

<p>LRB-2022-41 22/00329/FLL - Erection of a dwellinghouse, land 90 metres north east of Craignorth House, Balthayock, PH2 7LQ</p>

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LRB-2022-41

**22/00329/FLL - Erection of a dwellinghouse, land 90 metres
north east of Craignorth House, Balthayock, PH2 7LQ**

**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 100589964-001

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:	About Planning Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Emelda	Building Name:	Millars House
Last Name: *	Maclean	Building Number:	41
Telephone Number: *	07841658360	Address 1 (Street): *	Gray Street
Extension Number:		Address 2:	Broughty Ferry
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	Scotland
		Postcode: *	DD5 3BJ
Email Address: *	emelda@about-planning.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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Land"/>
First Name: *	<input type="text" value="Ross"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Townsley"/>	Address 1 (Street): *	<input type="text" value="Land 90m north west of Craignorth"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Balthayock"/>
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="PH2 7LQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="i [REDACTED]"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="LAND 90M NORTH WEST OF CRAIGNORTH HOUSE, BALTHAYOCK, PERTH, PH2 7LQ"/>
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Northing	<input type="text" value="724724"/>	Easting	<input type="text" value="318317"/>
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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)

Erection of a dwellinghouse Land 90 Metres North East Of Craignorth House Balthayock (Ref: 22/00329/FLL)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see Appeal Planning Supporting Statement attached and associated Documents

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)

Appeal Planning Supporting Statement, and: DOCUMENT 1 Decision Notice Ref: 21/00329/FLL DOCUMENT 2 Receipt
for Caravan DOCUMENT 3 Receipt for Mobile Home DOCUMENT 4 Delegated Report Ref: 12/0351/IPL DOCUMENT 5
Delegated Report Ref: 15/00586/IPL DOCUMENT 6 Delegated Report Ref: 17/02122/IPL DOCUMENT 7
North Lees Letter of Support DOCUMENT 8 Goddens Letter of Support DOCUMENT 9 Report of
Handling Ref: 22/00329/FLL Planning Application Submission and Consultee Responses

Application Details

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

22/00329/FLL

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

04/03/2022

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

05/05/2022

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)

It is not possible to see all the site from the public road and the gates may be locked, barring entry.

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: Ms Emelda Maclean

Declaration Date: 28/07/2022

Application for Local Review: Planning Supporting Statement

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, AMENDED

Perth + Kinross Council Ref: 22/00329/FLL

Application Description: Erection of a Dwellinghouse

Address: Land 90 Metres North East of Craignorth House, Balthayock

Appellant: Mr Ross Townsley

Date: July 2022



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- 2.0 THE SITE
- 3.0 THE PROPOSAL
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- 6.0 REASONS FOR REFUSAL: THE DEVELOPMENT PLAN
- 7.0 MATERIAL CONSIDERATIONS
- 8.0 SUMMARY + CONCLUSIONS

DOCUMENTS

DOCUMENT 1	Decision Notice Ref: 21/00329/FLL
DOCUMENT 2	Receipt for Caravan
DOCUMENT 3	Receipt for Mobile Home
DOCUMENT 4	Delegated Report Ref: 12/0351/IPL
DOCUMENT 5	Delegated Report Ref: 15/00586/IPL
DOCUMENT 6	Delegated Report Ref: 17/02122/IPL
DOCUMENT 7	North Lees Letter of Support
DOCUMENT 8	Goddens Letter of Support
DOCUMENT 9	Report of Handling Ref: 22/00329/FLL

1.0 INTRODUCTION

1.1 This statement has been prepared by About Planning Ltd on behalf of Mr Ross Townsley (the "Appellant") and supports an Application for a Local Review (ALR) against the refusal by Perth + Kinross Council (PKC) of Planning Application Ref: 22/00329/FLL (the "Application").

1.2 The Application, was submitted under the Town and Country Planning (Scotland) Act 1997, as amended and was validated by PKC on 4th March 2022 and given the following description:

"Erection of a Dwellinghouse at Land 90 metres North East of Craignorth House, Balthayock".

1.3 The submitted Application will be provided to the LRB by AC and is also available on-line:

<https://planningapps.pkc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R7SSW2MKHXF00>

1.4 The Application was determined by Officers of the Council under delegated powers and Planning Permission was refused on 5th May 2022. The decision notice is attached as Document 1 and states that the application has been refused for the following reasons:

1. The proposal is for a new dwelling within an area designated as 'Green Belt' within the Perth and Kinross Local Development Plan 2 (2019). As the proposal a) does not support an established use, or a new business which has a relationship with the land, b) is not essential for agriculture, horticulture or forestry operations, or c) compliance with criteria (4) or (5) of the Council's Housing in the Countryside Policies, it is contrary to Policy 43 (Green Belt) of Perth and Kinross Local Development Plan 2 (2019) – which only allows for certain new development within the 'Green Belt' area.
2. The proposal is for a new dwelling within the 'Green Belt' which is not linked to a proven economic need, and not a conversion or replacement of existing traditional buildings. The proposal is therefore contrary to both Policy 19 (Housing in the Countryside) of Perth and Kinross Local Development Plan 2 (2019) and the associated approved

Supplementary Guidance of 2020 which only allow for new housing within the 'Green Belt' area in certain instances.

Justification

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

- 1.5 In essence, the refusal relates solely to the principle of development. There are no objections to proposed house in relation to its siting, design or layout, relationship with the landscape or its access arrangements.
- 1.6 Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 affords the following status to development plans:

"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."
- 1.7 For the reasons set out in this statement it is considered that the proposal accords with the Development Plan and is supported by other material considerations. It is therefore respectfully requested that this ALR is supported by the LRB and Planning Permission granted.

2.0 The Site

The Site + General Environment

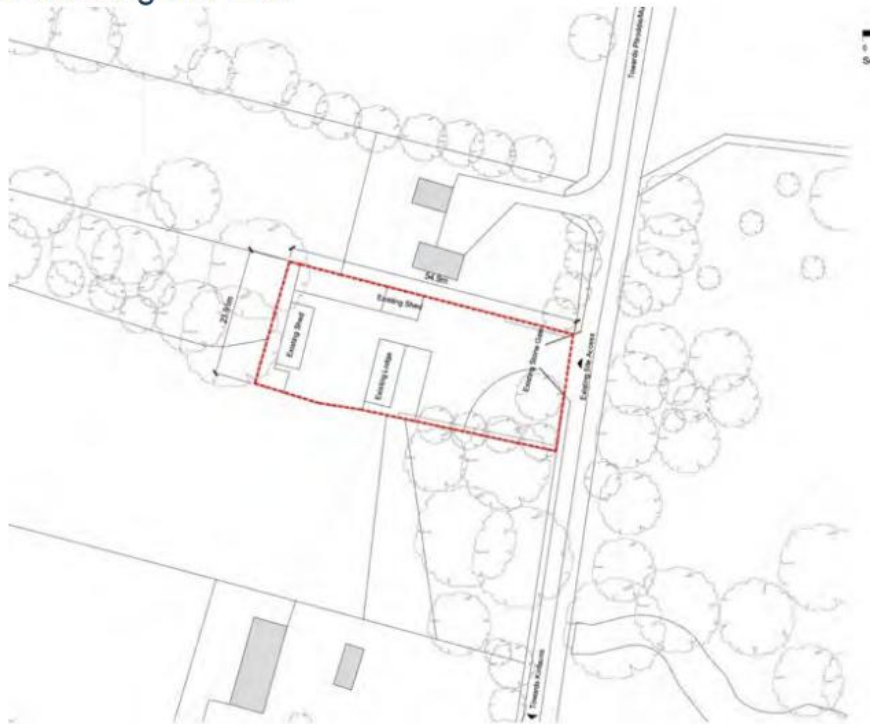
- 2.1 The site extends to approximately 1,300 square metres and is located to the west of a classified road. The road leads to Balthayock to the south and to Scone to the northwest. Craignorth Pendicle (a dwellinghouse) lies approximately 80 metres to the south of the site. A couple of former sheds/outbuildings are located on the field immediately to the north of the site. The surrounding area is primarily agricultural or characterised by woodland.
- 2.2 Figure 1: Aerial Photograph of Site (2020) illustrates the site's location, within the context of the existing described development to the north and south, the road to the east and woodland to the east, south and west. There is also a linear mature tree belt to the north. The site is well contained within a landscape context.

Figure 1: Aerial Photograph of Site (2020)



- 2.3 Figure 2: Existing Site Plan illustrates the current site layout. A mobile home/caravan is located centrally in the site, with sheds to the north and west. The sheds are used for commercial storage, associated with the Appellant's roofing business. The site benefits from existing established enclosed boundaries around the site, together with associated mature woodland and tree planting. There is an existing access off the Kinfauns to Pitroddie Road.

Figure 2: Existing Site Plan



The Site + Immediate Land Use Characteristics

- 2.3 Figure 3: Application Site and Ownership illustrates the location of the site, within the context of the Appellant's land ownership. The field to the south and west of the site, in the ownership of the Appellant, is currently used as a paddock and for sheep grazing (associated with the Appellant's employment by two local farms). The area of ownership extends to an of approximately 9,661 square metres (including the site).

Figure 3: Application Site and Ownership



- 2.4 Figure 4: The Site illustrates the caravan/mobile home in the foreground, with the storage sheds to the rear and side, together with existing outbuildings on the land adjacent to the north. The rest of the site is covered in hardstanding/hardcore and is used for general storage.

Figure 4: The Site



- 2.5 Figure 5: View from Site to Craignorth Pendicle (house to the south) illustrates the view from the Application site, across the field in the Appellant's ownership to this residential property. The proposed new house would sit immediately to the north of this house, with the paddock in between, a characteristic associated with this part of the countryside in PKC.

Figure 5: View from Site to Craignorth Pendicle (Dwellinghouse)



- 2.6 Figure 6: View from Site to the North illustrates the view from the Application site to the brownfield buildings and site, immediately adjacent.

Figure 6: View from Site to the North



The Site + Historic Land Use

- 2.6 The Appellant's father bought the site circa. 2003 as a "workshop and yard" from a joiner who used the site for his joinery business. The site continued to be used by the Applicant's father for storage and workshop purposes, and more recently, for the same use by the Applicant, in association with his roofing company.
- 2.7 The site has been used for the same/related use for a workshop and yard for around 18 years and therefore this use is established and not subject to enforcement action under The Town and Country Planning (Scotland) Act 1997 as amended. This historical and established use is a material consideration in the determination of this Appeal.
- 2.8 Under the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the site is considered to fall under both (1) Class 4 C. Business i.e. an industrial process "which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit." and (2) Class 6. Storage or distribution i.e. *"Use for storage or as a distribution centre"*.
- 2.9 Figure 7: Aerial of Site (2006) substantiates that the site, subject to this proposal, was used for the purposes described, since at least 2006, according with the described use above. In 2006, the site had a workshop to the west, hardcored across its entirety and was used for vehicular storage.

Figure 7: Aerial of Site (2006)



- 2.10 Figure 8: Street Scene of Site (2009) substantiates the continued use of the site, for the purposes described above.

Figure 8: Street Scene of Site (2009)



- 2.11 The site continued to be utilised on the same basis, thereon for the storage of vehicles including mobile homes. This is illustrated by Figure 9: Aerial of Site (2017).

Figure 9: Aerial of Site (2017)



- 2.12 The Appellant inherited the site from his father in around 2017 and was then able to utilise the commercial/storage use of the site for his own roofing business. At the same time (2017), the Applicant also purchased a new caravan (Document 2) and stored it on the site, reflecting the storage use of vehicles/mobile homes/caravans at this time. The Appellant then resided in this caravan as a logical position for supervising his roofing business and whilst also being immediately available by two local farms for livestock supervision and other agricultural related activities (detailed below).
- 2.13 The Appellant was not aware of the requirement for Planning Permission for residing in the above caravan, noting that caravans had an historic presence on this site. In June 2018 the Appellant replaced the caravan, with a mobile home (Document 3) only to provide for 'better habitable' accommodation for his new family. The Appellant has lived in this mobile home with his family for over 4 years.
- 2.14 Figure 10: Aerial Photograph of Site (2018) illustrates the location of the mobile home in 2018.

Figure 10: Aerial Photograph of Site (2018)



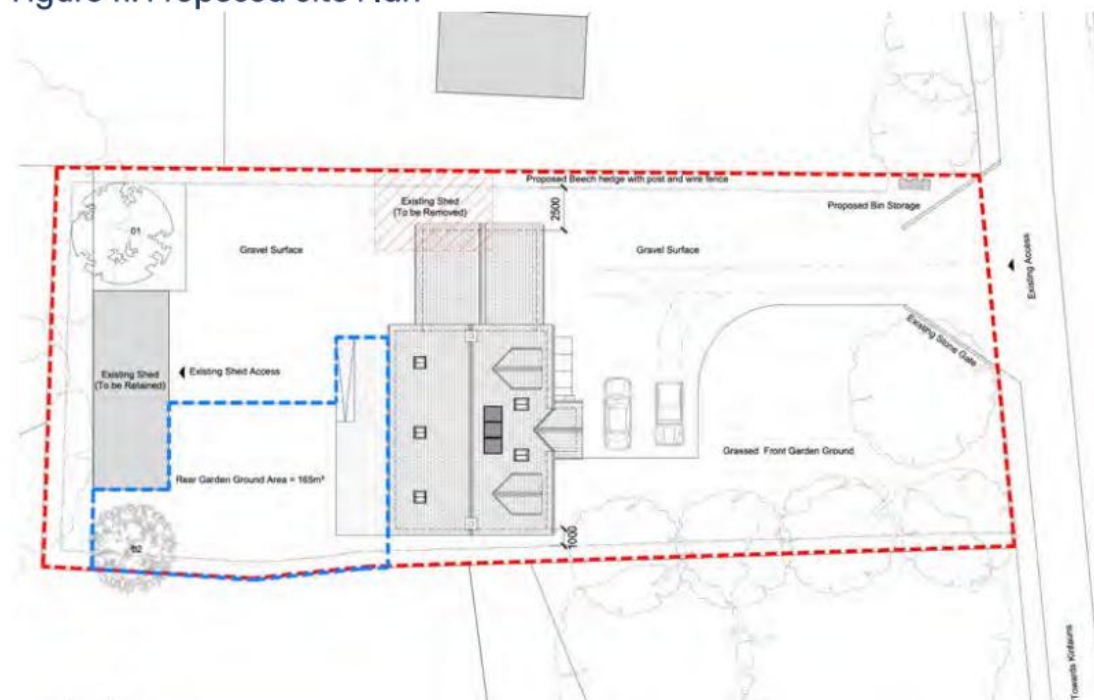
- 2.15 In June 2021, PKC decided to pursue enforcement action for the removal of this caravan/mobile home, having regard to its residential, rather than permitted storage use.
- 2.16 A subsequent appeal by the Appellant was upheld by the Reporter of the Scottish Government, on the basis that, inter alia, the evidence only substantiated that the mobile home had been there for just over 3 years rather than the required 4 years to be immune from enforcement action. The Reporter clarified that the legal issues resulting in the EN being upheld, did not constitute a planning appraisal of the mobile home, and its acceptability in planning terms having regard to the Development Plan.
- 2.17 Noting that the EN does not constitute a planning determination on the merits of the proposal, the Appellant therefore submitted a Planning Application for a new dwellinghouse to replace the mobile home.
- 2.18 It was anticipated that if this Application was approved, this would not only provide better accommodation for his growing family, but also allow the mobile home to be removed, as required by the EN, and facilitate a substantial enhancement to the site, by changing its use from a

commercial/storage use (with a mobile home) to residential with associated garden ground and landscaping.

3.0 The Proposal

- 3.1 The proposal relates to the replacement of the existing caravan/mobile home, which has existed on this commercial brownfield site for over 4 years with a new single dwellinghouse, for the Appellant. The site has been in the ownership of his family for commercial and storage use since circa. 2003.
- 3.2 It is considered that the proposed house will result in a visual enhancement to an established commercial site within the Green Belt and countryside, adjacent to an existing house, and within a well established boundary.
- 3.3 Figure 11: Proposed Site Plan illustrates the siting of the new house on the site of the existing caravan/mobile home, also responding in design terms to the existing and adjacent outbuildings to the north and Craignorth Pendicle (dwellinghouse) to the south.

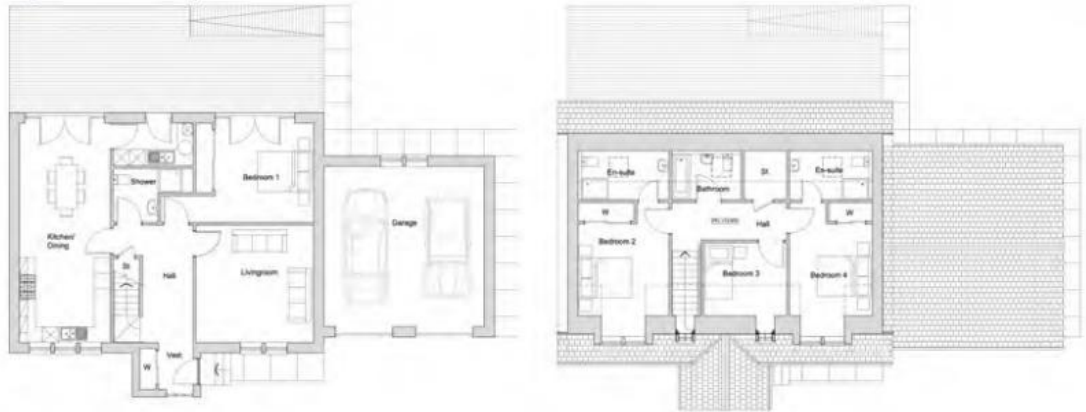
Figure 11: Proposed Site Plan



- 3.4 Figure 12: Proposed Floor Plan illustrates a modest 1.5 storey house, occupying an area of approximately 160 square metre, with a double garage. The siting of the proposed house will also screen the existing & established workshop to the rear and utilise part of the existing hardcore, to the front of the house for access and additional parking. The proposal

also provides for new garden ground on the remaining hardcore, resulting in a visual enhancement to the site as viewed from the road access.

Figure 12: Proposed Floor Plan



- 3.5 Figure 13: Proposed Elevations illustrates the vernacular design of the proposal, which has regard to the siting, scale and design of Craignorth Pendicle (dwellinghouse) to the south and house designs approved locally in this area by PKC.

Figure 13: Proposed Elevations



- 3.6 The proposed house design utilises bedrooms within the roof space, thereby reducing the visual scale of the house and as stated above, the overall scale and design respects the vernacular scale of development

local to this site. It is proposed to finish the roof in slate, utilise 'conservation' rooflights and finish the elevations in roughcast. The Applicant is content to accept planning conditions securing the external appearance of the proposed house, in accordance with the requirements of PKC.

- 3.7 It is relevant that PKC have no objection to the siting, design and layout of the proposal, or to its access. These issues are not subject to the reasons for refusal, only the principle of a new house in the Green Belt.

4.0 Planning History

- 4.1 The following planning history is considered relevant to the planning background of the site and to the current Planning Application.

Planning Application Ref: 12/01351/IPL – Erection of a dwellinghouse and garage (in principle)

- 4.2 The Report of Handling (RoH) by the Planning Officer is attached as Document 4.

- 4.3 The RoH addresses the existing use of the site, relevant in 2012, stating:

“It would appear that the site is presently used for a commercial operation, centred around the trading of vehicles and it has been alleged within the representations that this use is unauthorised. There appears to be no record of a change of use application either being submitted or approved on this site, however there is equally no evidence to demonstrate the length of time the site has been used in its current state. To this end, the matter has been past to the Councils Enforcement Officer to investigate further.”

