by a field access track to the west which to beyond the track is the settlement boundary of Kinnaird. To the north the site is a field track and rising topography which delineates the site. To the south is the public road and to the east is a site with an extant permission for a dwelling.

The proposal is in principle and the supporting information shows how a dwelling and access could be accommodated within the site.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its

context have, however, been viewed through photographs provided in the supporting statement and through google streetview.

This means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

## **SITE HISTORY**

No recent site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 18/00571/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 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 (2019) – Adopted November 2019**

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

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

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

Policy 53A: Water Environment and Drainage: Water Environment

Policy 53B: Water Environment and Drainage: Foul Drainage  
 Policy 53C: Water Environment and Drainage: Surface Water Drainage  
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

Housing in the Countryside Supplementary Guidance

## **CONSULTATION RESPONSES**

Inchture Community Council	The CC objects to the proposal as they consider it to be contrary to policy and flood risk.
Transport Planning	No objection
Scottish Water	No objection
Development Negotiations Officer	Condition required
National Grid Plant Protection Team	No objection
Health and Safety Executive	No objection
Dundee Airport Ltd	No objection

## **REPRESENTATIONS**

The following points were raised in the 4 representations received:

- Contrary to LDP2
- Flood risk
- Impact on Listed building
- Impact on special landscape character
- Adverse impact on visual amenity of the area

These points are addressed in the appraisal section.

## **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### **Policy Appraisal**

The site lies out with a settlement boundary and the principle of development is considered under Policy 19 Housing in the Countryside and the supplementary guidance. In addition to this the site, although not physically adjoining the settlement boundary of Kinnaird due to an intervening farm track, will also be considered against Policy 6 Settlement Boundaries.

Policy 19 Housing in the Countryside acknowledges that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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

The site forms a gap between the settlement boundary of Kinnaird and the next building group. The site is defined due to the presence of a lade to the north and would be considered under Category 1 Building Groups as an extension to the group. The policy is clear however that proposals which create or contribute towards ribbon development will not be supported.

The agent discusses the policy assessment within their supporting statement with some differing policy interpretations. The Development Plan Team have provided a response in this regard.

The policy defines ribbon development as a line of houses built along an existing road each served by an individual access. Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or

more houses will be considered as creating ribbon development and will not be supported. The extension of a linear building group – to create a continuous line of no more than 5 houses – will only be supported where the group is being extended into a readily definable site.

The Policy Officer has made an assessment from the desktop information and takes the view that the building group extends much further than the three roadside houses (detailed in the agents statement) and takes in the additional houses to the east. It is acknowledged that the houses are set back from the road to varying extents and it is accepted that there may also be a range of access arrangements in place. The guidance does state that each proposal will be assessed on its own merits and the policy officers assessment is the same as that of the case officer that overall these houses do appear to form a linear building group. Therefore should both this and the adjacent site which has extant planning permission be developed this will result in a continuous line of built development, effectively filling in the gap between Kinnaird and Craigdallie. The proposal is therefore considered to be contrary to the Housing in the Countryside policy and Supplementary Guide.

The Policy Officer has also considered the proposal in relation to Policy 6 Settlement Boundaries. The site boundaries are set 5m from the settlement boundary due to the retention of a field access. The agent considers that this negates any consideration of Policy 6. However the original planning statement submitted with the application acknowledges that to the west the site is bounded 'by the curtilage of West Mill Farmhouse'. In this regard it is considered that the retention of this field access in order to separate the site from the settlement boundary of Kinnaird is not in line with the spirit of policy 6 nor what that policy is trying to achieve i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.

### **Design and Layout**

The application is in principle and indicative site plans have been submitted showing how a dwelling could be accommodated within the site.

### **Landscape/Visual amenity**

The site is within an area characterised by roadside development. There are no restrictions on development in the area in terms of the landscape character and the proposal as above is considered under the Housing in the Countryside Policy.

### **Residential Amenity**

The site, due to its size, is considered to be capable of accommodating a dwelling without detrimental impact on adjoining dwellings.

### **Roads and Access**

Transport Planning have no objection to the principle of forming an access at the site.

## **Drainage and Flooding**

Flooding and drainage have been noted as a concern from local residents. The site is not located within a flood risk area but the adjacent watercourse would need to be considered in the detailed design.

This could have been covered by condition if the principle of development had been accepted.

## **Conservation Considerations**

Westmill Farmhouse is Category B Listed as lies to the north west of the site. It is considered that as this building is set back from the road and within a good landscape framework the development of the application site would not detrimentally impact on the setting of the listed building. Therefore this will not be added as a reason for refusing the application.

## **Developer Contributions**

The proposal is in principle and should planning have been approved a condition would be required to cover developer contributions at the detailed stage.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period due to discussions with the agent and Policy Team.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.



## **RECOMMENDATION**

### **Refuse the application**

#### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 2019 and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to comply with Category 1 Building Groups as the development of the site would contribute to ribbon development which is not supported. 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.
- 2 The proposal is contrary to Policy 6 of the Perth and Kinross Local Development Plan 2 2019 as it is considered that the retention of the field access in order to separate the site from the settlement boundary of Kinnaird is not in line with the spirit of the policy nor what that policy is trying to achieve i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.

#### **Justification**

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

#### **Informatives**

None

#### **Procedural Notes**

Not Applicable.

#### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

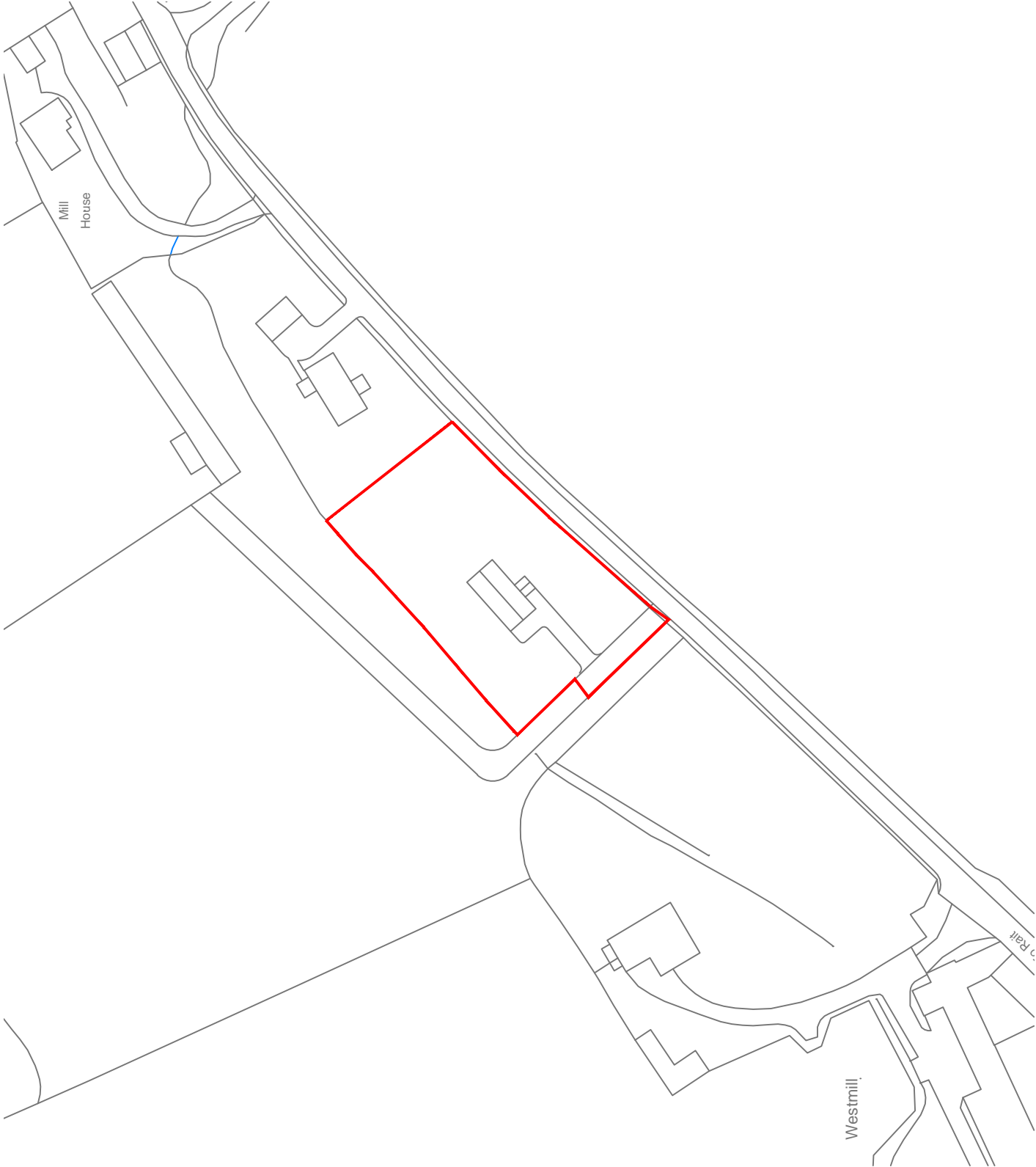
20/00514/1  
20/00514/2  
20/00514/3





0 10 20 30 40 50  
SCALE 1:1250 (A4) LENGTHS SHOWN IN METRES

All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled from this drawing. All details are to be checked on site prior to the commencement of work. If any discrepancies are found, the Architect must be notified immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.



