

TCP/11/16(595) – 18/01749/FLL – Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth

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TCP/11/16(595) – 18/01749/FLL – Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth

**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 100159850-001

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="Ms"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Robin's Nest"/>
First Name: *	<input type="text" value="Kate"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Shepherd"/>	Address 1 (Street): * <input type="text" value="Stanley"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH1 4QJ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

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="ROBINS NEST"/>
Address 2:	<input type="text" value="BALLATHIE"/>
Address 3:	<input type="text" value="KINCLAVERN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH1 4QJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="737050"/>	Easting	<input type="text" value="313499"/>
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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)

Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a 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.

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)

Please refer to List of Submitted Documents

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01749/FLL

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

26/09/2018

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

19/03/2019

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)

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: 03/04/2019

Notice of Review

18/01479/FLL Robin's Nest, Stanley, Perth

List of Submitted Documents

Documents relating to 18/01749/FLL Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access, Robins Nest Ballathie Kinclaven Perth PH1 4QJ

- Statement of Reasons for Seeking Review

Documents relating to 18/01932/FLL | Change of use from agricultural land to garden ground, alteration and extension to dwellinghouse, Robins Nest Ballathie Kinclaven Perth PH1 4QJ

- Existing Floor Plan and elevations
- Proposed Block Plan
- Proposed Elevations
- Proposed Plan
- Report of Handling
- Decision notice



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Notice of Review of Planning Application 18/01749/FLL

**Change of use of agricultural land to garden ground,
erection of stables/store/workshop/garage building,
ancillary shelter and formation of a vehicular access**

Robin's Nest, Ballathie, Kinclaven, Perth, PH1 4QJ

**Ms K Shepherd
March 2019**

Statement of Reasons for Seeking Review

Introduction

This planning application (18/01749/FLL) was submitted to the Council in October 2018, on behalf of Ms Kate Shepherd, for the change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access. The application was refused under delegated powers by the Council's appointed officer on 19th March 2019.

A related application, for alteration and extension to the existing cottage on the site and change of use of an area of agricultural land to garden ground, was approved by the Council under delegated powers on 23rd January 2019. Although the dwellinghouse extension was approved at the end of January 2019 the case officer did not timeously progress with the assessment of this stables etc. application and after some considerable delay (mid March) asked if the applicant would consider withdrawing the application to avoid a refusal. Ms Shepherd, anticipating consent (and with approval for the related dwellinghouse extension) has had building warrant drawings prepared and a builder scheduled to start work (likely to be before the date at which the Planning Review Body meet to consider this application).

We wish to demonstrate to members of the Local Review Body that this proposal can be considered to meet with the terms of the Council's Development Plan policies and supplementary guidance and that approval of the application is justified.

Ms Shepherd has recently purchased this small cottage along with the surrounding field, part of the sale of the neighbouring Woodend Farm and its landholding. The existing cottage has a very small area of surrounding garden ground and the recent approval of the related application will allow the substantial extension to the house (more than doubling its footprint) along with the creation of an appropriate area of garden ground, formed from part of the surrounding agricultural land now in the ownership of the applicant.

Site Description and Proposal

This related application, which has now been refused, proposes an ancillary building to accommodate stables/workshop and store (including an additional area of field to be changed to garden ground). A new access to the property is proposed, from the minor road lying to the east of the site.

Importantly, permission for the new access is sought as the existing access (taken from the Ballathie to West Tofts road running to the south of the property) will be **closed up** in May this year, a legal requirement relating to the purchase of the property.

Overall, this proposal seeks to provide:

- Essential vehicular access to the property; and
- Essential additional buildings required to carry out the activities related to occupying this rural property and the use and maintenance of the surrounding land. The proposed

building will accommodate stables, workshop/garage to serve the usual needs of a rural dwellinghouse with land along with additional garaging to accommodate a private classic car collection (all for domestic use only).

The proposal is for erection of an U-shape low level timber clad building and a small field shelter, both characteristic types of building found in rural Perth & Kinross. The new access leads from the minor road to the north east of the site. The proposed buildings are set some distance away from the public roads, 90m distant to the east and 160m distant to the south. The site is screened from much of the surrounding area by roadside trees and hedging and the area of trees located to the south and east of the cottage. In any case, the proposed buildings are well designed, appropriate to a rural location and such buildings are recognised features making a positive contribution to the qualities of the local landscape.

Planning Considerations

The proposal for the stable/workshop building was assessed by the case officer, in terms of land use,

- ✓ visual amenity,
- ✓ design and layout,
- ✓ residential amenity,
- ✓ roads and access,
- ✓ drainage and flooding,
- ✓ conservation considerations,
- ✓ impacts on trees and
- ✓ developer contributions.

The case officer, in his assessment of the proposal and taking account of the responses from other Council services, had **no concerns** with all but one of the above considerations. The sole issue was the case officer's concern that the proposal was of too large a scale in relation to the **existing cottage** (although the case officer had indicated that the proposal would be acceptable in relation to the proposed extended cottage, see below).

The single reason for refusal is:

'The scale of the proposed stable / workshop building does not respect or relate to the modest character of the adjacent cottage. The proposal is therefore contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that the design of (new) development should respect the existing character and amenity of the place concerned, and criteria (c) of Policy PM1B of the Perth and Kinross Local Development Plan 2014 which states that the design of new proposals should complement its surroundings in terms of (amongst other things) appearance, scale and massing.'

The case officer, as indicated in the Report of Handling, considered that the proposal was not in scale with the **existing cottage**. In earlier correspondence regarding the proposal he had indicated the likelihood that he would recommend the proposal for approval, if the

cottage extension had already been built, stating that ‘If the extension was too take place, then an (large or mid-sized) ancillary outbuilding would be more appropriate’.

The case officer decided that he did not ‘consider it unreasonable to treat this planning application in isolation as there is no certainty that the extension or expansion of curtilage will happen’. His conclusion was that although supportive of the overall proposal it should be refused because of what was believed to be uncertainty over the future extension of the existing cottage.

The applicant wishes to emphasise that she intends that the extension of the existing cottage and erection of the stables/garage/workshop building will take place together. She is currently living in the existing very small cottage which does not provide adequate accommodation to modern standards. The management of this property and enjoyment of the rural lifestyle sought by the applicant necessitates both the extension of the cottage and the provision of appropriate related buildings. On a practical level, the applicant highlights that the initial quicker construction of the stable/garage/workshop building will then facilitate the extension of the cottage by providing storage space for building materials, particularly important over the winter months.

We believe that the proposed house along with its associated out-buildings will form an appropriate rural building cluster, akin to many clusters in the surrounding area and relatively modest in terms of its scale. Although the applicant has every intention of carrying out the extension to the existing cottage, we contend that in any case, the proposal is appropriate in terms of its compliance with policy PM1A and PM1B of the Adopted Local Development Plan 2014.

We believe that the low level and light timber construction of the stable/workshop building will be of an appropriate scale. There are many examples in the surrounding area of large agricultural buildings lying near dwellinghouses, many in prominent roadside locations. This proposal is well designed and of appropriate scale and layout when considered in terms of some other local examples. We would highlight that neighbouring Woodend Farm and Ballathie Farm (both sitting adjacent the Kinclaven public road) have far more dramatic juxtaposition of buildings in terms of scale and the relationship between large farm buildings and neighbouring houses.

