

TCP/11/16(589) – 18/01994/FLL – Erection of a dwellinghouse and formation of vehicular access, land 40 metres north of Bradyston Cottage, Murthly

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TCP/11/16(589) – 18/01994/FLL – Erection of a dwellinghouse and formation of vehicular access, land 40 metres north of Bradyston Cottage, Murthly

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100153831-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.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 and Mrs"/>	Building Name: <input type="text" value=""/>
First Name: *	<input type="text" value="C and M"/>	Building Number: <input type="text" value=""/>
Last Name: *	<input type="text" value="Pryde"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text" value=""/>	Address 2: <input type="text" value=""/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text" value=""/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value=""/>
Fax Number:	<input type="text" value=""/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="N of Bradyston Cottage, Murthly"/>			
Northing	<input type="text" value="738312"/>	Easting	<input type="text" value="309531"/>

Description of Proposal

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

Erection of a dwellinghouse and formation of vehicular access.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to submitted Statement of Reasons for Seeking Review.

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

☐ Yes ☒ No

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

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

Statement of Reasons for Seeking Review, Location Plan, Existing Site Plan, Proposed Site Plan, Proposed Floor Plans and Elevations, Visualisations 1 and 2, Visualisations 3 - 7, Supporting Planning Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01994/FLL

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

05/11/2018

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

29/01/2019

Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

There may be difficulties with accessing the site from the road.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Alison Arthur

Declaration Date: 14/02/2019

Notice of Review of Planning Application 18/01994/FLL

Erection of dwellinghouse and formation of vehicular access N of Bradyston Cottage, Murthly



**Mr & Mrs Pryde
February 2018**



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Statement of Reasons for Seeking Review

- 1.0 Introduction**
- 2.0 Site Description and Proposal**
- 3.0 Planning Considerations**
- 4.0 Response to Reason for Refusal**
- 5.0 Conclusion**





1.0 Introduction

1.1 We submitted a planning application (18/01994/FLL) in November 2018 on behalf of our clients, Mr and Mrs Pryde, for the erection of a dwellinghouse and formation of a vehicular access on land to the north of Bradyston Cottage, west of Murthly.

1.2 The application was refused under delegated powers by the Council's appointed officer on 29th January 2019.

1.3 We aim to demonstrate to members of the Local Review Body that the proposal is acceptable in terms of Perth & Kinross Council's Development Plan policies and supplementary guidance and that approval of the application is justified.

1.4 In summary we make the following points:

- ✓ In his comprehensive assessment, the case officer stated that he fully supported the proposal in terms of the Council's Local Development Plan policies and associated guidance in all but one issue. His **reluctant refusal** was only based on the outside edge of the site being partially undefined although noted that it was a difficult decision to make.
- ✓ The location and form of **the site tucked between two property boundaries gives it a sense of containment** even though every boundary is currently fully defined on two sides and not four. The new house to the west had only 2 definable boundaries when it was approved 3 years ago. (Further details in the body of the report)
- ✓ Although the site will have two new boundaries these will quickly become established parts of the landscape character of the area with the native hawthorn hedging and tree planting proposed. A suitable condition to ensure this would be gratefully agreed.
- ✓ We do not consider that the proposal is 'backland' development as the site has its own separate driveway, is not located within existing garden ground and there will be no adverse amenity impacts on the neighbouring cottage. **This terminology refers to development of a house immediately behind another and where they share the same access and build in existing garden ground.**
- ✓ We believe that the layout and character of the Bradyston building group is such that the proposed site can provide **an appropriate addition to the group, forming an attractive landscaped end point and enhanced eastern boundary to the group.**
- ✓ Overall, we contend that the proposal meets with the aims and objectives of the Council's approach to housing in the countryside in that **it is not for an isolated countryside site and neatly rounds off the existing building group with no opportunities for further development in the future.**

2.0 Site Description and Proposal

2.1 The site of Mr and Mrs Pryde's proposed dwellinghouse lies to the south west of Murthly, accessed from a private road. The site is adjacent to Bradyston Cottage to the south, with Little Bradyston (Bradyston House) lying to the west, set within large wooded grounds. A further four cottages front the road, to the west. A recently developed house, Stones Reach, lies to the east of the cottages. To the east of this new house, Bradyston Farmhouse also lies to the north of the private road, accessed by a driveway.

2.2 Mrs and Mrs Pryde are seeking full planning permission for the erection of a 3 bedroom detached dwellinghouse with associated garden ground, landscaping and access. Access to the site is proposed from the private road leading from the B9099. It is proposed to include significant landscaping into the scheme, including hedge planting on boundaries and lining the driveway along with additional tree and shrub planting, enhancing the landscape structure for the proposed house.

2.3 The proposed house is, for the main part, single storey (and attic) with a lower single storey extension. It is of contemporary design but reflects the character of traditional local building. 3D visualisations are included in this submission. The case officer welcomed these, highlighting in his report that ***'the applicant has accompanied the planning application with a series of visuals which are considered very useful in demonstrating the likely (visual) impact of the proposed dwelling'.***

3.0 Planning Considerations

3.1 **The case officer's assessment made the following points which highlight the general acceptability of the proposal:**

- ✓ **Land Use Acceptability** – The site extends an established building group, lying to the east of the buildings at Bradyston, one of the Council's accepted locations for new housing in the countryside as set out in Policy RD3 Housing in the Countryside and Housing in the Countryside Guidance. The only concern being that the site has two clearly defined boundaries instead of 3 or 4
- ✓ **Visual Amenity, Design and Layout** - The proposed house is of acceptable traditional design, in character with the rural area. It is an appropriately sized house sitting comfortably within its overall plot and with no adverse impact on visual amenity of the surrounding area.

- ✓ **Residential Amenity** – There are no concerns regarding residential amenity issues. In considering the representation from the neighbour of the site, to the south, the case officer's assessment concluded that there will be no issue with loss of sunlight/daylight (with the proposed dwelling lying to the north) and no overlooking or loss of privacy.
- ✓ **Roads and Access** - There are no concerns with the proposal in terms of access and parking. Noting the concerns raised in the letters of representation relating to maintenance and upkeep of private accesses it was highlighted that these matters are not with the scope of the planning system.
- ✓ **Drainage and Flooding** - The case officer had no concerns with drainage or flooding matters meaning that these would be adequately dealt with through an appropriate condition attached to any consent.
- ✓ **Conservation Considerations** - There will be no adverse impact on the adjacent Bradyston House, a listed building, or its setting. The site is not intervisible with the listed building. It is only at around 500m distance from the site that they can both be seen in the same view, not considered to be an issue affecting the setting of the listed building.
- ✓ **Impact on Trees** – The trees adjacent to the western boundary of the site are not a constraint to the proposed development. The case officer concluded that tree roots can be suitably protected using a condition attached to any consent.
- ✓ **Developer Contributions** – The case officer notes that the only requirement for developer contributions in relation to the proposal is a contribution of £2,639 to be secured for transport infrastructure. The applicant is content to pay this amount prior to any consent being issued.



Site viewed from east



4.0 Response to Reason for Refusal

4.1 Mr and Mrs Pryde believe that, with respect, their proposal can meet with all the requirements of the Council policy as set out in the Perth and Kinross Local Development Plan 2014 and supplementary guidance.

4.2 The single reason for refusal is stated as:

- '1. The proposal does not extend the existing group into a definable site formed by existing topography and / or well established landscape features which would provide a suitable setting and would result in 'backland' development which is out of character with the existing building pattern of the existing group of buildings. The proposal is therefore contrary to the specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups do so into definable sites formed by existing topography and / or well established landscape features which provide a suitable setting, and that all new proposals respect the character, layout and building pattern of the existing group.'*

4.3 We contend that Mr and Mrs Pryde's proposal can be given fair consideration in terms of meeting with the specific requirement for a 'defined' site and does not form 'backland' development.

4.4 The case officer considered that, to the south, the site is bounded by the adjacent property and by the access road. To the west he is content that the woodland of the neighbouring property bounds the site, with both these boundaries being contained by existing established features. **Although the other two boundaries will be newly created, we contend that the location and characteristics of the site provide good containment and a definable site. The case officer in describing the site in his report states that 'The site is in an inverted 'L' shape which wraps around the curtilage of a residential dwelling that lies to the south'.** This description

suggests containment and a setting for the dwellinghouse. It is also noted that, in considering the impact of the proposal on the setting of the listed building the case officer states that *'It is also the case that the views from the east, towards the listed building are not remarkable or special in any particular way.'* In this respect the proposal provides an opportunity to enhance the edge of the building group and add to the quality of the views in the area.

4.5 Mr and Mrs Pryde intend to carry out considerable landscaping of the site and the submitted plans indicate their proposal to plant a boundary hawthorn hedge with additional hedgerow trees, typical of the local area, enhancing the setting for the dwellinghouse. This hedge could be planted at an early stage, prior to the commencement of development, and hawthorn having average growth of around 45cm a year, would quickly provide additional containment for the development.