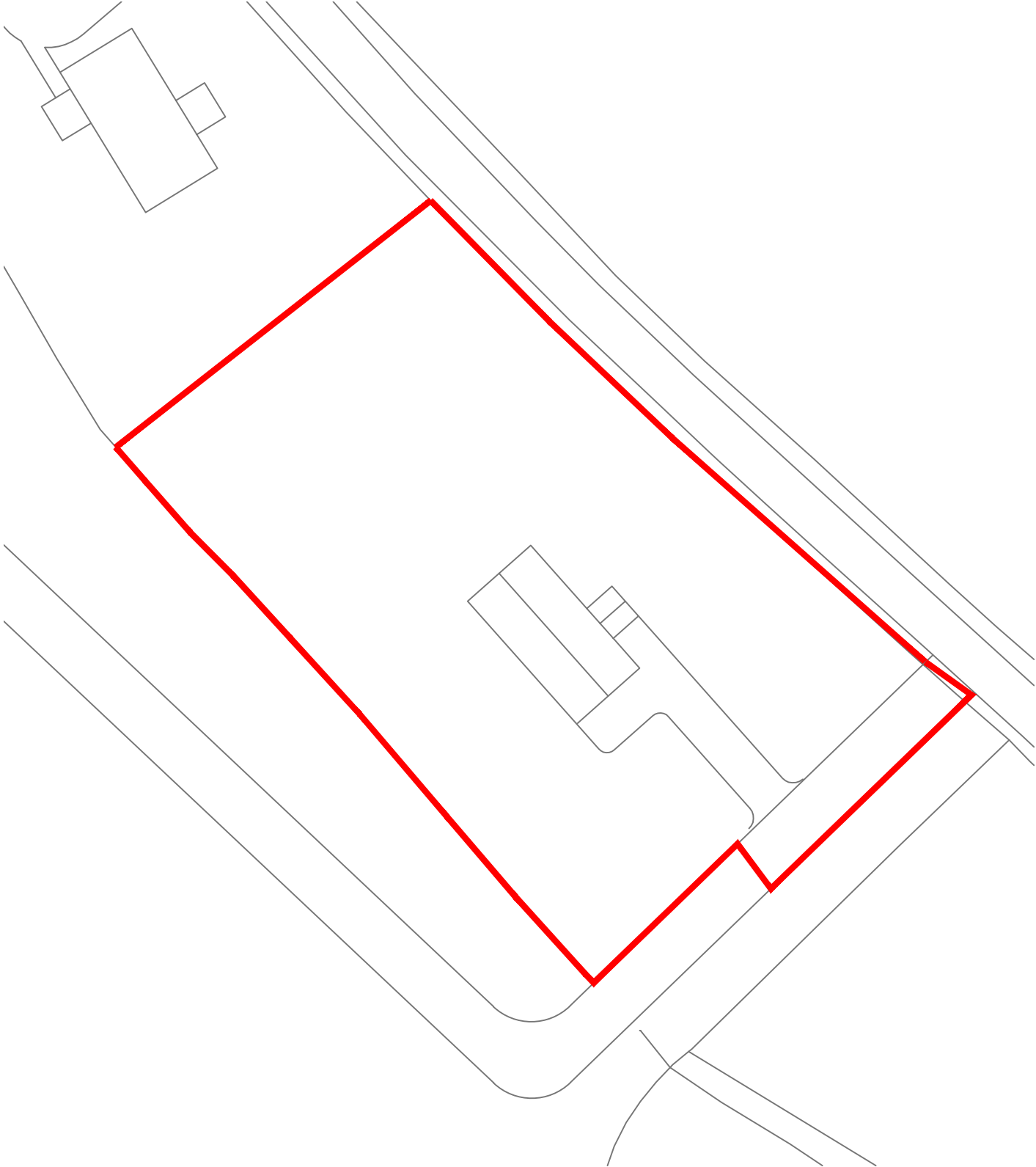
Revisions :  
n/a

Project Erection of Dwellinghouse		Drawing Title Location Plan	
Client		Drawing No. 6066_F_201	Revision A
Address Land West of the Mill House Craigdalle Inchture		Issue Status Feasibility	
Designer		Scale 1:1250 @ A4	
Date Mar '20		t: 01382 224828 m: 07898 726006 e: jon@jonarchitect.co.uk w: jonarchitect.co.uk a: unit 5, district 10, greenmarket, dundee, dd1 4qb this drawing is protected by copyright. it may not be reproduced in any form or by any means for any purpose, without gaining prior written permission from jon frullani architect	



0 5 10 15 20  
SCALE 1:500 (A4) LENGTHS SHOWN IN METRES

All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled from this drawing. All dimensions are to be taken from the centre of the line unless otherwise stated. Details conflict please notify the Architect immediately. This drawing is to be used for **STATUTORY** purposes only. This is not a **CONSTRUCTION** drawing.



Revisions :  
n/a

Project Erection of Dwellinghouse		Drawing Title <b>JON FRULLANI</b> ARCHITECT	
Client		Proposed Site Plan	
Address Land West of the Mill House Craigdalle Inchture		Issue Status Feasibility	Drawing No. 6066_F_202
Designer	Date Mar. 20	Scale 1:500 @ A4	Revision A
t: 01382 224828 m: 07898 728906 e: jon@jonarchitect.co.uk w: jonarchitect.co.uk f: facebook.com/jonarchitect a: unit 5, district 10, greenmarket, dundee, dd1 4qb this drawing is protected by copyright. it may not be reproduced in any form or by any means for any purpose, without gaining prior written permission from jon frullani architect			



JON FRULLANI  
ARCHITECT

Job 6056

Erection of dwelling house  
at land to the west of the Mill House  
Craigdallie  
Inchture

Supporting Statement

---

## **ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF THE MILL HOUSE, CRAIGDALLIE, INCHTURE**

### **PLANNING STATEMENT**

#### **CONTENTS**

- 1.0 Introduction
- 2.0 Site
- 3.0 Proposal
- 4.0 Site History
- 5.0 Policy Framework
- 6.0 Analysis
- 7.0 Material Considerations
- 8.0 Conclusion

## 1.0 INTRODUCTION

This statement has been prepared to support a planning application for the erection of a dwelling house at land to the west of The Mill House, Craigdallie, Inchture.

Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 directs that all planning decisions should accord with the development plan unless material considerations indicate otherwise:

*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*

Section 37 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, re-affirms the above direction and confirms that in Determining planning applications, the Planning Authority “shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.

The Scottish Planning Policy stipulates that in considering planning applications planning authorities should adopt a presumption in favour of development that contributes to sustainable development. Scottish Government Planning Policy states:

*“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*

In addition the Scottish Planning Policy also states:

*“Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.”*

This statement shall demonstrate the proposal’s compliance with the objectives of the Development Plan as well as highlight material considerations that support the approval of planning permission.

## 2.0 SITE

The site is located to the east of the Kinnaird village boundary and to the west of Craigdallie which is a linear settlement between Kinnaird and Ballindean as shown in Figure 1: Aerial Photograph of Site and Surrounding Context.

The site is formed by a looping access road to the agricultural fields to the north, natural landscape features and topographic boundary treatments that contain and define the site. There is a Mill Lade running through the site from east to west that forms the northern boundary of the proposed plot while the public road forms the southern boundary to the site. To the east the site is bound by an existing housing plot with extant planning permission (08/01148/AML) and to the west by the curtilage of West Mill Farmhouse.

The site slopes steeply to the north.

Figure 1: Aerial Photograph of Site and Surrounding Context

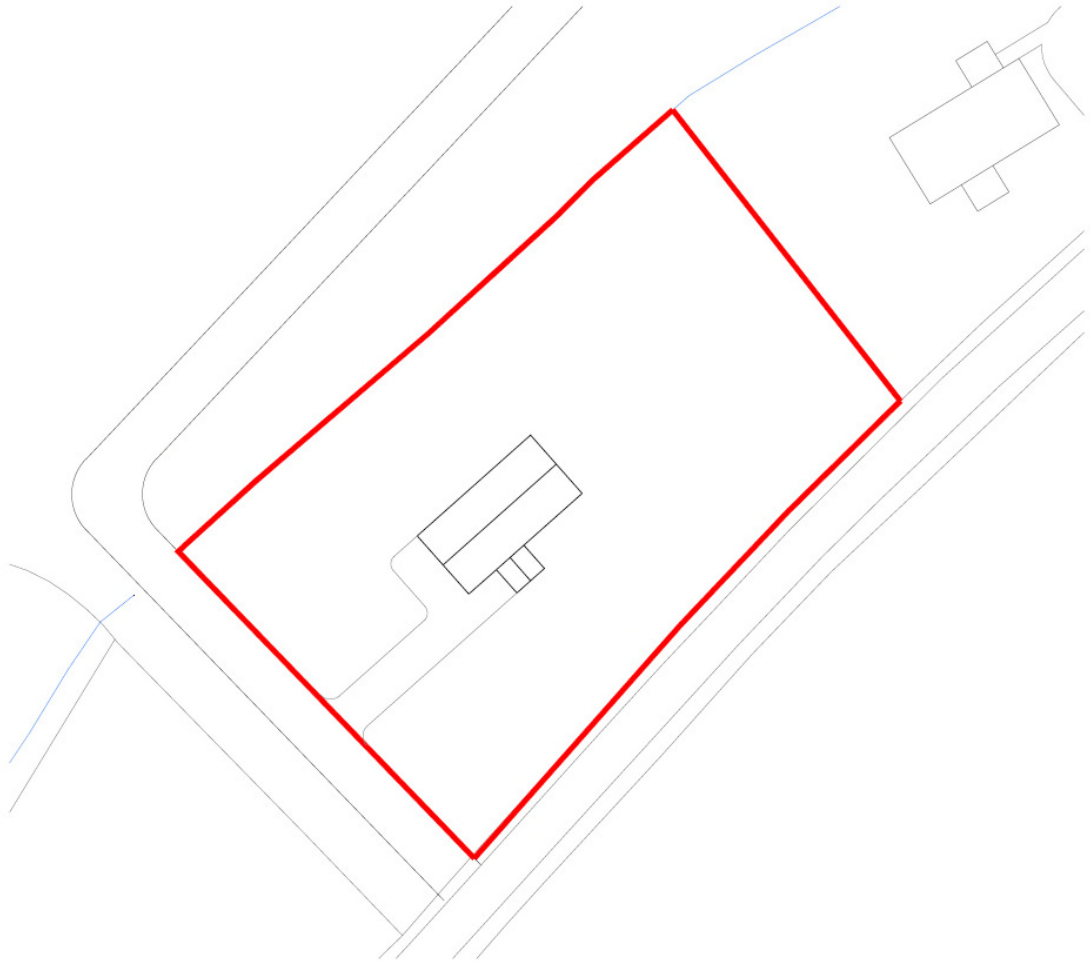


### 3.0 PROPOSAL

The proposal involves the erection of a dwelling house at land to the west of the Mill House, Craigdallie, Inchtute.

The proposed housing plot forms a gap site between the curtilage of West Mill Farmhouse and the housing plot approved by application ref: 08/0114/AML.

Figure 2: Proposed Site Layout Plan



The proposal provides the logical expansion of the building group at Craigdallie into a contained site with defined boundaries as detailed in the site description above and as illustrated by Figure 1.

The site layout plan in Figure 2 demonstrates that the proposed housing plot is of a scale and layout that is commensurate with those surrounding. The proposed plot shall be accessed from the existing private road serving the fields to the north of the site. This will allow for the retention of the existing treelined southern boundary to the site and minimise any impact on the character of the rural streetscape.