Conclusion

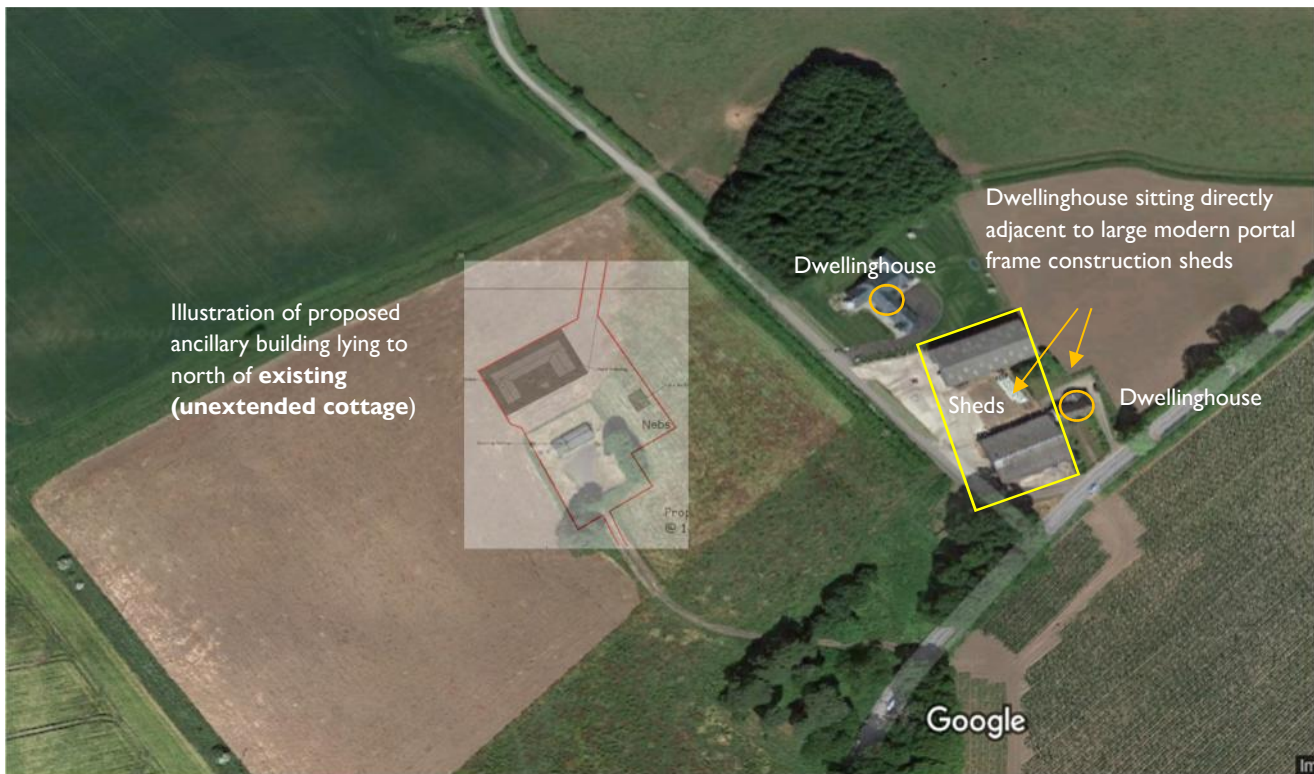
In conclusion we make the following points:

- We contend that the element of this proposal seeking consent for change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building and ancillary shelter is entirely acceptable in terms of the Council’s policies and guidance, being an appropriate scale and design in relation to the adjacent cottage and its rural location.

- We highlight that the existing access to the cottage will be closed in May this year. Consent for the new access (with no objections raised by Transport Planning) is necessary to maintain access to the property after May this year.
- With respect, we ask that the Perth and Kinross Local 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.



Proposed elevations for ancillary building – stables, garage and workshop – illustrating its minimal impact in terms of its scale and design, with low wall and ridge height, narrow gable and timber construction.



Illustrations to demonstrate:

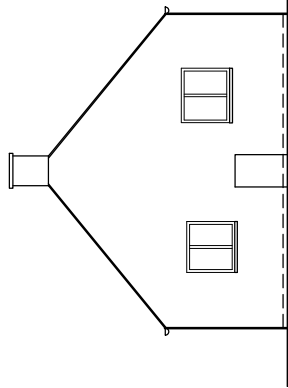
- *appropriate scale of proposal in relation to existing cottage and proposed extended cottage, and*
- *large scale sheds sitting alongside dwellinghouses, typical of the area.*



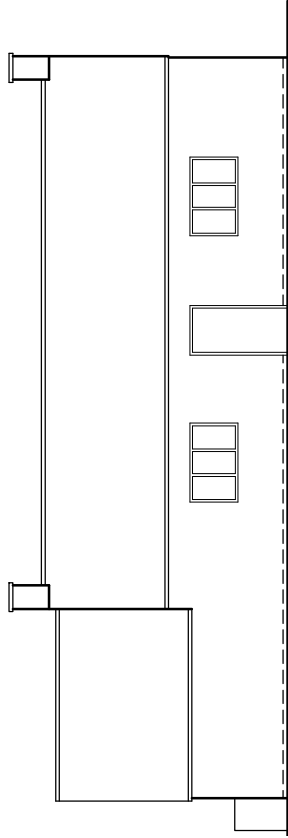
Dwellinghouse alongside large sheds at Woodend Farm, adjacent to the site.



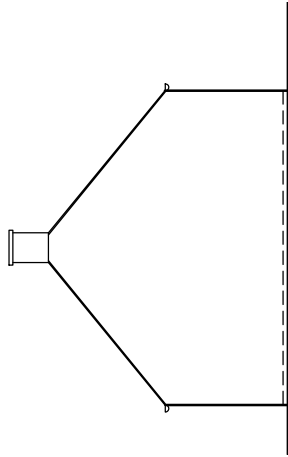
Dwellinghouses alongside large sheds at Ballathie Farm, to east of site.



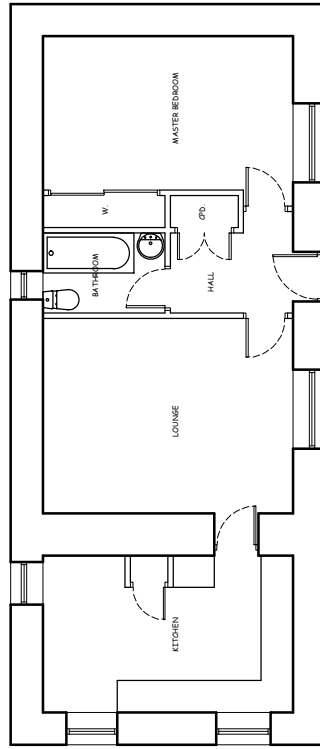
Existing South West
Elevation 1:100



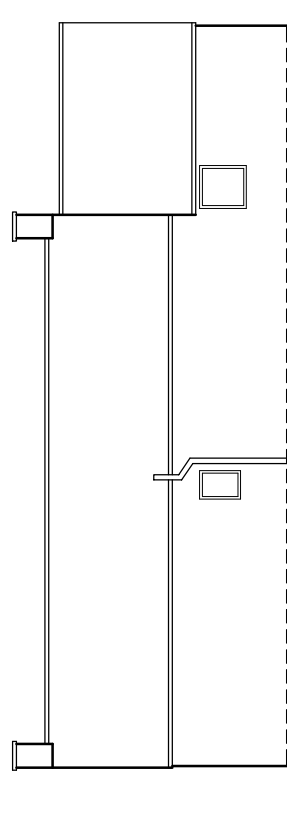
Existing South East Elevation 1:100



Existing North East
Elevation 1:100

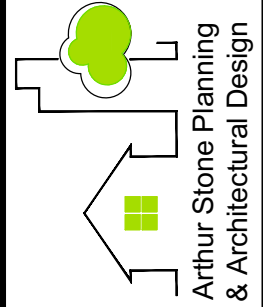


Existing Ground Floor
Plan @ 1-100

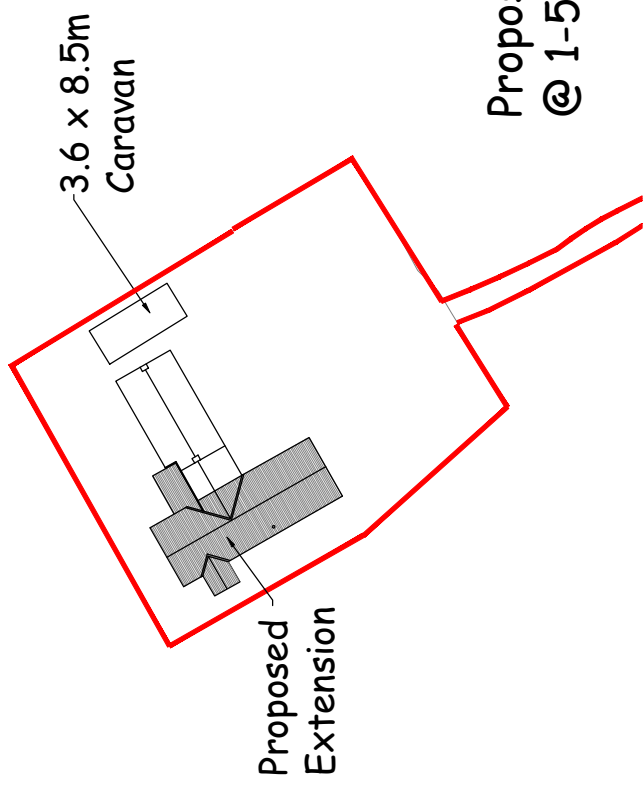
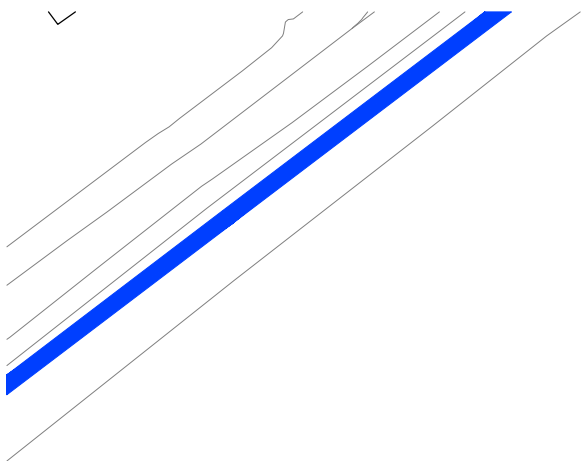