4.6 **We contend that the proposal does not fall within the definition of 'backland' or 'tandem' development. This terminology generally refers to development of a house immediately behind another and where they share the same access. The term often refers to a situation where garden ground is being developed with a potentially unsatisfactory situation arising from difficulty with access and the impact of disturbance and lack of privacy suffered by the house to the front.**

4.7 Although Mr and Mrs Pryde's proposed house will be located on land which is adjacent to the rear elevation of the existing cottage, we contend that this does not constitute backland or tandem development. The proposal will not share any access, with its own driveway from the private road and does not impinge on any garden ground relating to the existing adjacent house. As indicated in the case officer's report, there are no issues with residential amenity and therefore the potential disturbance and privacy impacts of backland/tandem development are not present.

4.8 Although the case officer states that the Bradyston building group sits along the roadside, except for Bradyston Farmhouse, we believe that the group is of such a size and established character that the proposed site would be appropriate in terms of its impact on its character. In essence the group is made up, from west to east, of two semi detached cottages (1 and 2 Douglasfield Cottages), a further cottage at 3 Douglasfield Cottages, the recently developed house at Stones Reach, the listed farmhouse accessed along a driveway, Bradyston House with its notable steading and extensive gardens and Bradyston Cottage, to the east. We believe that although, predominantly, these properties are not located at a distance back from the access road located there is not enough uniformity to give a cohesive pattern to the group's layout. **We contend that the proposed location of Mr and Mrs Pryde's house provides an opportunity to create a well landscaped and attractive 'end' point to the group.**

4.9 We highlight that the newly developed house at Stones Reach (15/01312/FLL) was assessed at the time of the application as a ‘gap’ site bound on all sides by the private access to the south, Douglasfield Cottages to the west, woodland to the north and Little Bradyston and the access to Bradyston farmhouse to the east. However, we do not consider that the boundaries of this site, which include two open boundaries adjacent to roads, although acceptable in policy terms, give significantly more containment to the site than that which can be provided at Mr and Mrs Pryde’s proposed site.

4.10 The Council’s Housing in the Countryside Guide states that all proposals in the countryside must meet with a range of criteria including that the proposal *‘in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity’.*

4.13 We contend that the proposal fully meets with this above criterion guiding the general acceptability of housing in the countryside.

5.0 Conclusion

5.1 With respect, we ask that the Perth and Kinross Planning Review Body consider their review of this application favourably and that the proposal can be assessed as acceptable in terms of the Council’s Local Development Plan 2014 policies and associated guidance.

Contour 73m



ex
Level
73.2m

EX
Level
73.5m

Ex
Level
73.6m

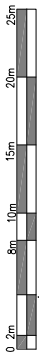
post and wire fence

ex
Level
73.5m

ex
Level
73.7m

ex
Level
73.6m

Contour 74m



Scale Bar 1:200 @A1

407



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& Architectural Design

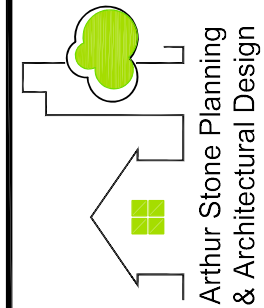
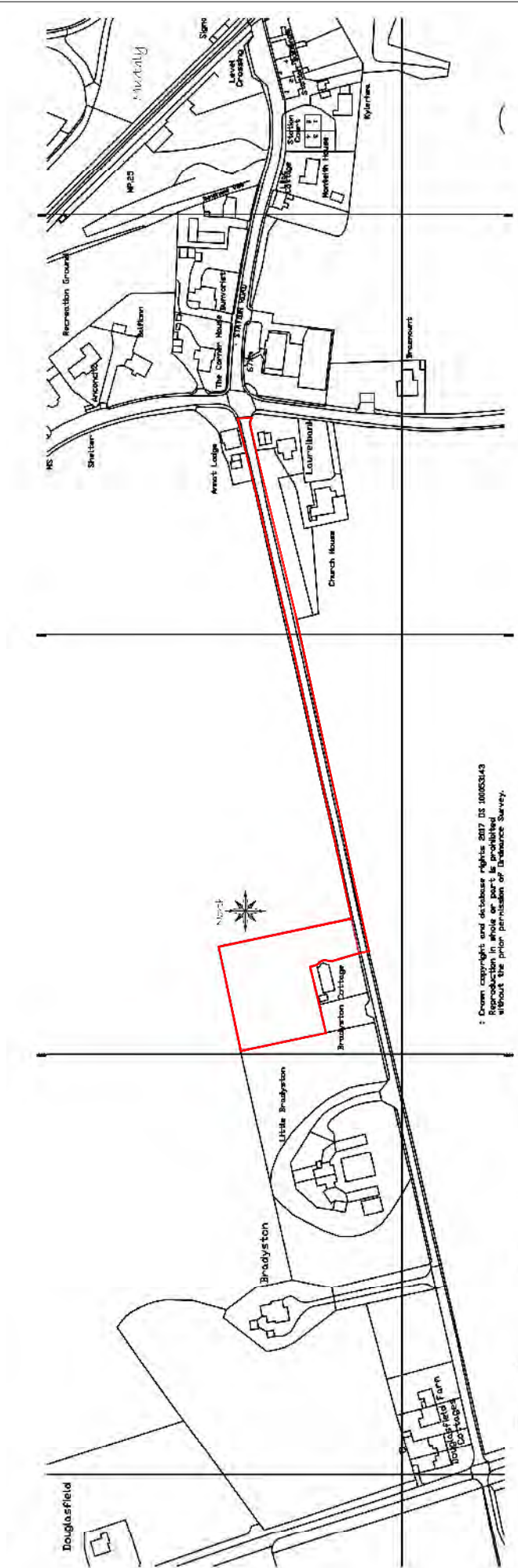
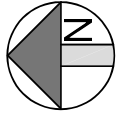
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Bradyston , Murthly

Drawn
Existing Site plan

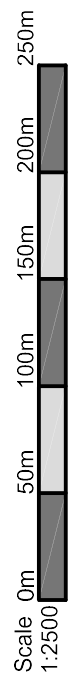
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Bradyston , Murthly

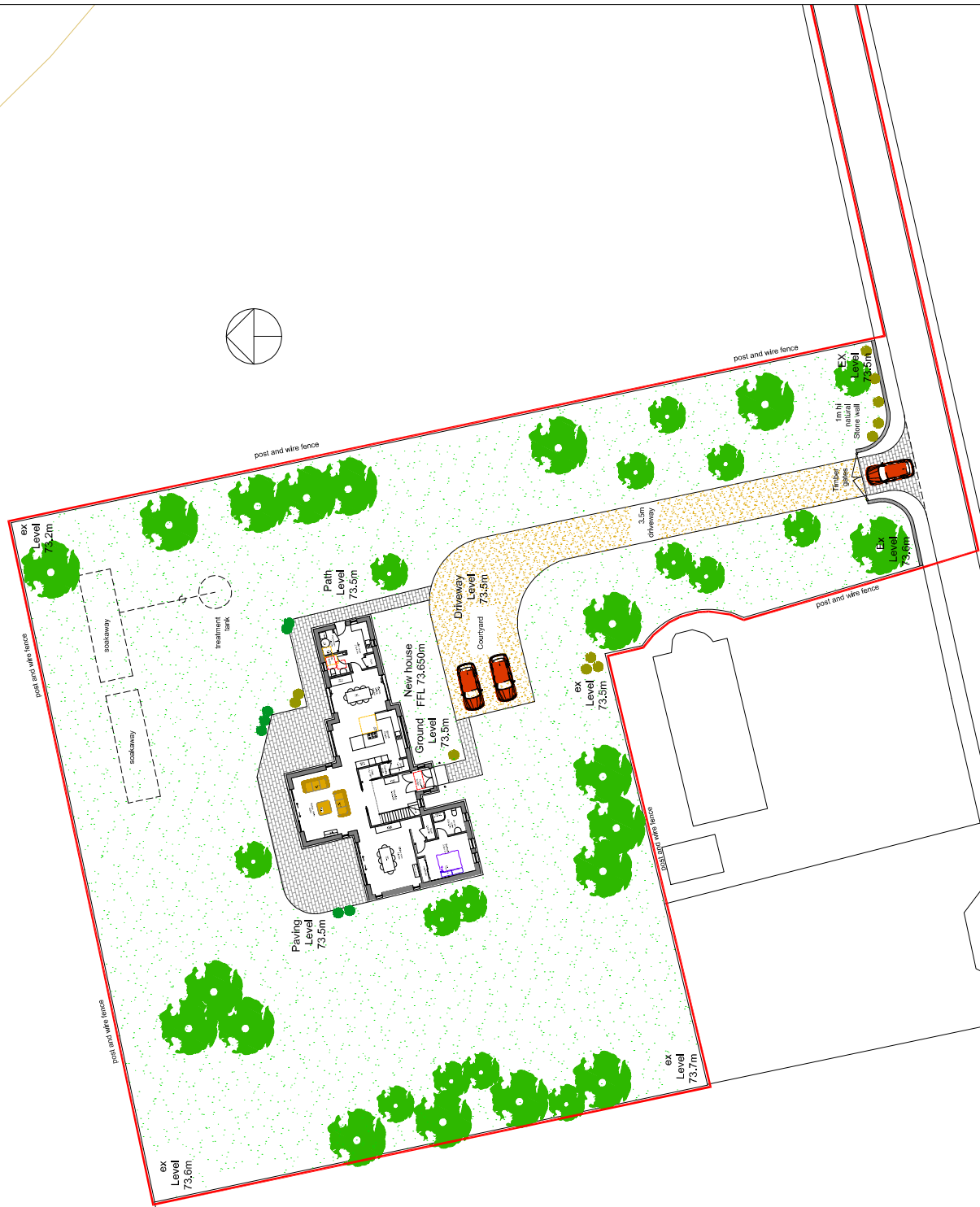
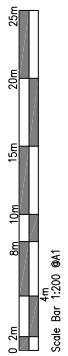
Drawn
Existing Site plan