#### 4.0 SITE HISTORY

Planning application ref: 06/01477/OUT was granted outline planning permission for the erection of a dwelling house with one single outbuilding at land to the south west of Millhouse, Craigdallie, Inchtute. This application was approved on appeal.



Planning application ref: 08/01148/AML was an application for the matters reserved by the conditions attached to planning permission ref: 06/01477/OUT. This application was approved and was implemented through the formation of an access to the site.

## **5.0 POLICY FRAMEWORK**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 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 2019 – Adopted December 2019**

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

The principal policies are, in summary:

#### **Policy 1A - Placemaking**

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

#### **Policy 1B - Placemaking**

All proposals should meet all ten of the placemaking criteria.

#### **Policy 19 - Housing in the Countryside**

The development of single houses or groups of houses which fall within the six identified categories will be supported. The application of this policy is limited within the Green Belt to proven economic need, conversions or replacement buildings.

#### **Supplementary Planning Guidance**

Housing in the Countryside Supplementary Guide 2020

#### **National Policy and Guidance**

Scottish Planning Policy (SPP)

## 6.0 ANALYSIS

### Principle of Development

The application site lies to the east of the settlement boundary of Kinnaird as defined by the adopted Local Development Plan and adjoins the Craigdallie building group. The site does not share a contemporaneous boundary with Kinnaird and as such the proposal does not engage Policy 6 Settlement Boundaries of the adopted Local Development Plan.

As the site lies within the landward area within the adopted Local Development Plan 2019, the proposal falls to be principally considered against *Policy 19: Housing in the Countryside* and its associated Housing in the Countryside Supplementary Guidance, which is the most recent expression of Council policy towards new housing in the open countryside. Policies 1A and 1B 'Placemaking' of the adopted Local Development Plan are also relevant.

The proposed development is compliant with Policy 19: Housing in the Countryside and its associated Housing in the Countryside Supplementary Guidance. This is because Category 1 Building Groups of the Supplementary Guidance states that:

*Building groups are those groups of buildings which do not have a defined settlement boundary in Local Development Plan 2.*

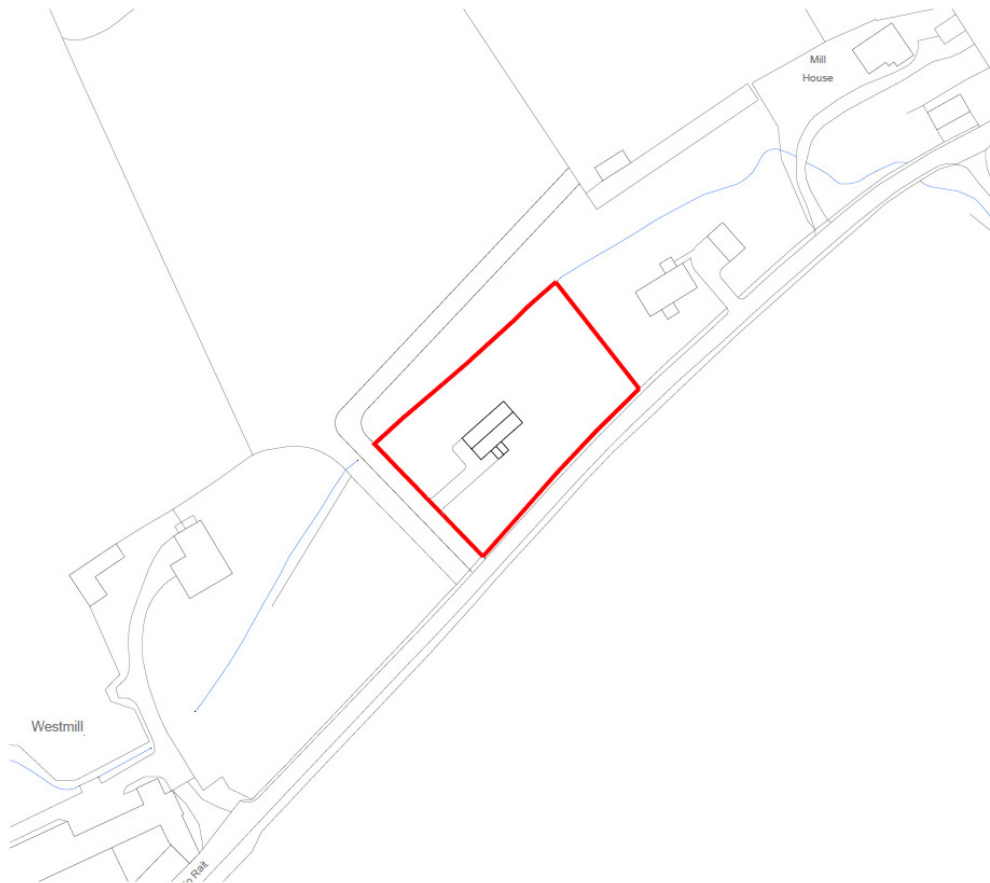
The collection of buildings forming Craigdallie is not defined as a settlement by the Perth and Kinross Local Development Plan 2019.

The Supplementary Guidance goes on to state that:

*For the purposes of this Supplementary Guidance a building group is defined as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group.*

In accordance with the definitive guidance contained within the Housing in the Countryside Supplementary Guidance, Figure 3: Annotated Site Location Plan clearly evidences that the application site and the adjoining housing plot approved by application ref: 08/01148/AML(outlined in red) are gaps within the existing building group comprising of the plots (outlined in blue).

**Figure 3: Annotates Site Location Plan**



The Supplementary Guidance confirms that:

*Permission may be granted, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.*

*Permission will be granted for houses within building groups providing it can be demonstrated that:*

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

The site is to the east and west of an existing building group that comprises of several existing buildings in a mainly linear arrangement with some of the houses set back from the public road to the south. The proposed site qualifies as an identifiable site being partially screened from public view and contained within the framework of a small hamlet and framed on all sides by vegetation, rising ground and a watercourse.

The proposed housing plot is of a scale and design that is commensurate with those surrounding the site as shown in Figures 2 and 3 with the sloping topography and Mill Lade enclosing the site to the north while the tree lined eastern and southern boundaries screen the plot from the plot approved by application ref: 08/01148/AML as well as the public road to the south of the site. To the west the site is screened from the West Mill Farmhouse by dense belt of trees and shrubbery.

The surrounding area is characterised by large plots containing a variety of traditional cottage style houses and contemporary two storey houses. The plot layout and orientation of the proposed houses shall replicate the form of the existing buildings to the east and west of the site strengthening the visual relationship and bond between the proposed development and the surrounding building group. The proposed development therefore respects the character, layout and building pattern of the existing group while extending the building group into a site with defined boundaries that is contained.

Although the proposed development will extend the existing building group it should be noted that further development would not be possible. This is due to site being contained through definitive natural landscape features.

The distance between the proposed development and the existing buildings will ensure that there is no adverse impact on residential amenity while the visual cohesion between the proposed house and the existing building group shall be strengthened by the plot layout, position of the proposed house houses and definitive plot boundaries.

In terms of Ribbon Development, the Housing in the Countryside Supplementary Guidance states:

*Proposals which create or contribute towards ribbon development will not be supported. For the purposes of this policy, ribbon development is defined as a line of houses built along an existing road each served by an individual access. Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported. The extension of a linear building group – to create a continuous line of no more than 5 houses – will only be supported where the group is being extended into a readily definable site.*

As demonstrated by Figures 1 and 3, the layout and design of the existing building group ensures that not only do the houses on the northern side of the C401 have varying positions close to and set back from the road there are also examples of shared points of access. The proposed development will utilise the existing road serving the fields to the north of the site for access to the proposed house minimising any impact on the rural character of C401 streetscape. Furthermore, the retention of the tree lined southern boundary will screen the proposed development from view minimising any visual impact on the appearance and character of the surrounding area. Figure 3: Annotated Site Location Plan illustrates that there are less than 5 houses within the building group positioned along the C401.

### Design and Layout

The site is required to be assessed against the 'Placemaking' policies of the adopted Local Development Plan. Although the detailed design of the proposed house has not yet taken place the indicative site layout plan accompanying this application demonstrates that the proposed house can be accommodated on the site.

The indicative site layout plan demonstrates visually that the proposed development by virtue of the scale, plot size and house position will not adversely impact on the density of development within the established building group or the amenity and character of the surrounding area.

The proposed house will be served by 3 curtilage parking spaces. Access to the proposed plot shall be taken from the existing private road to the west of the site. However, as the development shall not share access arrangements with neighbouring houses the proposed development shall not compromise the amenity of neighbouring properties in this regard.

The proposed house has been purposefully positioned on the site so as to ensure that there is a distance of no less than 25m between the proposed houses and those existing. The generous space between buildings shall further reinforce the rural character of the area and visual cohesion of the building group through uniformity in plot size, layout, building orientation and distance between buildings.

### Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all parties to the development, those who would live in the new dwelling and those that live in neighbouring buildings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

The proposed house shall be positioned centrally within the new plot. The position of the new house will ensure a generous distance exceeding 18m from the West Mill Farmhouse and the new house to be built to the east of the site approved by application ref: 08/01148/AML. This will ensure that the privacy and amenity of neighbouring properties is preserved by the proposed development.

The Indicative Site Layout Plan in Figure 2 demonstrates that the proposed house will be afforded generous internal and external space standards and off street parking facilities. The windows of the proposed house will be positioned no less than 25m from neighbouring houses. This will prevent the proposed house from overlooking, over shadowing and physically impacting on existing buildings within the group. Taking account of the indicative site layout plan we believe that the proposals would not compromise the amenity of the existing building group and will equally provide a suitable level of residential amenity for future occupiers of the new house.

### Access

It is proposed to access the site from the private road serving the fields to the north of the site. The proposed access shall be designed to meet the standards required by the Council to ensure safe access and egress from the property whilst maintaining safety levels associated with other roads users and residents. The adaptation of the existing vehicle access shall comply with the Council's transportation development standards.

### Drainage and Flooding

SEPA's flood maps demonstrate that the site has not been the subject of flooding. Surface water from the proposed houses and areas of hard surfacing shall be attenuated and allowed to drain from the site sustainably.

Taking cognisance of the reasoned justification outlined above we have demonstrated that the proposed development adheres to the requirements of Policies 1A & 1B Placemaking, 19 Housing in the Countryside and 52 New Development and Flooding of the adopted Perth and Kinross Local Development Plan 2019. In addition the proposal has been evidenced to take full account of the guidance contained in the Housing in the Countryside Supplementary Guidance.