- 4.4 It is relevant, that no enforcement procedures were undertaken by PKC and as the site has been used for commercial purposes for a workshop and yard for around 18 years, this use is now established and immune from enforcement action under The Town and Country Planning (Scotland) Act 1997 as amended.

- 4.5 Although PKC refused the principle of development, the RoH does acknowledge (of relevance, in support of this ALR) that a dwellinghouse on this site would be compatible with the existing surrounding land uses. In addition, in terms of landscape impact on the Area of Great Landscape Value (designation at this time) concluded that whilst “... a negative one, is however perhaps debatable.”

- 4.6 It is relevant that the site has matured in terms of its presence in the landscape since the date of this decision in 2012 (10 years ago), with the commercial/storage use continuing to have an immediate visual and landscape impact, which could be further adversely affected by an intensification in use of the site without the need for planning permission.

Planning Application Ref: 15/00586/IPL – Erection of a dwellinghouse and garage (in principle)

- 4.7 The RoH by the Planning Officer is attached as Document 5. Whilst PKC refused planning permission, again, some positive comments were made in the appraisal of the proposal, including:
- “There is considered to be some potential for the site to accommodate a dwellinghouse and garage, but the long nature of the site would limit the amount of amenity space available.”
 - The proposal was not regarded as being detrimental to residential amenity;
 - Transportation Planning did not have an objection, subject to appropriate conditions;
 - There are no known flood risks to the site.

Planning Application Ref: 17/02122/IPL – Siting of a mobile residential caravan/timber lodge (in principle)

- 4.8 The RoH by the Planning Officer is attached as Document 6 and refused, however, again there were no objections to the proposal by consultees.
- 4.9 Whilst the RoH concluded that the “... mobile residential unit would be out of character of the local area.” It also concluded that the site is sufficiently large to be able to provide a suitable level of residential amenity.

Planning Enforcement Notice + Appeal by Appellant

- 4.10 In June 2021, PKC served an Enforcement Notice (EN) on the Applicant. The breach of planning to which this notice related was *“without planning permission, the unauthorised introduction of a chalet to the site, the material change of use of the chalet and site for permanent residential occupation, the undertaking of an engineering operation to form a hardstanding, and the siting of a shed.”*
- 4.14 An appeal was subsequently lodged, but upheld in part by the Scottish Government. In summary, whilst evidence was produced that there had been a mobile home on the site since 2017/2018, the home was not immuned from enforcement action, since it had not been there 4 years (only 3.5 years). In addition, it was also found that some pavings had been laid to the fore of the mobile home which also required consent. The decision extended the

period for compliance i.e. removal of the mobile home and pavings to an extended period from 6 months to 9 months (noting the related hardship).

- 4.15 The mobile home would have been immuned from enforcement action if it had been there for 4 years. In reality, the mobile home has now been occupied for 3.5 years.
- 4.15 The decision notices also clarifies that whilst *"The appellant provides an assessment of compliance with the development plan. However it is not open to me in the context of this appeal to consider the merits of the proposal in the context of the development plan or other material considerations. That assessment would fall to the planning application process."*

Implications of Enforcement Notice

- 4.16 Enforcement of the conditions of the EN, as served by PKC, will as stated, result in the Applicant and his family becoming homeless, unless suitable accommodation is found on a site which is affordable and meets the Applicant's employability requirements. The Application site already fulfils these requirements, and is in the Appellant's ownership.
- 4.17 In effect, it is unlikely (based on current day economics) that the Applicant would be successful in affording another home in this location, which is required for being accessible for part-time agricultural employment, looking after lambs when required and to supervise the storage of materials associated with his roofing business. This is detailed further in Paragraph 5.0: Need for Dwellinghouse.
- 4.19 As a response to the EN and the need for a house in this location, the Appellant submitted the Planning Application, now subject to this appeal.

5.0 Need for Dwellinghouse

- 5.1 As stated, the Appellant's father bought the site circa. 2003 as a "workshop and yard" from a joiner who used the site for his joinery business. The site continued to be used by the Appellant's father for storage and workshop purposes, and more recently has been utilised on the same basis by the Appellant in association with his roofing company.

On-Site Security for Rural Business

- 5.2 The proposed house is required to ensure on-site security of the goods associated with this business, noting that an unsupervised yard in this location is potentially vulnerable in the hours when there is not 24 hour on-site presence. It is relevant that the Applicant has 7 sub-contractors who he works with on a full-time basis and significant value invested in the tools stored on-site running into tens of thousands of pounds. In the event that the business is jeopardised through a lack of security, this employment base and investment will also be compromised and local employment income/jobs potentially lost.

Agricultural Essential Worker

- 5.3 In addition, to operating a roofing business from the site, the Appellant also works locally all year around supervising stock and works more intensively during lambing season, a critical time of the year for local farmers. The location of the Appellant's home in this location, adjacent to the farms concerned, allows the Appellant to be on hand when required. It is also relevant that the site is surrounded by a paddock in the Appellant's ownership, which allows for livestock to be accommodated on-site as and when required.
- 5.4 In effect, the Appellant is also engaged (in addition to his roofing business at the site) as an essential farmworker locally, providing a local agricultural essential workers role. The following two letters were provided with the Application in support of the valuable services provided by the Appellant:

Northlees Farm, Kinfauns (Document 7)

- 5.5 Northlees Farm is located approximately 4 km to the south of the Appellant's site. Mr Pedgift from Northlees Farm has confirmed the importance of the

Applicant's assistance throughout the year and seasonally with their livestock. The farm has over a thousand sheep and the Appellant is able to assist, through living locally, with monitoring the stock and assisting with problematic births over a 24-hour period, 7 days a week.

- 5.6 Ewes experiencing problem births are taken care of by the Appellant at the paddock adjacent to the Application site. This land enables the continuous supervision of livestock in an enclosed area next to his home (currently within the mobile home referred to). A house or flat in a more urbanised area, without surrounding land, would not allow the Appellant to carry out this essential agricultural workers role.

The Goddens Farm, Pitroddie (Document 8)

- 5.7 The Goddens Farm is located approximately 4 km to the northeast of the Appellant's site. Mr & Mrs Godden employ the Appellant to monitor and safeguard their stock, particularly against foxes. They have estimated that the Appellant has assisted in controlling over 100 foxes a year over the past 4 years, whilst also assisting during the lambing season. Again, as stated above, an alternative suburban/urban site would not allow the Appellant to assist in these essential farming operations, i.e. the Application site is ideally suited to facilitate assistance to this farm.
- 5.8 Both letters identify the valuable input that the Appellant has as an essential worker, living on the 'doorstep'. The Appellant has the necessary skills and on-site facilities, i.e. the house and paddock, to enable his effective assistance with these agricultural operations, as and when needed.
- 5.9 The location of a house on this site enables the Appellant to carry out valuable services to the two above farms. It is relevant that the proposed house is located roughly equidistant from both farms, allowing the Applicant to provide immediate assistance to both farming operations.

6.0 Reasons for Refusal: The Development Plan

Background

- 6.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The Development Plan comprises the TAYplan Strategic Development Plan (SDP), 2014 and the Perth + Kinross Local Development Plan (PKLDP), 2019. Given the strategic nature of the SDP, it is not considered to have a direct implication on the proposal, with the PKLDP providing the relevant policy context in this case.
- 6.3 Silversprings is an established commercial site (yard and storage), which as stated, has been used as a workshop and yard for around 18 years. This use is established under The Town and Country Planning (Scotland) Act 1997 as amended and whilst a Planning Application has not been recorded by PKC for this use, it is now lawful/immune for enforcement action under the provisions of the Act.
- 6.4 The PKLDP identifies that the site is located in the countryside, within the Green Belt designation and within the Sidlaw Hills Local Landscape Area (LLA), where the following policies apply to the proposal in terms of the principle of the proposal and its detailed design.
- 6.5 The Planning Officer's Report of Handling (RoH) is attached as Document 9. It is clear from the RoH that there is no objection to the proposal, other than the principle of development. The Appellant disagrees with the Planning Officer's Assessment and reasons for refusal for the following reasons:

Reason (1) The proposal is for a new dwelling within an area designated as 'Green Belt' within the Perth and Kinross Local Development Plan 2 (2019). As the proposal a) does not support an established use, or a new business which has a relationship with the land, b) is not essential for agriculture, horticulture or forestry operations, or c) compliance with criteria (4) or (5) of the Council's Housing in the Countryside Policies, it is contrary to Policy 43 (Green Belt) of Perth and Kinross Local Development Plan 2 (2019) - which only allows for certain new development within the 'Green Belt' area.

- 6.6 **Policy 43: Green Belt** states that within the area designated as Green Belt, development will only be permitted where it meets stated criteria. Reason 1 states that the proposal does not comply with criteria (a), (b) or (c). It is relevant that the proposal only needs to be supported by one of these criteria to be acceptable.
- 6.7 Criterion (a) will support development where "it can be demonstrated that the development either supports an established use, or develops a new business within the Green Belt which has a direct relationship to the land".
- 6.8 As stated in paragraph 5.2 the proposed house is required to ensure on-site security for the established commercial use of the site, by providing 24 hour surveillance. This is vital for the protection of the tools and storage material on the site, given its rural location.
- 6.9 The Planning Officer's assessment in their RoH states *"The applicant has suggested that the site has been a base for their business for several years, however the nature of that business itself – a roofing company – has not direct relationship to the land."*
- 6.10 As stated in paragraphs 2.6 – 2.8, the site has an established use for workshop and yard since 2003, when it was used as a joinery business. The use of the site has continued on the same basis for 19 years now, with the Appellant also continuing to use the sheds as workshops for his roofing coming and the yard for storage.
- 6.11 This use has not been challenged by the Planning Authority and had this use not been acknowledged as authorised the Planning Authority would have taken enforcement action in 2021, when they served the Enforcement Notice requesting the removal of the caravan/mobile home.
- 6.12 The established use of the site as a business is further re-enforced by the fact that Planning Application Ref: 12/01351/IPL, referred to in paragraphs 4.3–4.4, recorded that the commercial use had been subject to investigation by the Council's Enforcement Officer and in 2012 and no action was forthcoming.
- 6.13 By the Council's very own records therefore this site has an established business use. The Roofing business uses this site as a workshop and yard for storage and clearly has a direct relationship with the land, which has never been disputed by PKC. The Planning Officer's assertion that the business is

not directly related to the land is simply incorrect and conflicts with records clearly held by PKC on the use of the site for commercial purposes.

- 6.14 The Appellant has demonstrated that the proposed development supports an established use within the Green Belt which has a direct relationship to the land. The proposal is therefore considered to comply with Policy 43: Green Belt, criterion (a).
- 6.15 Criterion (b) will support development where “it can be demonstrated that the development is essential for agriculture...”
- 6.16 Paragraphs 5.3-5.9 identify the role of the Appellant in assisting 2 local farms as an essential agricultural worker. Should the Appellant be required to re-locate, this would jeopardise the important role he plays in the two agricultural operations concerned. Noting also that he is ideally located an equal distance to two farms and can use his paddock to provide 24 hour supervision to ewes, experiencing problematic births.
- 6.18 The Appellant disagrees with the Planning Officer’s assessment in their RoH. The Planning Officer has assessed this criteria having regard to category 3.3 of the Council’s Housing in the Countryside Supplementary Guidance on a ‘new house to support an existing business – farm workers’. However this category specifically relates to a new house for “a full-time worker or workers to be on-site for the majority of the time”. However, the two farms do not require the Appellant to carry out his role on a full-time basis, due to the seasonal nature of his assistance and neither is he required to be ‘on-site’ for the majority of the time.
- 6.19 In essence, the Appellant has a flexible role to play in helping 2 farms, which the site lends itself to perfectly, without either farm requiring to construct a new house on their farms, or engage the Appellant’s services for longer than is required. The Appellant is perhaps carrying an unusual role, which is not covered by the Guidance, but all the same a valuable role for both farms as demonstrated in their letters of support, attached as Documents 7 and 8 and referred to in Paragraphs 5.5 – 5.7.
- 6.20 It is also relevant, that the Applicant’s paddock allows for on-site care of vulnerable livestock, when required, which would not be possible if the Applicant lived in a house, without surrounding land. A house in an alternative location would not provide the benefits described above and would potentially jeopardise both the roofing services business and the ability to effectively continue in the Applicant’s agricultural worker role.

- 6.21 It is considered that the Appellant has demonstrated that the site's location is essential in his role as agricultural worker for two local farms. The proposal is therefore considered to comply with Policy 43: Green Belt, criterion (b).
- 6.22 Criterion (e) will support development where it complies with criteria (4) or (5) of the Policy 19: Housing in the Countryside and associated Supplementary Guidance, and a positive benefit to the Green Belt can be demonstrated.
- 6.23 Policy 19: Housing in the Countryside states that the Council will support proposals for the erection of single houses in the countryside which fall into at least one of the following categories:(1) building groups;(2) infill sites; (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance; (4) renovation or replacement of houses; (5) conversion or replacement of redundant non-domestic buildings; (6)development on rural brownfield land.
- 6.24 In terms of Criterion (4) the proposal does relate to the replacement of an existing mobile home, which is the Appellant's home. The mobile home has been on the site for 4 years approximately and although unauthorised, technically the proposal would result in its replacement with a new house, of bespoke design. The would result in an enhancement to the Green Belt.
- 6.25 Whilst the proposal does not comply with Criterion (5), Policy 19 only requires compliance with one of the criterion, in this case the proposal is considered to comply with criterion (4).
- 6.26 Criterion (e) of Policy 43 also requires a positive benefit to the Green Belt to be demonstrated. The redevelopment of this commercial site with a new house and associated garden ground and landscaping will significantly improve the amenity and landscape setting of this part of the Green Belt, in accordance with Policy 43.
- 6.27 In addition, the Applicant would be content to accept a planning condition securing further tree planting and landscaping within the site and on its eastern boundary (at the entrance), further enhancing the landscape setting of the site and the appearance of the Green Belt.

- 6.28 In summary, in order to accord with Policy 43, the proposal only needs to comply with one of the criteria, not all of them. For the reasons stated above the proposal is considered to comply with Criterion (a), (b) and (e) relating to Criterion (4) of Policy 19: Housing in the Countryside and should therefore be supported.

Reason (2) The proposal is for a new dwelling within the 'Green Belt' which is not linked to a proven economic need, and not a conversion or replacement of existing traditional buildings. The proposal is therefore contrary to both Policy 19 (Housing in the Countryside) of Perth and Kinross Local Development Plan 2 (2019) and the associated approved Supplementary Guidance of 2020 which only allow for new housing within the 'Green Belt' area in certain instances.

- 6.29 Policy 19: Housing in the Countryside states that the Council will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:(1) building groups;(2) infill sites; (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance; (4) renovation or replacement of houses; (5) conversion or replacement of redundant non-domestic buildings; (6)development on rural brownfield land.
- 6.30 The Appellant agrees with the Planning Officer in their RoH that in terms of compliance with Policy 19 and the SG, both these documents make it clear that the criteria for new housing in the green belt is limited Criteria (3), (4) and (5) and the associated SG.
- 6.31 Paragraph 6.18 above already addresses criterion (3) under Policy 43: Green Belt, criterion (b). The Appellant has conceded, in paragraph 6.25 that Criterion (5) does not relate to their proposal, but that technically Criterion (4) could support their proposal, as outlined in paragraph 6.24 and 6.26 above.
- 6.32 The proposal is therefore considered to comply with at least one of the categories, as required by Policy 19: Housing in the Countryside and should therefore be supported.

Overall Compliance with the Development Plan

- 6.33 The proposal is unusual since the house is justified, on the basis, of proven need relating jointly to two Policy requirements of Policy 43: Green Belts, that is, Criterion (a), the house will support an established business which has a relationship with the land, and Criterion (b) is not essential for agricultural operations associated with two different farms.
- 6.34 It is also considered that technically Criterion (4) of Policy 43: Green Belts could support their proposal.
- 6.35 It is relevant that for Policy 43: Green Belts to support the proposal, it only needs to satisfy one of these criteria, which the Application does.
- 6.36 Essentially Policy 19: Housing in the Countryside and the associated Supplementary Guidance cross reference with the requirements of Policy 43: Green Belts and again only requires compliance with one criteria. Therefore, and for the reasons provided in relation to Policy 43: Green Belts, the proposal therefore also complies with at least one of the criteria contained in Policy 19: Housing in the Countryside and the associated SG.
- 6.37 The proposal is therefore considered to comply with the requirements of the Development Plan and for the reasons stated, it is respectfully requested that this ALR is supported and Planning Permission granted, noting also that there are material considerations in support of this proposal.

7.0 Material Planning Considerations

7.1 Material considerations include:

- Planning History
- Scottish Planning Policy (SPP)
- PKC Supplementary Planning Guidance
- Planning Status of Site

Planning History

- 7.2 The planning history of the site clarifies that the main issues of concern on previous applications for a house related to the principle of development and the impact on the landscape/Green Belt. However, the previously submitted Applications were for Planning Permission in Principle and as a result no detail was provided on the house design or layout. In addition, no supporting information was provided on the need for a house. The Application and this subsequent appeal seek to address this previous lack of information, by providing information to support the need for a new house and by providing details of the house and the site layout, including new landscaping.

Scottish Planning Policy (SPP)

- 7.3 In terms of promoting rural development, SPP identifies that one of the policy principles of the planning system is to *“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.”* (SPP, paragraph 75).
- 7.4 The proposed house will support the security of an established business on the site, whilst also being ideally located for the Applicant to continue with essential working associated with the two neighbouring farms.
- 7.5 The proposal will also result in a visual enhancement, supporting the enhancement of the Green Belt, and the above national planning principle for encouraging rural development which supports businesses.

PKC Supplementary Planning Guidance – Business Support & Housing Need

- 7.6 PKC’s Housing in the Countryside Supplementary Guidance (SG), 2020 is relevant to the principle of development on this site, expanding on Policy 19 of the PKLDP, referred to above.

- 7.7 Category 3.3 of the SG provides guidance on the information which should be addressed in justification of a new house for an established business. Supporting information has been provided by two adjoining farm owners supporting the need for the proposed house in this location. It is relevant that the Applicant also owns the adjoining paddock which facilities on-site care of vulnerable livestock. The guidance is, however, orientated towards proposals for new houses on existing farms, which this Application does not relate to.
- 7.8 For non-farming business the guidance states that Applicants should *“...demonstrate that the provision of a house is essential to the continued operation of the business.”* The site is used for the Applicant’s roofing company on an established commercial site, historically and currently used as a yard for storage and workshop. The house is required to provide on-site 24 hour surveillance, securing the continued operation of the business.
- 7.9 Category 3.4 of the SG, does not apply to properties in the Green Belt, however, the sentiment of the policy is to ensure that local housing needs are accommodated in the countryside and this social objective of PKC is considered to be relevant to this ALR.
- 7.10 Category 3.4 of the SG would support *“a house for a local person or family who have lived and/or worked in the area for at least 3 years, and who are currently inadequately housed... For the purposes of this Guidance, inadequately housed means a person or household who are currently living in ... overcrowded accommodation i.e. the accommodation lacks one or more bedrooms to meet the needs of the household. Each case will be assessed on its own merits but in calculating overcrowding the Council generally considers it reasonable for the following household members to share a double bedroom: couples; same sex household members; and two mixed sex household members under 10 years of age. In all cases the applicant will be required to demonstrate that no alternative accommodation is available to them within the local area.”*
- 7.11 The Applicant is local to the area, and is currently living in a mobile home on the site with his family. Document 3 demonstrates that the mobile home was purchased in June 2018 and the Applicant has now lived there for over 4 years. The mobile home has two small bedrooms. The Applicant’s two daughters, aged 7 and 2, both share a small bedroom, which is only 2.5 x 2.0 metres. The accommodation is substandard for the requirements of the

family and it is unreasonable for the two children to continue occupying such a small bedroom, as they grow. With the service of an Enforcement Notice by PKC on the Applicant the Applicant and his family will now become homeless. A new house on this site fulfils the criteria for providing a new house for a local person, who is currently inadequately housed. There is no other suitable houses available locally, since the house is also required to supervise the existing business at this site.