Drawn	Scale	Sheet	Rev
Arthur Stone	1:200 @ A1	Aug 2016	2016 PD 03



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		REV	

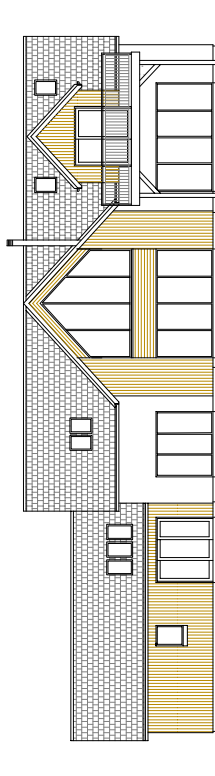
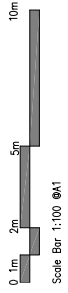
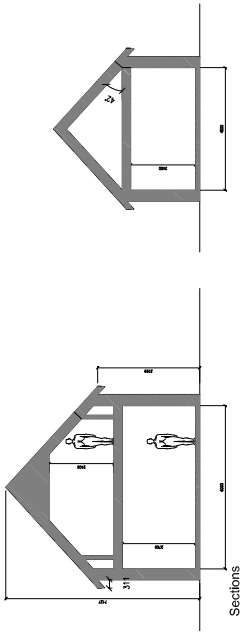




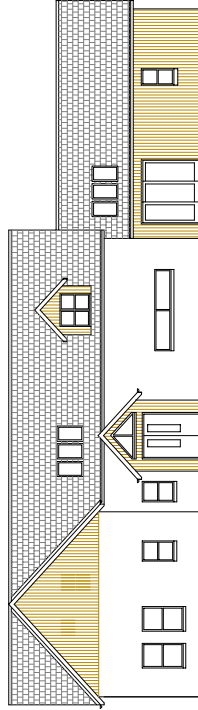
Proposed Site plan

Arthur Stone Planning & Architectural Design

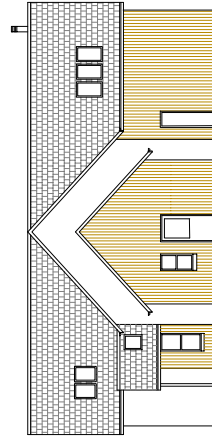
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Client		Bradyston, Murthy
Site		Proposed Site plan
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Checked	Aug 2016	1:200 @ A1
Revised		2016 PD 02
Sheet		C



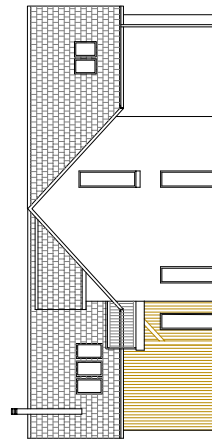
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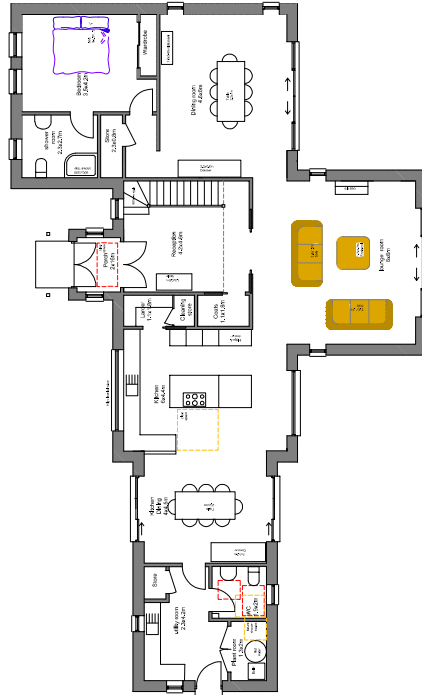
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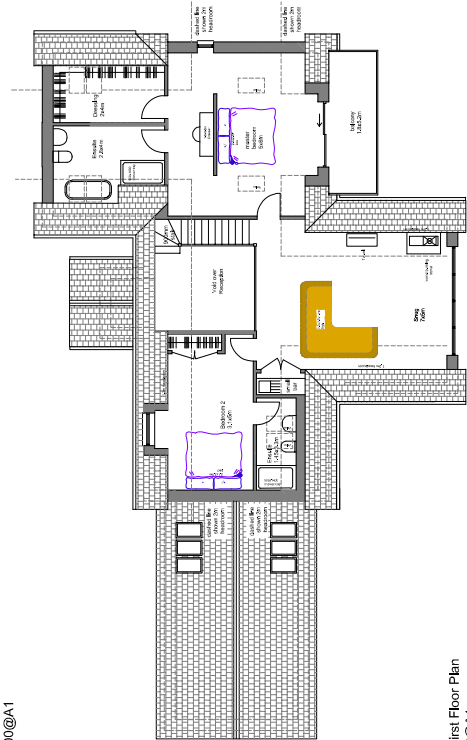
Proposed East Elevation
Scale 1:100@A1



Proposed West Elevation
Scale 1:100@A1



Proposed Ground Floor Plan
Scale 1:100@A1



Proposed First Floor Plan
Scale 1:100@A1

Planning Statement

**Erection of dwellinghouse on land at
Bradyston, Murthly.**

Mr and Mrs Pryde

October 2018



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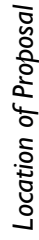


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04 Principle of Development

05 Detailed Policy Considerations

06 Conclusion



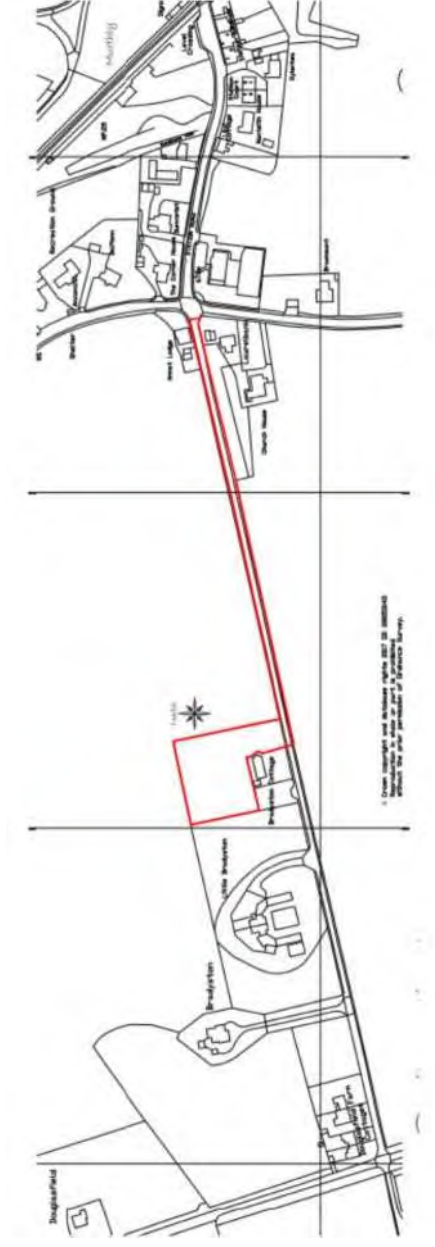
This statement has been prepared for Mr and Mrs Pryde to support their application for planning permission for a single dwellinghouse on land at Bradyston, Murthly.

This statement provides supporting information which we trust will assist the Council in its decision-making process. The planning policies of the Adopted Perth & Kinross Local Development Plan 2014 have been the basis for the justification of the proposal, along with current supplementary guidance. We recognise that the Proposed Perth & Kinross Local Development Plan 2 is also a material consideration.

We would welcome feedback from the case officer on any additional information which may aid the assessment of the proposal. We will be pleased to discuss any aspect of the proposal prior to a decision.



Location of Site



Location Plan—Not to scale

02 Site Context and Appraisal

The site of the proposed development lies to the south west of the village of Murthly, approximately 350m from its western edge on Station Road. It is accessed from a private road running west from the B9099, connecting Stanley, to the south, through Murthly and to Caputh to the north. The A9 lies to the west.

The site, of approximately 0.39ha is adjacent, to the south, to Bradyston Cottage, a traditional single storey house forming part of a cluster of dwellings lying along the north side of the private road. Little Bradyston (Bradyston House) lies to the west, set within large, wooded grounds. A further four cottages front the road, to the west. A recently developed house, Stones Reach, lies to the east of the cottages. To the east of this new house, Bradyston Farmhouse also lies to the north of the private road, accessed by a driveway.