Existing North West Elevation 1:100

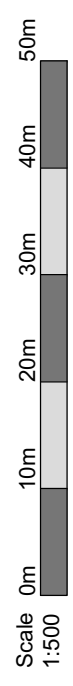
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1:100



Project			
Proposed Extension and Alterations at Robins Nest Stanley PH1 4QJ			
Title			
Existing Plans and Elevations			
Drawn	Date	Scale	Rev
FP	Oct 18	1:100@A3	2074-012

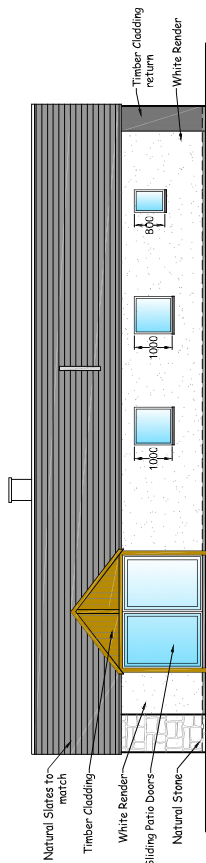


Proposed Block Plan
@ 1-500

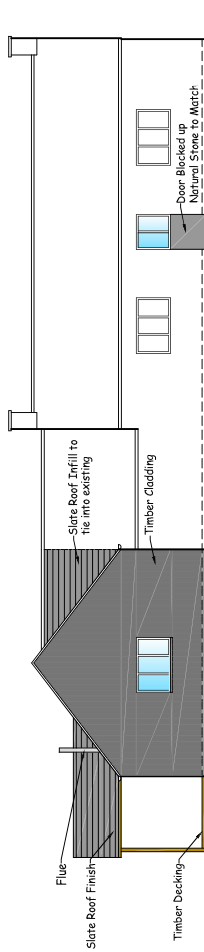


Arthur Stone Planning
& Architectural Design

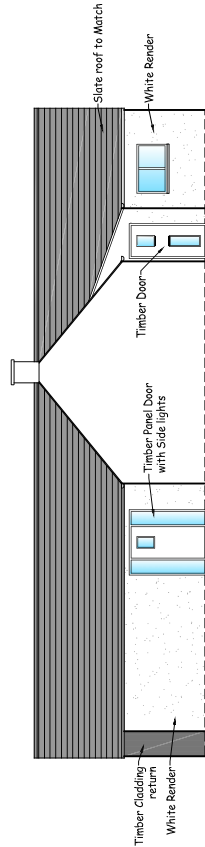
Project			
Proposed Extension and Alterations at Robins Nest Stanley PH1 4QJ			
Title			
Proposed Block Plan			
Drawn	Date	Scale	Rev
FP	Oct 18	1:500@A3	2074-011 B



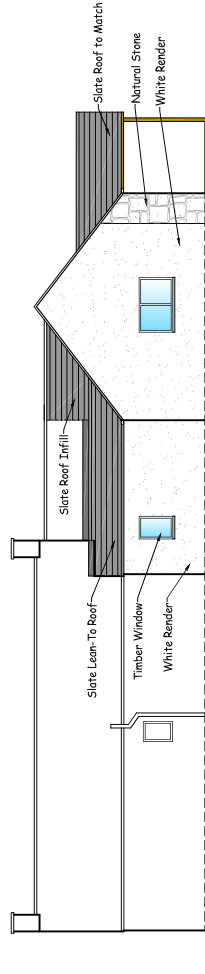
Proposed South West Elevation 1:100



Proposed South East Elevation 1:100

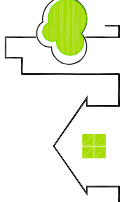


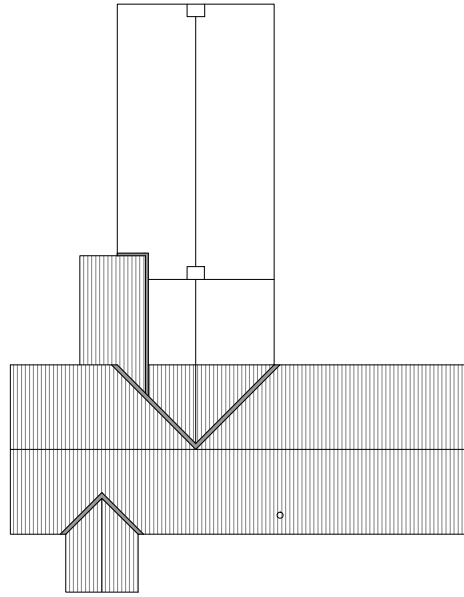
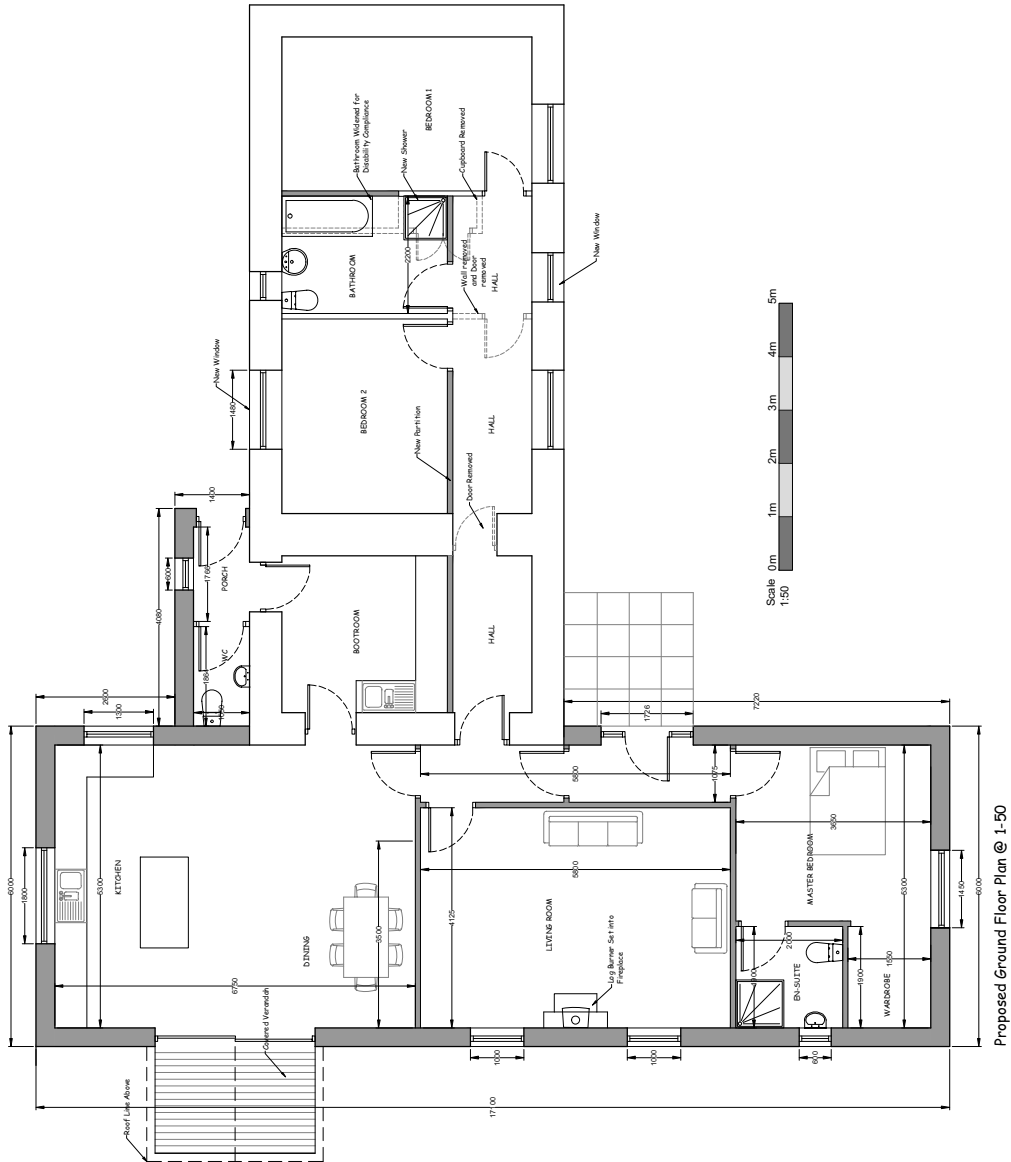
Proposed North East Elevation 1:100



Proposed North West Elevation 1:100

Scale 0m 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
1:100

		Project		Proposed Extension and Alterations at Robins Nest Stanley PH1 4QJ	
		Title		Proposed Elevations	
Drawn	FP	Date	Oct 18	Scale	1:100@A2
				Drawn	2074-014
					REV



Scale 0m 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
1:100

PERTH AND KINROSS COUNCIL

Mrs Kate Shepherd
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 25 January 2019

Town and Country Planning (Scotland) Acts.