- 7.12 The Policy Guidance is considered to be a material consideration, in support of the proposal, as it identifies that PKC recognise the need to ensure adequate housing is provided for local people. It is considered unreasonable, having regard to Scottish Planning Policy (SPP) that a socially 'positive' policy does not apply in the Green Belt, noting the Green Belt has only been designated for landscape and coalescence planning reasons.
- 7.13 It is considered inappropriate in planning terms, that environmental issues relating to the Green Belt have superseded any economic and social considerations relating to this proposal, noting that SPP is clear that the planning system is required to 'balance' all 3 of these objectives. However, in this case, SPP seems to have been ignored, with environmental issues significantly outweighing the economic and social benefits pertinent to this ALR.
- 7.14 That said, this proposal actual promotes the objectives of the Green Belt, through an improvement in the amenity of the site and an enhancement to its landscape.

Planning Status of Site

- 7.15 In summary, the site has been used for a workshop and yard for around 19 years (since around 2003) and therefore this use is established and time-barred from enforcement action under The Town and Country Planning (Scotland) Act 1997 as amended.
- 7.16 Under the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the site is considered to fall under both Class 4 C. Business and Class 6. Storage or Distribution. This dual use is continued to date, by the Applicant.
- 7.17 The site could be used more intensively than presently, for the above uses without the need for planning consent. It is considered material that the use of the site as a commercial workshop and yard is unlikely to be supported by

current planning policy today. It is considered that the siting of a new dwellinghouse within the foreground, screening the workshop and commercial yard will enhance the appearance of the site and landscape setting, enhancing the characteristics of the designated Green Belt. This is a significant material consideration in support of the proposal.

8.0 Summary + Conclusion

- 8.1 In summary, the Planning Application for the proposed house is required for the following reasons:
- The proposed house will ensure 24-hour supervision of the commercial site, avoiding vandalism of an unsupervised yard in this rural location.
 - Damage to the established business will impact on the viability of the Applicant's roofing business and livelihood, together with the associated 7 no. sub-contractors involved in the business, noting also the significant value invested in the tools stored on-site running into tens of thousands of pounds.
 - The Applicant is also an essential agricultural worker, with the site ideally located to assist in the farming operations located in close proximity to the site.
 - The site benefits from adjoining paddocks, which the Applicant can utilise on behalf of the local farms to provide 24-hour supervision to vulnerable livestock.
 - The Applicant currently lives in a mobile home on the site, which has been there for over 4 years and which is of sub-standard accommodation for his family.
 - The referred to Enforcement Notice would lead to the eviction of the Applicant's home. The Applicant does not have suitable replacement accommodation which can fulfil the above employment requirements referred to.
- 8.2 The need for a new house is therefore justified for the following 3 reasons:
1. To support an established commercial use, which would as a result of the proposed house, be supervised and protected through 24-hour residential supervision on the site;
 2. To support the Applicant's essential agricultural role to two local farms (noting the benefit of the Applicant's paddock and the lack of available such sites locally);
 3. The replacement of existing residential accommodation on the site (currently inadequate for a local person/family) with a new house, which also addresses reasons (1) and (2) above.
- 8.3 Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 requires that the determination of planning applications shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.4 It is considered that the proposed development accords with the conjoined objectives of national policy and the objectives and aims of the PKLDP's policies and Guidance, resulting in a positive planning solution to the future of this site.
- 8.5 In conclusion, the Scottish planning system operates, at its core, to secure development in the "public interest", whilst balancing environmental, social and economic considerations.
- 8.6 It is requested that this ALR is supported and planning permission granted.



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Date of Notice: **4th May 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00329/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 4th March 2022 for Planning Permission for **Erection of a dwellinghouse Land 90 Metres North East Of Craignorth House Balthayock**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is for a new dwelling within an area designated as 'Green Belt' within the Perth and Kinross Local Development Plan 2 (2019). As the proposal a) does not support an established use, or a new business which has a relationship with the land, b) is not essential for agriculture, horticulture or forestry operations, or c) compliance with criteria (4) or (5) of the Council's Housing in the Countryside Policies, it is contrary to Policy 43 (Green Belt) of Perth and Kinross Local Development Plan 2 (2019) - which only allows for certain new development within the 'Green Belt' area.
2. The proposal is for a new dwelling within the 'Green Belt' which is not linked to a proven economic need, and not a conversion or replacement of existing traditional buildings. The proposal is therefore contrary to both Policy 19 (Housing in the Countryside) of Perth and Kinross Local Development Plan 2 (2019) and the associated approved Supplementary Guidance of 2020 which only allow for new housing within the 'Green Belt' area in certain instances.

Justification

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

The plans 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 Reference

01

02

03

04

05

06

07

08

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00329/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	3rd May 2022	
Draft Report Date	3rd May 2022	
Report Issued by	AMB	Date 3 May 2022

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 90 Metres North East Of Craignorth House, Balthayock

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of a new dwelling on a site on Kinnoull Hill at Balthayock, as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

The site has however been visited in the past by the case officer in relation to earlier applications.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning permission for the erection of a dwelling on a site at Balthayock, which is on the eastern side of Kinnoull Hill.

It is understood that on the site at present is an unauthorised residential caravan, a series of sheds and a fairly large area of hardcore. A new vehicular access into the site has also been formed.

The new dwelling would replace the existing caravan, and one of the existing sheds is to be removed – but other existing sheds would remain.

The proposed house type would offer living accommodation over two levels, with the upper level contained within the roofspace via the use of dormers.

SITE HISTORY

The site has been subject to a number of refusals over the years with a refusal in 2012 (12/01351/IPL) for the erection of a dwellinghouse and garage (in principle), in 2015 (15/00586/IPL) for the erection of a dwellinghouse and garage (in principle) and then again in 2017 (17/02122/IPL) for the siting of a mobile residential caravan/timber lodge (in principle).

In addition to this, the site has also been subject to recent formal enforcement action relating to the removal of the residential caravan and other development. Full compliance with the terms of the enforcement notice have not yet been actioned.

PRE-APPLICATION CONSULTATION

The site has been subject to a number of discussions over the years, which has been focused on the issues surrounding compatibility with the specific Green Belt policy, and also the Housing in the Countryside Policy.

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. This proposal is for a single dwelling in the countryside, and whilst it has issues with compatibility with the LDP2 and other Council policies, it does not raise any specific issues with national planning policies 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 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the ‘Green Belt’ area of PKC, where the following policies would be directly applicable.

Policy 1A: Placemaking
Policy 1B: Placemaking
Policy 5: Infrastructure Contributions
Policy 19: Housing in the Countryside
Policy 43: Green Belt

OTHER COUNCIL POLICIES

Placemaking Guide 2020

This is the most recent expression of Council policy towards Placemaking Standards.

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policy towards developer contributions and affordable housing.

Housing in the Countryside Guide 2020

This is the most recent expression of Council policy towards new Housing in the Open Countryside.

EXTERNAL CONSULTATION RESPONSES

Perth Scone Airport where consulted on the proposal but have opted not to make any specific comment.

INTERNAL COUNCIL COMMENTS

Environmental Health have commented on the proposal in terms of private water issues and recommended that in the event of any approval being forthcoming, an informative note is attached to the permission.

Structures And Flooding have commented on the proposal and whilst they have raised no objection, they have sought clarification in terms of surface water drainage – which should be conditioned in the event of any approval being forthcoming.

Transport Planning have commented on the proposal and recommended conditions in relation to access and parking matters.

Development Contributions Officer has commented on the proposal in terms of developer contributions and indicated that contributions in relation to both Transport Infrastructure and Primary Education are required – in the event of an approval being forthcoming.

Planning And Housing Strategy has raised concerns over the proposal in terms of compatibility with the LDP2.

REPRESENTATIONS

There have been no letters of representations received.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA 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 and the adopted LDP2.

In terms of other material considerations, consideration of the sites planning history and also compliance with the SPG's on Placemaking, Housing in the Countryside and also Developer Contributions are key considerations.

Policy Appraisal

The site is located within the landward area of the LDP2, and within the restrictive Green Belt area.

To this end, Policies 1(Placemaking), 19 (housing in the countryside) and 43 (Greenbelt) are all applicable. Policy 1 seeks to ensure that all new developments do not have an adverse impact on the areas in which they are located, whilst Policy 19 is the LDP2 version of the Housing in the Countryside and needs to be read alongside the relevant SPG.

Lastly, Policy 43 is applicable to all new developments within the Green Belt area, and only allow for certain types of new development.

Land Use Acceptability

In terms of land use acceptability, the key issues are whether the proposal complies with Policy 43 (Green Belt) of the LDP2 and also the relevant Housing in the Countryside Policies, as found in the LD2 (policy 19) and the SPG of 2020.

These are addressed in turn below.

Policy 43 of the LDP2 is a restrictive policy which only allows development within the Green Belt area under limited circumstances.

Policy 43: Green Belt

Within the area designated as Green Belt, development will only be permitted where it meets one of the following criteria:

- (a) it can be demonstrated that the development either supports an established use, or develops a new business within the Green Belt which has a direct relationship to the land; or
- (b) it can be demonstrated that the development is essential for agriculture, horticulture (including allotments) or forestry operations; or
- (c) it constitutes woodlands or forestry, including community woodlands; or
- (d) it constitutes uses which advance the Council's aims of improving public access to the countryside around Perth, including recreational, educational and outdoor sports; or
- (e) it complies with criteria (4) or (5) of the **Policy 19: Housing in the Countryside** and associated Supplementary Guidance, and a positive benefit to the Green Belt can be demonstrated; or
- (f) it constitutes essential infrastructure such as roads and other transport infrastructure, masts and telecom equipment, renewable energy developments, or new cemetery provision. The primary consideration will be whether the infrastructure could instead be located on an alternative site which is outwith the Green Belt and a statement may be required identifying the search area and the site options assessed, the details of the existing or proposed activity to which the infrastructure relates, and the reasons as to why a green belt location is essential.

For all proposals development must be appropriate to the overall objectives of the Green Belt to protect and enhance the character, landscape setting and identity of settlements.

All proposals for new buildings or extensions to existing buildings must be of a suitable scale and form, located and designed in such a way so as not to detract from the character and landscape setting of the Green Belt. Appropriate measures may be required to mitigate any adverse impact on the character, setting and identity of the locality.

Note: Within the Green Belt the application of **Policy 19: Housing in the Countryside** is limited to proven economic need, conversion or replacement buildings.

Note: Where a statement is required under criterion (f), the extent of search area will be a matter for agreement between the applicant and the Council. Where the search area only includes land under a single ownership then the search area should include all of the land in that ownership. The site options assessed should include evidence that all appropriate sites within that ownership have been considered.

Of the criteria listed above - c), d) and f) are not relevant.

Criterion a) allows for development which supports an established use or develops a new business which has a direct relationship to the land. The applicant has suggested that the site has been a base for their business for several years, however the nature of that business itself – a roofing company – has not direct relationship to the land.

The proposal therefore does not comply with criteria a)

Criterion b) allows for development which is essential for agriculture.

Compliance with this criterion is assessed under category 3.3 of the Housing in the Countryside supplementary guidance 'new house to support an existing business – farm workers'. Evidence must be provided that a new house is essential to the continued operation of the farm for animal welfare reasons. Any evidence should be in the form of a business appraisal, prepared by an independent expert, and based on the labour hours for the existing farming operation which sets out the proportion of labour hours and types of operations which require a full-time worker to be on-site for the majority of the time. It is noted that two letters of support have been included within the applicants supporting documents from two nearby farms where the applicant has worked supervising stock - particularly during the lambing season.

These letters do not give enough information as to why an additional full-time worker is essential to the continued operation of either farm in line with the SG. Category 3.3 of the SG also allows for new houses to support existing non-farming businesses, but these would still have to comply with *Policy 43* of the LDP2 i.e. be related to horticulture or forestry (under criterion c) or have a direct relationship to the land (under criterion a) – which is not the case here.

The proposal is therefore also not compliant with criteria b).

Lastly, criterion e) allows for new houses in the green belt which comply with category 4 or 5 of the Housing in the Countryside policy. It is acknowledged that there is currently a mobile home caravan on the site but it is unauthorised, and subject to enforcement action. It has not received planning permission and given both the outstanding enforcement action (which could see its removal) and the temporary nature of it, it is not considered appropriate to treat this proposal as a replacement of a house under category 4 of the SG. In addition to this, whilst some small sheds are being replaced the proposal does not relate to the replacement of a redundant traditional non-domestic building (under category 5) as none of the sheds are traditional and are of a small scale which is not typically considered relevant to the HITCG.

The reference in the supporting statement to category 3.4 of the HITCG is noted, but that category of the HITCG does not apply within the green belt.

The proposal therefore not compliant with criteria e) of *Policy 43* of the LDP2, and ultimately is contrary to this policy.

In terms of compliance with *Policy 19* and the SPG of 2020, both these documents make it clear that the criteria for new housing in the green belt is limited to sections 3.3 (economic), 4 (replacement/renovation of existing houses) and 5 (conversion or replacement of redundant traditional non-domestic buildings).

The site characteristics and circumstances do not meet with any of these specific criteria, so the proposal is also considered to be contrary to *Policy 19* of the LDP2 and the associated SPG of 2020.

Visual Amenity, Design and Layout

In isolation and setting aside the issues with the Green Belt, the proposed house type and scale of house would not adversely impact on the character or amenity of the area – bearing in mind the condition of the site at present, and the presence of the existing mobile home.

In terms of all other matters relating to design and layout, these are also considered to be acceptable in terms of protecting and providing for residential amenity, and road related matters.

Residential Amenity

In terms of impacting on existing residential amenity, the site is isolated and a new dwelling on this site would have little direct impact on existing properties in terms of overlooking or loss of privacy.

In terms of being able to provide suitable level of residential amenity for future occupiers of the dwelling, a reasonable level of private amenity space will be deliverable which is considered to be sufficient for the size of house proposed.

Roads and Access

The proposal raises no issues in terms of access or parking provision. In the event of any approval being forthcoming, the conditions suggested by Transport Planning should be attached to any permission.

Drainage and Flooding

The proposal does not raise any issues in terms of drainage or flooding issues. In the event of any approval being forthcoming, clarification on the means of both foul drainage and surface water disposal should be forthcoming.

Conservation Considerations

The proposal does not raise any issues in terms of cultural heritage issues.

Natural Heritage and Biodiversity

The proposal does not raise any issues in terms of bio-diversity issues.

Developer Contributions

In the event of any approval being forthcoming, there will be a requirement for both Transport Infrastructure and Primary Education contributions.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

The application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

- 1 The proposal is for a new dwelling within an area designated as 'Green Belt' within the Perth and Kinross Local Development Plan 2 (2019). As the proposal a) does not support an established use, or a new business which has a relationship with the land, b) is not essential for agriculture, horticulture or forestry operations, or c) compliance with criteria (4) or (5) of the Council's Housing in the Countryside Policies, it is contrary to Policy 43 (Green Belt) of Perth and Kinross Local Development Plan 2 (2019) – which only allows for certain new development within the 'Green Belt' area.

- 2 The proposal is for a new dwelling which within the 'Green Belt' which is not linked to a proven economic need, and not a conversion or replacement of existing traditional buildings. The proposal is therefore contrary to both Policy 19 (Housing in the Countryside) of Perth and Kinross Local Development Plan 2 (2019) and the associated approved Supplementary Guidance of 2020 which only allow for new housing within the 'Green Belt' area in certain instances.

Justification

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

Informatives

None, refusal recommended.

Procedural Notes

Not Applicable, refusal.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 – 08 (*inclusive*)



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 100518917-002

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.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Single dwelling house located at Sliversprings, Balthayock by Scone.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

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:	LJR+H Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Bob	Building Name:	
Last Name: *	Hynd	Building Number:	18
Telephone Number: *		Address 1 (Street): *	SOUTH TAY STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UK
		Postcode: *	DD1 1PD
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Ross	Building Number:	
Last Name: *	Townsley	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site is located to the west of a classified road. The road leads to Bathayock to the south and to the northwest is Scone. A dwelling house (Craignorth Pendicle) lies approximately 80 metres south of the site.

Northing

724719

Easting

318319

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Advised to lodge an application for a new dwelling, following an enforcement notice being served.

Title:

Mr

Other title:

First Name:

Andrew

Last Name:

Baxter

Correspondence Reference
Number:

EN18/00018/UNAUSE

Date (dd/mm/yyyy):

03/06/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1300.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Yard and Storage Buildings.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

16

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐

Yes

☒

No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒

Yes

☐

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐

Yes

☐

No, using a private water supply

☒

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Proposed Bin Storage indicated on proposed Site Plan.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Bob Hynd

On behalf of: Mr Ross Townsley

Date: 23/02/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Supporting Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Bob Hynd

Declaration Date: 24/12/2021

Payment Details

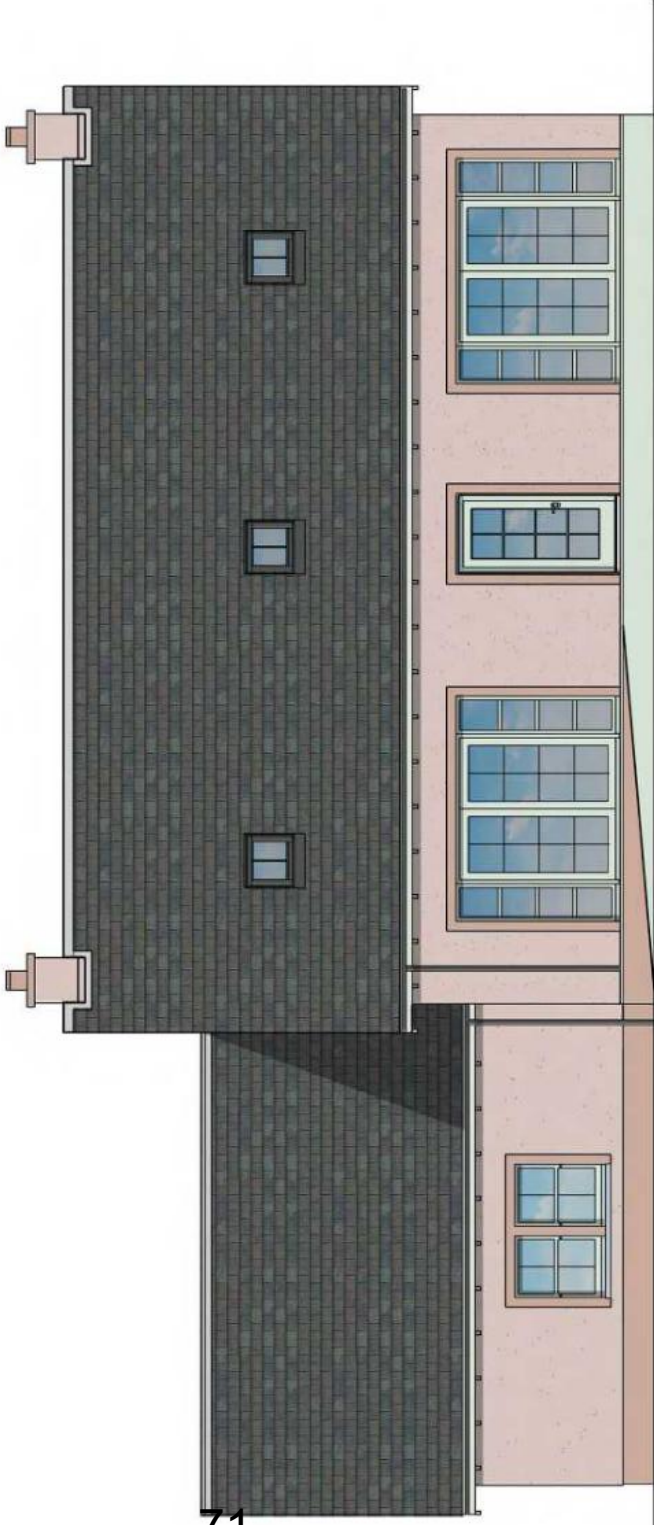


Notes:
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing for construction purposes.