Murthly (and Gellyburn) together form a fairly large village, with significant recent development. A further site for housing development, on the western edge of Murthly, is identified in the Proposed Perth & Kinross LDP2. The village is provided with a range of services and facilities including local convenience store, Post Office, garage/fuel services, village hall and restaurant/café. Access to public transport is available with bus stops on the B9099. The local Murthly primary school is situated on the B9099, close to the application site and to the south of the village.

There are no watercourses in the vicinity of the site with the nearest being the river Tay flowing over one kilometre to the north and the Gelly Burn at a distance of approximately 500m to the west.

The Murthly area is provided with an extensive network of core paths, with a range of local and more extensive routes linking into the wider area.



Site viewed from east near junction of private access road with B9099

The private road accessing the site is a signposted core path and connects both east to Murthly, west to Dunkeld and beyond and south to Perth.

Bradyston Farmhouse, to the west, is a category B listed building. The remaining buildings in the cluster are unlisted but have a traditional vernacular style associated with estate buildings in this area. The recently developed house at Stones Reach is of traditional scale and character reflecting the design of the neighbouring cottages and with the front elevation having the appearance of a single storey cottage.

The surrounding area, to the east, is predominantly agricultural with greater areas of forestry and woodland lying to the west. An extensive swathe lying to the west of the cluster beyond the road leading north to Douglasfield Farm forms the designed landscape associated with Murthly Castle. The part closest to the site is predominantly forestry.



View from site toward SE—rear of Bradyston Cottage and edge of Murthly



View of site toward NW—Bradyston Cottage and boundary of Little Bradyston (Bradyston House)

The applicant is seeking full planning permission for the erection of a 3 bedroom detached dwellinghouse with associated garden ground, landscaping and access.

Access to the site is proposed from the private road leading from the B9099. It is proposed to include significant landscaping into the scheme, including hedge planting on boundaries and lining the driveway along with additional tree and shrub planting, enhancing the landscape structure for the proposed house.

The proposed house is, for the main part, single storey (and attic) with a lower single storey extension. It is of contemporary design, but reflects the character of traditional local building. The design gives the appearance of a traditional single storey and attic dwellinghouse with dormer/ rooflights on its south facing (public) elevation. The east part of the house is formed from a smaller scale single storey timber clad extension, again reflecting the character of traditional local dwellings with attached buildings. Rooflights in this part provide light to the ground floor.

The south elevation, in the public view as part of the Bradyston housing cluster, is predominantly traditional in its design and detailing. Windows have, in the main, traditional vertical emphasis and the entrance porch and small dormer are traditional in design. A contemporary horizontal high level window provides light to the kitchen.

The more contemporary design elements are focused on the north elevation including extensive full height glazing as a predominant element, partial timber cladding and a single full height dormer accessing a timber balcony. These features reflect the modern nature of this dwellinghouse in the traditional design of the area. Particular note has been taken of the design process relating to the new dwelling in the cluster, Stones Reach, in preparing this proposal.

The materials and finishes used will include white smooth render with the timber cladding. Windows and doors will be timber double glazing with an anthracite colour aluminium external finish. Rainwater goods will be matching anthracite UPVC. Roofing will be in natural slate.

Overall, the proposal maximises the opportunities of the site, proposing contemporary accommodation while recognising the particular character of the buildings in the surrounding rural area and the amenity of the neighbouring property.





The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2014. We note that Perth & Kinross Council's settled view in terms of land use planning is contained within the Proposed Local Development Plan 2, now submitted to the Scottish government for Examination. We recognise that this Plan is now a material consideration in the determination of planning applications.

Perth & Kinross Council's supplementary guidance is also a material consideration in the assessment of this proposal, including the Housing in the Countryside Guide (2014).

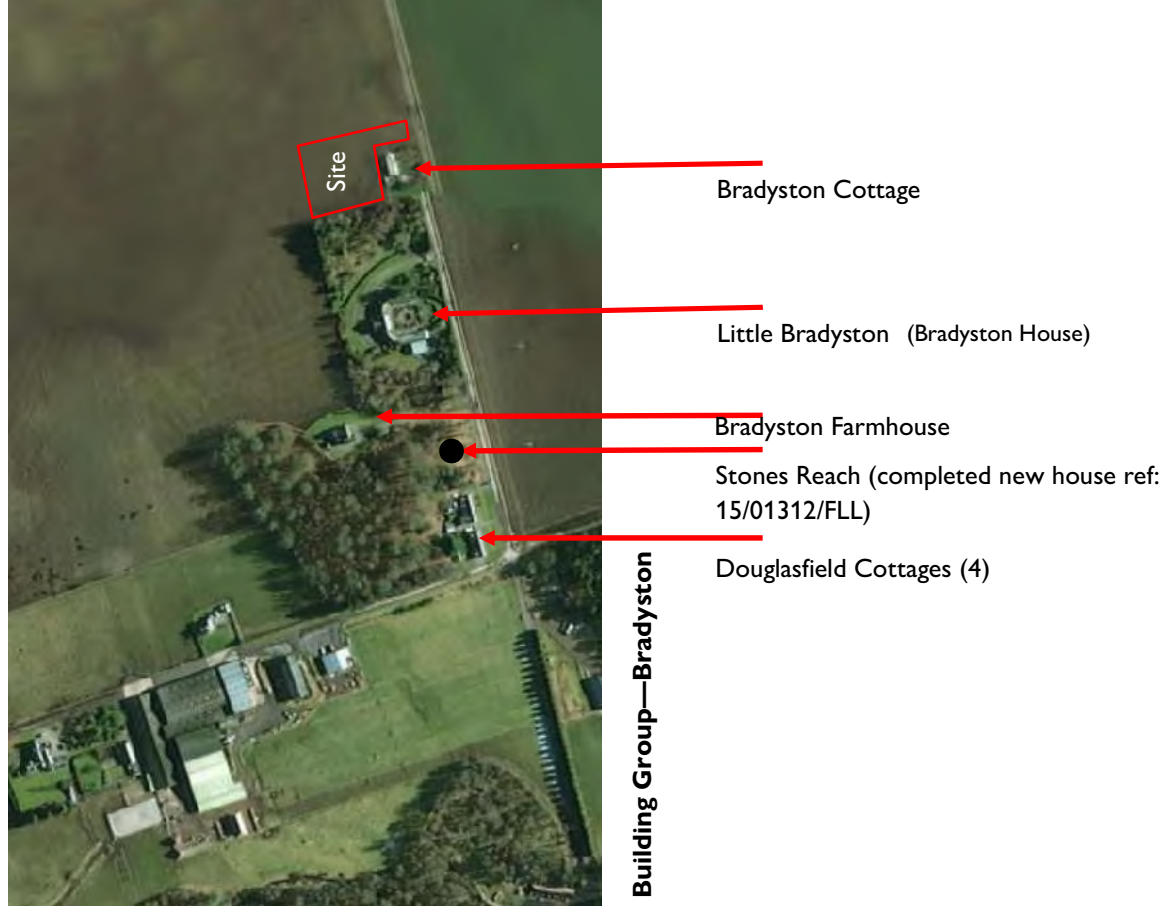
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The site is not allocated for development and is not subject to any site specific policy related designation. The cluster of dwellings is not identified with a settlement boundary in the Local Development Plan, with the site therefore lying in the 'countryside' policy area.

Policy RD3: Housing in the Countryside provides support for housing proposals in the countryside where they fall within specific categories. We contend that this proposal gains support in terms of category (a) Building Groups. The policy highlights the detailed requirements set out in the relevant Perth & Kinross Council Supplementary Guidance, the Housing in the Countryside Guide.

The Housing in the Countryside Guide defines Building Groups as 3 or more buildings of a size of at least equivalent to a traditional cottage whether residential and/or business/agricultural).

The Guide also details other criteria to be met for all proposals in the countryside including access, servicing, design and amenity, addressed in this submission.



The Supplementary Guidance includes that:

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

The site lies adjacent to the cluster of dwellinghouses made up of Bradyston Cottage, Little Bradyston (Bradyston House), Bradyston farmhouse, Stones Reach (recently completed and the subject of planning consent 15/01312/FLL) and the two sets of semi-detached properties, Douglasfield Cottages. Overall, the cluster meet the Council’s definition of a ‘Building Group’.

The proposal is for the extension of the ‘Building Group’ and we contend that the site is suitably well defined to provide a suitable setting for this well sited and designed new development, compliant with the policy. The site is bounded by Bradyston Cottage and the private access road to the south and the extensive grounds of Little Bradyston (Bradyston House) to the west. The backdrop of trees and the positioning of the dwellinghouse on this corner of land formed by the boundaries of the other two properties provides a ‘definable’ site which will provide an appropriate setting.



Location of site and Bradyston Cottage (not to scale)

Design and Visual Amenity

Local Development Plan Policy PM1A Placemaking requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B Placemaking lists criteria to be met by all development proposals:

- 'a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.'*

The design for the dwellinghouse on this site gives consideration to the scale and form of surrounding buildings and take into account the local vernacular in proposing an appropriate design for the location. Although the nearby Bradyston farmhouse is a B listed building and Murthly estate is included within the Inventory of Gardens and Designed Landscapes we do not consider that this proposal will have any impact on the setting or appreciation of these heritage assets.