### **7.0 MATERIAL CONSIDERATIONS- NATIONAL POLICY AND GUIDANCE**

The Scottish Planning Policy (SPP) is a statement of Scottish Government policy on land use planning and contains, *inter alia*, concise subject planning policies, including the implications for development planning and development management. The SPP introduces a presumption in favour of development that contributes to sustainable development, and states that this will be a material consideration in the determination of planning applications.

With respect to promoting rural development, the SPP states in paragraph 75 that the planning system should *"promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces"* and *"encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality."*

The SPP advises that in the areas of intermediate accessibility and pressure for development *"plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan."* (Paragraph 78).

In addition to the above, paragraph 83 of the SPP refers to rural areas and highlights that decision making should generally *"include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact."*

The SPP defines small scale housing as including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self-build; holiday homes; new build or conversion linked to rural business.

The SPP seeks to balance development and economic growth in a sustainable manner that protects and enhances the environmental quality and landscape of an area. To deliver this, development proposals are encouraged to respond to the specific local character of the location and to fit sensitively and appropriately with the existing landscape and rural setting of the area.

We would contend that the proposal is consistent with the aims and objectives of the Scottish Planning Policy. The proposal presents an opportunity to sustainably extend the existing building group that comprises Craigdallie hamlet into a defined and contained site that shall blend with the surrounding rural landscape. For these reasons the proposal adheres to the rural placemaking and sustainability objectives of the Scottish Planning Policy.

## **8.0 CONCLUSION**

The above analysis has demonstrated that the principle of the proposed development satisfies the requirements of the Development Plan and national policy and guidance. We believe that in compliance with Policy 19 Housing in the Countryside and the associated Supplementary Guidance of the Perth and Kinross Local Development Plan, the design and layout of the proposed development demonstrates that the new house shall appear as part of the existing building group and that topographical constraints prevent further development on the land to the north of the site.

Furthermore, in compliance with Policies 1A and 1B the proposed development shall not impact on the amenity or environmental quality of neighbouring houses with the resulting property afforded a significant level of privacy, an open southern outlook, generous private garden grounds and parking facilities commensurate with the existing building group.

In this regard we would respectfully request the Council's support for the proposed development through the approval of planning permission.





**LRB-2020-24 – 20/00514/IPL – Erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute**

## **REPRESENTATIONS**



Joanne Ferguson  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Plant Protection  
Cadent  
Block 1; Floor 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)  
Telephone: +44 (0)800 688588

**National Gas Emergency Number:**  
**0800 111 999\***

**National Grid Electricity Emergency Number:**  
**0800 40 40 90\***

\* Available 24 hours, 7 days/week.  
Calls may be recorded and monitored.

[www.cadentgas.com](http://www.cadentgas.com)

**Date:** 23/04/2020

**Our Ref:** XX\_GS1B\_3NWP\_023618

**Your Ref:** 20/00514/IPL (TC)

**RE: Formal Planning Application, PH14 9QT Land 90 Metres East Of Westmill Farmhouse Inchtute**

Thank you for your enquiry which was received on 22/04/2020.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

### **Are My Works Affected?**

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry.

**Cadent and National Grid therefore have no objection to these proposed activities.**

The contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

## Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- | Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- | Gas service pipes and related apparatus
- | Recently installed apparatus
- | Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

# ASSESSMENT

## Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- I National Gas Transmission Pipelines and associated equipment

## Requirements

### BEFORE carrying out any work you must:

- I Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- I Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- I Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- I In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

# GUIDANCE

## **High Pressure Gas Pipelines Guidance:**

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from: <http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

## **National High Pressure Gas Pipelines Guidance:**

<http://www.nationalgrid.com/NR/rdonlyres/9934F173-04D0-48C4-BE4D-82294822D29C/51893/Above7barGasGuidance.pdf>

## **Dial Before You Dig Pipelines Guidance:**

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

# Standard Guidance

## **Essential Guidance document:**

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

## **General Guidance document:**

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

## **Excavating Safely in the vicinity of gas pipes guidance (Credit card):**

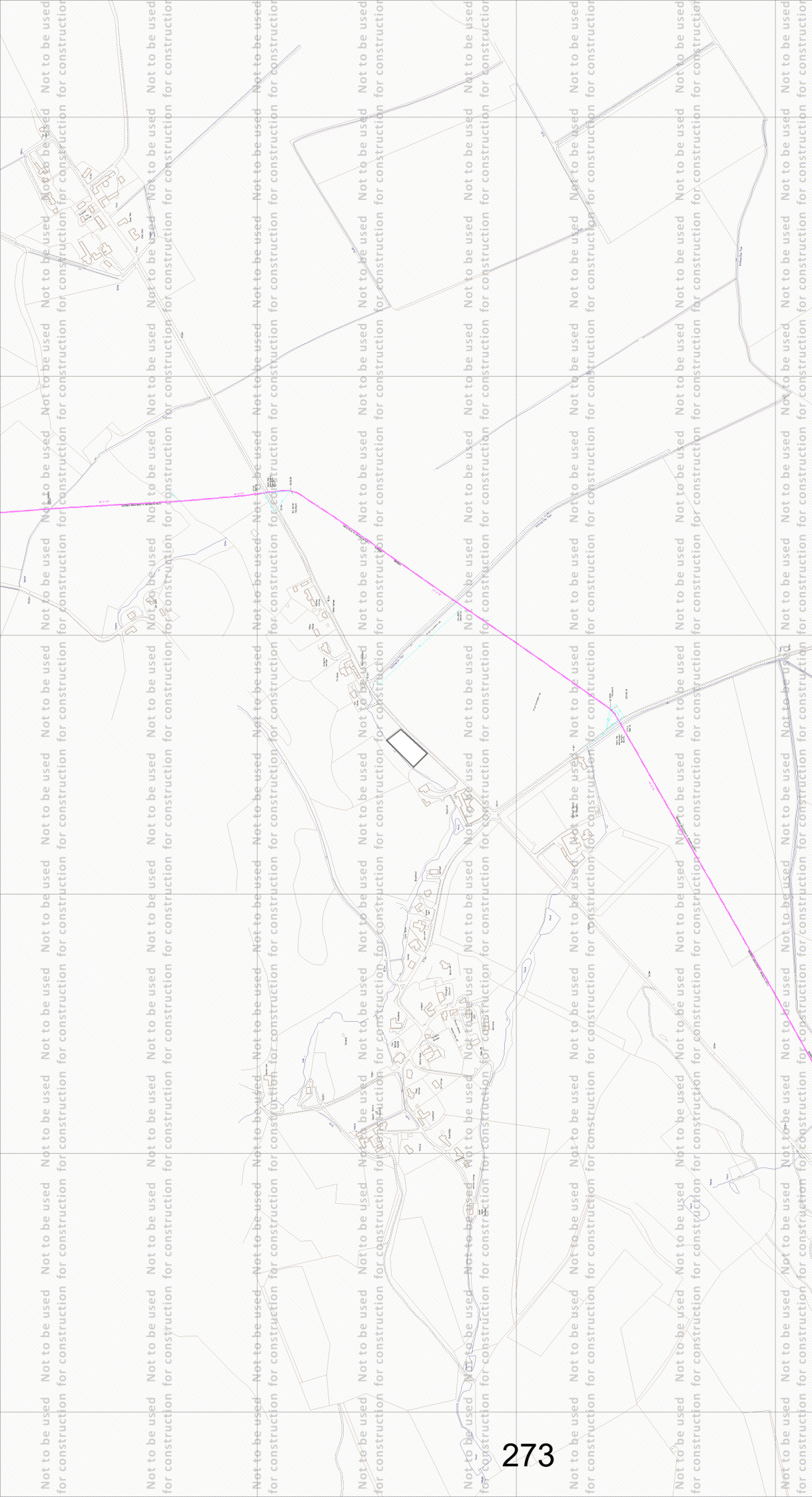
<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

## **Excavating Safely in the vicinity of electricity cables guidance (Credit card):**

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.





ID: XX_GS1B_3NWP_023618		View extent: 2890m, 1570m	<p><b>National Grid has no objection to this application</b></p> <p>This plan shows those pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	Map 1 of 1 (GAS)
USER: toby.cooper		<div><div>LP MAINS</div><div>MP MAINS</div><div>IP MAINS</div><div>LHP MAINS</div><div>NHP MAINS</div></div> <div><div>0m</div><div>200m</div></div> <div><div>Approximate scale 1:10000</div><div>on A4 Colour Landscape</div></div> <div><div><div><div></div><div>Diameter Change</div></div><div><div></div><div>Material Change</div></div><div><div></div><div>Out of Standard Service</div></div></div><div><div></div><div>Syphon</div></div></div>		<b>Cadent</b> Your Gas Network
DATE: 23/04/2020				Requested by: Perth & Kinross Council
DATA DATE: 22/04/2020				
REF: 20/00514/IPL (TC)				
MAP REF: NO2428				
CENTRE: 324782, 728711			This plan is reproduced from or based on the OS map by Cadent Gas Limited, with the sanction of the controller of HM Stationery Office.	
Some examples of Plant Items:			Crown Copyright Reserved.	Ordnance Survey Licence number 100024886
<div><div><div></div><div>Valve</div></div><div><div></div><div>Depth of Cover</div></div></div>				

# ENQUIRY SUMMARY

## Received Date

22/04/2020

## Your Reference

20/00514/IPL (TC)

## Location

Centre Point: 324782, 728711

X Extent: 77

Y Extent: 82

Postcode: PH14 9QT

Location Description: PH14 9QT Land 90 Metres East Of Westmill Farmhouse Inchtute

## Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 1250

Actual Scale: 1:10000 (GAS)

Real World Extents: 2890m x 1570m (GAS)

## Recipients

pprsteam@cadentgas.com

## Enquirer Details

Organisation Name: Perth & Kinross Council

Contact Name: Joanne Ferguson

Email Address: DevelopmentManagement@pkc.gov.uk

Telephone: 01738 475000

Address: Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## Description of Works

P/A - Erection of a dwellinghouse (in principle) (SP)

## Enquiry Type

Formal Planning Application

## Development Types

Development Type: Development for use by General Public



Thursday, 23 April 2020



Local Planner  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

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

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

Dear Sir/Madam

**SITE: Land 90 Metres East Of Westmill Farmhouse, , Inchtute, PH14 9QT**  
**PLANNING REF: 20/00514/IPL**  
**OUR REF: DSCAS-0009397-R6S**  
**PROPOSAL: Erection of a dwellinghouse (in principle)**

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

---

## **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## **Water Capacity Assessment**

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

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

## **Waste Water Capacity Assessment**

- ▶ 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.