East Elevation

South Elevation

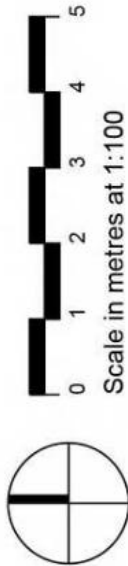


West Elevation

North Elevation

External use of Materials

- | | |
|------------------|---|
| Roof: | Scotch Slate. Colour: Grey |
| Rainwater Goods: | Black uPVC by 'Marley, |
| Windows & Doors | Timber double glazed units painted colour Pastel Green (Ral 6019) |
| Rooflights: | 'Velux' conservation rooflights complete with glazing |
| Walls: | Wet dash roughcast |
| Other timbers: | Painted colour: Pastel Green (Ral 6019) |



Rev

Planning

PROJECT TITLE:

Silversprings

CLIENT:

R Townsley

LOCATION:

Silversprings, Balthayock

DWG TITLE:

Proposed Elevations

SCALE: 1:100 @ A3 DATE: Sep '21 DRAWN BY: SH

DRAWING NO:

4734-D-03

LJRH Chartered Architects

18 South Tay Street, Dundee, DD1 1PD

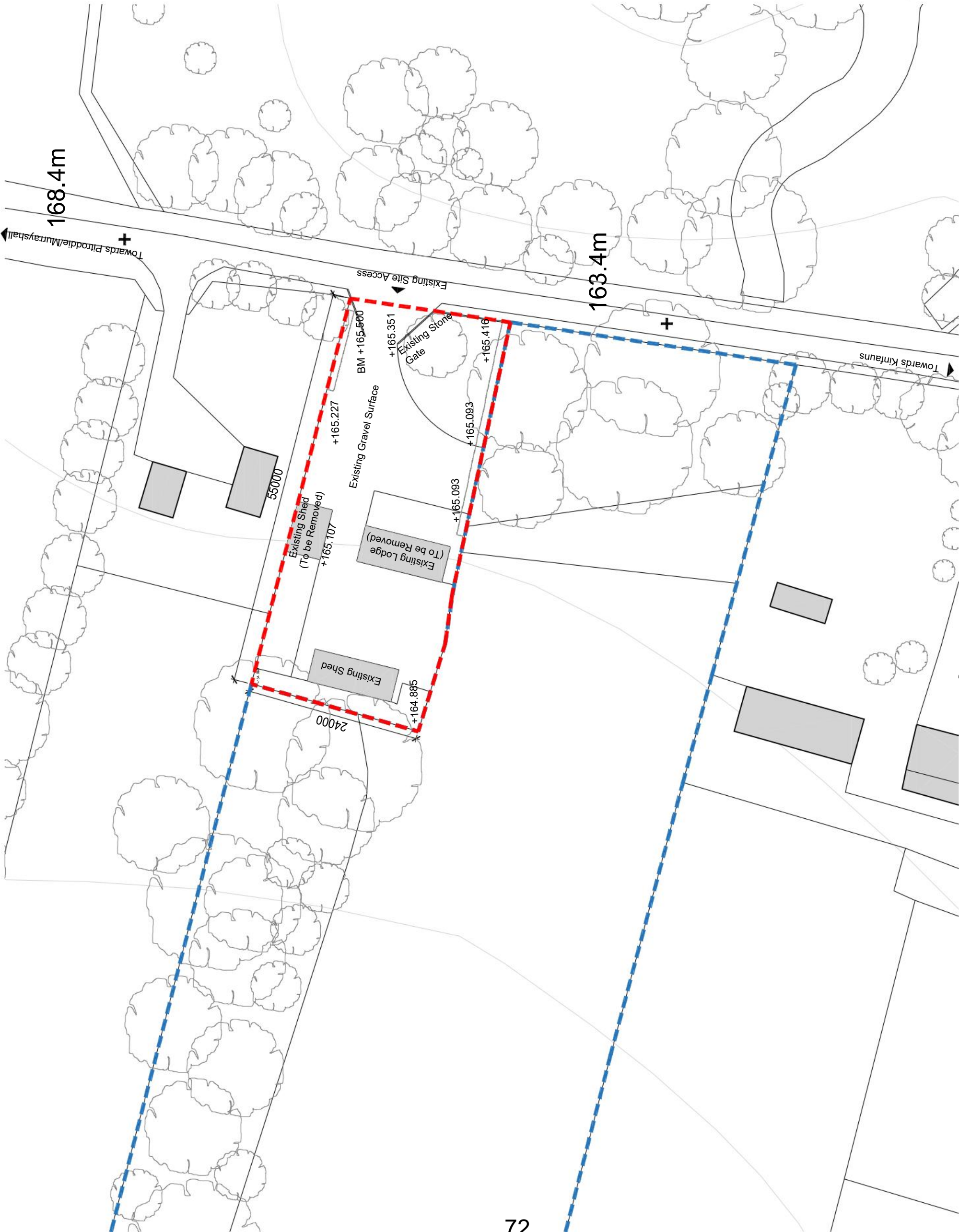
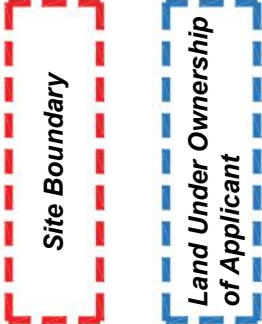
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Rev
Planning

PROJECT TITLE:

Silversprings

CLIENT:

R Townsley

LOCATION:

Silversprings, Balharyock

DWG TITLE:

Existing Site Plan

SCALE: 1:500 @ A3 DATE: Sep '21 DRAWN BY: SH

DRAWING NO:

4734-S-02

LJRH Chartered Architects

18 South Tay Street, Dundee, DD1 1PD

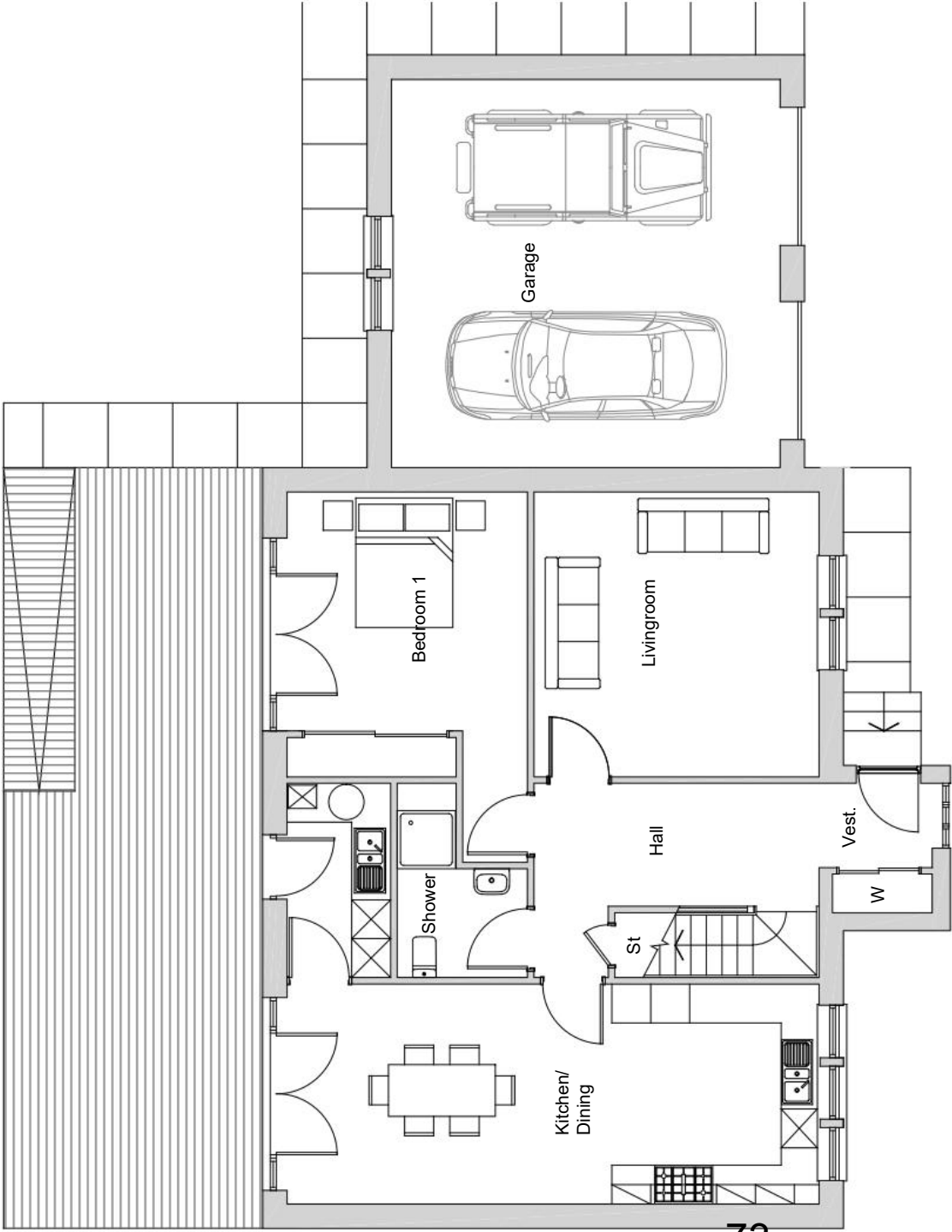
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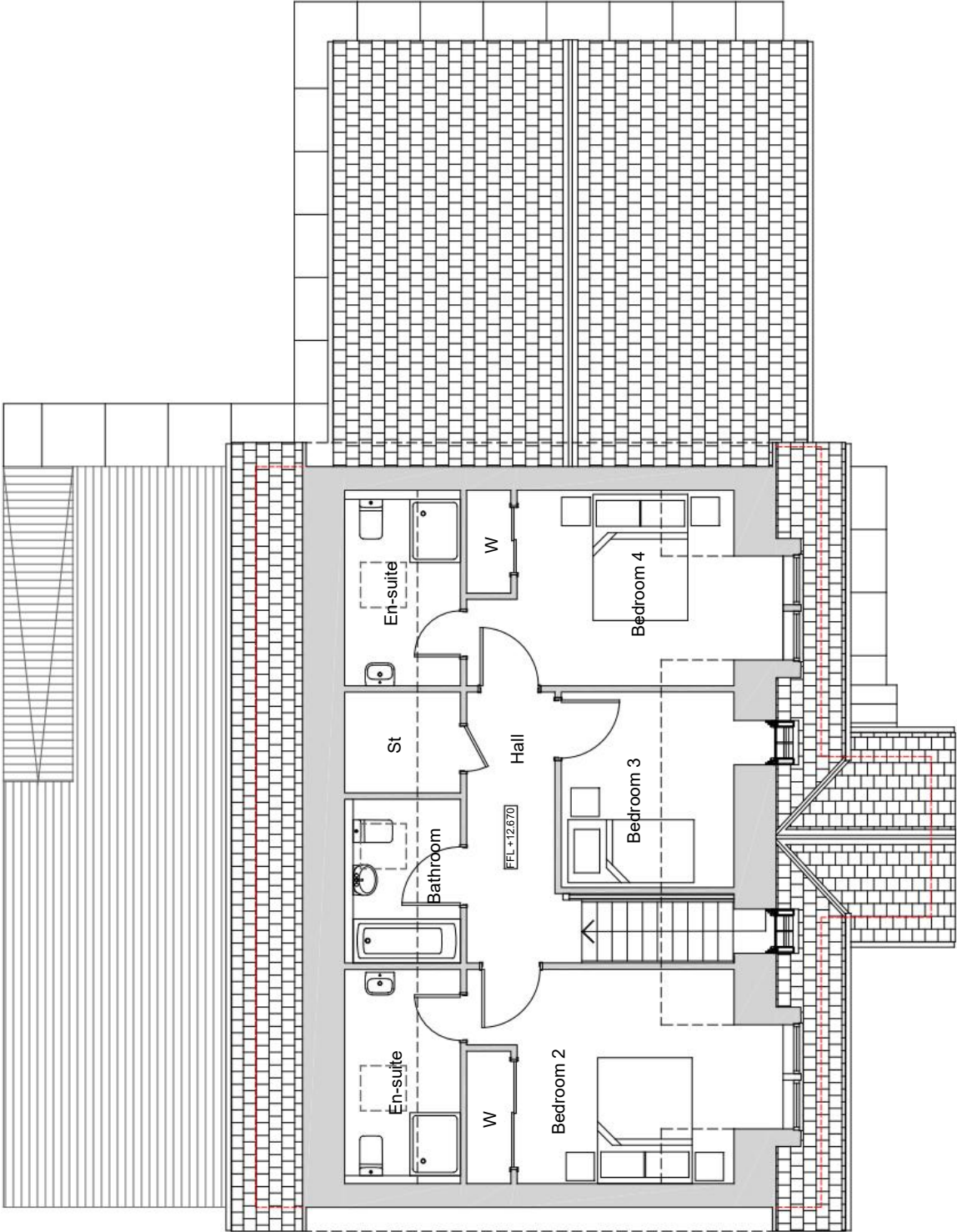
Ground Floor

Ground Floor Area: 93.8m²

Vestibule:	3.2m²
Kitchen / Dining:	28m²
Living Room:	19.4m²
Utility Room:	4.8m²
Shower Room:	4.2m²
Bedroom 1/ Office:	17.7m²
Garage	36m²



Scale in metres at 1:100



First Floor

First Floor Area: 70.5m²

Bedroom 2:	15.7m²
Ensuite:	6.2m²
Bedroom 3:	9m²
Bedroom 4:	14.4m²
Ensuite:	5.7m²
Bathroom:	4.8m²

Total Floor Area: 164.3m²

Rev
Planning

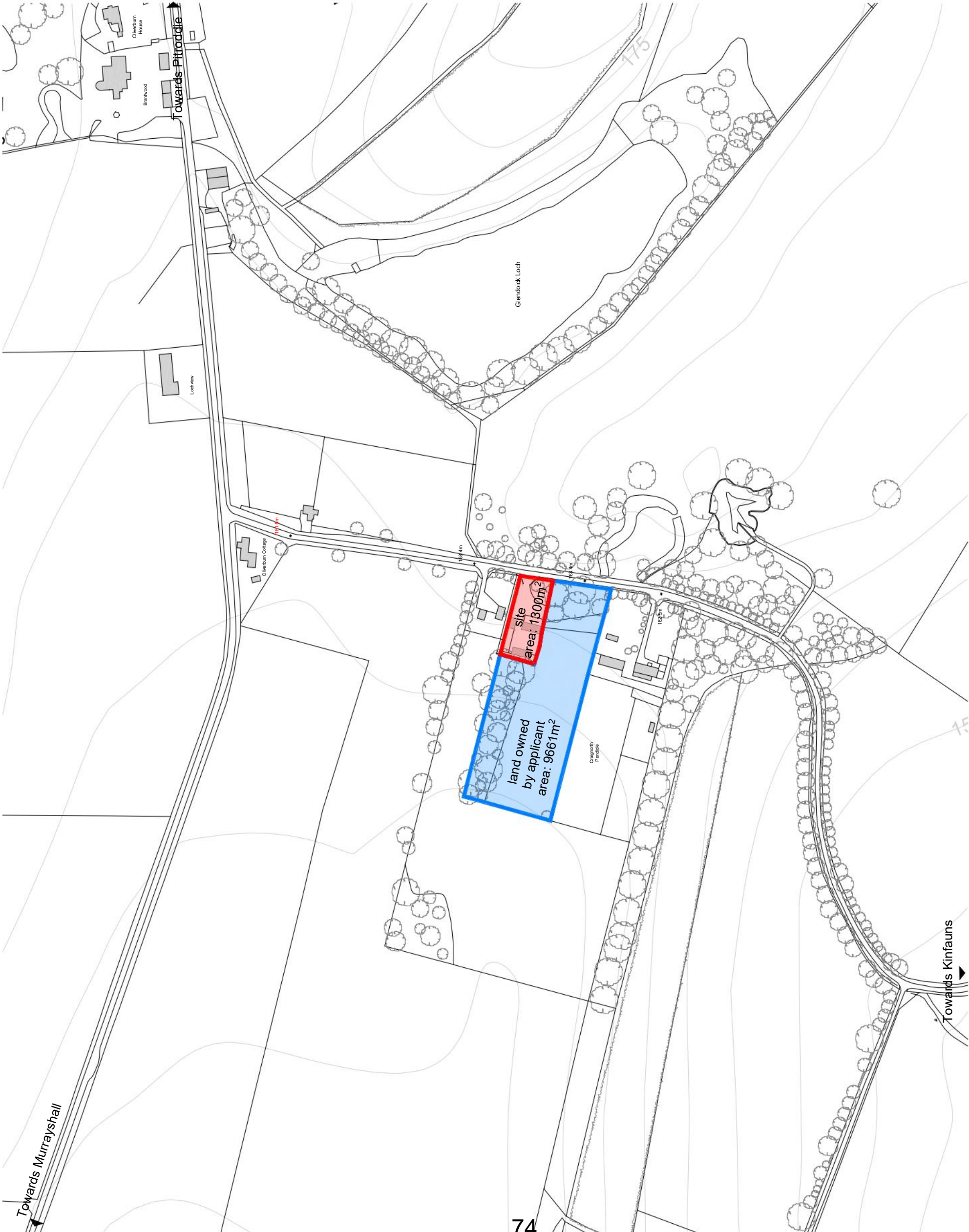
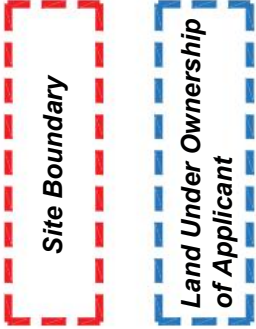
PROJECT TITLE:	Silversprings
CLIENT:	R Townsley
LOCATION:	Silversprings, Balthayock
DWG TITLE:	Proposed Floor Plans
SCALE:	1:100 @ A3
DATE:	Sep '21
DRAWN BY:	SH
DRAWING NO:	

4734-D-02

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Notes:
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Rev
Planning

PROJECT TITLE:

Silversprings

CLIENT:

R Townsley

LOCATION:

Silversprings, Balthayock

DWG TITLE:

Location Plan

SCALE: 1:2500 @ A3 DATE: Sep21 DRAWN BY: SH

DRAWING NO:

4734-S-01

LJRH Chartered Architects

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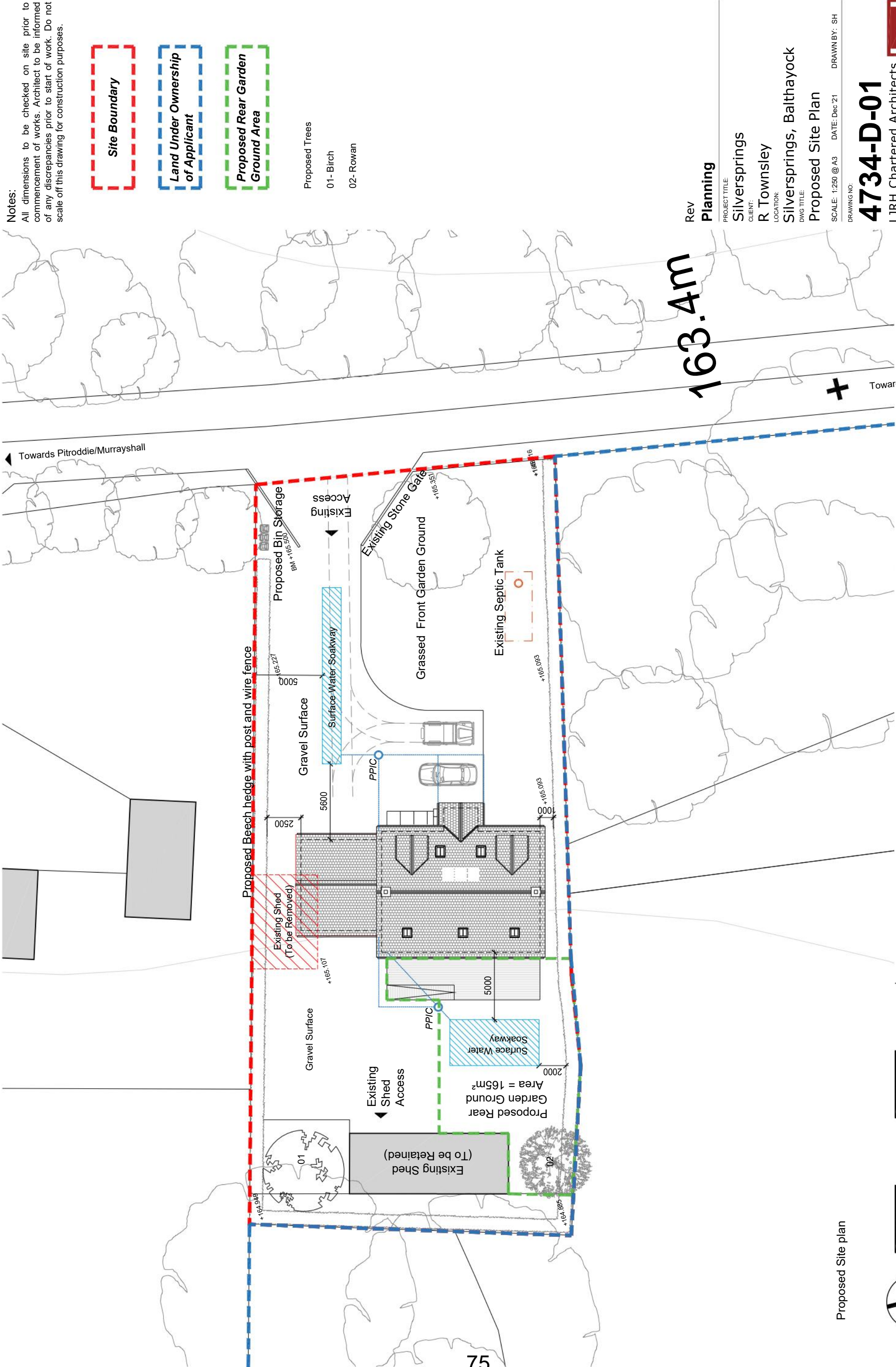
Notes:
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing for construction purposes.