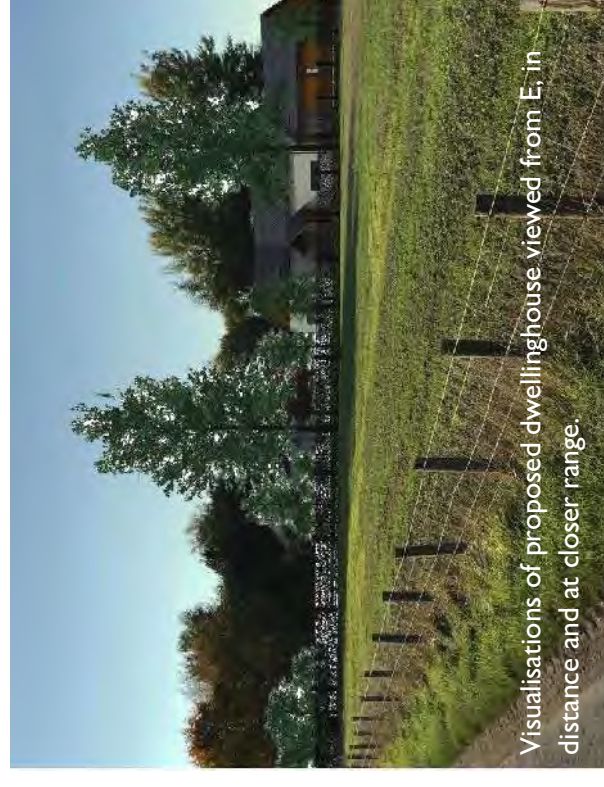
The proposed dwellinghouse has traditional proportions with a mix of traditional and contemporary materials and finishes used. Living space is also provided at attic level. This is achieved with roof lights and dormers. The small dormer on the south (public) elevation maintains the appearance of a single storey cottage. The more modern design elements, are focused on the north elevation, with no public view. A lower ridge height extension to the side will break up the mass of the building and reflects the traditional appearance of an attached smaller outbuilding. The materials proposed, including timber, white render and natural slate are appropriate in the context of surrounding buildings. Note has been taken of design process relating to the new house at Stones Reach and the elements of this design which were recognised as meeting with the Council's policies and guidance in approving the proposal. Overall, the design recognises the particular traditional character of nearby buildings within the cluster, as part of the estate history of this area, maintaining this distinctive characteristic.

The proposed house will be provided with a natural backdrop in terms of the existing woodland and boundary trees adjacent at Little Bradyston (Bradyston House) and Bradyston Cottage and the more distant forestry associated with the Murthly estate. The backdrop of trees and the dwellinghouse and associated garden ground at Bradyston Cottage provides a well contained setting for the proposed dwellinghouse. It will not be prominent on the skyline in distant views and will appear as an appropriate addition to this group in nearby views. The layout and design will enable the proposed house to read as part of the building group.

This Bradyston building group is characterised by all the dwellinghouses lying to the north of the private road. The Douglasfield cottages and Stones Reach all lie towards the roadside whereas the larger Bradyston farmhouse is approached by a driveway and substantial Little Bradyston (Bradyston House) and its extensive landscaped grounds is a prominent feature in the centre of the cluster. The proposed house, on its site, will provide balance to the layout of the group, lying to the north of the road and accessed by a driveway. It contributes to the character of the cluster and does not form ribbon development.

The site is suitably well sized to enable greater enclosure to be created with additional landscaping and the spacious settings reflects the general layout of sites in the surrounding area.

The proposal would retain the essential rural nature of the surroundings with no fundamental change to the qualities of the local landscape and the surrounding area, with a range of both traditional vernacular buildings and modern additions set within a wooded and agricultural landscape.



Visualisations of proposed dwellinghouse viewed from E, in distance and at closer range.

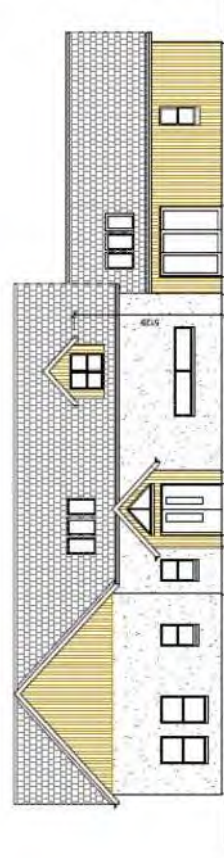
Residential Amenity

In terms of the amenity of the proposed dwellinghouse, the site provides opportunities to make the best use of site layout and design to orientate the house to maximise solar gain and daylight and minimise energy demand, while also maintaining the amenity of Bradyston Cottage. The adjacent woodland is to the west and not considered to cause any significant issue in terms of overshadowing. The site size is sufficient to provide adequate plot ratio with spacious garden ground. Perth & Kinross Council's Placemaking Guide (2017) states that *'As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bed roomed house and 80 square metres for 3+ bedrooms. This proposal exceeds the plot ratio guidelines with spacious garden ground, appropriate to a rural location.*

This proposed house has been designed with attention paid to ensuring it will no adverse impact on the amenity of the occupants of Bradyston Cottage, to the south. The cottage has no garden ground to the rear (facing the proposed house) and limited window openings. The design will create no issues in terms of overlooking of the neighbouring garden ground and window distances will be sufficient to ensure no loss of privacy. There will be no loss of daylight or sunlight to the neighbouring property. Overall, we contend that the proposal would fully comply with the amenity considerations contained within the Local Development Plan policy PMB1: Placemaking and the related Placemaking supplementary guidance.



Rear N elevation of Bradyston Cottage



Proposed S elevation (facing rear of Bradyston Cottage) Not to scale

Transport and Access

Local Development Plan policy TA1B Transport Standards and Accessibility Requirements—New Development Proposals states that ‘*All development proposals that involve significant travel generations should be well served by, and easily accessible to all modes of transport.*’

We do not consider that this proposal is likely to fall within the policy’s definition of ‘significant’ travel generation. Nonetheless we contend that this site is well located and accessible.

There are many opportunities for active travel with an extensive network of core paths available from the site. Public transport is nearby with frequent bus services run through Murthly connecting to Blairgowrie and Perth, with bus stops close to the junction of private road and Station Road, approximately 400m distance. Rail stations are relatively close by at Dunkeld to the north and Perth to the south. Public transport and active travel routes are widely accessible in the area surrounding the site, reducing the reliance on car use.

Along with the opportunities to minimise any reliance on the private car, travel from the site by car provides quick and direct access to main public transport hubs along with access to the main road network with the A9 to the north/south within a short distance and good links to the east into Angus and to Dundee.

The proposed access to the site is from a private road on to the B9099 at a four way junction with Station Road. There is good visibility in all directions from this junction. The proposal for a single dwellinghouse will not, we contend, generate additional traffic sufficient to cause any issue in terms of road traffic or pedestrian safety.

Overall we believe that the proposal will have no detrimental impact on the operational capacity or road safety aspects of the surrounding road network and the location of the proposed house will enable the future residents to make sustainable travel choices.

Built Heritage

Local Development Plan Policies HE2: Listed Buildings and HE4: Gardens and Designed Landscapes protect these specific assets of the built heritage.

The category B listed Bradyston Farmhouse is located to the north west of the application site. However, it is almost 200m distant and separated from the proposal site by the mature wooded grounds of Little Bradyston. It is considered that the proposed house will have no impact on the setting of Bradyston Farmhouse. The remaining buildings in the cluster are unlisted but have a distinctive traditional vernacular style associated with estate buildings in this area.

The grounds/wider landscape associated with Murthly Castle lie to the east of the site and are included within the Inventory of Gardens and Designed Landscapes. The Historic Environment Scotland description of the landscape indicates the value of the landscape in contributing to the surrounding Tay Valley scenery and providing a setting for several category A listed building, associated with Murthly Castle which lies on the south bank of the River Tay, approximately 3km to the north west.

Although the boundary of the designation extends to the western end of the Bradyston cluster, lying along the track to Douglasfield Farm, this part of the landscape is characterised by forestry plantation. It is not considered that this proposal will have any impact on this heritage landscape, in terms of its value as a setting for listed building or in terms of its other merits. The nature of the Bradyston building group within a wooded setting provides a backdrop for the proposed house and it will not be viewed in the landscape in any way which could have an impact on the historic designed landscape.

Green Infrastructure

Local Development Plan Policy NE4: Green Infrastructure requires all new development to *'contribute to the creation, protection, enhancement and management of green infrastructure'* indicating several actions to achieve this infrastructure.

The site is well sized and located to provide ample garden ground along with landscaping/tree planting/hedging to enable this proposal to be well integrated within its wider setting and with the wider green network. The relatively low biodiversity of the agricultural land can be enhanced with new planting and management, providing valuable wildlife habitat and contributing to enhancing green corridors in the extensive agricultural area.

Flooding and Drainage

Local Development Plan Policy EP2: New Development and Flooding has a presumption against development *‘where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere’*.