---

## **Surface Water**

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

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

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

### **General notes:**

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

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

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

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

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

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

### **▶ Trade Effluent Discharge from Non Dom 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 launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

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

**Scottish Water Disclaimer:**

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

## Tracy McManamon

---

**From:** Safeguarding <Safeguarding@hial.co.uk>  
**Sent:** 24 April 2020 17:11  
**To:** Development Management - Generic Email Account  
**Subject:** RE: Planning Application Consultation for Application No 20/00514/IPL

**Your Ref:** 20/00514/IPL  
**Our Ref:** 2020/0084/DND

Dear Sir/Madam,

**PROPOSAL: Erection of a dwellinghouse (in principle) Land 90 Metres East Of Westmill Farmhouse Inchtute**

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not impact the safeguarding criteria for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

**Safeguarding Team**  
**on behalf of Dundee Airport Limited**  
**c/o Highlands and Islands Airports Limited**  
Head Office, Inverness Airport, Inverness IV2 7JB  
☎ 01667 464209 (DIRECT DIAL)  
✉ [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) 🌐 [www.hial.co.uk](http://www.hial.co.uk)

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

**From:** Development Management - Generic Email Account <DevelopmentManagement@pkc.gov.uk>  
**Sent:** 22 April 2020 16:02  
**To:** Safeguarding <Safeguarding@hial.co.uk>  
**Subject:** FW: Planning Application Consultation for Application No 20/00514/IPL

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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

**From:** DevelopmentManagement@pkc.gov.uk <DevelopmentManagement@pkc.gov.uk>  
**Sent:** 22 April 2020 15:54  
**To:** Claire Fletcher <CFletcher@pkc.gov.uk>  
**Subject:** Planning Application Consultation for Application No 20/00514/IPL

Please see attached.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council does not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.

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

<b>Planning Application ref.</b>	20/00514/IPL	<b>Comments provided by</b>	Andrew de Jongh Technician – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 90 Metres East of Westmill Farmhouse, Inchture		
<b>Comments on the proposal</b>	<p>The applicant should consider the following when submitting a formal planning application:</p> <ul style="list-style-type: none"> <li>• The number of car parking spaces being provided for the dwellinghouse is in accordance with The National Roads Development Guide.</li> <li>• Should a garage be proposed for parking, the size of space within the garage must be a minimum of 7.0m x 3.0m (internal dimensions), as set out in the standards defined in The National Roads Development Guide.</li> <li>• Visibility splays shall be provided to the left and right of the access measured at no less than 2.4m from the existing public road edge.</li> </ul> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.</p>		
<b>Recommended planning condition(s)</b>	<p>The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	12/05/2020		





Your Ref:  
Our Ref: AR/AR/DIC049/0001  
Please reply to: Alison Ramsay. Perth Office  
Email: alison.ramsay@jamesonmackay.co.uk



18 May 2020

Perth & Kinross Council  
Planning and Development  
Pullar House  
Kinnoull Street  
Perth  
PH1 5GD

Dear Sirs

**Mr and Mrs John Dick**

**Objection to: 20/00514/IPL- Erection of a dwellinghouse (in principle) | Land 90 Metres East of Westmill Farmhouse Inchtute**

Our client, who owns Westmill Farmhouse which adjoins the application site, has consulted us in connection with the above and we now lodge an objection on her behalf.

There are a number of crucial errors in the Supporting Statement provided by the architect that accompanies the application. These errors are material both in respect of the correct Policies within the Local Development Plan 2 against which the application requires to be considered and the factual evidence provided in respect of the site and its location.

### **1. Site adjoins a settlement boundary**

Firstly, and most importantly, the settlement boundary of Kinnaird in LDP 2 extends the settlement eastwards and includes our client's property. The application site therefore immediately adjoins a settlement boundary and thus should be considered against Policy 6 rather than Policy 19 Housing in the Countryside. Policy 6 states that all built development should be contained within the settlement boundary. There are only very limited circumstances in which development on sites that adjoin a settlement boundary shall be permitted and this application does not fall within any of the exceptions.

We would respectfully suggest that this alone should dictate a refusal of the application but there are other points of objection that we would consider relevant even if the applicant had correctly been relying on Policy 19 Housing in the Countryside.

### **2. Ribbon development**

Contrary to the suggestion in the applicant's Supporting Statement the proposed development would **not** fall within Category 1 Building Groups. It is not "within" a building group. Our client's property is within the settlement boundary of Kinnaird and not part of the Craigdallie building group. Policy 19

**PARTNERS:**  
Alison G Ramsay MBE  
Stephen Inglis  
Jennifer Kirkwood

**CONSULTANT:**  
Brian Marnoch

**ACCREDITED PARALEGALS:**  
Pauline Gloistein  
Charlie McCall

**REGISTERED PRACTITIONER:**  
Gary Davies  
Society of Trust and  
Estate Practitioners



**PERTH OFFICE:**  
1 Charlotte Street  
Perth PH1 5LP  
T: 01738 631666  
F: 01738 630264  
DX PE117 PERTH  
mail@jamesonmackay.co.uk

**AUCHTERARDE OFFICE:**  
71 High Street  
Auchterarder PH3 1BN  
T: 01764 663830  
F: 01764 663135  
DX 556060 AUCHTERARDE  
auchterarder@jamesonmackay.co.uk

**RESIDENT PARTNER:**  
Stephen Inglis

**ESTATE AGENCY:**  
1 Charlotte Street  
Perth PH1 5LP  
T: 01738 630350  
F: 01738 630264  
DX PE117 PERTH  
property@jamesonmackay.co.uk



Jameson + Mackay Solicitors and Estate Agents since 1881

Registered Letting Agents  
Reg No 1901021

www.jamesonmackay.co.uk

Jameson + Mackay is the trading name of Jameson + Mackay LLP a Limited Liability Partnership registered in Scotland; Registered Number SO306894

Registered Office 1 Charlotte Street, Perth PH1 5LP

and the recently updated Housing in the Countryside Supplementary Guidance makes it clear that proposals that constitute ribbon development will not be supported.

Again in the Supporting Statement it is suggested that “Figure 3: Annotated Site Location Plan illustrates that there are less than 5 houses within the building group positioned along the C401.” This is factually incorrect. The plan has unaccountably and quite arbitrarily excluded all of the houses in the eastmost part of the building group of Craigdallie. A copy of a satellite view of the village showing the remaining houses situated immediately to the northeast of Mill House is attached which shows the full extent of the village fronting the road. Even excluding Westmill Farmhouse (as it is in Kinnaird) there are clearly already more than 5 houses in a linear development line along the C401.

The proposal therefore would not comply with Policy 19 even if it were to be considered under that Policy.

### **3. Setting of a Listed Building and Landscape Supplementary Guidance**

The site immediate adjoins Westmill Farmhouse. Westmill Farmhouse is a Category B Listed Building. Planning legislation directs that attention must not be distracted by the presence of any new development either within or outwith the curtilage of a listed building and that it should remain the focus of its setting. On approaching the crossroads at Kinnaird from the South (road from Westown) the view of Westmill Farmhouse with its related farm buildings dominates the view. The agricultural character of the setting would be prejudiced by any modern development immediately adjacent to it. The application is therefore contrary to both Policy 27A of LDP 2 and the requirements of s59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

A specific objective of the Landscape Supplementary Guidance is to “preserve the distinctive character of small villages along the Braes of the Carse”. Craigdallie is such a village. Development in the application site would result in an adverse visual change to the character of Craigdallie.

In conclusion, it is our view that the proposed development does not comply with the requirements of LDP 2 or its related Supplementary Guidance. We believe that there may have been previously refused applications in respect of this site which may be relevant in connection with the current application but unfortunately although application numbers are available on your website the documents pertaining to the applications are not. In any event, given that there appear to be no material considerations to dictate otherwise and the application does not comply with current planning requirements we would respectfully ask you to refuse the application.

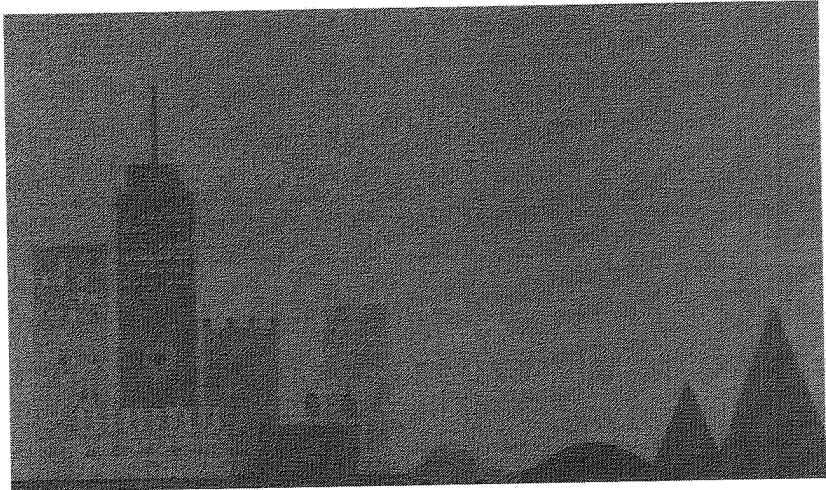
Yours faithfully

*Jameson + Mackay*

Google Maps Craigdallie



Imagery ©2020 Getmapping plc, Maxar Technologies, Map data ©2020 50 m



- W - APPLICATION SITE
- X WESTMILL FARMHOUSE
- Y MILL HOUSE
- Z CRAIGDALLIE VILLAGE  
EXTENDING NORTH EASTWARDS

Craigdallie

Perth  
PH14 9QZ



Directions



Save



Nearby



Share



# Comments for Planning Application 20/00514/IPL

## Application Summary

Application Number: 20/00514/IPL

Address: Land 90 Metres East Of Westmill Farmhouse Inchtute

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Joanne Ferguson

## Customer Details

Name: Mr Lachlan Gunn

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comment: As well as being a long term Kinnaird resident I am also the village representative on the Braes of the Carse Conservation Group (BCCG). I am objecting to this application for the following reasons:

1. Adverse Effect on Visual Amenity. Development at the proposed site would have an adverse visual change to the Craigdallie hamlet. Also the adjoining Westmill Farmhouse is a Listed Building and its setting in the landscape would be affected by development of the proposed site. The historic settlements along the road at the foot of the Braes of the Carse all have their own distinctive character - and this proposed development would therefore have an adverse visual affect on both Westmill Farmhouse and Craigdallie.