Site Boundary

Land Under Ownership of Applicant

Proposed Rear Garden Ground Area

- Proposed Trees
- 01- Birch
 - 02- Rowan



Proposed Site plan

Rev
Planning

PROJECT TITLE:
Siversprings

CLIENT:
R Townsley

LOCATION:
Siversprings, Balthayock

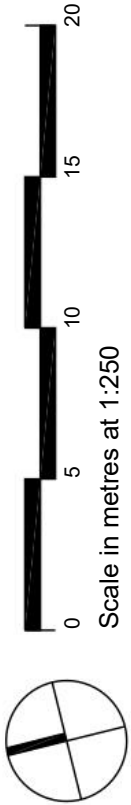
DWG TITLE:
Proposed Site Plan

SCALE: 1:250 @ A3 DATE: Dec '21 DRAWN BY: SH

DRAWING NO:

4734-D-01

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Notes:
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Proposed Site

Scone



Rev
Planning

PROJECT TITLE:

Silversprings

CLIENT:

R Townsley

LOCATION:

Silversprings, Balthayock

DWG TITLE:

Rural Location Plan

SCALE: 1:10000 @ A3 DATE: Sep '21 DRAWN BY: SH

DRAWING NO:

4734-S-03

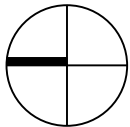
LJRH Chartered Architects

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Scale in metres at 1:10000





400W PERC Half-Cell Module JAM72S03 380-400/PR Series

Introduction

Assembled with high-efficiency PERC cells, the half-cell configuration of the modules offers the advantages of higher power output, better temperature-dependent performance, reduced shading effect on the energy generation, lower risk of hot spot, as well as enhanced tolerance for mechanical loading.



Higher output power



Lower temperature coefficient



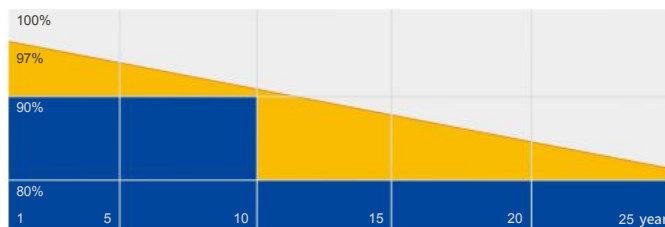
Less shading effect



Better mechanical loading tolerance

Superior Warranty

- 12-year product warranty
- 25-year linear power output warranty



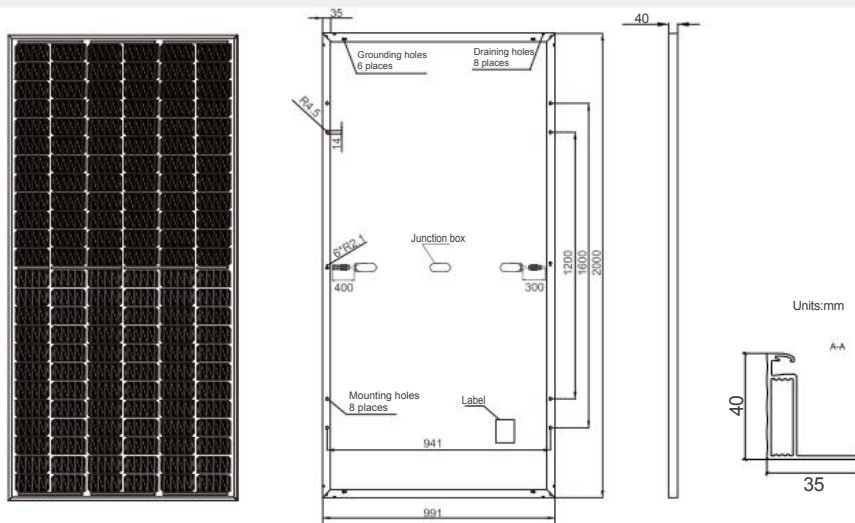
■ JA Linear Power Warranty ■ Industry Warranty

Comprehensive Certificates

- IEC 61215, IEC 61730, IEC TS 62804
- ISO 9001: 2015 Quality management systems
- ISO 14001: 2015 Environmental management systems
- OHSAS 18001: 2007 Occupational health and safety management systems
- IEC TS 62941: 2016 Terrestrial photovoltaic (PV) modules – Guidelines for increased confidence in PV module design qualification and type approval



MECHANICAL DIAGRAMS



Remark: customized frame color and cable length available upon request

SPECIFICATIONS

Cell	Mono
Weight	22.5kg±3%
Dimensions	2000mm×991mm×40mm
Cable Cross Section Size	4mm ²
No. of cells	144 (6×24)
Junction Box	IP68, 3 diodes
Connector	MC4 Compatible(1000V) QC 4.10-35(1500V)
Packaging Configuration	27 Per Pallet

ELECTRICAL PARAMETERS AT STC

TYPE	JAM72S03 -380/PR	JAM72S03 -385/PR	JAM72S03 -390/PR	JAM72S03 -395/PR	JAM72S03 -400/PR
Rated Maximum Power(P _{max}) [W]	380	385	390	395	400
Open Circuit Voltage(V _{oc}) [V]	48.05	48.32	48.61	48.91	49.17
Maximum Power Voltage(V _{mp}) [V]	39.80	40.07	40.34	40.63	40.92
Short Circuit Current(I _{sc}) [A]	10.09	10.15	10.21	10.28	10.34
Maximum Power Current(I _{mp}) [A]	9.55	9.61	9.67	9.73	9.78
Module Efficiency [%]	19.2	19.4	19.7	19.9	20.2
Power Tolerance	0~+5W				
Temperature Coefficient of I _{sc} (α _{Isc})	+0.051%/°C				
Temperature Coefficient of V _{oc} (β _{Voc})	-0.289%/°C				
Temperature Coefficient of P _{max} (γ _{Pmp})	-0.360%/°C				
STC	Irradiance 1000W/m ² , cell temperature 25°C, AM1.5G				

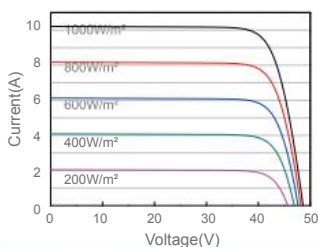
Remark: Electrical data in this catalog do not refer to a single module and they are not part of the offer. They only serve for comparison among different module types.

ELECTRICAL PARAMETERS AT NOCT

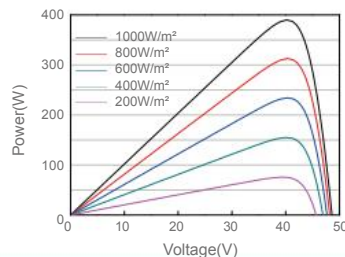
TYPE	JAM72S03 -380/PR	JAM72S03 -385/PR	JAM72S03 -390/PR	JAM72S03 -395/PR	JAM72S03 -400/PR	OPERATING CONDITIONS	
Rated Max Power(P _{max}) [W]	281	285	289	292	296	Maximum System Voltage	1000V/1500V DC(IEC)
Open Circuit Voltage(V _{oc}) [V]	44.51	44.80	45.04	45.30	45.56	Operating Temperature	-40°C~+85°C
Max Power Voltage(V _{mp}) [V]	36.81	37.05	37.29	37.52	37.76	Maximum Series Fuse	20A
Short Circuit Current(I _{sc}) [A]	8.08	8.13	8.18	8.23	8.28	Maximum Static Load, Front	5400Pa
Max Power Current(I _{mp}) [A]	7.64	7.69	7.74	7.79	7.84	Maximum Static Load, Back	2400Pa
NOCT	Irradiance 800W/m ² , ambient temperature 20°C, wind speed 1m/s, AM1.5G					NOCT	45±2°C
						Application Class	Class A

CHARACTERISTICS

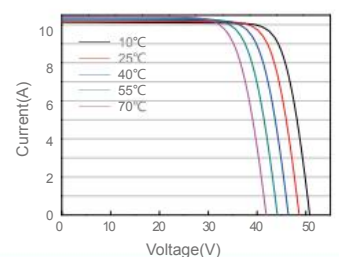
Current-Voltage Curve JAM72S03-390/PR



Power-Voltage Curve JAM72S03-390/PR



Current-Voltage Curve JAM72S03-390/PR



Planning Supporting Statement

Planning Application for a Single Dwellinghouse, at Silversprings, Balthayock, PH2 7LQ



Millars House, Studio 2, 41a Gray Street, Broughty Ferry, DD5 3BF

1.0 Introduction

- 1.1 This Planning Supporting Statement (PSS) has been prepared by About Planning Ltd to accompany a planning application by Mr Townsley to Perth + Kinross Council (PKC) under The Town and Country Planning Act 1997, as amended for the following proposal:

“Planning Permission for the erection of a single dwellinghouse Silversprings, Balthayock, Perth PH2 7LQ.”

- 1.2 The Planning Application has been submitted in accordance with the requirements of Section 32 of Town and Country Planning (Scotland) Act, 1997 (the “Act”).

- 1.3 Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 (the “Act”) affords the following status to development plans:

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

- 1.4 This Planning Supporting Statement (PSS) has been prepared to draw together the key planning issues relating to the proposal and is submitted in support of this planning application and in order to assist in the decision-making process. The PSS addresses the principle of the proposal only and general design issues relating to the principle of development.

- 1.5 This PSS primarily addresses the principle of the proposal.

2.0 The Site

The Site + General Environment

- 2.1 The site extends to approximately 1,300 square metres and is located to the west of a classified road. The road leads to Balthayock to the south and to Scone to the northwest. Craignorth Pendicle (a dwellinghouse) lies approximately 80 metres to the south of the site. A couple of former sheds/outbuildings are located on the field immediately to the north of the site. The surrounding area is primarily agricultural or characterised by woodland.
- 2.2 Figure 1: Aerial Photograph of Site (2020) illustrates the site's location, within the context of the existing described development to the north and south, the road to the east and woodland to the east, south and west. There is also a linear mature tree belt to the north. The site is well contained within a landscape context.

Figure 1: Aerial Photograph of Site (2020)



The Site + Immediate Land Use Characteristics

- 2.3 Figure 2: Application Site and Ownership illustrates the location of the site, within the context of the Applicant's land ownership. The field to the south and west of the site, in the ownership of the Applicant, is currently used as a paddock and for sheep grazing (associated with the Applicant's employment by two local farms). The area of ownership extends to an of approximately 9,661 square metres (including the site).

Figure 2: Application Site and Ownership



- 2.4 Figure 3: View from Site to Craignorth Pendicle (the house to the south) illustrates the view from the Application site, across the field in the Applicant's ownership to this residential property. The Applicant's Planning Application for a new house would sit immediately to the north of this house, with a paddock in between, a characteristic associated with this part of the countryside in PKC.
- 2.5 Figure 4: View from Site to the North illustrates the view from the Application site to the brownfield buildings and site, immediately adjacent.

Figure 3: View from Site to Craignorth Pendicle (Dwellinghouse)



Figure 4: View from Site to the North



The Site + Land Use

- 2.6 The Applicant's father bought the site circa. 2003 as a "workshop and yard" from a joiner who used the site for his joinery business. The site continued to be used by the Applicant's father for storage and workshop purposes, and more recently, for the same use by the Applicant, in association with his roofing company.
- 2.7 The site has been used for the same/related use for a workshop and yard for around 18 years and therefore this use is established and not subject to enforcement action under The Town and Country Planning (Scotland) Act 1997 as amended. This historical and established use is a material

consideration in the determination of this Planning Application and referred to in Section 6.0: Material Considerations.

- 2.8 Under the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the site is considered to fall under both (1) Class 4 C. Business i.e. an industrial process “which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.” and (2) Class 6. Storage or distribution i.e. *“Use for storage or as a distribution centre”*.
- 2.9 Figure 5: Aerial of Site (2006) substantiates that the site, subject to this proposal, was used for the purposes described, since at least 2006, according with the described use above. In 2006, the site had a workshop to the west, hardcored across its entirety and was used for vehicular storage.

Figure 5: Aerial of Site (2006)



- 2.10 Figure 6: Street Scene of Site (2009) substantiates the continued use of the site, for the purposes described above.

Figure 6: Street Scene of Site (2009)



- 2.11 The site continued to be utilised on the same basis, thereon for the storage of vehicles including mobile homes. This is illustrated by Figure 7: Aerial of Site (2017).

Figure 7: Aerial of Site (2017)



- 2.12 The Applicant inherited the site from his father in around 2017 and was then able to utilise the commercial/storage use of the site for his own roofing business. At the same time (2017), the Applicant also purchased a new caravan (Document 1) and stored it on the site, reflecting the storage use of vehicles/mobile homes/caravans at this time. The Applicant then resided in

this caravan as a logical position for supervising his roofing business and whilst also being immediately available by two local farms for livestock supervision and other agricultural related activities (detailed below).

- 2.13 The Applicant was not aware of the requirement for Planning Permission for residing in the above caravan, noting that caravans had an historic presence on this site. Following on from this established history, in 2018 the Applicant replaced (Document 2) the caravan, with a mobile home only to provide for 'better habitable' accommodation for his new family. The Applicant has lived in this mobile home with his family for over 3 years.
- 2.14 Figure 8: Aerial Photograph of Site (2018) illustrates the location of the caravan/mobile home in 2018.

Figure 8: Aerial Photograph of Site (2018)



- 2.15 In June 2021, PKC decided to pursue enforcement action for the removal of this caravan/mobile home, having regard to its residential, rather than permitted storage use.
- 2.16 The decision by the Reporter of the Scottish Government, following an appeal by the Applicant upheld the appeal. The Reporter noted that the planning/legal assessment of the legality of the Enforcement Notice (EN) did not constitute a planning appraisal of the mobile home, having regard to the

Development Plan and material considerations, in accordance with S25 of the Act. This Application seeks a planning appraisal of the proposal, mindful that the Reporter's decision on the EN does not consider whether planning permission should actually be granted.

- 2.17 Figure 8: The Site (2021) illustrates the site's current characteristics today, with the caravan/mobile home in the foreground, the storage shed to the rear and the existing outbuildings on the adjacent site to the north. The rest of the site is used for general storage.

Figure 8: The Site (2021)



- 2.18 Figure 9: Entrance to the site illustrates the established wall and gates to the site, off the access road, the gates have subsequently been replaced. The domestic entrance to the site is well established and is not subject to a requirement for Planning Permission by PKC.
- 2.19 The planning history of this site is a material consideration in support of this proposal for a replacement house.