Application Number **18/01932/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 31st October 2018 for planning permission for **Change of use from agricultural land to garden ground, alteration and extension to dwellinghouse** at Robins Nest Ballathie Kinclaven Perth PH1 4QJ subject to the undernoted conditions.

Interim Development Quality Manager

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Planning Consent is hereby granted for the siting of the existing mobile home/caravan for the benefit of the applicant only for a period of 12 months from the date of this permission only. Prior to this timescale, and in the absence of any developing occurring, the mobile home/caravan shall be removed from the site and the area reinstated.

Reason - This is a temporary development which shall be removed within a reasonable timescale.

- 3 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The details must include the extent of the existing trees are to be retained. The scheme shall also include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management and to ensure that a suitable landscaping framework is provided.

- 4 Prior to the commencement of any works on site, any trees which are to be retained under Condition 2, and which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - In order to ensure that existing trees which are to be retained are not unnecessary damaged during the construction phase.

- 5 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In order to ensure the visual amenity of the area is protected and that suitable containment for a residential curtilage is provided.

- 6 The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised to contact the Council regarding the continued siting of the mobile home for a temporary period in relation to the refurbishment of the dwelling.

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

Plan and Document Reference

18/01932/1

18/01932/2

18/01932/3

18/01932/4

18/01932/5

18/01932/6

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01932/FLL	
Ward No	P5- Strathtay	
Due Determination Date	30.12.2018	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Change of use from agricultural land to garden ground, alteration and extension to dwellinghouse

LOCATION: Robins Nest, Ballathie, Kinclaven, Perth, PH1 4QJ

SUMMARY:

This report recommends **approval** of a detailed planning application for the change of use of a small area of agricultural land to residential garden ground, and the alterations/extensions to an existing cottage at Kinclaven, as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 14 November 2018

SITE PHOTOGRAPH



View of the existing cottage, and unauthorised caravan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a detailed planning consent for the change of use of a small area of agricultural ground to residential, and also an extension to an existing dwelling, located in a rural location outside Kinclaven.

The existing dwelling is occupied (or at least in occupiable condition) small cottage, with a tight immediate curtilage.

It is proposed to extend the curtilage slightly to provide land for an extension to the dwelling, and also to allow for more private amenity space for the extended dwelling. The dwelling at the moment is accessed via a private access to the south east.

A mobile home is currently located to the east of the dwelling.

A sister planning application on an adjacent site has also been submitted, and this is for the erection of a stable block (for domestic use), erection of a smaller shelter and the creation of a new access to the north east of the dwelling. That planning application remains undetermined.

The applicant's plans do not clearly outline the extent of the existing curtilage or the comparison between the proposed and existing curtilage; however, based on the information submitted the area in red shown below would approx. be the extent of the extended curtilage which is being applied for here.



SITE HISTORY

The site has some previous planning history, with a planning in principle consent for the erection of a replacement dwelling (17/00700/IPL) being approved in 2017.

In addition to that planning application, and the this current one, a further planning application remains under consideration on an adjacent site (18/01749/FLL) for the Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access.

That planning application remains undetermined.

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. The proposal is relevantly minor, and does not raise any issues with national planning policy or guidance.

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,

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.

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 proposals or recommendations contained within LDP2 which affect the recommendation for approval.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing 2016

This policy sets out the Council's policy framework for Developer Contributions and Affordable Housing provision.

EXTERNAL CONSULTATION RESPONSES

None undertaken.

INTERNAL COUNCIL COMMENTS

Development Negotiations Officer has commented on the proposal and indicated that there is no requirement for any Developer Contributions.

Environmental Health have commented on the proposal in terms of air quality and odours arising from the proposed stove, and have raised no objections subject to conditions.

REPRESENTATIONS

None received.

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	Not Required
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.

Policy Appraisal

In terms of land use policies the key policy is found within the Local Development Plan. Within the plan, the site lies within the landward area where *Policy PM1A* would be directly applicable to this proposal. This policy seeks to ensure that all new proposals do not have an adverse impact on environment in which the proposal is located.

For reasons stated below, I consider the proposal to be acceptable and inline with this policy.

Land Use

In terms of proposed land use issues, I have no concerns.

The small extension of residential curtilage is not considered to be unreasonable, and is considered to be justified to allow for a suitable sized residential curtilage for the proposed expanded dwelling.

In terms of the extension, the existing dwelling is small so the proposed extension is also not considered unreasonable and subject to clarification on the proposed new boundary treatments/landscaping will not have an adverse impact on the visual amenity of the area.

Visual Amenity, Design and Layout

In terms of design matters associated with the extension, I have no concerns.

In terms of the proposed extended garden area, I also have no concerns and the scale of the extension is not of the scale that would need any withdraw of typical PD rights for further extensions and / or outbuildings.

Residential Amenity

In terms of the impact on existing residential amenity, the proposal would have no direct impact.

Whilst there are some residential properties to the east/north east, these are some distance away and will not be impacted in terms of loss of residential amenity, overlooking or privacy.

In terms of being able to provide a suitable level of residential amenity for future occupiers of the extended dwelling, I also have no concerns. The extended curtilage is considered to be acceptable and would provide a good level of usable private amenity space. Appropriate conditions will be attached to the consent which will require clarification on new boundary treatments and landscaping.

Impact on Trees

There are some trees on the site; however these appear to be overgrown, non-specimen trees which do not have any merit so any removals of these would be acceptable. However, to ensure that any trees removed are replaced with more appropriate native species a standard landscaping condition is recommended to be attached to the permission.

Roads and Access

The proposal raises no issues in terms of access or parking provision. I also note my colleague in the Transport Planning team have raised no concerns.

Drainage and Flooding

The proposal raises no issues with drainage or flooding matters.

Existing Caravan / Mobile Home

On the site at present is an existing mobile home in the form of a caravan.

The siting of the mobile home is currently unauthorised. However, in the event of the development commencing relating to the refurbishment of the cottage the applicant would have permitted development rights for the duration of the development. A suitability worded condition (for clarification purposes) is therefore proposed to be attached to this permission.

Conservation Considerations

The proposal does not affect any listed building, and is not within any Conservation Area.

Developer Contributions

Affordable Housing

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

A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

Primary Education

As the proposal is for a replacement dwelling, there is no requirement for any Developer Contribution in relation to Primary Education.

Transport Infrastructure

The site is located outwith the catchment area for Transport Contributions.

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 Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2017 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan.

On that basis the application is recommended for approval subject to conditions.

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

Approve the planning application, subject to the following conditions

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. *(Reason - To ensure the development is carried out in accordance with the approved drawings and documents)*
- 2 Planning Consent is hereby granted for the siting of the existing mobile home/caravan for the benefit of the applicant only for a period of 12 months from the date of this permission only. Prior to this timescale, and in the absence of any developing occurring, the mobile home/caravan shall be removed from the site and the area reinstated. *(Reason – This is a temporary development which shall be removed within a reasonable timescale)*
- 3 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The details must include the extent of the existing trees to be retained. The scheme shall also include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority. *(Reason – In the interest of proper site management and to ensure that a suitable landscaping framework is provided)*
- 4 Prior to the commencement of any works on site, any trees which are to be retained under Condition 2, and which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. *(Reason – In order to ensure that existing trees which are*

to be retained are not unnecessary damaged during the construction phase)

- 5 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier. *(Reason – In order to ensure the visual amenity of the area is protected and that suitable containment for a residential curtilage is provided)*
- 6 The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority. *(Reason - To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties)*

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period *(see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended))*.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

- 5 The applicant is advised to contact the Council regarding the continued siting of the mobile home for a temporary period in relation to the refurbishment of the dwelling.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01932/1
18/01932/2
18/01932/3
18/01932/4
18/01932/5
18/01932/6

Date of Report - 23 January 2019

TCP/11/16(595) – 18/01749/FLL – Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Ms Kate Shepherd
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 19th March 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01749/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 16th October 2018 for permission for **Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access Robins Nest Ballathie Kinclaven Perth PH1 4QJ** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The scale of the proposed stable / workshop building does not respect or relate to the modest character of the adjacent cottage. The proposal is therefore contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that the design of (new) development should respect the existing character and amenity of the place concerned, and criteria (c) of Policy PM1B of the Perth and Kinross Local Development Plan 2014 which states that the design of new proposals should complement its surroundings in terms of (amongst other things) appearance, scale and massing.

Justification

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

Justification

The applicant should be aware that in the absence of a valid planning permission, the existing shelter to the east of the dwelling remains unauthorised.