The policy also states requirements to ensure allowance for adaptation to increased flood risk associated with climate change. Of most relevance to this proposal is that it should not increase the rate of surface water runoff from the site.

There are no watercourses in the vicinity of the site with the nearest being the River Tay flowing over one kilometre to the north and the Gelly Burn at a distance of approximately 500m to the west. The SEPA Flood Maps do not show the site at any level of risk from river flooding or from surface water flooding in compliance with Policy EP2 in relation to any flood risk.

Policies EP3B: Foul Drainage and EP3C: Surface Water Drainage and the Council’s Developers Guidance Note on Flooding and Drainage (2014) set out the foul and surface water drainage requirements.

A treatment tank and soakaways are shown on the site plan, to the north of the proposed dwellinghouse, with plentiful garden ground able to accommodate this infrastructure. It is anticipated that there should be no difficulty with this drainage strategy in terms of delivering appropriate drainage infrastructure and measures to service this proposed development compliant with the above policies and guidance.

Landscape

Local Development Plan Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes supports development proposals where they do not conflict the the maintenance and enhancement of the area’s landscape qualities and are compatible with its distinctive characteristics.

The area is not included within any of Perth & Kinross Council’s recently identified and locally important Special Landscape Areas. The area is also distant from the National Scenic Area covering the Dunkeld area to the north.

The siting and design of the proposed dwellinghouse recognises the important local characteristics and qualities of the landscape in the Murthly area, although undesignated. We believe that the proposed location sits comfortably within the Bradyston cluster and its existing landscape framework and associated woodland, with no adverse impact on the landscape experience of this area. It will not affect any key views or important landmarks and its character will not alter the rural qualities of this area. Further, the proposal enables opportunities for additional landscape enhancement appropriate to this area through hedge and tree planting.

Natural Heritage

Local Development Plan Policy NE1: Environment and Conservation Policies aims to protect international, national and local conservation sites.

The site is not covered by any nature conservation designation. The nearest area with protected status is the River Tay Special Area of Conservation lying over 1km to the north. This proposal will not be significant in terms of any pressure on the features which form the special interest of this designation, most likely to be in terms of any impact on water quality.

Local Development Plan Policy NE2A: Forestry, Woodland and Trees provides support to proposal which 'protect existing trees, woodland, especially those with high natural, historic and cultural heritage value'.

The woodland to the west of the site and within the grounds of Little Bradyston (Bradyston House) will have habitat value but given the distance between the location of the proposed dwellinghouse and the trees it is not anticipated that these will be impacted by the proposed development.

It is not considered that the site or wider area will cause any species protection issues.

Local Development Plan Policy NE3: Biodiversity seeks to protect all wildlife and wildlife habitats. anticipated to have any adverse impact on the surrounding trees and provides opportunity for additional planting to provide further landscape enhancement and extension to the green network.

Observation of the site would suggest that the existing arable agricultural land is unlikely to be of significant ecological value in terms of its habitat. The development of this site provides an opportunity to provide biodiversity enhancement by replacing agricultural land with garden ground/landscaping which can contain a more diverse species mix and provide enhanced habitat value. Extensive boundary hedge, and tree, planting is proposed.

The proposal is not anticipated to have any adverse impact on the surrounding trees, out with the site, and provides opportunity for additional planting to provide further landscape enhancement and extension to the green network.

Planning Obligations

Local Development Plan Policy PM3: Infrastructure Contributions states that *‘where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision of community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured’*. The current Developer Contributions and Affordable Housing Supplementary Guidance (2016) indicates that financial contributions may be required towards the cost of delivering Education Infrastructure (within the catchment of Murthly Primary School) and Transport Infrastructure (within the PTF Reduced Contribution Area).

The applicant is agreeable to these potential requirements and aware that payments made prior to planning consent being issued removes the need for a legal agreement.

In conclusion we make the following points:

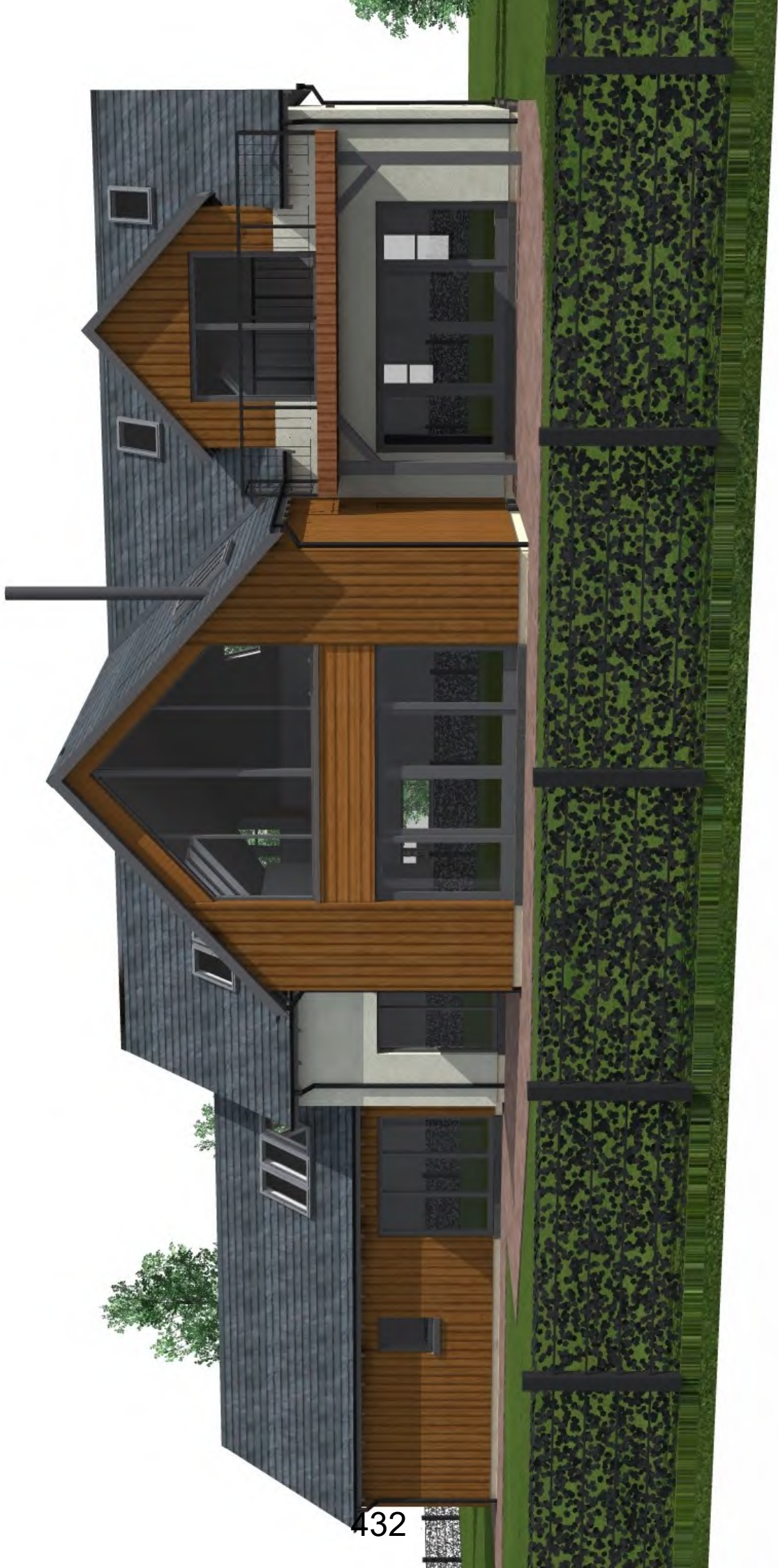
- We advocate that the proposal is supported by the strategy and policies of the Adopted Perth & Kinross Local Development Plan 2014 and material considerations including the Proposed LDP2 and supplementary guidance.
- The proposal respects the residential amenity of the neighbouring property, Bradyston Cottage and maintains amenity for its own future occupants.
- Natural and built heritage assets, including landscape impact, will be respected and enhanced in the development proposal.
- There are no issues arising related to flooding.
- Infrastructure will be provided to meet the needs of the development and will ensure that there will be no adverse impacts in terms of road safety or in relation to other facilities.

With respect, the applicants’ seek Perth & Kinross Council’s support for their proposal.