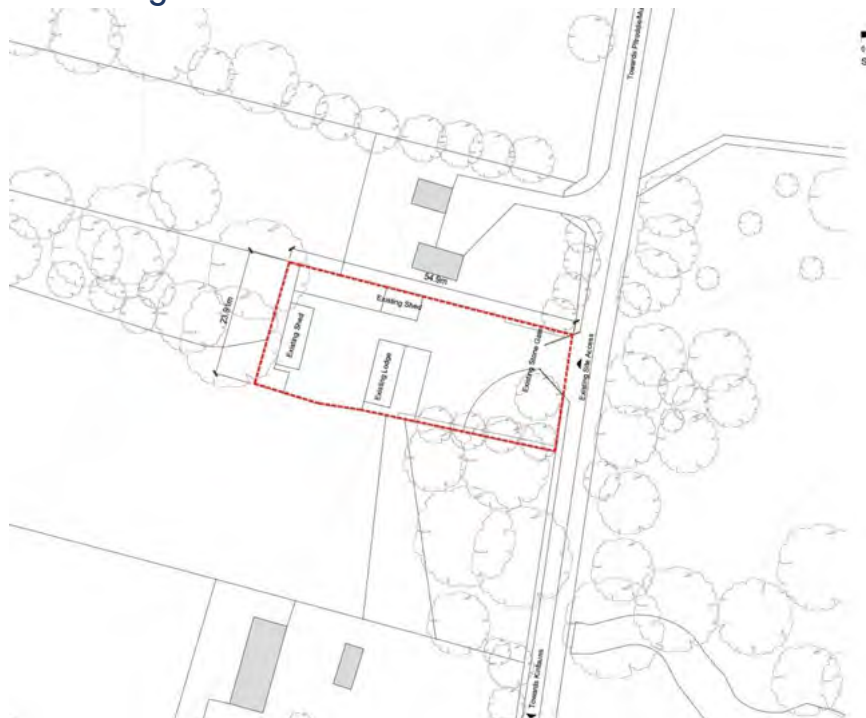
Figure 9: The Entrance to the Site



3.0 The Proposal

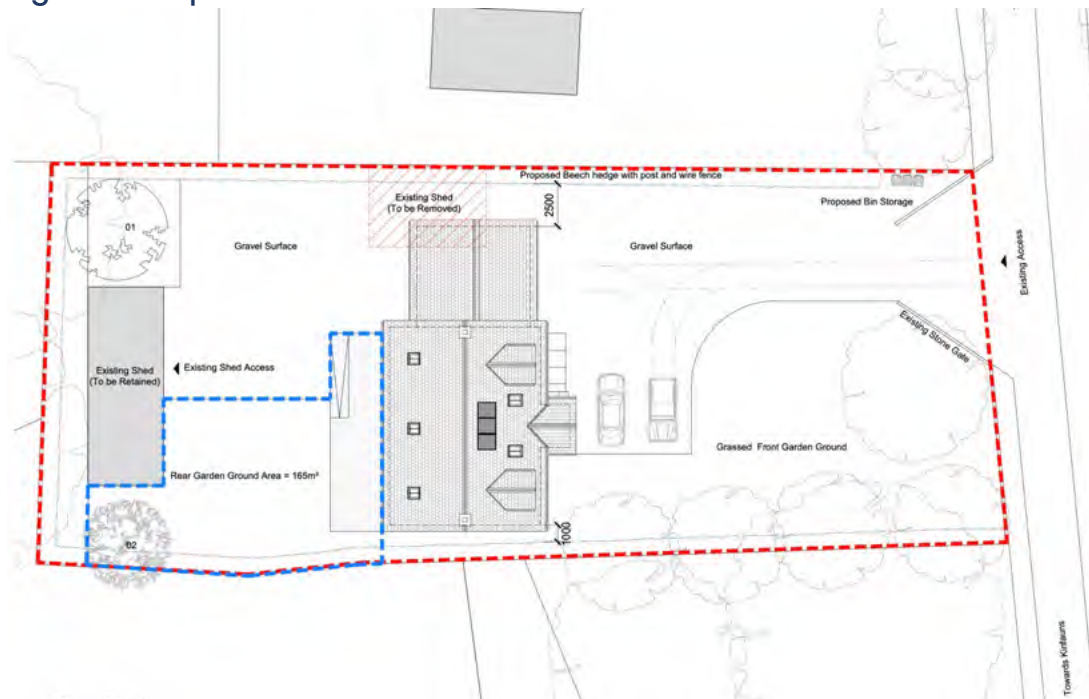
- 3.1 The proposal relates to the replacement of the existing caravan/mobile home, which has existed on this commercial brownfield site for over 3 years with a new single dwellinghouse, for the Applicant. The site has been in the ownership of his family for commercial and storage use since circa. 2003.
- 3.2 It is considered that the proposed house will result in a visual enhancement to an established commercial site within the Green Belt and countryside, adjacent to an existing house, and within a well established boundary.
- 3.3 Figure 10: Existing Site Plan illustrates the position of the existing caravan/mobile home/lodge and the existing sheds to the north and west. The existing site plan also illustrates that the site benefits from existing established enclosed boundaries around the site, together with associated mature woodland and tree planting. There is an existing commercial access which would be utilised for access to the proposed house.

Figure 10: Existing Site Plan



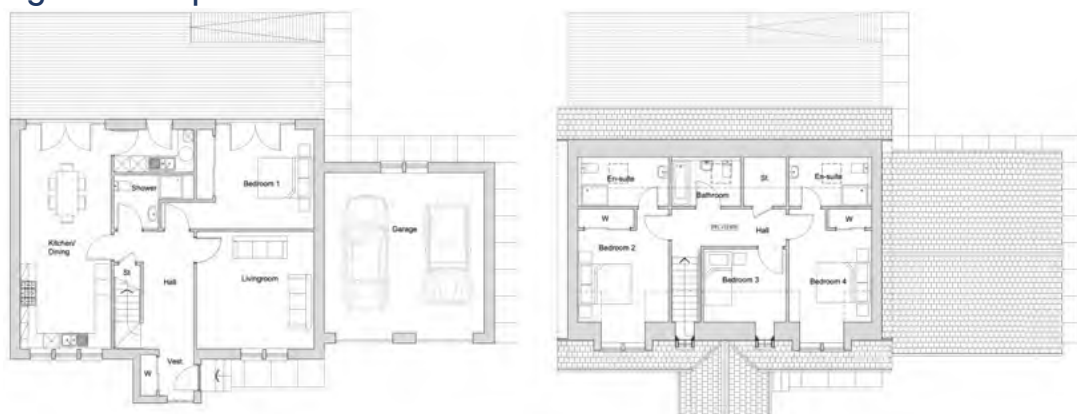
- 3.4 Figure 11: Proposed Site Plan illustrates the siting of the new house on the site of the existing caravan/mobile home/lodge, also responding in design terms to the existing and adjacent outbuildings to the north and Craignorth Pendicle (dwellinghouse) to the south.

Figure 11: Proposed Site Plan



- 3.5 Figure 12: Proposed Floor Plan illustrates a modest 1.5 storey house, occupying an area of approximately 160 square metre, with a double garage. The siting of the proposed house will also screen the existing & established workshop to the rear and utilise part of the existing hardcore, to the front of the house for access and additional parking. The proposal also provides for new garden ground on the remaining hardcore, resulting in a visual enhancement to the site as viewed from the road access.

Figure 12: Proposed Floor Plan



- 3.6 Figure 13: Proposed Elevations illustrates the vernacular design of the proposal, which has regard to the siting, scale and design of Craignorth

Pendicle (dwellinghouse) to the south and house designs approved locally in this area by PKC.

Figure 13: Proposed Elevations



- 3.7 The proposed house design utilises bedrooms within the roof space, thereby reducing the visual scale of the house and as stated above, the overall scale and design respects the vernacular scale of development local to this site. It is proposed to finish the roof in slate, utilise 'conservation' rooflights and finish the elevations in roughcast. The Applicant is content to accept planning conditions securing the external appearance of the proposed house, in accordance with the requirements of PKC.

4.0 Planning History

- 4.1 The following planning history is considered relevant to the planning background of the site and to the current Planning Application.

Planning Application Ref: 12/01351/IPL – Erection of a dwellinghouse and garage (in principle)

- 4.2 The Report of Handling (RoH) by the Planning Officer is attached as Document 3.

- 4.3 The RoH addresses the existing use of the site, relevant in 2012, stating:

“It would appear that the site is presently used for a commercial operation, centred around the trading of vehicles and it has been alleged within the representations that this use is unauthorised. There appears to be no record of a change of use application either being submitted or approved on this site, however there is equally no evidence to demonstrate the length of time the site has been used in its current state. To this end, the matter has been past to the Councils Enforcement Officer to investigate further.”

- 4.4 It is relevant, that no enforcement procedures were undertaken by PKC and as the site has been used for commercial purposes for a workshop and yard for around 18 years, this use is now established and immune from enforcement action under The Town and Country Planning (Scotland) Act 1997 as amended.

- 4.5 Although PKC refused the principle of development, the RoH does acknowledge (of relevance, in support of this Planning Application) that a dwellinghouse on this site would be compatible with the existing surrounding land uses. In addition, in terms of landscape impact on the Area of Great Landscape Value (designation at this time) concluded that whilst “... a negative one, is however perhaps debatable.”

- 4.6 It is relevant that the site has matured in terms of its presence in the landscape since the date of this decision in 2012 (9 years ago), with the commercial use continuing to have an immediate visual and landscape impact, which could be further adversely affected by an intensification in use of the site (which would not need planning permission).

Planning Application Ref: 15/00586/IPL – Erection of a dwellinghouse and garage (in principle)

- 4.7 The RoH by the Planning Officer is attached as Document 4. Whilst PKC refused planning permission, again, some positive comments were made in the appraisal of the proposal, including:
- “There is considered to be some potential for the site to accommodate a dwellinghouse and garage, but the long nature of the site would limit the amount of amenity space available.”
 - The proposal was not regarded as being detrimental to residential amenity;
 - Transportation Planning did not have an objection, subject to appropriate conditions;
 - There are no known flood risks to the site.

Planning Application Ref: 17/02122/IPL – Siting of a mobile residential caravan/timber lodge (in principle)

- 4.8 The RoH by the Planning Officer is attached as Document 5 and refused, however, again there were no objections to the proposal by consultees.
- 4.9 Whilst the RoH concluded that the “... mobile residential unit would be out of character of the local area.” It also concluded that the site is sufficiently large to be able to provide a suitable level of residential amenity.

Planning Enforcement Notice + Appeal by Appellant

- 4.10 In June 2021 ,PKC served an Enforcement Notice (EN) on the Applicant. The breach of planning to which this notice related was *“without planning permission, the unauthorised introduction of a chalet to the site, the material change of use of the chalet and site for permanent residential occupation, the undertaking of an engineering operation to form a hardstanding, and the siting of a shed.”*
- 4.14 An appeal was subsequently lodged, but upheld in part by the Scottish Government. In summary, whilst evidence was produced that there had been a mobile home on the site since 2017/2018, the home was not immuned from enforcement action. In addition, it was also found that some pavings had been laid to the fore of the mobile home which also required consent. The decision extended the period for compliance i.e. removal of the mobile

home and pavings to an extended period from 6 months to 9 months (noting the related hardship).

- 4.15 The decision notices also clarifies that whilst *"The appellant provides an assessment of compliance with the development plan. However it is not open to me in the context of this appeal to consider the merits of the proposal in the context of the development plan or other material considerations. That assessment would fall to the planning application process."*

Implications of Enforcement Notice

- 4.16 Enforcement of the conditions of the EN, as served by PKC, will as stated, result in the Applicant and his family being potentially homeless by March 2022, unless suitable accommodation is found on a site which is affordable and meets the Applicant's employability requirements. The Application site already fulfils these requirements, and as the site is in the Applicant's ownership, the purchase of another site, for the every day use described, would clearly be unviable.
- 4.17 In effect, it is unlikely (based on current day economics) that the Applicant would be successful in affording another home in this short period of time, prior to PKC enforcing eviction, in March 2022.
- 4.18 Fundamentally, it is relevant that the EN decision is not a planning assessment of the proposal have regard to the Development Plan and material considerations. The decision is only a legal/planning determination on whether the mobile home was there long enough to immune from enforcement action. The mobile home would have been immuned from enforcement action if it had been there for 4 years. In reality, the mobile home has now been occupied for 3.5 years.
- 4.19 As a response to the appeal on the EN only concluding on whether the mobile home was immune from enforcement rather than assessing the potential for planning approval of a home on this site, the Applicant has submitted this new Planning Application. This new Planning Application allows for a new planning assessment of the merits of the current proposal having regard to the up to date Planning Policy requirements of PKC, including the Development Plan and other material planning considerations.

5.0 The Development Plan

Background

- 5.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Development Plan comprises the TAYplan Strategic Development Plan (SDP), 2014 and the Perth + Kinross Local Development Plan (PKLDP), 2019. Given the strategic nature of the SDP, it is not considered to have a direct implication on the proposal, with the PKLDP providing the relevant policy context in this case.
- 5.3 Silversprings is an established commercial site, which as stated has been used as a workshop and yard for around 18 years. This use is established under The Town and Country Planning (Scotland) Act 1997 as amended and whilst a Planning Application has not been recorded by PKC for this use, it is now lawful/immune for enforcement action under the provisions of the Act.
- 5.4 The PKLDP identifies that the site is located in the countryside, within the Green Belt designation and within the Sidlaw Hills Local Landscape Area (LLA), where the following policies apply to the proposal in terms of the principle of the proposal and its detailed design.

Principle of Proposal – Compliance with PKLDP

- 5.5 **Policy 19: Housing in the Countryside** states that the Council will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories: (1) building groups; (2) infill sites; (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance; (4) renovation or replacement of houses; (5) conversion or replacement of redundant non-domestic buildings; (6) development on rural brownfield land.
- 5.6 Policy 43: Green Belts clarifies that only criteria (4) and (5) of Policy 19 apply to proposals in the Green Belt and therefore this site.

Compliance with Criteria (4) and (5) of Policy 19: Housing in the Countryside

- 5.7 In terms of Criteria (4) the proposal does relate to the replacement of an existing mobile home, which is the Applicant's home. The mobile home has been on the site for 3.5 years approximately and although unauthorised, its replacement with a new house, of bespoke design, would result in an enhancement to the Green Belt.
- 5.8 In terms of Criteria (5) the Applicant is not seeking to convert or replace redundant non-domestic buildings. However, should the existing shed on site become redundant, the Applicant could then consider applying under this category. However, it is considered that the current proposal is the most desirable in terms of the location of the house and the ability of the proposal to enhance the visual appearance of the Green Belt and local landscape.
- 5.9 **Policy 19: Housing in the Countryside** also confirms that the application of this policy is limited within the Green Belt to proven economic need, conversions or replacement buildings. The issue in relation to 'conversions or replacement buildings' is addressed above and economic need is addressed below.

Evidence of Economic Need

- 5.10 As stated in paragraph 2.6, the Applicant's father bought the site circa. 2003 as a "workshop and yard" from a joiner who used the site for his joinery business. The site continued to be used by the Applicant's father for storage and workshop purposes, and more recently has been utilised on the same basis by the Applicant in association with his roofing company.
- 5.11 The proposed house is required to ensure on-site security of the goods associated with this business, noting that an unsupervised yard in this location is potentially vulnerable in the hours when there is not 24 hour on-site presence. It is relevant that the Applicant has 7 sub-contractors who he works with on a full-time basis and significant value invested in the tools stored on-site running into tens of thousands of pounds. In the event that the business is jeopardised through a lack of security, this employment base and investment will also be compromised and local employment income/jobs potentially lost.
- 5.12 In addition, to operating a roofing business from the site, the Applicant also works locally all year around supervising stock and works more intensively

during lambing season, a critical time of the year for local farmers. The location of the Applicant's home in this location, adjacent to the farms concerned, allows the Applicant to be on hand when required. It is also relevant that the site is surrounded by a paddock in the Applicant's ownership, which allows for livestock to be accommodated on-site as and when required.

- 5.13 In effect, the Applicant is also engaged (in addition to his roofing business at the site) as an essential farmworker locally, providing a local agricultural essential workers role. The following two letters have been provided with this Application in support of the valuable services provided by the Applicant:

Northlees Farm, Kinfauns (Document 6)

- 5.14 Northlees Farm is located approximately 4 km to the south of the Applicant's site. Mr Pedgift from Northlees Farm has confirmed the importance of the Applicant's assistance throughout the year and seasonally with their livestock. The farm has over a thousand sheep and the Applicant is able to assist, through living locally, with monitoring the stock and assisting with problematic births over a 24-hour period, 7 days a week.
- 5.15 Ewes experiencing problem births are taken care of by the Applicant at the paddock adjacent to the Application site. This land and enables the continuous supervision of livestock in an enclosed area next to his home (currently within the mobile home referred to). A house or flat in a more urbanised area, without surrounding land, would not allow the Applicant to carry out this essential agricultural workers role.

The Goddens Farm, Pitroddie (Document 7)

- 5.16 The Goddens Farm is located approximately 4 km to the northeast of the Applicant's site. Mr & Mrs Godden employ the Applicant to monitor and safeguard their stock, particularly against foxes. They have estimated that the Applicant has assisted in controlling over 100 foxes a year over the past 4 years, whilst also assisting during the lambing season. Again, as stated above, an alternative suburban/urban site would not allow the Applicant to assist in these essential farming operations, i.e. the Application site is ideally suited to facilitate assistance to this farm.
- 5.17 Both letters identify the valuable input that the Applicant has as an essential worker, living on the 'doorstep'. The Applicant has the necessary skills and

on-site facilities, i.e. the house and paddock, to enable his effective assistance with these agricultural operations, as and when needed.

Summary of Compliance with Policy 19: Housing in the Countryside

- 5.18 The proposed house is required to ensure on-site 24 hour supervision of the storage yard and workshop. The site is in a rural location and at a potential security risk. The Applicant directly works with 7 no. employees/sub-contractors and has invested over £100,000+ on associated tools, stored at this site. The proposed house is needed to provide surveillance of the business, consequentially protecting the Applicant's business and associated local jobs/employment.
- 5.19 As described, the Applicant is also an essential agricultural worker. The location of a house on this site enables the Applicant to carry out valuable services to the two above farms. It is relevant that the proposed house is located roughly equidistant from both farms, allowing the Applicant to provide immediate assistance to both farming operations, whilst also being able to offer the use of his paddock for the personal on-site care of any vulnerable livestock.
- 5.20 Employing the Applicant on the basis described provides a valuable service to the local farms concerned.

Compliance with Policy 43: Green Belt

- 5.21 **Policy 43: Green Belt** states that within the area designated as Green Belt, development will only be permitted where it meets stated criteria. The following are considered relevant to this proposal:
- (a) it can be demonstrated that the development either supports an established use, or develops a new business within the Green Belt which has a direct relationship to the land; or
 - (b) it can be demonstrated that the development is essential for agriculture, horticulture (including allotments) or forestry operations; or
 - (e) it complies with criteria (4) or (5) of the Policy 19: Housing in the Countryside and associated Supplementary Guidance, and a positive benefit to the Green Belt can be demonstrated.

Criteria (a) Supporting an Established Use or develops a new business within the Green Belt which has a direct relationship to the land

- 5.22 The proposal is considered to comply with criteria (a). As stated in paragraphs 5.11 and 5.18 the proposed house is required to ensure on-site security for the established commercial use of the site, by providing 24 hour surveillance.

Criteria (b) it can be demonstrated that the development is essential for agriculture, horticulture (including allotments) or forestry operations

- 5.23 As stated above, the proposed house would also enable the the Applicant to continue to be employed as an essential worker by the local farms referred to. The site is ideally located to allow the Applicant to support the requirements of these local farms.

- 5.24 It is also relevant, that the Applicant's paddock allows for on-site care of vulnerable livestock, when required, which would not be possible if the Applicant lived in a house, without surrounding land. A house in an alternative location would not provide the benefits described above and would potentially jeopardise both the roofing services business and the ability to effectively continue in the Applicant's agricultural worker role.

- 5.25 Whilst it is relevant that the proposal only needs to comply with either of this criteria, the proposal is considered to comply with both, for the reasons stated.

Criteria (e) – Requirement of Compliance with criteria (4) or (5) of Policy 19: Housing in the Countryside

- 5.26 Both both Criteria (4) and (5) of Policy 19: Housing in the Countryside, are addressed above, and as a consequence it is considered the proposal complies with Criteria (e) of Policy 43: Green Belt.

Compliance with Policy 43: Green Belt – Landscape Requirements

- 5.27 Policy 43: Green Belt also states that *"For all proposals development must be appropriate to the overall objectives of the Green Belt to protect and enhance the character, landscape setting and identity of settlements. All proposals for new buildings or extensions to existing buildings must be of a suitable scale and form, located and designed in such a way so as not to detract from the character and landscape setting of the Green Belt. Appropriate measures may be required to mitigate any adverse impact on the character, setting and identity of the locality."*

- 5.28 Figure 1: Aerial Photograph of the Site (2020), illustrates that the site benefits from an existing and mature landscape setting along its northern and southeast boundary. There are further mature trees to the east along the eastern boundary of the road. The linear planting to the north of the plot further assists in screening the site on the southerly approach, with the woodland to the south of Craignorth Pendicle screening views of the site on the approach from the south.
- 5.29 Figure 9: The Entrance to the Site, produced again below, illustrates that there are open views into the site at its entrance. The established use of the site for storage and commercial use does not contribute to the character or landscape setting of the site. The proposed house offers the opportunity to tidy the appearance of the site and introduce a new high quality designed house.
- 5.30 In addition, by way of mitigation, the Applicant would be content to accept a planning condition securing further tree planting and landscaping within the site and on its eastern boundary (at the entrance), further enhancing the landscape setting of the site and the appearance of the Green Belt.

Figure 9: The Entrance to the Site



- 5.31 It is considered that the proposed new house will positively contribute to Green Belt policy objectives to protect and enhance its landscape setting.