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

18/01749/1

18/01749/2

18/01749/3

18/01749/4

18/01749/5

18/01749/6

18/01749/7

18/01749/8

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01749/FLL	
Ward No	P5- Strathtay	
Due Determination Date	15.12.2018	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access

LOCATION: Robins Nest, Ballathie, Kinclaven, Perth, PH1 4QJ

SUMMARY:

This report recommends **refusal** of a detailed planning application for a change of use of an area of agricultural land, the erection of a large stables/workshop, erection of a smaller shelter and also the creation of a new private access across an agricultural field as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 30 October 2018

SITE PHOTOGRAPHS





*Top left, area where the stables/workshop is proposed
Top right, existing shelter
Above, area for the proposed new access*

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a detailed planning permission for the change of use of an area of land to form an extended residential curtilage, the erection of a large stable/workshop building, the erection of a smaller field shelter and also the formation of a new private access to the stables – which will be across an agricultural field to the north of the site.

The extension of curtilage relates to a fairly small area of agricultural land to the north of the existing cottage.

The proposed stables/workshop building would be a single storey 'U' shaped building with a floor area of approx. 180sqm. The building would contain 3 stables and associated stores/tack rooms, 3 garages and a workshop.

The proposed shelter is far smaller in scale being only 6m x 3m in floor area, with a 1.8m roof overhang to offer cover and shelter for the animals. The shelter is already on site.

Also on site at present is a small cottage, with a small immediate curtilage.

Planning consent was granted earlier this year for an extension of curtilage – largely along the western edge and an extension to the dwelling however these have yet to be implemented.

SITE HISTORY

The site has a degree of planning history.

A planning in principle consent (17/00700/IPL) for the erection of a replacement dwellinghouse was approved by the Council in 2017, and that consent remains 'live'.

In addition to that permission, a further detailed planning application (18/01932/FLL) for the change of use from agricultural land to garden ground, alteration and extension to the existing dwelling was approved by the Council earlier this year, but has yet to commence.

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 is,

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 this application is Paragraphs 74 - 83, which relate to Promoting Rural Development.

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 this 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, which are

- (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.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

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 EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

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 contained within the LDP2 which affect the ultimate recommendation of refusal.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing 2016

This document sets out the Council's position in relation to Developer Contributions and Affordable Housing in relation to new developments.

EXTERNAL CONSULTATION RESPONSES

None undertaken.

INTERNAL COUNCIL COMMENTS

Environmental Health have commented on the proposal in terms of noise / odour issues relating to the stables and workshop, and have raised no objections.

Transport Planning have commented on the proposal in terms of the new access with the public road, and have raised no objections.

Development Negotiations Officer has commented on the proposal and indicated that no Developer Contributions are required.

REPRESENTATIONS

One letter of representation has been received from a local resident, raising concerns over the proposal. The main issues raised within their letter are that the proposed stable/workshop would be out of keeping with the area, and in particular out of keeping with the scale of the existing cottage. A concern has also been made in relation to the proposed new private access to the stables, and in particular, its width.

These issues are addressed below.

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	Not Required
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.

Policy Appraisal

In terms of land use issues, the key land use policies are found within the Local Development Plan 2014. Within that plan, the site lies within the landward area of the plan where *Policies PM1A and PM1B* would be directly applicable to any new proposals.

Policy PM1A seeks to ensure that all new development does not adversely affect the character or amenity of the area concerned, whilst *Policy PM1B* listed a number of specific placemaking criteria that all new proposals should accord with.

For reasons stated below, I consider the proposal to be contrary to these policies.

Land Use

In terms of land use acceptability, I have no issues arising from the proposed change of use of the land which proposes to extend the residential curtilage of the dwelling, nor with the small shelter (which is existing).

However, the scale of the proposed stables / workshop is an area of concern, due to its potential impact on the visual amenity of the area and the need for such a large structure in combination with such a small cottage and the relationship between the two.

These issues are discussed below.

Visual Amenity, Design and Layout

It is noted that detailed planning consent exists for an extension to the existing cottage under planning application 18/01932/FLL, which also granted an extension to the existing residential curtilage to the west. It is also noted that proposed extension and / or the extended curtilage has not been indicatively shown on the submitted plans. I therefore do not consider it unreasonable to treat this planning application in isolation as there is no certainty that the extension or expansion of curtilage will happen.

In this regards, I have some concerns regarding the size and scale of the stables and workshop. As both are within the proposed extended curtilage, both should be seen as being domestic and not commercial. The footprint of the proposed stables / workshops exceeds the size of the cottage by some margin and comprises 3 stables, a hay store and tack room – collectively these would not be seen as uncommon for a keen equestrian.

However building also includes an additional shed, 1 double garage, two single garages and also a workshop – all suggested for private use. In my opinion, and bearing in mind the size of the existing dwelling I would consider this to be excessive and more akin to a commercial operation and not one which is ancillary to the dwelling.

Criteria (c) of *Policy PM1B* of the LDP states that the design and density (of new development) should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. In this case, the scale of the proposed workshop/stables is not in keeping with the existing, and is therefore contrary to the specific requirements of this policy.

The site is also very open, and has little in the way of natural containment.

I do accept that whilst it is set behind a road side hedge which means that direct visibility is currently limited, there is little in the way of existing landscaping on site to help to mitigate any visual impact or provide a suitable landscape framework. I am therefore not convinced that the proposal would contribute positively to existing built environment nor does it respect the design of character of the existing cottage.

The new access to the site is shown as being approx. 6.5m wide, which could also have an impact on the visual amenity of the area. The applicant has offered to reduce

this, and subject to conditions regarding this I do not have as much concerns regarding this element (in terms of its appearance) as I do the workshop/stables.

Bearing in mind the above, and by virtue of its scale and relationship between the stables/workshop building and the existing cottage, I consider the proposal to be contrary to *Policy PMA1* of the LDP which states that all new developments must contribute positively, to the quality of the surrounding built and natural Environment, and that the design, density and siting of development should respect the character and amenity of the place.

Residential Amenity

In terms of the direct impact on existing residential amenity, I have no concerns.

Whilst there are some residential properties located to the east of the site, and an objection has been made to the planning application, the distances involved between the existing properties and the proposed stables/workshop is such that loss of amenity via noise and / or odours is unlikely. My colleagues in Environmental Health have reviewed the proposal, and they too are content that subject to standard conditions being imposed there should not be any direct harm on existing residential amenity.

In terms of protecting the residential amenity of the existing cottage, the applicant has indicated that the stables / workshop will be for domestic proposes only. In the event of any approval being forthcoming, and suitable conditions are imposed on any consent in relation to domestic use only then it would be unlikely that the workshop/stables would impact on the existing residential amenity of the cottage (as it is currently, or extended).

In terms of the proposed extended curtilage, part of the reason behind this is to provide for a larger amenity space, for the pending extended dwelling. In light of this, I have no issues in terms of residential amenity in relation to the extended garden element.

Roads and Access

In terms of road related matters, I have no concerns.

My colleagues in Transport Planning have commented on the proposal in terms of the acceptability of the new access with the public road, and subject to conditions they have no concerns.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters. Surface water from the stable / workshop and the smaller shelter will be dealt with within the boundaries of the site.

Conservation Considerations

The proposal does not affect any listed building or conservation area. I'm also not aware of any impact on any local archaeology.

Impact on Trees

Whilst there some trees along some of the site's boundaries, there are no trees along the northern boundary which is being extended for residential curtilage, and is also where the proposed larger workshop/stables is proposed. I therefore have no concerns over impact on trees.

Developer Contributions

Affordable Housing

As the proposal does not include any residential dwellings, there is no affordable housing requirement.

Transport Infrastructure

The proposal is located within the catchment area for Transport Infrastructure contributions, however as the proposal is for ancillary floor space to the main dwelling there is no requirement for any contributions in relation to Transport Infrastructure.

A9 Junction Improvements

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

Primary Education

As no residential units are proposed, there is no requirement for any contributions in relation to Primary Education.

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

On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application subject to the following reason,

The scale of the proposed stable / workshop building does not respect or relate to the modest character of the adjacent cottage. The proposal is therefore contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that the design of (new) development should respect the existing character and amenity of the place concerned, and criteria (c) of Policy PM1B of the Perth and Kinross Local Development Plan 2014 which states that the design of new proposals should complement its surroundings in terms of (amongst other things) appearance, scale and massing.

Justification

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

Informatives

The applicant should be aware that in the absence of a valid planning permission, the existing shelter to the east of the dwelling remains unauthorised.