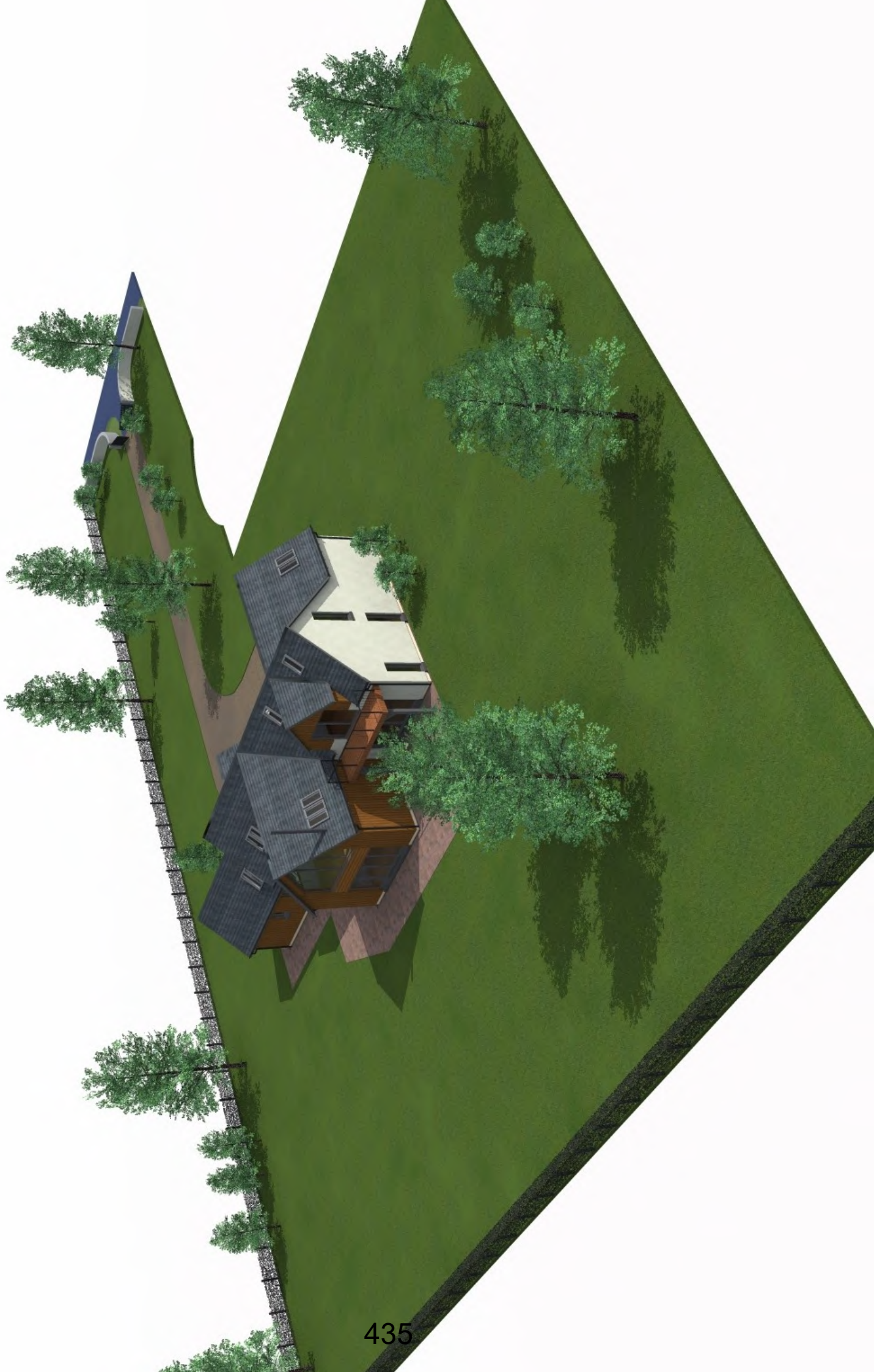






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TCP/11/16(589) – 18/01994/FLL – Erection of a dwellinghouse and formation of vehicular access, land 40 metres north of Bradyston Cottage, Murthly

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 407-435)*

PERTH AND KINROSS COUNCIL

Mr and Mrs C and M Pryde
c/o Arthur Stone Planning And Architectural Design
Limited
Alison Arthur
85 High Street
Newburgh
KY14 6DA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 29th January 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01994/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 12th November 2018 for permission for **Erection of a dwellinghouse and formation of vehicular access Land 40 Metres North Of Bradyston Cottage Murthly** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal does not extend the existing group into a definable site formed by existing topography and / or well established landscape features which would provide a suitable setting and would result in 'backland' development which is out of character with the existing building pattern of the existing group of buildings. The proposal is therefore contrary to the specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups do so into definable sites formed by existing topography and / or well established landscape features which provide a suitable setting, and that all new proposals respect the character, layout and building pattern of the existing group.

Justification

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

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

Plan Reference

18/01994/1

18/01994/2

18/01994/3

18/01994/4

18/01994/5

18/01994/6

18/01994/7

18/01994/8

18/01994/9

18/01994/10

18/01994/11

18/01994/12

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01994/FLL	
Ward No	P5- Strathtay	
Due Determination Date	11.01.2019	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse and formation of vehicular access

LOCATION: Land 40 Metres North Of Bradyston Cottage, Murthly

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of a new dwelling on a rural site outside Murthly, 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: 26 November 2018

SITE PHOTOGRAPH



View looking west from the private road towards the site

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a detailed planning application for the erection of a new dwelling on a rural site, just outside the village of Murthly. The site is an awkward corner of field in an inverted 'L' shape which wraps around the curtilage of a residential dwelling that lies to the south. Also to the south is surfaced private access which already serves several properties and farm fields.

To the west of the site is an area of woodland, whilst the northern and eastern boundaries are undefined and the boundaries of the site simply merge into the larger agricultural field without any means of separation or definition being present.

The proposed house type will offer living accommodation over two levels, with the upper level contained within the roofspace. The proposed dwelling is fairly traditional, with the use of slate, timber features and render. The applicant has accompanied the planning application with a series of visuals which are considered very useful in demonstrating the likely (visual) impact of the proposed dwelling.

Vehicular access to the proposed dwelling would be via an existing shared private access, with a small stretch of new personal, private access proposed to the east of the curtilage of the existing residential dwelling – which is located to the south of the site.

SITE HISTORY

None relating to this proposal.

PRE-APPLICATION CONSULTATION

None undertaken.

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.

Of relevance to this planning application are,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014 and it sets out national planning policies which reflect Scottish Ministers' priorities for

operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of specific relevance to planning application are,

- Paragraphs 74 - 83, which relates to Promoting Rural Development
- Paragraphs 109 -134, which relates to Enabling Delivery of New Homes

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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 2014 – Adopted February 2014

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

The site lies within the landward area of the Local Development Plan, where the following policies are applicable to a new residential proposal.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside

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

Policy HE1B - Non Designated Archaeology

Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

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

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy

(SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

There are no policies or proposals contained within the LDP2 which affect the ultimate recommendation of refusal.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

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

Developer Contributions and Affordable Housing (2016)

This policy outlines the Councils position in relation to developer contributions in relation to primary education, transport infrastructure and A9 junction improvements, as well as our Affordable Housing provision requirements.

EXTERNAL CONSULTATION RESPONSES

Perth & Kinross Heritage Trust have commented on the proposal in terms of local archaeology and have raised no concerns subject to a condition being attached to any permission.

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

INTERNAL COUNCIL COMMENTS

Development Negotiations Officer has commented on the proposal in terms of Developer Contributions and indicated that in the event of an approval being forth coming, a Transport Infrastructure contribution would be required.

Transport Planning where consulted on the proposal in terms of access and parking issues, but have opted to make no specific comment.

REPRESENTATIONS

Two letters of representations have been received from local residents, both of which are objecting to the proposal. The main issues raised within the letters of representations are,

- Impact on residential amenity

- Contrary to the Local Development Plan
- Contrary to the HITCG 2012
- Impact on the private access
- Impact on the listed building

These issues are addressed in the main appraisal section of the report.

ADDITIONAL INFORMATION

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2017 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, consideration of the Council's other policies on HITCG and Developer Contributions are material considerations.

Policy Appraisal

In terms of land use policies, the principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan. Within that Plan, the site lies within the landward area where *Policies PM1A (general development)* and *RD3 (HITCP)* would be directly applicable to a new residential proposal.

Policy PM1A seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the supplementary guidance will be applicable to new proposals in the landward area. The most recent SPG on Housing in the Countryside is the 2012 version, which was adopted in 2014 as part of the LDP process.

For reasons stated below, I consider the proposal to be contrary to *Policy RD3* of the Local Development Plan and its associated SPG.

Land Use Acceptability

The site lies within the landward area of the adopted Local Development Plan, where *Policy RD3* is directly applicable to new residential proposals. *Policy RD3* relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2012 (HITCG) which offers a more detailed policy background and is the most recent expression of Council opinion towards new housing in the open countryside.

To this end, the acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the terms of the HITCG 2012.

The proposed site is located to the east of a small run of buildings. This small group comprises more than 3 buildings, so I'm satisfied that there is an established building group in situ – which is typically defined as being 3 or more buildings of at least domestic scale.

To this end, the relevant section of the HITCG that would be most applicable to this proposal would be building groups.

In terms of acceptable new development within or adjacent to an existing group, the HITCG states that consent will be granted for new houses that are located within existing building groups provided they do not detract from both the residential and visual amenity of the group. The policy goes on to say that consent will also be granted for houses which extend the group providing that the development takes place in definable sites which are formed by existing topography and or well established landscape features that would provide a suitable setting for a new dwelling or dwellings. The policy goes on to say that all acceptable proposals must also respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

In terms of whether or not the site is definable and has a suitable setting, I have some concerns.

To the south, the site is bounded partly by the residential curtilage of an existing property and partly by a surfaced private access. To the west is an established wooded area associated with the neighbouring property. Both of these boundaries could be considered to be contained by existing established features.