Compliance with Policy 39: Landscape

- 5.32 The site is located in the Sidlaw Hills Local Landscape Area (LLA). Policy 39: Landscape requires that development should only be permitted in LLA *“...where it will not have a significant adverse impact on their special character or qualities, or where these impacts are clearly outweighed by social and economic benefits that are more than of local significance to Perth and Kinross.”*
- 5.33 PKC’s Landscape Supplementary Guidance, 2020 identifies that one the relevant objectives for the LLA is to *“Ensure high design quality of new development in this landscape”*.
- 5.34 The proposal relates to the erection of a new house of a high quality design. For the reasons referred to, in relation to Policy 43: Green Belt, the proposal is considered to enhance the landscape setting of the site. In addition, as stated the proposal also has proven economic benefits. The new house will also provide for a new home for the Applicant and his family, who are currently living in a mobile home, thereby resulting in a social benefit.

Detailed Policies of PKLDP on the Design of the Proposed House

- 5.35 The design of the house has taken into account the relevant detailed policies of the PKLDP, including Policy 1: Placemaking.

6.0 Material Planning Considerations

6.1 Material considerations include:

- Planning History
- Scottish Planning Policy (SPP)
- PKC Supplementary Planning Guidance
- Planning Status of Site

Planning History

- 6.2 The planning history of the site clarifies that the main issues of concern on previous applications for a house related to the principle of development and the impact on the landscape/Green Belt. However, the previously submitted Applications were for Planning Permission in Principle and as a result no detail was provided on the house design or layout. In addition, no supporting information was provided on the need for a house. This Application seeks to address this previous lack of information, by providing information to support the need for a new house and by providing details of the house and the site layout, including new landscaping.

Scottish Planning Policy (SPP)

- 6.3 In terms of promoting rural development, SPP identifies that one of the policy principles of the planning system is to ***“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.”*** (SPP, paragraph 75). The proposed house will support the security of an established business on the site, whilst also being ideally located for the Applicant to continue with essential work for the two neighbouring farms. The proposal will also result in a visual enhancement and the proposal is supported by this national planning principle for encouraging rural development which supports businesses.

PKC Supplementary Planning Guidance

- 6.4 PKC’s Housing in the Countryside Supplementary Guidance (SG), 2020 is relevant to the principle of development on this site, expanding on Policy 19 of the PKLDP, referred to above. The Guidance on Categories 3.3 and 3.4 of the SG are relevant to the site’s location in the Green Belt.

- 6.5 Category 3.3 of the SG provides guidance on the information which should be addressed in justification of a new house for an established business. Supporting information has been provided by two adjoining farm owners supporting the need for the proposed house in this location. It is relevant that the Applicant also owns the adjoining paddock which facilities on-site care of vulnerable livestock. The guidance is, however, orientated towards proposals for new houses on existing farms, which this Application does not relate to.
- 6.6 For non-farming business the guidance states that Applicants should *"...demonstrate that the provision of a house is essential to the continued operation of the business."* The Applicant has not submitted a business plan, but has submitted a justification on the basis of the site's characteristics, i.e. the site is used for the Applicant's roofing company and the house is required to provide on-site 24 hour surveillance, securing the continued operation of the business.
- 6.7 Category 3.4 of the SG would support *"a house for a local person or family who have lived and/or worked in the area for at least 3 years, and who are currently inadequately housed. Proof that the existing house is the sole residence and has been occupied on a permanent basis for the full 3 year period may be required. For the purposes of this Guidance, inadequately housed means a person or household who are currently living in ... overcrowded accommodation i.e. the accommodation lacks one or more bedrooms to meet the needs of the household. Each case will be assessed on its own merits but in calculating overcrowding the Council generally considers it reasonable for the following household members to share a double bedroom: couples; same sex household members; and two mixed sex household members under 10 years of age. In all cases the applicant will be required to demonstrate that no alternative accommodation is available to them within the local area."*
- 6.8 The Applicant is local to the area, and is currently living in a mobile home on the site with his family. Document 2 demonstrates that the mobile home was purchased in June 2018 and the Applicant has now lived there for over 3 years. The mobile home has two small bedrooms. The Applicant's two daughters, aged 6 and 1, both share a small bedroom, which is only 2.5 x 2.0 metres. The accommodation is substandard for the requirements of the family and it is unreasonable for the two children to continue occupying such a small bedroom, as they grow. Not least the Council has served an Enforcement Notice on the Applicant for the removal of the home by April

2022. At this point the Applicant and his family will be homeless. A new house on this site fulfils the criteria for providing a new house for a local person, who is currently inadequately housed. There is no other suitable houses available locally, since the house is also required to supervise the existing business at this site.

- 6.9 It is considered that the circumstances of this case, fall across both Category 3.3 and 3.4 of the Guidance. The Applicant has identified the business case for demonstrating a need for a house in this location. They have not submitted a business plan, as suggested by the guidance, as it is considered that the facts of the case provide the relevant information. However, the Applicant can supply supplementary information if this is regarded of assistance. This statement has confirmed that there is no scope to renovate or convert an existing domestic or non-domestic building as an alternative to a new build. This proposal offers the opportunity to further improve the 'landscape fit' of an already developed site. Mitigation measures can be addressed through enhanced landscape planting. The proposal is of a high quality design, appropriate to the location.

Planning Status of Site

- 6.10 The existing planning status of the site is described in paragraphs 2.6 – 2.8 above. In summary, the site has been used for a workshop and yard for around 18 years (since around 2003) and therefore this use is established and not subject to enforcement action under The Town and Country Planning (Scotland) Act 1997 as amended.
- 6.11 Under the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the site is considered to fall under both Class 4 C. Business and Class 6. Storage or Distribution. This dual use is continued to date, by the Applicant.
- 6.12 The site could be used more intensively than presently, for the above uses without the need for planning consent. It is considered material that the use of the site as a commercial workshop and yard is unlikely to be supported by current planning policy today. It is considered that the siting of a new dwellinghouse within the foreground, screening the workshop and commercial yard will enhance the appearance of the site and landscape setting, enhancing the characteristics of the designated Green Belt.

7.0 Conclusion

- 7.1 In summary, the Planning Application for the proposed house is required for the following reasons:
- The proposed house will ensure 24-hour supervision of the commercial site, avoiding vandalism of an unsupervised yard in this rural location.
 - Damage to the established business will impact on the viability of the Applicant's roofing business and livelihood, together with the associated 7 no. sub-contractors involved in the business, noting also the significant value invested in the tools stored on-site running into tens of thousands of pounds.
 - The Applicant is also an essential agricultural worker, with the site ideally located to assist in the farming operations located in close proximity to the site.
 - The site benefits from adjoining paddocks, which the Applicant can utilise on behalf of the local farms to provide 24-hour supervision to vulnerable livestock.
 - The Applicant currently lives in a mobile home on the site, which has been there for over 3 years and which is of sub-standard accommodation for his family. PKLDP Guidance does support new replacement houses where existing accommodation is sub-standard.
 - The referred to Enforcement Notice would lead to the eviction of the Applicant's from the mobile home in the new year. The Applicant does not have suitable replacement accommodation which can fulfil the above employment requirements referred to.
- 7.2 The need for a new house is therefore justified for the following 3 reasons:
1. To support an established commercial use, which would as a result of the proposed house, be supervised and protected through 24-hour residential supervision on the site;
 2. To support the Applicant's essential agricultural role to two local farms (noting the benefit of the Applicant's paddock and the lack of available such sites locally);
 3. The replacement of existing residential accommodation on the site (currently inadequate for a local person/family) with a new house, which also addresses reasons (1) and (2) above.
- 7.3 Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 requires that the

determination of planning applications shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 7.4 It is considered that the proposed development will accord with the conjoined objectives of national policy and the objectives and aims of the PKLDP's policies and Guidance, resulting in a positive planning solution to the future of this site.
- 7.5 In conclusion, the Scottish planning system operates, at its core, securing development in the "public interest", whilst balancing environmental, social and economic considerations. The approval of this proposal supports these national policy objectives. At a local Policy level, the proposal cuts across and supports a number of Policy objectives (as described), and accordingly it is requested that planning permission be granted.

Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 1

12 Scalegate Rd, Carlisle

28-5-17

Received the sum of £6800 from Ross Townsly
for 2011 Swift Caravan. Sold as seen.

Seller — M Campbell

Buyer —



Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 2



For the sale of:

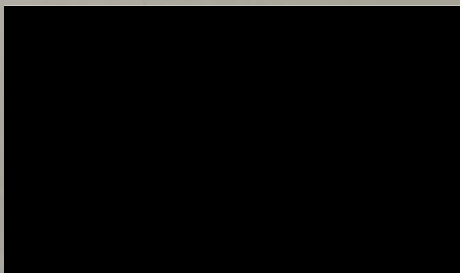
22/06/18

36ft x 14ft mobile home.

Delivered to:

Silversprings, Balthayock, Perthshire, Scotland, PH2 7LG.

£19,000



Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 3

PERTH AND KINROSS COUNCIL

ERECTION OF A DWELLINGHOUSE AND GARAGE (IN PRINCIPLE) ON LAND 90 METRES NORTH EAST OF CRAIGNORTH HOUSE, BALTHAYOCK, PH2 7QL

DELEGATED REPORT OF HANDLING

Ref No	12/01351/IPL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N1 – Carse			Yes	No
Target	20 Sept 2012				
RECOMMENDATION					
Refuse the planning application on the grounds that the proposal is contrary to both the Development Plan and the 2009 HITCP.					

BACKGROUND & DESCRIPTION

The application site relates to a rectangular shaped site at Balthayock, located on the eastern side of Kinnoull Hill. The 0.09 ha site is approx 55m in length (east to west) and approx 20m in width (north to south), and is currently being used as a commercial yard with a small workshop located to the rear (west) of the site. The site is bounded immediately to the east by a public road, with the other boundaries relatively undefined with the exception of some small fencing. The site is largely surrounded by agricultural fields with a narrow wedge of mature woodland to the west and newer woodland to the south. An existing residential property is located approx 50m south of the site; whilst to the north are a series of small sheds.

The site lies within an Area of Great Landscape Value as defined in the adopted Local Plan, and within a Green Belt as defined in the proposed Local Development Plan 2012.

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling.

PROCEDURAL MATTER

Possible Enforcement

It would appear that the site is presently used for a commercial operation, centred around the trading of vehicles and it has been alleged within the representations that this use is unauthorised. There appears to be no record of a change of use application either being submitted or approved on this site, however there is equally no evidence to demonstrate the length of time the site has been used in its current state. To this end, the matter has been past to the Councils Enforcement Officer to investigate further.

APPRAISAL

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act)

requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the recently approved Tay Plan 2012, and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

In terms of the Development Plan, although there are general policies of relevance contained in the Tay Plan, the principal policies of specific relevance to this proposal are contained in the Local Plan. Within the Local Plan, the site lies within the landward area of the Plan where Policies 1 and 32 are directly applicable. Policy 32 refers to new Housing in the Countryside, whilst Policy 1 relates to all new developments within the landward area and seeks (amongst other things) to ensure that all new sites are compatible with existing land uses and that all new sites have a suitable landscape framework which is capable of absorbing the development which is proposed. In addition to this, Policy 12 of the Local Plan, states that there will be a presumption against new development within the AGLV, unless there is a proven operational need.

In terms of other material considerations, National Planning Guidance, the Councils other approved policies on Primary Education and HITCP (2009) and contents of the proposed LDP are all material considerations.

Based on the above, I ultimately consider the key test(s) of the acceptability of this planning application to be;-

- a) whether or not the site is compatible with its surrounding land uses
- b) whether or not the site has a good existing landscape framework
(collectively an assessment against Policy 1 of the PALP)
- c) whether or not the proposal will adversely affect the landscape character of the AGLV and;
- d) whether or not the proposal is acceptable in land use terms *(i.e. compliance with the HITCP's)*.

I shall address these issues in turn.

In terms of compatibility with existing land uses, the principal neighbouring land uses of note are agriculture and residential (to the south). In my opinion, a dwelling on this site will have no adverse impact with either existing land use.

In terms of the existing landscape framework, I accept that the site does have a definitive boundary along its eastern edge via the public road; however the remaining boundaries are not defined in any substantial form. I appreciate there is land within the applicants control to create a landscape framework, however I do not consider this scenario to be acceptable and ultimately I do not consider the landscape characteristics of this site to be sufficient to merit it being classed as an acceptable housing site.

In terms of the impact on the landscape character of the area, and the impact on the AGLV, as stated previously the Local Plan (through Policy 12) states that there is a presumption against new development within the AGLV, unless the development proposed is directly linked to operational need. However, the Council has taken a more liberal approach to this specific policy within the AGLV in the past, with each proposal considered on its own individual merits, largely based on whether or not the

proposal would have an adverse landscape impact. In this case, a dwelling on this site would increase the visual prominence of the site as the moment the site has little visual impact with the only building being the relatively small workshop which is located to the rear. Although the impact on the landscape of a dwelling on this site would likely be minimal, the fact that the proposal would alter the visual appearance of the area to some degree makes it more difficult to argue that the proposal won't affect the overall landscape character of the AGLV. I therefore consider the proposal, by virtue of the fact that it will be introducing a new building on the site which is far larger than the existing building, to have an impact on landscape of the AGLV. Whether or not this impact is a negative one, is however perhaps debatable.

Turning to the key issue of the acceptability of the land use (for residential), as the site lies within the landward area of the PALP, the proposal falls to be assessed against the Housing in the Countryside Policies (HITCP) as contained firstly within the Local Plan (Policy 32), and secondly, the revised HITCP of 2009. As the site is not part of an existing building group, the only possible section of either policy that the proposal can accord with would be Section 6 of the 2009 HITCP, which relates to Rural Brownfield development. This section of the policy offers support in principle for small scale residential proposals on sites which were formerly occupied by buildings where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. The site at the moment, fails to meet with the requirements of this policy as the site is not presently in a state of dereliction, and the only 'building' on the site is clearly still in existence – although I do not consider the existing building to be of a scale to justify a residential development in its place. I therefore find it difficult to offer any support for the proposal under this section of the 2009 Policy.

In terms of other material contributions, this includes consideration of the PGN on Education and consideration of the LDP. In terms of the PGN on Education, as the proposal is for planning consent in principle, in the event that an appeal to the LRB were to be successful, an appropriately worded condition should be attached to the consent seeking compliance with the PGN.

Within the proposed LDP, the site lies within the landward area and within the area which has been designated as a Green Belt. Policy NE3 of the LDP states that the Housing in the Countryside Policies do not apply within the Green Belt and that any development must be limited to agriculture, horticulture or forestry operations. I consider the identification of the area as a Green Belt to increase the restrictions on development (from that of the AGLV designation in the Local Plan) in this area which increases the argument that this is not a particularly logical site for housing.

Based on the above, I recommend the planning application for a refusal.

NATIONAL PLANNING GUIDANCE / POLICIES

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application is paragraphs 92-97 which relates to rural development

Planning Advice Note 73 – Housing in the Countryside

Designing Places, published in November 2001, sets out the then Scottish Executive's expectations of the planning system to deliver high standards of design in development for rural and urban areas. The design based Planning Advice Note (PAN) series is an additional means by which we can maintain the profile of design and identify best practice in planning for high quality development. This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). Within the Tay Plan there are no specific policies of specific relevance relevant to this proposal.

Within the Local Plan, the site lies within the landward area, where the following policies are directly relevant.

Policies 1(General Development) states that all developments within the Plan area will be judged against the following criteria (amongst others)

- The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.
- The development should be compatible with it's surroundings in land use terms and should not result in a significant loss of amenity to the local community.

Policy 12 (AGLV) states that there will be a presumption against built development

within the AGLV, except for operational need.

Policy 32 (Housing in the Countryside Policy) is the local plan version of the Council in the Housing in the Countryside Policy which offers support for new housing providing that certain criteria can be met.

OTHER COUNCIL POLICIES

Proposed LDP 2012

The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

Within the proposal LDP, the site lies within the landward area within an area identified as a Green Belt, where Policy NE5 is directly applicable. This policy explicitly states that the HITCP does not apply in this area.

Housing in the Countryside Policy 2009

This policy is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories.

Planning Guidance Note – Developer Contributions May 2009

Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note–Primary Education & New Housing Development May 2009

This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

None relevant to this proposal.

PKC CONSULTATIONS

Transport Planning have commented on the planning application and have raised no concerns.

ECS has commented on the planning application and confirmed that the local primary school is operating presently operating at over its 80% capacity.

EXTERNAL CONSULTATIONS

Scottish Water have been consulted on the planning application and raised no comment.

REPRESENTATIONS RECEIVED

Two letters of representations have been received from individuals, objecting to the proposal. The principal concerns raised by the objectors are that the proposal is contrary to the Development Plan and the HITCP 2009.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required.
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	None

PUBLICITY UNDERTAKEN

The application was advertised in the local press on the 3 August 2012.

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASONS FOR REFUSAL

- 1 As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites have a good existing landscape framework in which the development proposed can be set.
- 2 As the proposal relates to an isolated site, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
- 3 As the proposal relates to an isolated site and there is insufficient justification to support the proposal as an exceptional stand alone dwelling, the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

JUSTIFICATION

The proposal is not in accordance with the Development Plan and there are no material reasons which justify an approval of the application.

INFORMATIVES

None

PROCEDURAL NOTES

None

REFUSED PLANS

12/01351/1 - 12/01351/2

Note

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report, although six letters of representation have been received, although two letters of representations have been received.

Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/00586/IPL	
Ward No	N1- Carse Of Gowrie	
Due Determination Date	12.06.2015	
Case Officer	Craig Swankie	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse and garage (in principle)

LOCATION: Land 90 Metres North East Of Craignorth House
Balthayock

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Perth and Kinross Local Development Plan 2014 and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 24 April 2015

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application seeks permission in principle to erect a dwellinghouse on a site 90 metres north east of Craignorth House, Balthayock. The site lies within the Perth Green Belt Area as defined in the Perth and Kinross Local Plan 2014.

The site, located on the eastern side of Kinnoull Hill is currently a hardstanding used to store vehicles, with a small workshop and shed in the west of the site. The 0.9 ha site is rectangular in shape, approx. 55 metres x 20 metres. A public road bounds the site to the east, with the north, east and west boundaries defined by a mixture of hedging and fencing. The wider area at Balthayock is largely agricultural land with a narrow strip of mature woodland to the south west of the site. An existing residential property Craignorth House is located approx. 90m south of the site.

Previously application 12/01351/IPL for the erection of a dwelling house and garage in principle on this site was refused, as the proposals were contrary to Policy 1 and 32 of the Perth Area Local Plan 1995 and the Council's Policy on Housing in the Countryside (2009).

SITE HISTORY

12/01351/IPL Erection of a dwellinghouse and garage (in principle) 3
September 2012 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 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 principal policies are, in summary:

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 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 NE5 - Green Belt

Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

OTHER POLICIES

CONSULTATION RESPONSES

Scottish Water – No response

Education And Children's Services - No contribution required for in principle permission. Any contribution will be calculated upon submission of a detailed planning application.

Contributions Officer – Any education contribution will be calculated upon submission of a detailed planning application. The application falls within the full contribution area identified by the Transport Infrastructure Supplementary Guidance.

Transport Planning – No objection, subject to condition.

Environmental Health – No objection, subject to condition and informatives

Community Waste Advisor, Environment Service – Waste to be collected from road end.

REPRESENTATIONS

No representations were received.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

Since the refusal of application 12/01351/IPL, the Perth and Kinross Local Development Plan 2014 has been adopted. Under the Local Development Plan 2014 the site sits within an area designated as Green Belt which surrounds Perth, therefore Policy NE5 is applicable.