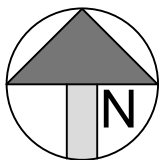
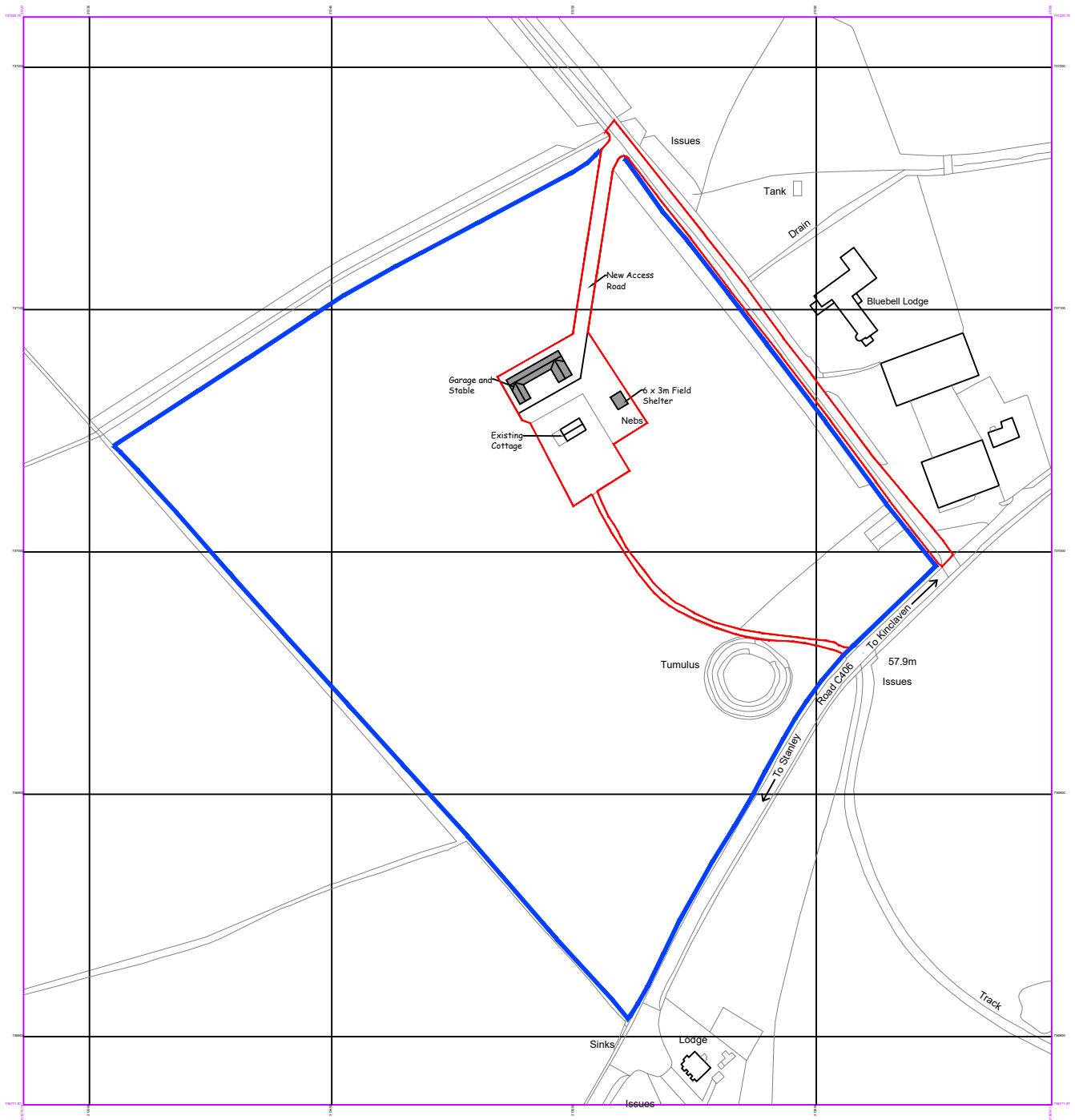
Procedural Notes

Not applicable, refusal recommended.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01749/1 - 18/01749/8 (*inclusive*)

Date of Report - 19 March 2019



Scale 0m 50m 100m 150m 200m 250m

1:2500



Arthur Stone Planning
& Architectural Design

Project

Proposed Erection of Stable and Garage at
Robins Nest Stanley PH1 4QJ

Title

Site Location Plan

Drawn

FP

Date

Sep 18

Scale

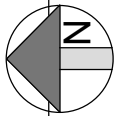
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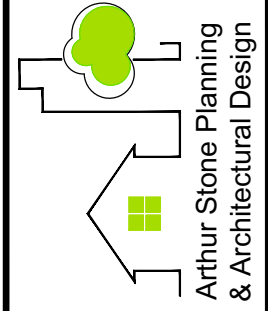
Rev

A



Nebs

Existing Block Plan
@ 1-500



Project

Proposed Erection of Stable and Garage at
Robins Nest Stanley PH1 4QJ

Title

Existing Block Plan

Drawn

FP

Date

Sep 18

Scale

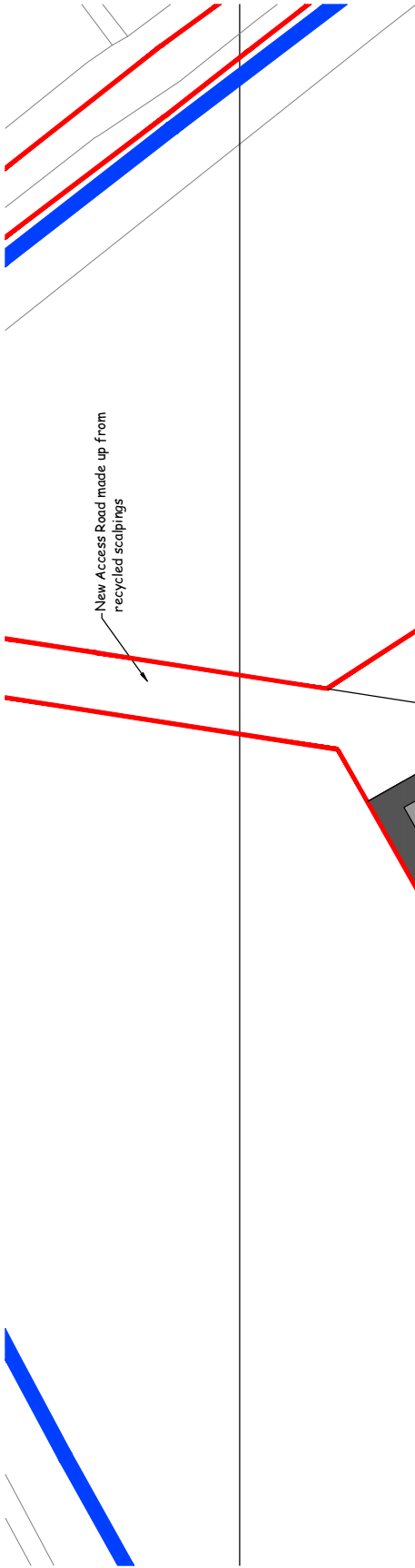
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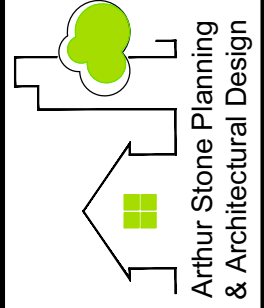
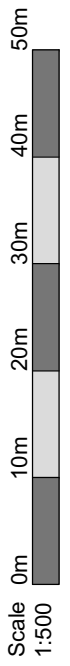
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Rev