2. Contray to Development Plan Policy (LDP2 - related Supplementary Guidance). Approval of this application would constitute ribbon development and is contrary to the policy in the Housing in the Countryside Supplementary Guide. Ribbon development and/or the suburbanisation of the countryside will lead to resultant loss of the distinctive character of the small villages and hamlets - in this case Craigdallie. As the proposed site adjoins the settlement of boundary of Kinnaird development, and would effectively join Craigdallie to Kinnaird, it should not be permitted as it would be contrary to policy.

3. Inappropriate Land Use. The application site immediately adjoins the Kinnaird Settlement boundary and therefore any development there should not be permitted as it it not within the

permitted settlement boundary.

4. Out of Character with the Area. Any new modern construction along the line of the historic road would be out of character with the area, to the detriment of local residents and visitors (including the growing numbers of walkers, runners and cyclists who enjoy exercising in the vicinity).

# Inchture Area Community Council

Serving the parishes of Inchture, Abernyte, Kinnaird and Rait

21<sup>st</sup> May 2020

Dear Sir

## **20/00514/IPL Erection of a dwellinghouse (in principle) Land 90 Metres East Of Westmill Farmhouse Inchture**

On behalf of Inchture Area Community Council (IACC) I wish to COMMENT and register the Community Council's OBJECTION to the above planning application.

In accordance with Schedule 5 (Consultation by the Planning Authority) of the Regulation 23 Development Management Procedure (Scotland) Regulations 2008) and the guidance in Planning Advice Note (PAN) 47 Community Councils should ascertain, co-ordinate and express the views of the local community and are advised to limit their attention to proposals which raise issues of genuine community interest. IACC considers that the proposed development raises issues that are relevant to the small villages within our Community Council area. We believe this application is of genuine community interest, with potential to "affect the amenity" of the area.

We found it difficult to follow some of the comments in the architect's Supporting Statement because we believe there are errors in his interpretation of Planning Policies relevant to this application, the number of houses in Craigdallie, and ribbon development along the High Carse road (C401).

Under the most recent PKC Local Development Plan, 'LDP2', adopted in 2019, the eastern boundary of Kinnaird settlement was extended east, and now includes Westmill Farmhouse (a Category B Listed Building). We consider that the proposed development would contravene LDP2 Policy 6 because the house would be built on a site adjoining a settlement boundary.

The claim in the Supporting Statement that there are fewer than five houses within the building group is wrong. There are already more than five houses along the Craigdallie section of C401. We note that the applicant already has outline planning consent (06/01477/OUT) for a building in a site immediately to the east of the current application. IACC has consistently supported PKC's Policy 19 Housing in the Countryside (HICP) in its opposition to ribbon development and/or the suburbanisation of the countryside with the resultant loss of the distinctive character of the small villages and hamlets. Many of the villages and settlements within the IACC area lying to the north of the A90 have retained their historic character. Application 20/00514/IPL, if approved, would add to ribbon development along the C401 and is contrary to the HICP.

We note that the northern boundary to the site identified in Application 20/00514/IPL is the east-west mill lade from Kinnaird Burn. We understand that there is a history of this lade flooding in the past 20 years. If the watercourse is not maintained any future floods may pass through the development and result in surface water flooding the High Carse road. In recent years similar floods have caused problems further east along this section of the road.

For these reasons, we would ask the Council not to approve this application.

Yours faithfully,

pp. Lynsay McFarlane

Chair, For and on the behalf of Inchtute Area Community Council

.



# Comments for Planning Application 20/00514/IPL

## Application Summary

Application Number: 20/00514/IPL

Address: Land 90 Metres East Of Westmill Farmhouse Inchtute

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Joanne Ferguson

## Customer Details

Name: Mrs Marilyn Webb

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Pitroddie Old Manse

Pitroddie

Perth

PH2 7RJ

18th May 2020

Dear Sirs

20/00514/IPL | Erection of a dwellinghouse (in principle) | 90m east of Westmill Farmhouse, Inchtute

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

When previously commenting during and after the preparation of the LDP we have consistently expressed concern that any wavering by PKC in the rigorous enforcement of the policy in the

Housing in the Countryside Guide might result in ribbon development and/or the suburbanisation of the countryside with the resultant loss of the distinctive character of the small villages and hamlets.

We do not consider that the application falls within any of the permitted categories as set out in the recently updated Housing in the Countryside Supplementary Guide. It would constitute ribbon development.

On the basis that the site adjoins the settlement of boundary of Kinnaird development and would effectively join Craigdallie to Kinnaird it should not be permitted as it would be contrary to policy.

We are concerned that such development would be entirely contrary to the Landscape Supplementary Guidance. The site is within the Sidlaw LLA. The Landscape Supplementary Guidance acknowledged that the Braes of the Carse retains an important relationship with the adjacent Carse of Gowrie. The settlements along the foot of the Braes were acknowledged as being important features with special qualities retaining their historic character. An objective of the Guidance is to "preserve the distinctive character of small villages along the Braes of the Carse". Craigdallie and Kinnaird are perfect examples of such a small villages. The objective will not be achieved if applications such as the one under consideration are approved.

Westmill Farmhouse is a Listed Building. Its setting in the landscape would be affected by development of the proposed site which again is contrary to planning policy.

For all of the above reasons we object to this application.

Yours faithfully

Marilyn Webb

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

<b>Planning Application ref.</b>	20/00514/IPL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner [REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 90 Metres East Of Westmill Farmhouse Inchtute		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Inchtute Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application does not fall within the identified Transport Infrastructure Supplementary Guidance boundary.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer</p>		

	Contributions and Affordable Housing Supplementary Guidance 2020.
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	15 June 2020

**Subject:** FW: 20/00514/IPL | Erection of a dwellinghouse

---

**From:** Katrina Walker [REDACTED]  
**Sent:** 16 June 2020 16:59  
**To:** Joanne Ferguson [REDACTED]  
**Subject:** RE: 20/00514/IPL | Erection of a dwellinghouse

Hi Joanne

Regarding application 20/00514/IPL for the erection of a dwellinghouse, I've read through the supporting statements you forwarded on to me and I confirm that I agree with your assessment of the policy position relating to this proposal. The Housing in the Countryside supplementary guidance, which is associated with policy 19 of the Local Development Plan, is quite clear that proposals which create or contribute towards ribbon development will not be supported. I note the content of the second planning statement regarding the extent of the building group at Craigdallie. I have not visited the site but from the desktop information available to me I would take the view that the building group extends much further than the three roadside houses and takes in the additional houses to the east. I acknowledge that the houses are set back from the road to varying extents and accept that there may also be a range of access arrangements in place. The guidance does state that each proposal will be assessed on its own merits and in this case I consider that overall these houses do appear to form a linear building group. Should both this and the adjacent site which has planning permission be developed this will result in a continuous line of built development, effectively filling in the gap between Kinnaird and Craigdallie.

I also note the concerns raised in the second of the planning statements regarding the application of policy 6 settlement boundaries. I acknowledge that the red line boundary of the application site retains a gap from West Mill Farmhouse and yet the original planning statement submitted with the application acknowledges that to the west the site is bounded 'by the curtilage of West Mill Farmhouse'. In this regard I consider that the retention of this field access in order to separate the site from the settlement boundary of Kinnaird is not in line with the spirit of policy 6 nor what that policy is trying to achieve i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.

I hope these comments are useful.

Katrina

or 01738 475000.



## Advice : HSL-200622105233-317 DO NOT ADVISE AGAINST

**Your Ref:** 20/00514/IPL

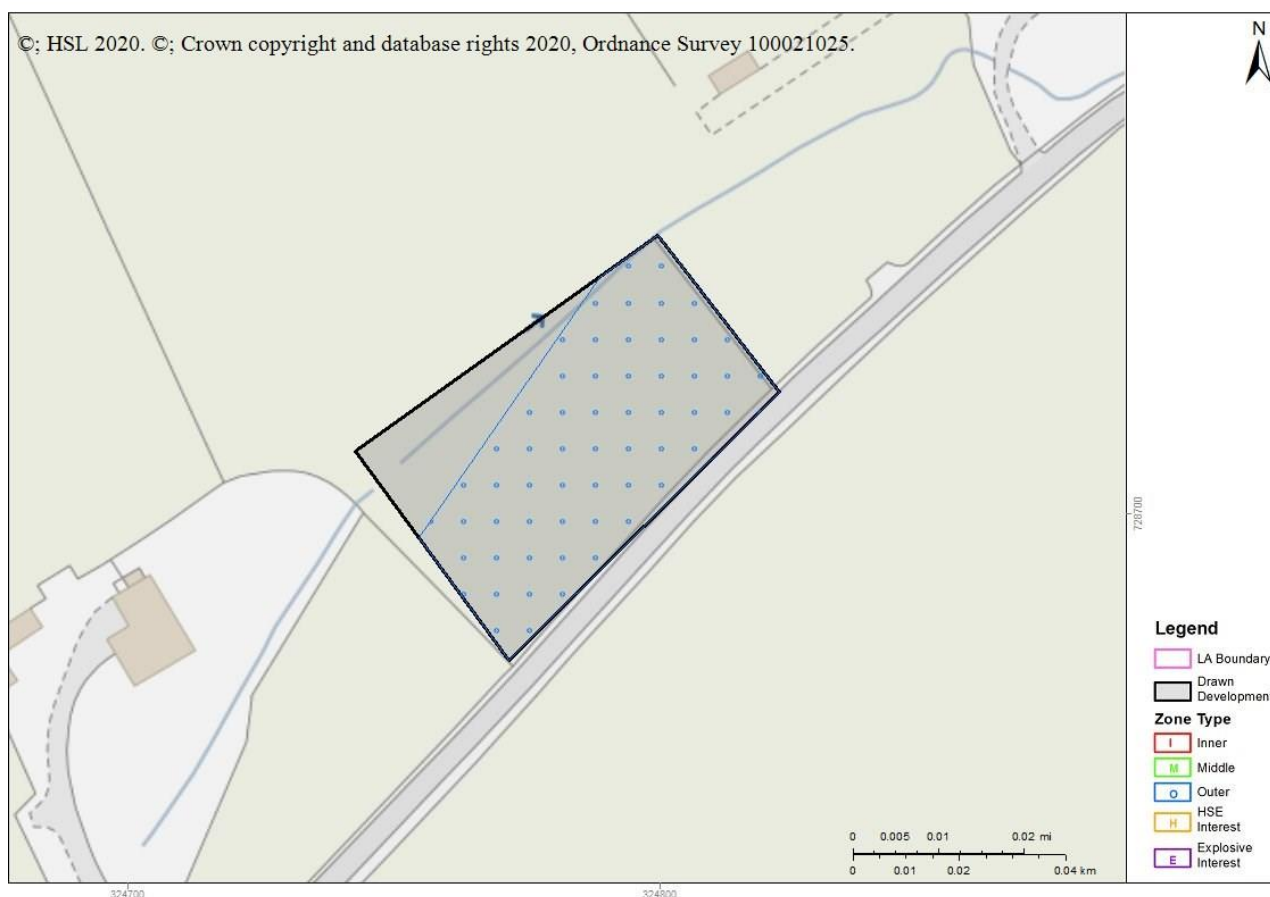
**Development Name:**

**Comments:** Erection of a dwellinghouse in principle

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Perth and Kinross.

