

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 8 February 2022 at 10.30am.

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

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

Also Attending: A Brown, M Pasternak (both Corporate and Democratic Services).

1. WELCOME

Councillor Simpson welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

Councillor Wilson declared a non-financial interest in Item 4(ii).

3. MINUTES

Consideration of the minute of meeting of the Local Review Body of 11 January 2022 was deferred until the next meeting of the Local Review Body.

4. APPLICATIONS FOR REVIEW

(i) LRB-2021-36

Planning Application – 21/00550/FLL – Formation of two landscape bunds and associated access track, Binn Eco Park Wind Farm, Glenfarg – Binn Farm Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the formation of two landscape bunds and associated access track, Binn Eco Park Wind Farm, Glenfarg.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for the formation of two landscape bunds and associated access track, Binn Eco Park Wind Farm, Glenfarg, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 37, Management of Inert and Construction Waste, of the Perth and Kinross Local

Development Plan 2 (2019), as the proposal does not involve recycling or processing of inert and construction waste on an appropriate industrial area or brownfield land and is not located at an existing active mineral or landfill site. The proposal involves the creation of landscaped bunds on a greenfield site. The justification for the bunds, to improve visual amenity and screen wind turbines from neighbouring residential properties, has not been demonstrated to a satisfactory degree to justify a departure from Policy 37.

Justification

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

- (ii) **LRB-2021-42**
Planning Application – 21/01145/FLL – Erection of a dwellinghouse, land 50 metres north west of Dunaverig House, Needless Road, Perth – GRM Investments Ltd.

With Councillor Wilson having previously declared an interest, and no substitute available, this Application for Review was deferred until a future meeting of the Local Review Body.

- (iii) **LRB-2021-46**
Planning Application – Review of Condition 3 on planning permission 21/00165/FLL – Erection of dwellinghouse, land 80 metres north of Castle Croft, Forgandenny – Mr I Black

Members considered a Notice of Review seeking a review of Condition 3 on planning permission 21/00165/FLL – Erection of dwellinghouse, land 80 metres north of Castle Croft, Forgandenny.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application seeking a review of Condition 3 permission 21/00165/FLL – Erection of dwellinghouse, land 80 metres north of Castle Croft, Forgandenny, be granted and Condition 3 be removed from planning consent 21/00165/FLL.

Justification

Whilst accepting that the proposal was not in accordance with Policy 53B of the Local Development Plan, Members considered that the proposal that the proposed house be served by a private sewerage system was acceptable in this instance due to the specific geography of the site relative to the public drainage system, and therefore Condition 3 should be deleted.

(iv) **LRB-2021-47**
Planning Application – 21/00976/IPL – Erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty – Mrs M A Anzfer

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty.

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

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for the erection of dwellinghouse (in principle), land 100 metres north east of Blairfordel Farm, Kelty, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill Sites, 3) New Houses in the Open Countryside, 4) Renovation and Replacement of Houses, 5) Conversion or Replacement of Redundant Non-Domestic Buildings and, 6) Development on Rural Brownfield Land. In particular, the proposal does not comply with Category 1) Building Groups, as it is detached and distant from any group of buildings. Further, it has not been demonstrated the proposal complies with Category 3) New Houses in the Open Countryside.
 - 2. The proposal is contrary to Policy 52 of the Perth and Kinross Local Development Plan 2 (2019), as no information has been provided to assess the flood risk of the site.

Justification

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

5. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2020-12

Planning Application 19/02087/FLL – Erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south east of Tillyochie Farmhouse, Balado – Mr R Paterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south of Tillyochie Farmhouse, Balado.

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

It was noted that, at its meeting of 15 September 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without:

- (i) the Council's Development Management and Building Standards Manager consulting with SEPA on the further information provided by the Applicant regarding phosphorous mitigation, and subsequently providing comment back to the Local Review Body; and
- (ii) the Council's Development Management and Building Standards Manager to enter discussions with the Applicant to investigate and assess whether Planning Permission 14/02062/FLL has been timeously implemented and constitutes extant consent, and subsequently providing comment back to the Local Review Body.

With all further information having been received, the Local Review Body reconvened. It was further noted that, at its meeting of 8 December 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) clarification from the applicant of certain particulars of Planning Permission 14/02062/FLL, with the appointed officer then invited to comment thereafter, to assist the Local Review Body in an assessment as to whether this permission is extant or has lapsed.

It was further noted that, at its meeting of 30 March 2021, the Local Review Body resolved that there was continuing uncertainty around the status of previous planning permission regarding its implementation of otherwise. Members noted that since the previous consideration, the applicant has submitted an application for a Certificate of Lawful Use or Development to the Council as Planning Authority. It was understood that a decision had been issued on the Certificate application. Regarding that there was a prospect of an appeal to the Scottish Government, the final status of the previous planning permission continued to be uncertain. In light of this, members considered that there was insufficient information was before the Local Review Body to determine the application without:

- (i) the outcome of the application for Certificate of Lawful Use or Development and subsequent submission by the Council's Development Management Team of a decision notice and any possible appeal decision notice; and
- (ii) comment from both the Applicant and the Council's Development Management Team on the status of permission 14/02062/FLL in light of the above decision and any subsequent appeal decision. With all further information having been received, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by unanimous decision that:

- (ii) the review application for the erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south of Tillyochie Farmhouse, Balado, be refused for the following reasons:
 1. The proposal is contrary to Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location. Notably, the development would constitute extensions of existing building groups into the open countryside, on land that is not assessed as forming definable sites with long established boundaries that would facilitate the integration of the houses into surrounding landscape.
 2. The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019), as Plots 1 and 2 would erode the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the expansion of the existing building group onto an exposed, and locally elevated, area of land.

Justification

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