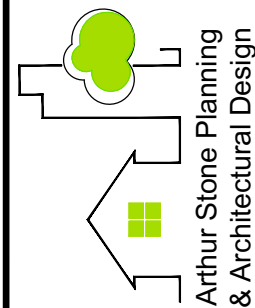
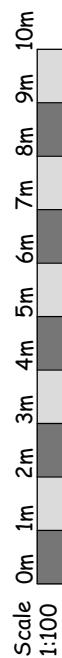
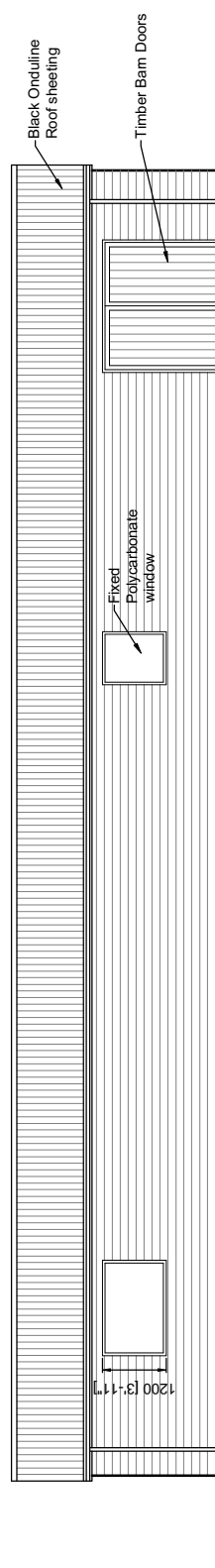
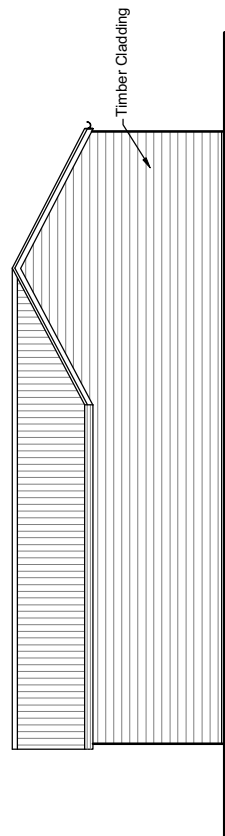
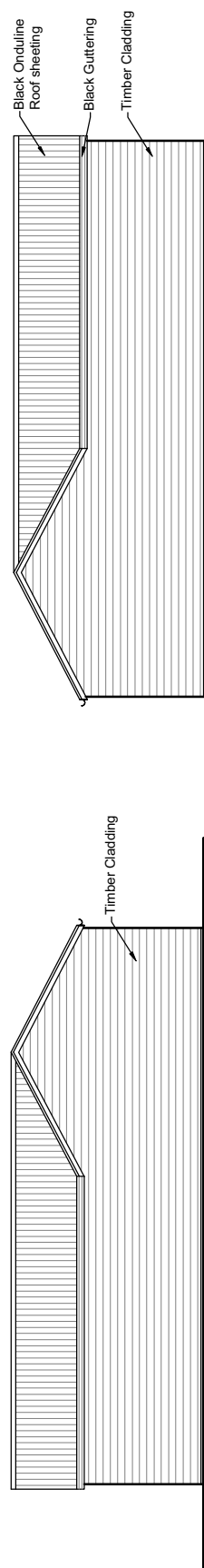
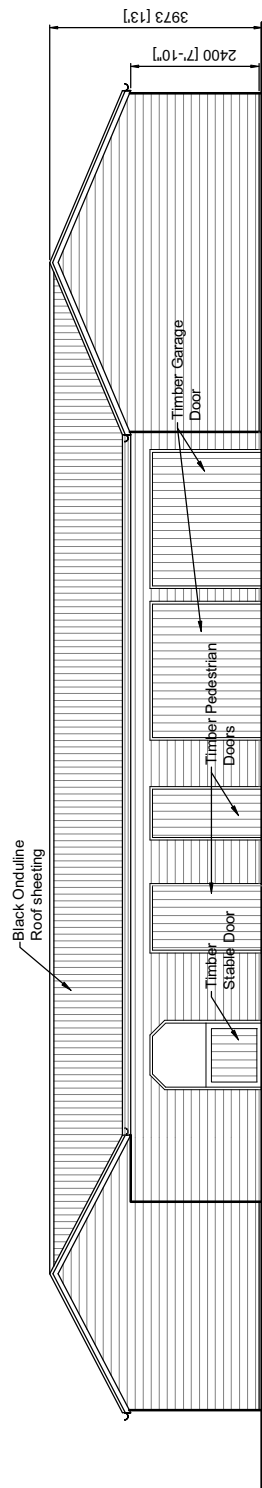
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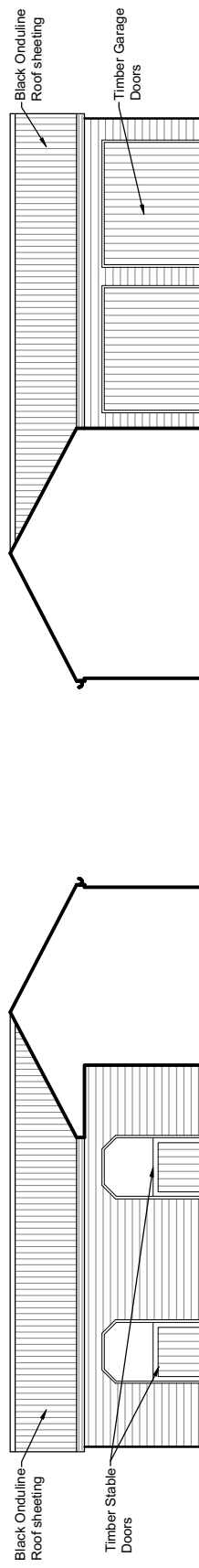
Proposed Block Plan @ 1:500



Project		Proposed Erection of Stable and Garage at Robins Nest Stanley PH1 4QJ	
Title		Proposed Block Plan	
Drawn	Date	Scale	Rev
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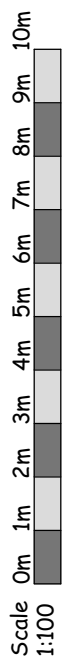


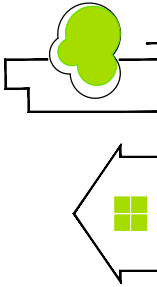
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Title				
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Drawn	Date	Scale	Drawing No	Rev
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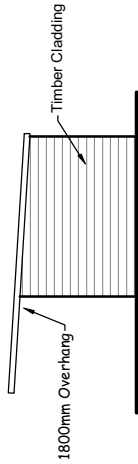


Proposed North East Inner Elevation

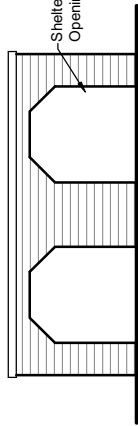
Proposed South West Inner Elevation



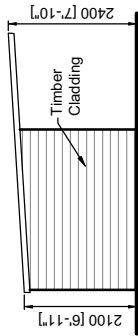
 <p>Arthur Stone Planning & Architectural Design</p>	<p>Project</p> <p>Proposed Erection of Stable and Garage at Robins Nest Stanley PH1 4QJ</p>			
	<p>Title</p> <p>Proposed Inner Stable Elevations</p>			
<p>DRAWN</p> <p>FP</p>	<p>Date</p> <p>Sep 18</p>	<p>Scale</p> <p>1:100@A3</p>	<p>Drawing No</p> <p>2074-008</p>	<p>REV</p>



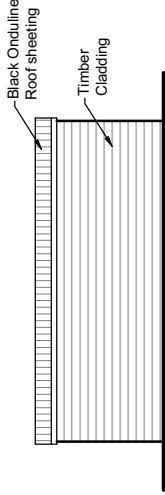
Proposed North West
Elevation 1:100



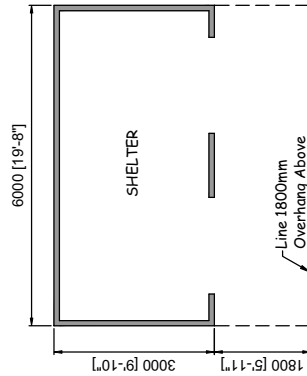
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Elevation 1:100



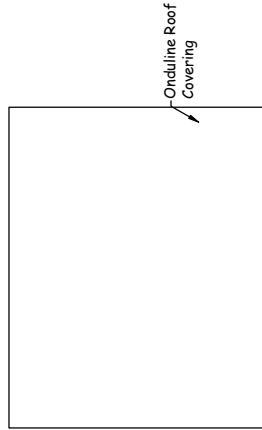
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Elevation 1:100



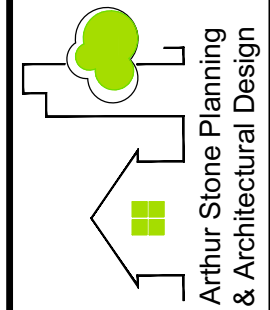
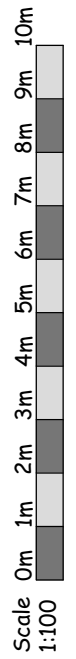
Proposed South West
Elevation 1:100