However the eastern and northern boundaries simply merge into the larger field with no degree of any physical landscape containment. It is therefore my view that whilst the site does have some form of containment (to the south and west), collectively it is not of the level which would ordinarily be expected

for a new dwelling in the open countryside and I am not convinced that the existing topography, landscape or well established features in situ provide a suitable setting for a new dwelling. The proposal is essentially a corner (albeit an awkward shaped one) of a wider agricultural field.

All acceptable proposals under the building groups section must also respect the character, layout and building pattern of the group.

The majority of the existing building group sits alongside the road side, with only one notable exception being the listed cottage - which is set back from the roadside. This proposal would essential result in a backland or tandem development located immediately to the rear of one of the existing dwelling buildings, which in my view would not be in keeping with the general character of the area.

To this end, in addition to the lack of a suitable landscape framework, I also consider the proposal to be at odds with the character of the existing building group and ultimately I consider the proposal to be contrary to the HITC policies, as contained in the LDP and the SPG of 2012.

Visual Amenity, Design and Layout

The proposed house type offers living accommodation over two levels, with the upper level contained within the roofspace. Whilst I do have concerns over the principle of a dwelling on this site, the actual house design is considered acceptable, and would not in my opinion be out of character in a rural area.

The design is fairly traditional, and encompasses the use of slates and timber wall features which are not out of place in the countryside. The provision of accommodation within the roofspace is also considered acceptable with tasteful use of dormer windows. In all, the proposal would not have an adverse impact on the visual amenity of the surrounding area.

In terms of the proposed layout, whilst the house type proposed is not small, neither is the plot. The size of house proposed sits comfortably within the plot, and a good level of private amenity space will be delivered.

Residential Amenity

In terms of the impact on the residential amenity of the adjacent residential property, I note a letter of representation has been received from the affected neighbour (to the south) concerning the impact that the proposal would have on their residential amenity.

The proposed dwelling would be approx. 19m away from the back of the property, and approx. 15m from the mutual boundary. I do note that there are proposed windows facing south, however the distances involved are within the

standards which are ordinarily considered to be acceptable for maintaining residential amenity in terms of overlooking and loss of privacy issues.

In terms of loss of sunlight and daylight, the proposed dwelling is due north of the existing cottage. It is therefore unlikely that the proposal will have a detrimental impact on the existing property in terms of a significant reduction in either sunlight and / or daylight.

In terms of being able to provide a suitable level of private amenity space for future occupiers of the dwelling, I also have no concerns. Whilst the proposed house has a generous sized footprint, the size of the plot is of a good size also. A suitable level of usable amenity space will be provided, and sufficient separation is provided between the proposed dwelling and the adjacent property.

To this end, I have no concerns regarding residential amenity issues.

Roads and Access

In terms of access and parking provision matters, I have no concerns.

I do note the concerns raised within the letters of representation, however matters concerning the maintenance and upkeep of the private (surfaced) access, and associated access rights over it are private civil matters outwith the scope of the planning system.

Drainage and Flooding

In terms of drainage and flooding matters, I have no concerns.

The site is located outwith any public sewered area, so a private drainage will be required. In the event of an approval being forthcoming, precise details of the proposed system should be subject to a pre-commencement condition so that full details of the drainage system are clarified.

Conservation Considerations

There is a listed building to the west of the site, however the site is not intervisible with the listed building - from one another, due to the existing woodland between the two. The two may be seen in the same view from the east, however the distance from which the visibility would be achieved from would be circa 500m - so I do not consider there an issue with affecting the setting of the listed building. It is also the case that the views from the east, towards the listed building are not remarkable or special in any particular way.

Impact on Trees

To the west of the site, there is an existing area of woodland. To ensure that the roots of these trees are not adversely affected by the development (including the proposed private drainage), a suitably worded conditions should be attached to any planning permission.

Developer Contributions

Affordable Housing

As the proposal is for a single dwelling, there is no requirement for any Affordable Housing provision.

A9 Junction Improvements

The site is located outwith the catchment area for A9 junction improvements.

Primary Education

The local primary school is not currently operating at over 80% capacity.

Transport Infrastructure

The site lies within the catchment area for reduced transport infrastructure contributions. In the event of an approval being forthcoming, a developer contribution of £2,639 would be required to be secured prior to any consent being issued.

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 to be contrary to the adopted Local Development Plan 2014 and the supplementary planning guidance on Housing in the Countryside.

I have taken account of material considerations and find none that would justify overriding the Development Plan, and 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.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reason,

The proposal does not extend the existing group into a definable site formed by existing topography and / or well established landscape features which would provide a suitable setting and would result in 'backland' development which is out of character with the existing building pattern of the existing group of buildings. The proposal is therefore contrary to the specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups do so into definable sites formed by existing topography and / or well established landscape features which provide a suitable setting, and that all new proposals respect the character, layout and building pattern of the existing group.

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, refusal.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01994/1 - 18/01994/12 (*inclusive*)

Date of Report - 29 January 2019

TCP/11/16(589) – 18/01994/FLL – Erection of a dwellinghouse and formation of vehicular access, land 40 metres north of Bradyston Cottage, Murthly

REPRESENTATIONS

14th November 2018



Perth & Kinross Council
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
www.scottishwater.co.uk

Dear Local Planner

PH1 Murthly Bradyston Cottage Land 40m North Of
PLANNING APPLICATION NUMBER: 18/01994/FLL
OUR REFERENCE: 769323
PROPOSAL: Erection of a dwellinghouse and formation of vehicular access

Please quote our reference in all future correspondence

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

- This proposed development will be fed from **Lintrathen** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- 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.

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

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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 normally accept any surface water connections into our combined sewer system.

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

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non 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 or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can

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be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Laura Bunton

Development Operations Technical Analyst


Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01994/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin
Description of Proposal	Erection of a dwellinghouse and formation of vehicular access		
Address of site	Land 40 Metres North Of Bradyston Cottage, Murthly		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Murthly Primary School.</p> <p>Education & Children's Services have no capacity concerns in this catchment area at this time.</p> <p>Transport Infrastructure</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 proposal is within the reduced transport contributions area.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0 Transport Infrastructure: £2,639</p> <p>Total: £2,639</p>		

	<p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p>Recommended informative(s) for applicant</p>	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details;</p> <p style="padding-left: 40px;">Sort Code: 834700</p> <p style="padding-left: 40px;">Account Number: 11571138</p> <p>Please quote the planning application reference.</p>

	<p>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	22 November 2018

7 December 2018

Planning Department

REF: 18/01994/FLL

LETTER OF OBJECTION ON PLANNING/
BUILDING A DWELLING 40M NORTH
OF BRADYSTON COTTAGE.

Dear Sir / Madam

Regarding the above application for planning permission made by Mr + Mrs Pride, to build a house, 40m North of Bradyston Cottage. I, as a tenant, must point out that a building of any house on land, 40m from this cottage, would completely block any light, sun and view.

This cottage is an 18th Century building and a modern House of design and size as proposed will be out of keeping with the villages strong historic character.

It would sit out on agricultural land like a sore thumb and

would totally devalue the whole of Braydstan Properties.

There are plans to extend the North side of Braydstan Cottage to a full 2 Bed cottage.

The farm Road is a hazard with endless heavy farm machinery using it continually. It will not be long before a dog or child will meet an untimely death.

It makes sense to build along the Main Road of Murthly. Drainage has always been a problem at the cottage.

Yours faithfully

CAROLINE KAVANAGH - PURVEY



To:	Andrew Baxter, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	12 th December 2018

18/01994/FLL | Erection of a dwellinghouse and formation of vehicular access | Land 40 Metres North Of Bradyston Cottage Murthly

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to be archaeologically sensitive as it is situated partially within a possible unenclosed settlement and pit alignment (MPK12828) as well as possible square barrow and round barrows (MPK12829). These prehistoric sites were identified via aerial photography. There is a possibility that archaeological remains associated with these sites survive within the development site.

It is recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

HE25 *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

Notes:

- 1. Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
- 2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.**

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Planning Application Ref 18/01994/FLL

Dear Sirs,

I write to you regarding the Appeal against the decision on the Planning Application above, and the request for further comments from interested parties.

I do not consider that I should be in a position to influence planning decisions, however, I can only concur with The Planning Authority in the manner that it reached its original decision, based on facts.

Nothing has changed.

I re-iterate my main points, drawn from the Planning Guidelines regarding:

- The lack of a group of buildings in the vicinity
- Detraction from the residential and visual amenity of development
- Lack of topographical boundaries
- Total departure from the local vernacular

On the basis that this is clearly not "Infill" due regard should be given to the requirements of New Houses in the Countryside:

Siting Criteria Proposals for a new house (falling within category 3 above) will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

a) it blends sympathetically with land form;

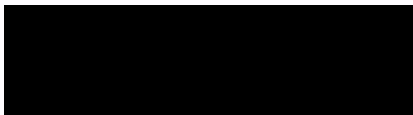
b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;

c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;

d) it does not have a detrimental impact on the surrounding landscape.

(PKDC Housing in the Countryside Guide 2012)

I support The Local Authority's sensible and well thought out decision in refusing the original application for planning.



Patricia Lumsden

6-03-2019.