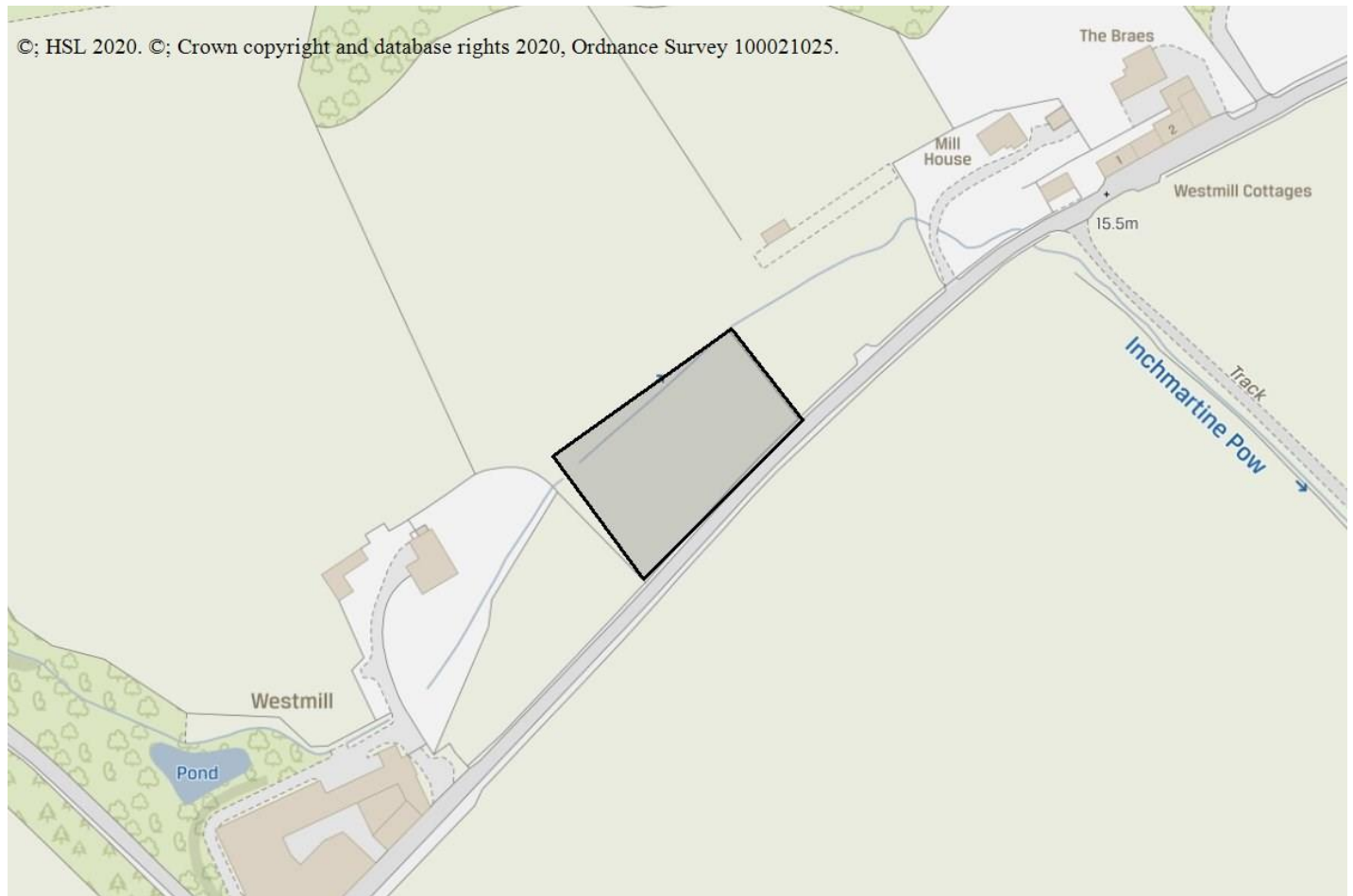
**HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.**



Commercial In Confidence

## Housing DAA

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



## Pipelines

8096\_2355 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Joanne Ferguson at Perth and Kinross on 22 June 2020.

Note that any changes in the information concerning this development would require it to be re-submitted.



## **Audrey Brown - CHX**

---

**From:** secretary@braesofthecarse.org  
**Sent:** 14 October 2020 17:19  
**To:** Audrey Brown - CHX  
**Subject:** Planning Application Ref 20/00514/PL

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

**Application Ref: 20/00514/IPL – Erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute**

Dear Audrey

In response to your email of the 1<sup>st</sup> October 2020 the Braes of the Carse Conservation Group wish to make the following representation to the Local Review Body. The BCCG maintain our objection to the proposal. We would refer the Local Review Body again to our original letter of objection and the reasons given for our objection and that we find nothing in the appeal paperwork to change our view and nothing that would warrant the refusal decision of the planning officer being overturned.

Kind regards

Marilyn Webb

Secretary for Braes of the Carse Conservation Group



Your Ref:  
Our Ref: AR/AML/DIC049/0001  
Please reply to: Alison Ramsay. Perth Office  
Email: alison.ramsay@jamesonmackay.co.uk

14th October 2020

**JAMESON  
+ MACKAY**  
SOLICITORS AND ESTATE AGENTS

Perth & Kinross Council  
Planning & Development  
Pullar House  
Kinnoull Street  
Perth  
PH1 5GD

Dear Sirs

**Mr and Mrs John Dick**  
**Further Representation to the Local Review Body**  
**Application Reference: 20/00514/IPL – Erection of a Dwellinghouse (in principle) Land 90 metres east of Westmill Farmhouse, Inchture**  
**Local Review Body reference: 2020-24**

Our clients own Westmill Farmhouse which adjoins the application site. We submitted an objection on their behalf to the original Planning Application and confirm that their strong objection to this proposed development remains. We now write to make further representation in light of the applicants' appeal against the refusal of their application.

The panel will also be aware of the objections by the Inchture Community Council, Braes of the Carse Conservation Group and local residents to the application 20/00514/IPL.

We would ask that you take time to read our detailed original letter of objection dated 18<sup>th</sup> May. Several points raised were accepted by the planning officer and reflected in the decision to refuse the application. We will therefore primarily restrict our comments to the applicant's stated grounds of appeal in this letter.

One point however not referred to in the decision notice (presumably because the application already failed on other grounds) is that the proposed development would be contrary to Perth & Kinross Landscape Supplementary Guidance that was adopted in June 2015.

A specific objective of the Guidance in relation to the Sidlaw Special Landscape Area is to "preserve the distinctive character of small villages along the Braes of the Carse". These historic settlements along the road at the foot of the Braes of the Carse all have their own distinctive character and landscapes. Craigdallie is one such village with some existing properties dating to mid 1700. Kinnaird village is a distinct and quite separate historic settlement with its castle dating circa 12th century. This is exactly the type of situation that this established guidance is designed to cover and we would ask you to give due weight to it.

**PARTNERS:**  
Alison G Ramsay MBE  
Stephen Inglis  
Jennifer Kirkwood  
  
**CONSULTANT:**  
Brian Marnoch

**ACCREDITED PARALEGALS:**  
Pauline Gloistein  
Charlie McCall  
  
**REGISTERED PRACTITIONER:**  
Gary Davies  
Society of Trust and  
Estate Practitioners



**PERTH OFFICE:**  
1 Charlotte Street  
Perth PH1 5LP  
T: 01738 631666  
F: 01738 630264  
DX PE117 PERTH  
mail@jamesonmackay.co.uk

**AUCHTERARDE OFFICE:**  
71 High Street  
Auchterarder PH3 1BN  
T: 01764 663830  
F: 01764 663135  
DX 556060 AUCHTERARDE  
auchterarder@jamesonmackay.co.uk

**RESIDENT PARTNER:**  
Stephen Inglis

**ESTATE AGENCY:**  
1 Charlotte Street  
Perth PH1 5LP  
T: 01738 630350  
F: 01738 630264  
DX PE117 PERTH  
property@jamesonmackay.co.uk



Despite the great length and detail of the appellants' "Local Review Board Statement" it appears that there are just 2 grounds on which the appeal is based. Comment is also made, completely unjustified in our clients' opinion, that there is evidence of unfair bias by the planning office in the making of the original decision and a predisposition towards refusal. We will return later to this suggestion which we consider to be groundless.

Firstly, we would highlight a discrepancy in the reasons for refusal, the Report of Handling includes Reason 1, as the following:

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2019 and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to comply with Category 1 Building Groups as the development of the site would contribute to ribbon development which is not supported. 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.

While the decision notice dated 22 June 2020 includes Reason 1 as the following, the differences being highlighted in red

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2019 and the Council's Housing in the Countryside Supplementary Guidance 2020 as the proposal fails to comply with Category 1 Building Groups as there are not three existing buildings as the site equivalent to the size of a cottage and the site does not meet the definition of Rural Brownfield as defined under Category 6. 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 or (5) Conversion or Replacement of Redundant Non Domestic Buildings.

There is clearly an error in the reason for refusal shown in the decision notice, which appears incorrect and does not reflect the arguments and thinking presented in the Report of Handling, leading to the recommendation of refusal. The Report of Handling appears more accurate in terms of the current appeal. We would ask for clarification on this point and would wish to reserve the right to make further comment if necessary.