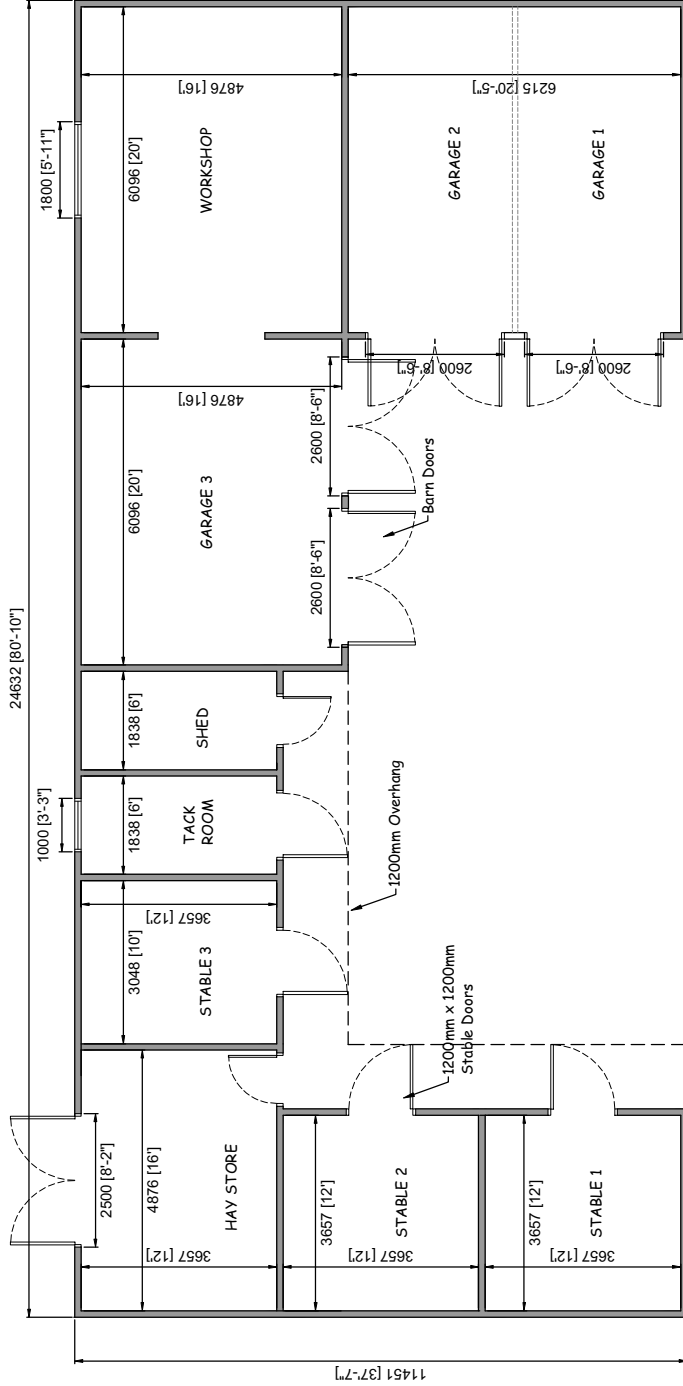
Proposed Floor Plan
@ 1-100



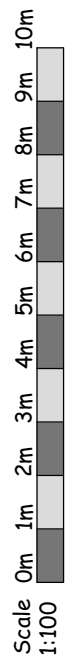
Proposed Roof Plan
@ 1-100



Project		Proposed Erection of Stable and Garage at Robins Nest Stanley PH1 4QJ	
Title		Proposed Field Shelter	
Drawn	Date	Scale	Rev
FP	Sep 18	1:100@A3	A
		Drawing No	
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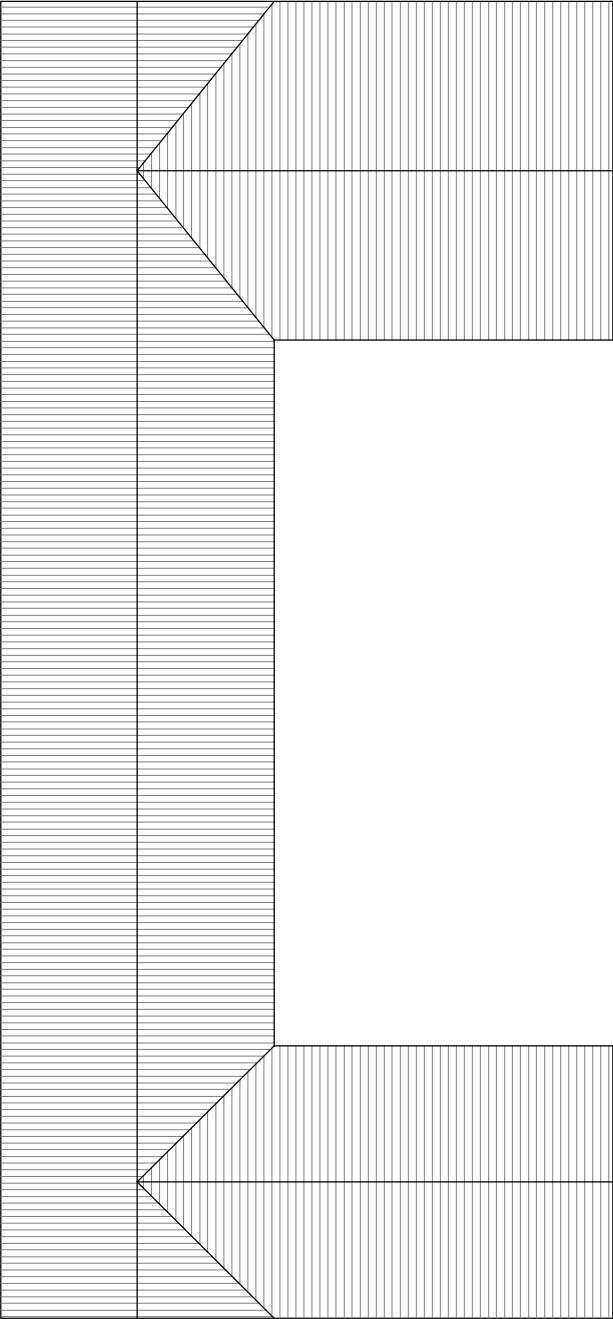


Proposed Floor Plan @ 1-100

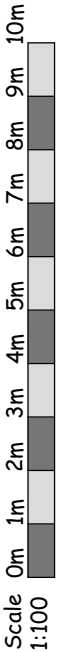


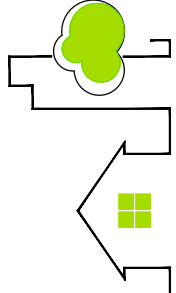
Arthur Stone Planning
& Architectural Design

Project				Proposed Erection of Stable and Garage at Robins Nest Stanley PH1 4QJ			
Title				Proposed Ground Floor Plan			
Drawn	FP	Date	Sep 18	Scale	1:100@A3	Drawing No	2074-004
							REV



Proposed Roof Plan @ 1-100





Arthur Stone Planning
& Architectural Design

Project			
Proposed Erection of Stable and Garage at Robins Nest Stanley PH1 4QJ			
Title			
Proposed Roof Plan			
Drawn	Date	Scale	Rev
FP	Sep 18	1:100@A3	2074-005

TCP/11/16(595) – 18/01749/FLL – Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01749/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access		
Address of site	Robins Nest, Ballathie, Kinclaven, Perth, PH1 4QJ		
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>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 will create a stable building/store/workshop/garage which will be ancillary accommodation to the existing residential property. As the proposal is ancillary to the existing dwellinghouse it will be exempt from contributing towards transport infrastructure.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Transport Infrastructure: £0</p> <p><u>Total:</u> £0</p>		
Recommended informative(s) for applicant			
Date comments returned	30 October 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01749/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Change of use from agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access		
Address of site	Robins Nest, Ballathie, Kinclaven, Perth, PH1 4QJ,		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	01 November 2018		

Comments for Planning Application 18/01749/FLL

Application Summary

Application Number: 18/01749/FLL

Address: Robins Nest Ballathie Kinclaven Perth PH1 4QJ

Proposal: Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access

Case Officer: Andrew Baxter

Customer Details

Name: Mr N Deasley

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comment: We'd like to make a representation on application 18/01749/FLL:

Change of Use from agricultural field to garden ground - in its approval in principle of application 17/00700/IPL, the Council applied the condition that: "The area shown in green on plan 17/00700/2 shall be the residential curtilage for the replacement dwelling. The remainder of the site shall remain in its current agricultural use, or shall be used as an associated recreational 'paddock' for livestock only". We support the Council's approach and consider this condition should be applied here too.

Scale of Proposal - We feel the scale of the building needs to be reduced to make it more in keeping with the adjacent cottage, and that native tree and shrub planting is needed along the northern field boundary to break up the uniformity of the building. This would also help to address biodiversity impacts as a result of the recent tree felling on the wider site. The access road also seems to be 7m wide (approx. twice as wide as the public road) and feel that this should be single track and finished with more appropriate material than road planings.

Thank you for considering our comments.

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/01749/FLL	Our ref	LA
Date	09 November 2018	Tel No	██████████

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Change of Use of Agricultural Land to Garden Ground, Erection of Stables/Store/Workshop/Garage Building, Ancillary Shelter and Formation of a Vehicular Access, Robins Nest, Ballathie, Kinclaven, Perth, PH1 4QJ for Ms Kate Shepherd

I refer to your letter dated 23 October 2018 in connection with the above application and have the following comments to make.

Recommendation

I have no objection in principle to the application provided that the under noted condition is included on any given consent.

Comments

I understand that this application is for the change of use of land to form garden ground for the existing cottage at Robins Nest and for the erection of 3 stable blocks, tack room, hay store, 3 garages and workshop and that this will be for private use and there will no commercial or business use associated with the development.

The proposed development site is located in a rural location with the nearest properties being approximately 80 metres away.

The siting of stables close to residential properties has the potential to cause odour disamenity if they are not properly sited and controlled, in particular from the storage of manure.

I understand that there will be a small workshop, however, provided that it is only for personal use in association with the residential property I would have no objections to the proposal.

In light of the above, I would recommend that the following conditions be included on any given consent;

Conditions

- Before the development commences a waste management plan for the stables shall be submitted for the approval of the planning authority. The plan shall include the frequency that manure and bedding will be removed from the stables, how the waste will be handled and managed, provisions for storage including the location which should be sited away from neighbouring properties and any provisions for removing the waste from the site so as to ensure that odour is kept to a minimum.
- The stables, garages and workshop shall be restricted to personal use only and not used for commercial or business use.