Development within the Green Belt is not supported unless the requirements of Policy NE5 are met. With regard to the present application for the erection of a dwelling house in principle, under Policy NE5 there is no support for the erection of new buildings including residential dwellinghouses. Policy NE5 Green Belt will only support development within the green belt where it meets at least one of the five criteria set out in points a) to f) of Policy NE5. Parts a) and b) of Policy NE5 support development which is essential to agriculture, horticulture or forestry. Part c) supports developments which improve access to the countryside and parts d) and e) support the appropriate alteration and extension of buildings and development relating to essential infrastructure where appropriate. Finally, part f) requires new development within the green belt to consider mitigation of any adverse impacts on the green belt. The proposed erection of a dwellinghouse at this site is not considered to meet any of the criteria of Policy NE5. Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 does not apply to applications within the green belt area.

For the reasons outlined in this report, the application is considered contrary to Policy NE5 and PM1 of the Perth and Kinross Local Plan 2014.

Design and Layout

The rectangular site is relatively flat with a slight eastern slope. Any dwellinghouse on the site would be detached from any other development. There is only one residential property nearby, Craignorth House, which is situated 90 metres south west of the site. Whilst the applicant has not submitted any detailed plans with the application a Proposals Justification statement was submitted which outlines the client's intention to erect a single storey 5 apartment dwellinghouse with detached garage. There is considered to be some potential for the site to accommodate a dwellinghouse and garage, but the long nature of the site would limit the amount of amenity space available. Further to this, as the site and wider area is open in nature with a public road running along the east of the site, any dwelling would be a prominent feature in the landscape. The proposals are considered to be contrary to Policy PM1A and Policy NE5. Policy PM1A requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. A dwellinghouse at this site would sit in a prominent position, detached from existing dwellinghouses and the sites rectangular nature and width of only 20

metres would create a development which appears restricted. This would not be in keeping with the character of the area and would not contribute positively to the wider landscape. The majority of existing developments close to the application site and within the green belt are farms, with a small number of individual dwellings with large garden areas.

The development is not considered suitable under any of the criteria outlined in Policy NE5.

Landscape and Visual Amenity

As above, Policy NE5 requires any development within the green belt to meet specific criteria relating to use and landscape impact. A dwellinghouse within this site, next to a public road with relatively open agricultural land to the north and south is considered to have a negative impact on the wider landscape. It is acknowledge the sites existing use as a storage area with workshop is not of high value to the wider landscape, but vehicle and equipment storage on the site is in keeping with the rural character of the area. The erection of a dwellinghouse at the site would be contrary to the aims and criteria of Policy NE5 which seeks to maintain and improve access, support recreational activities in the countryside and only support proposals which benefit the wider landscape.

In September 2012, when previous application 12/01351/IPL was refused, the site was within an Area of Great Landscape Value (AGLV). This designation ended with the adoption of the Perth and Kinross Local Plan 2014. The council is set to adopt Landscape Supplementary Guidance in June 2015, within this guidance the application site is in the Sidlaw Hills Landscape Area. As such, the supplementary guidance and policy ER6 of the Local Development Plan would apply. Whilst the supplementary guidance is yet to be adopted (scheduled June 2015) it is noted that the proposed development would be considered contrary to the Landscape Supplementary Guidance and Policy ER6 which aim to preserve and enhance the natural character and environment of the area. A dwelling house at this site would not preserve or enhance the rural, agricultural character of the area nor contribute to the quality of the local countryside in terms of outdoor access or rural business use.

Residential Amenity

As this proposal is only in principle, the exact layout and orientation of the dwelling and window placements are not known at this stage. However, considering the size and shape of the plot and that there is no developments neighbouring the site, I do not foresee any issues in terms of the impact on existing residential amenity.

Roads and Access

Following consultation with Transportation Planning, no objections have been raised. A condition is recommended requiring further details be submitted.

Any full application must outline access, parking, turning and surface water disposal arrangements at the site. Use of the existing access onto a public road is considered acceptable. Given the sites restrictive width consideration will need to be given to parking provision within the site.

Drainage and Flooding

There are no known flood risks to the site.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

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 fail to comply with the approved TAYplan 2012 and 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 been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Refusal

1. The proposal is contrary to policy NE5 Green Belt, of the adopted Perth and Kinross Local Development Plan 2014. The erection of a

dwellinghouse on this site would not meet any of the criteria set out in Policy NE5 sections a) to f). The site is located in a rural area; a dwellinghouse would have a negative impact on the local landscape which has an existing open, agricultural character.

2. The proposal is contrary to Policy PM1: Placemaking of the adopted Perth and Kinross Local Development Plan 2014 as a dwellinghouse in this location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.

Justification

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/00586/1

15/00586/2

15/00586/3

PROPOSAL JUSTIFICATION

Date of Report 21.05.2015

Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/02122/IPL	
Ward No	N1- Carse Of Gowrie	
Due Determination Date	03.02.2018	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Siting of a mobile residential caravan/timber lodge (in principle)

LOCATION: Land 90 Metres North East Of Craignorth House, Balthayock

SUMMARY:

This report recommends **refusal** of a planning in principle application for the siting of a mobile caravan/mobile on a site on Kinnoull Hill at Balthayock as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 21 February 2018

SITE PHOTOGRAPH



View of the site and the existing buildings

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for the siting of a temporary residential unit on a site on Kinnoull Hill. The indicative details submitted by the applicant suggest that a static caravan/lodge is envisaged.

The site is roughly rectangular in shape with a depth (east to west) of approx. 54m and a width of approx. 18.5m (north to south). The site is generally flat, with the main part covered in a hardcore which was associated with a previous use. At the western end of the site are a number of old sheds and buildings and a residential touring caravan.

To the north of the site is a relevantly large redundant farm building, whilst to the south and west are paddock areas. On the other side of the southern paddock area is an existing dwelling, and to the east of the site is the public road.

An existing vehicular access exists to the public road, as well as some feature entrance walling.

PROCEDURAL MATTER

The application was initially registered with the description of the erection of a dwellinghouse (in principle).

The applicant has indicated both on the application forms and in person that the residential accommodation proposed is to be a timber chalet/caravan, placed on movable steel chassis.

To this end, the description of the planning application has been amended during the course of the application to read '*Siting of a mobile residential caravan/timber lodge*'. The reference to a timber lodge has been included to allow the applicant some scope to exceed the size restrictions which are attached to a 'caravan', as defined in the relevant caravan legislation – if permission was forthcoming.

SITE HISTORY

Two previous planning applications for the erection of a dwelling have been refused on the site, one in 2012 (12/01351/IPL) and one in 2015 (15/00586/IPL).

PRE-APPLICATION CONSULTATION

General discussions took place with the applicant prior to the submission of the planning application.

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 relevance to this planning application are Paragraphs 74 - 83, which relates to Promoting Rural Development and Paragraphs 109 -134, which relates to Enabling Delivery of New Homes.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to*

live, work, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The site lies within the landward area of the Local Development Plan, within an area that has been identified as part of the Green Belt. To this end, 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.

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 NE5 - Green Belt

Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

Policy ER6 –Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross’s landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing (2016)

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

Landscape Supplementary Guidance (2015)

It has been produced to include the review and update of Local Landscape Designations in Perth and Kinross into the Council's planning policy framework. It also provides further advice on the implementation of Local Development Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes within the 11 Special Landscape Areas, and will help to bring forward land management initiatives to protect and enhance these areas.

EXTERNAL CONSULTATION RESPONSES

Dundee Airport were consulted on the planning application, but have made no specific comment.

INTERNAL COUNCIL COMMENTS

Local Development Plan Team were consulted but have made no specific comment on the planning application.

Structures and Flooding have commented on the proposal and raised no objections.

Development Negotiations Officer has commented on the proposal and indicated that in the event of an approval, conditions relating to both Primary Education and Transport Infrastructure would be required.

Environmental Health have commented on the proposal in relation to private water supplies and also contaminated land. Subject to conditions, they have no objections to either aspect.

Transport Planning have commented on the proposal in terms of the proposed access and parking provision, and raised no objections.

REPRESENTATIONS

None received within the statutory timeframes; however one late letter of representation was received. That representation was largely objecting to the

proposal on the grounds of that the development was within the Green Belt area.

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.

In terms of other material issues, the sites planning history and also compliance with the Developer Contributions and Affordable Housing 2016 document are material considerations.

Policy Appraisal

The site is located within the landward area of the Local Development Plan, within an area which has been identified as Green Belt where *Policy NE5* of the Local Development Plan is directly applicable. This policy specifically states that the Council's Housing in the Countryside Policies are not applicable within the Green Belt area, and that the only acceptable form of new residential development would be change of uses of existing buildings (conversions) which are of suitable architectural form.

In addition to this, *Policy PM1A* of the Local Development Plan is also applicable, and seeks to ensure that all new developments do not have an adverse impact on the on the local environment.

For reasons stated below, I consider the proposal to be contrary to *Policy NE5* of the Local Development Plan.

Land Use

The site lies within the landward area of the Local Development Plan, where ordinarily the Council's Housing in the Countryside Policies would be applicable to a new residential proposal such as this. However, the location of the site is located within the restrictive Green Belt area where the Housing in the Countryside Policies are not applicable.

Policy NE5 of the Local Development Plan specifically states (under Note 1) that the Housing in the Countryside *Policy RD3* does not apply in the Green Belt. *Policy NE5* goes on to say that within the Green Belt area new residential proposals would only be acceptable when they involve the conversions of buildings that are of suitable architectural quality.

To this end, as this proposal is for a new development which is not a change of use of a building or a conversion, the proposal would fail to accord with the overarching requirements of *Policy NE5*.

Visual Amenity, Design and Layout

This is only a planning in principle application so no details are under consideration at this stage. Notwithstanding this, as the applicant has indicated that the proposed dwelling would be a residential caravan / timber lodge.

To this end, the proposal has the potential to adversely impact on the visual amenity of the area as a mobile residential unit would be out of character of the local area.

Impact on Landscape

The site is located within the Special Landscape Area associated with Kinnoull Hill, and which extends across the Sidlaws Hills. At this planning in principle stage, no details are to be approved in relation to the visual appearance of the dwelling, however as the applicant has indicated the proposed dwelling would be a residential caravan / timber lodge.

To this end, the proposal has the potential to adversely impact the landscape of the area as a mobile residential unit would be out of character of the local area.

Residential Amenity

In terms of impacting on any existing residential amenity, the proposal would have limited impact. The only affected residential property is a good distance away, and the siting of any residential accommodation on the site would not have any direct impact on their existing residential amenity.

In terms of being able to provide a suitable level of residential amenity for future occupiers, the site is sufficiently large to be able to provide a suitable level of residential amenity.

Roads and Access

The proposal raises no issues in terms of vehicular access or parking provision, and I note that my colleagues in the Transport Planning section have no concerns.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding issues.

Developer Contributions

Affordable Housing

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

Primary Education

In the event that a planning application is approved, a standard compliance condition should be applied to any consent.

A9 Junction Improvements

The site lies outwith the catchment area for A9 Junction improvements.

Transport Infrastructure

The site is located within the catchment area for Transport Contributions. In the event that a planning application is approved, a standard compliance condition should therefore be applied to any consent.

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 other 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 because of the following reasons,

- 1 As the site is located within an area identified as 'Green Belt', the proposed siting of a new residential unit is contrary to Policy NE5 of the adopted Local Development Plan 2014 which states that for new residential proposals acceptable proposals are limited to conversions of existing buildings which are of a suitable architectural quality.
- 2 As the proposal would have an adverse impact on the visual amenity of the local landscape, the proposal is contrary to Policies PM1A and ER6 of the adopted Local Development Plan 2014 which both seek to protect existing landscapes from inappropriate new developments, and to ensure that existing visual amenity is not adversely affected.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/02122/1

17/02122/2

Date of Report - 17 April 2018

Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 6

Ref : 4734

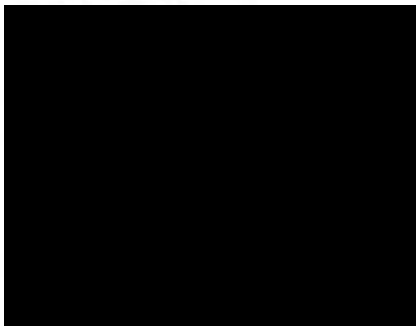
20th October 2021

Dear Sir

Silversprings, Balthayock, Perthshire.

We understand from Ross Townsley that he is currently applying for Planning Permission to replace his existing temporary accommodation with a new house. He informed us that it would assist his application if the Planning Department were aware that he has worked for us for a number of years. As we are a hill farm, our main income is from livestock. We regularly have over a thousand sheep on the farm. During lambing time, we have to be available to monitor the stock and assist with any problematic births over a 24-hour period, 7 days a week. Ross has been a huge help to us, not only throughout the year, but especially during this busy time. Any ewes experiencing problem births, are transported to the paddock in his ownership, adjacent to his current accommodation, so that these can be kept under close supervision.

Yours faithfully,



Proposal: Single Dwellinghouse
Site: Silversprings, Balthayock

Document 7

Ref : 4734

20th October 2021

Dear Sirs,

Letter in Support of Planning Application for Ross Townsley, Silversprings, Balthayock.

We are writing to confirm that Ross has helped us with our farm and in particular, the monitoring and safeguarding of stock. Because of our location in the Sidiaws, a particular problem we have is with foxes. As well as assisting with the care of livestock in general and particularly with lambing, Ross has been a huge help in controlling the amount of foxes locally. He regularly monitors the stock around his property and we estimate that he has assisted in controlling over 100 foxes a year for the past four years. It is of great assistance to have someone with his animal husbandry skills living on our doorstep. We hope that he will continue to do this, as without his local situation and vigilance, we would have great difficulty in having someone to replace him.

Yours faithfully,



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00329/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email: [REDACTED]
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 90 Metres North East Of Craignorth House Balthayock		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Royal Douglas Memorial Primary School.</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 site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance)</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: 1 x £5,164 Transport Infrastructure: 1 x £3,657</p>		

	<p><u>Total:</u> £8,821</p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p>Recommended informative(s) for applicant</p>	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details;</p>

	<p>Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	18 March 2022

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00329/FLL	Comments provided by	Katrina Walker
Service/Section	Development Plans	Contact Details	Planning Officer [REDACTED]
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 90 Metres North East Of Craignorth House, Balthayock		
Comments on the proposal	<p>Comments have been requested on policy 43 given the location of the proposed site within the green belt.</p> <p>Planning permission in principle for a house on this site has been refused twice: in 2012 (pre-dating the green belt policy) and again in 2015 under the previous green belt policy in LDP1. Planning permission was also refused in 2018 for the siting of a mobile residential caravan / timber lodge. I am aware that there is a complex history relating to the commercial use of the site, and to the siting of a mobile home which has also been the subject of enforcement action.</p> <p>Policy 43 is a restrictive policy which only allows development within the Green Belt under limited circumstances. Of these c), d) and f) are not relevant.</p> <p>Criterion a) allows for development which supports an established use or develops a new business which has a direct relationship to the land. I acknowledge that the applicant has based his business on this site for several years, but I am not convinced that the nature of the business itself – a roofing company – has a direct relationship to the land.</p> <p>Criterion b) allows for development which is essential for agriculture. Compliance with this criterion is assessed under category 3.3 of the Housing in the Countryside supplementary guidance 'new house to support an existing business – farm workers'. Evidence must be provided that a new house is essential to the continued operation of the farm for animal welfare reasons. This evidence should be in the form of a business appraisal, prepared by an independent expert, and based on the labour hours for the existing farming operation which sets out the proportion of labour hours and types of operations which require a full-time worker to be on-site for the majority of the time. I note that letters of support have been submitted from the two nearby farms where the applicant works supervising stock particularly during the lambing season. These letters, however, do not give enough information as to why an additional full-time worker is essential to the continued operation of either farm in line with the SG. Category 3.3 of the SG also allows for new houses to support existing non-farming businesses, but these would still have to comply with policy 43 i.e. be related</p>		

	<p>to horticulture or forestry (under criterion c) or have a direct relationship to the land (under criterion a).</p> <p>Lastly, criterion e) allows for new houses in the green belt which comply with category 4 or 5 of the Housing in the Countryside policy. I acknowledge that there is currently a mobile home on the site, however, no planning permission has been granted for residential use on the site and given both the outstanding enforcement action (which could see the removal of the mobile home) and the temporary nature of a mobile home I don't consider that it is appropriate to treat the proposal as the replacement of a house under category 4 of the SG. The proposal does not relate to the replacement of a redundant traditional non-domestic building (under category 5).</p> <p>I note the reference in the supporting statement to category 3.4 of the Housing in the Countryside SG but that category does not apply within the green belt.</p> <p>Overall, I do not consider that the proposal as it currently stands complies with the criteria set out in policy 43: Green Belt. Given the complex planning history of the site, however, I acknowledge that there may be other material considerations to be taken into account in determining the application.</p>
Recommended planning condition(s)	None
Recommended informative(s) for applicant	None
Date comments returned	30/3/22

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00329/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 90 Metres North East Of Craignorth House Balthayock		
Comments on the proposal	<p>The applicant is proposing to erect a four-bedroom dwellinghouse with attached double garage on land currently used as a yard with storage buildings. The property has an existing formed vehicle access directly onto the U81. The proposed site layout indicates space for four vehicles (including the garage) and there are turning facilities within the site to enable vehicles to enter and leave in a forward gear.</p> <p>The level of car parking proposed for the site is in line with requirements of the National Roads Development Guide.</p> <p>To support the development, the vehicle access shall be formalised and surfaced from the public road network into the gate and a condition is recommended to secure this.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.</p>		
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. The Type B Road construction detail shall continue to the entrance up to the access gates.</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	<p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p>		
Date comments returned	29 March 2022		

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 22/00329/FLL

Our ref ALS

Date 18/03/2022

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

Erection of a dwellinghouse Site Land 90 Metres North East Of Craignorth House Balthayock

I refer to your letter dated 16/03/2022 in connection with the above application and have the following comments to make.

Water (assessment date – 18/03/2022)

Recommendation

I have no objections to the application but recommend the undernoted informative be included in any given consent.

Comments

The development is for a dwelling house in a rural area with private water supplies believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water please note the following informative. No public objections relating to the water supply were noted at the date above.

PWS - Informative 2

The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00329/FLL	Comments provided by	G Bissett
Service/Section	Flooding Team	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 90 Metres North East Of Craignorth House Balthayock		
Comments on the proposal	<p>We have reviewed this application and do not have any objections in terms of flood risk. However, we request further clarification on the drainage.</p> <p><u>Flood Risk</u></p> <p>A review of the SEPA flood maps indicates that site is not at risk of fluvial flooding however the access road to the east of the property is at medium risk (0.5% annual probability) of surface water flooding. The flood pattern is patchy but appears to relate to runoff generated from higher ground to the west which flows eastwards through the site and onto the road. We consider the risk to be minor and the property itself appears to be at very low flood risk. The applicant should however ensure that the site drainage account for any runoff entering their site, and should be aware that safe access and egress might be difficult during periods of heavy rainfall.</p> <p><u>Surface Water Drainage</u></p> <p>The proposed site plan indicates that there are two soakaways to deal with surface water runoff. The applicant is requested to demonstrate that the suggested method of SuDS meets the criteria outlined in the PKC LDP supplementary guidance (Flood risk and Flood Risk Assessments, 2021):</p> <ol style="list-style-type: none"> 1. Percolation tests will be required, and the results forwarded to the Flooding Team for approval 2. It will need to be demonstrated that hydrological and hydrogeological conditions are suitable and the time for emptying will not be excessive 3. SuDS should be designed to treat and attenuate surface water runoff for the 200-year (35% climate change) storm event. <p>The applicant should clarify whether any of the other areas of hardstanding will also drain to the proposed soakaways</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	04.04.22		

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PLANNING DECISION NOTICE *(included in applicant's submission, pages 51-52)*

REPORT OF HANDLING *(included in applicant's submission, pages 53-61)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 71-142)*

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REPRESENTATIONS
(included in applicant's submission, pages 143-153)