#### **1. Policy 19 and Housing in the Countryside Supplementary Guidance 2020**

The appellants suggest that the development should be assessed in terms of Policy 19 and HCSG 2020 and that the site is compliant with category 1 i.e. building groups.

The site is clearly not "within" the building group of Craigdallie. Proposals "within" building groups would lead to a presumption in favour of planning permission provided they comply with the scale, character and form of the existing group and would not detract from the visual amenity of the group. This application, if granted, would "extend" the building group of Craigdallie. (It is in fact arguable that at the present time the application site cannot even "extend the group" as there is a gap between the housing group at Craigdallie and the application site. This gap has an extant consent however there is no development of this site at present and therefore it is arguable the current site subject of the appeal cannot "extend" the building group.) However, even if one accepts that the site would extend the building group the terms of the HCSG make it clear from the use of the words "**will** be

granted" for proposals "within building groups" and "may be granted" for proposals that "extend" building groups, that the latter is less likely to be granted and will require a more stringent assessment than the former.

The appellants appear to accept, as suggested by our clients in their original objection and as agreed by the planning officer, that the whole of the Craigdallie building group is of relevance to the application regardless of whether the houses are located immediately on the roadside or set back from it. We consider that **all** of the dwellings within Craigdallie are of relevance and form the building group against which this application should be assessed. Clearly, when viewed within their landscape setting, they appear as a single group of buildings. The building group of Craigdallie is linear, albeit staggered, in nature and already patently extends to a continuous line of more than 5 houses.

The Housing in the Countryside Supplementary Guidance makes it clear that proposals which create or contribute towards ribbon development will not be supported. The appellants suggest that "the specific merits of this proposal" mean that the usual prohibition against such ribbon development should be ignored. We see no justification for this requested departure from clear policy. Mention is made that the development would be into a definable site however this is only of relevance if the proposed development would extend a linear building group to create a continuous line **of no more than 5 houses**. As stated previously, there is already a linear building group of more than 5 houses comprising the village of Craigdallie.

We would therefore wish to reinforce our clients' view that this proposal would clearly constitute ribbon development and indeed ribbon development of a particularly objectionable form from a planning perspective given that it would effectively link the building group of Craigdallie with the settlement of Kinnaird. This would be contrary to the Landscape Supplementary Guidance as it would effectively merge two distinct historic settlements into one and would create an adverse visual effect on the landscape. We have attached a location plan marked to illustrate the effective linking of the two villages by the application site shown outlined in red and the extent of the ribbon development that would be created by the proposed further extension of the village of Craigdallie into the application site.

Therefore, and for the above reasons, we would submit that the current proposal is clearly contrary to Policy 19 Housing in the Countryside and its associated Supplementary Guidance and no material planning reasons have been provided which would justify setting aside adherence to policy.

## **2. Policy 6 – Settlement boundaries**

This policy is clear, that for those settlements which have a boundary defined in the Local Development Plan, which includes Kinnaird, that built development will be contained within that boundary. There are only very limited criteria allowing for development to be permissible. In the current circumstances the proposed development does not meet any of the stated criteria, it is not for the diversification of a rural business, is not justified for any operational or locational need and is not required to address any identified housing shortage.

The appellants suggest that the existence of the retained field access means that the site does not adjoin the settlement boundary of Kinnaird and that thus Policy 6 should not apply. This is disingenuous. There is no specific requirement in the Local Development Plan that Policy 6 will only apply if a proposed site is **immediately** adjacent to a settlement boundary. The site is within just a

few metres of the Kinnaird settlement boundary as shown on the attached plan. In our opinion the actual distance is irrelevant if, when viewing the site in its setting, it would appear to "the man in the street" as adjacent to the existing settlement. The appellant's interpretation would run entirely contrary to the spirit and aim of the Policy which, as correctly stated by the planning officer, is to avoid sporadic and *ad hoc* expansion of those large building groups that have already been allocated settlement boundaries.

Therefore, and for the above reasons, we would submit that the current proposal is clearly contrary to Policy 6 Settlement Boundaries and no material planning reasons have been provided which would justify setting aside adherence to policy.

### **3. Policy 1A – Placemaking**

This policy requires development to contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

While it is accepted that the proposed may not have a direct impact on the setting of our clients' property, Westmill Farmhouse a Category B Listed building, the proposed development would without question result in the coalescence of the historic building groups of Kinnard and Craigdaillie as previously mentioned. This would have a detrimental impact on the character of the immediate area including the our clients' listed farmhouse.

Therefore, and for this reason, we would submit that the proposal is contrary to Policy 1A Placemaking as the development would not contribute positively to the surrounding built environment.

### **4. Allegation of bias etc**

The appellants make certain comments about the planning officer's assessment of the application which we consider to be inappropriate and unjustified. It is alleged that the planning officer's decision is "contrived" and that a case for refusal has been "constructed". It is also suggested that the decision was made on the basis of "first impressions" rather than in line with planning considerations and further that it was made "without unbiased assessment".

No evidence has been provided for any of these allegations and we consider them to be wholly unwarranted. In our clients' opinion the planning officer has properly considered the application taking into account the relevant planning policies and a decision reached, albeit not to the applicants' liking, in line with those policies.

The appellants suggests that the approval of planning permission and the delivery of development would stimulate "economic recovery in a post Covid environment". Recovery from a pandemic is not a ground to grant an application for development and, with respect, the appellants, already have an extant planning permission for the adjoining site that could be developed if they so wish.

The aim of the planning system is indeed "to achieve the right development in the right location: it is not to allow development at any cost." In our view the decision of the planning officer was correct in that this development is simply not "in the right place" for all of the reasons we have given. It is contrary to policies 6, 19 and 1A in the Local Development Plan

2 and associated Housing in the Countryside and Landscape Supplementary Guidances and no material planning considerations have been given to justify departure from policy.

We would ask you to consider not only this letter but also our initial objection dated 18 May. Our clients fully endorse the refusal of the application and would strongly urge the Local Review Body to dismiss the appeal and concur with the original reasons for refusal (subject to amendment of Condition 1 as stipulating that the refusal is due to potential development causing ribbon development.)

Yours faithfully







## CHX Planning Local Review Body - Generic Email Account

---

**From:** Jon Frullani <Jon@jfarchitect.co.uk>  
**Sent:** 05 November 2020 12:55  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: LRB-2020-24

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please see below representation from my Clients, the Applicants, that they would like this put forward to the Local Review Body.

Regards,

Jon

Jon Frullani Architect Ltd  
Unit 5,  
District 10,  
Greenmarket.  
Dundee  
DD1 4QB  
E: [jon@jfarchitect.co.uk](mailto:jon@jfarchitect.co.uk)  
W: [www.jfarchitect.co.uk](http://www.jfarchitect.co.uk)  
T: 01382224828  
M: 07808726306



JON FRULLANI  
ARCHITECT

WITHOUT PREJUDICE

Smithy Cottage,  
Kinnaird,  
Inchture,  
Perth,  
PH149QY.

4th of November 2020.

Dear sir,

YOUR Ref, :- LRB - 2020-24  
-----

We are 74year old retirees who have owned and enjoyed a real association with this ground for well over Forty Years.

Our dream has always been to build on it for our retirement. This was curtailed due to a chronic illness and change in circumstances. Hopefully we will proceed with this soonest. This application is to enable one of my daughters and her family to have a home back in the UK. Her husband has just started an accompanied three year posting in Saudi with the MOD. Planning permission will enable my daughter to be on hand to provide nursing support in our dotage.

We are surprised and disappointed by the confrontational tone of the letter from Jameson and Mackay, which has upped the Anti.

All references regarding the objections appear to us to have one persons direct or indirect involvement. We feel the aggressive slant in the letter illustrates the vendetta that has been orchestrated towards us and our application. People who cast aspersions freely, yet retain a profound sense of their own rectitude arouse my suspicion. "The Lady doth protest to much methinks," comes to mind.

I have been involved in the 'Braes of the Carse' for some time and I endorse the main objectives. At the annual general meetings I have attended it is apparent to me that some people think the area should be preserved in aspic and have a bit of 'a dog in the manger' attitude. Then possibly misusing this platform in an attempt to browbeat the local authority and put a straight jacket on the planning department.

This has an adverse effect on the sense of community, particularly those with families who have a long term association with the area.

Addressing the assertion re landscape, I would suggest that 'Landscape Supplementary Guidance,' is just that, for guidance. Our build is designed to enhance the landscape NOT detract from it. The letter then goes on to say Craigdallie is a village, previously it was deemed not even to be a settlement. Please note there has never been any real differential between Craigdallie and Kinnaird eg, Westmill Cottages are in Craigdallie where as short bit along the same road Westmill Farmhouse is in Kinnaird. It is a fact that the grounds of Westmill Farmhouse straddles the old March line, it could be construed that the 'border' is 30 metres West of the Craigdallie sign. Incidentally the Kinnaird village sign is round the corner over half a kilometre up the road away.

The past owners of the house we currently live in, owned and worked the land at Craigdallie. They stabled their horses there and walked the short distance across the holding home each day. If you want to go back to the Middle Ages the settlements of Pitmiddle and Craigdallie were accorded protection for man and beast within the old Moat and Bailey castle at Kinnaird when threatened.

Nobody is more aware of or sensitive to the history of this part of the Carse than I am. I stand by my record of preservation, maintenance and enhancement of the ground and buildings that I am, and have been, responsible for, in Kinnaird and Craigdallie.

Following on, to me there has not been an error in handling it shows a different interpretation, it could read as a veiled threat to the planning officer. The counter argument is a lot stronger showing the plot is within the settlement boundary.

The opinion in the letter is being expressed as true, when it actually flawed. I see it as an erroneous assertion. So too, saying houses are linear when they are staggered.

Historically all the houses at Craigdallie are on the North side of the the High Carse Rd, naturally built above that line to obviate any flooding risk; so if anything it is in keeping with historic tradition.

Settlement boundaries will not be affected and the emotive use of words like disingenuous are misleading, a gap is a gap and the distance could be negotiated but no criteria was available, asked for or alluded to by anybody, the sense of place will not change NOR will there be any adverse visual impact.

I would counteract the last paragraph by saying that the object of planning is to protect and improve the environment. This build will do both and provide a much needed post Covid home. Not only will it be of a high quality design, sensitive to the local vernacular but in time could be a listed building in its own right.

Yours sincerely,  
Michael R. Burton

pp for M R and JS Burton.