

TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross

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TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name MR & MRS G JACK

Address OLD BUTTS
LESLIE ROAD
SCOTLANDWELL
KY13 9TE

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority PERTH AND KINROSS

Planning authority's application reference number 17/01049/PL

Site address PLOT 1, WEST OF GRANGE INN FARM, NK
KINROSS, KY13 0LE

Description of proposed development ERECTION OF DWELLING HOUSE, GARAGE
AND STABLES

Date of application 29 JUNE 17

Date of decision (if any) 6 OCT 17

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

A HEARING SESSION IS SEEN AS A REQUIREMENT TO FULLY COMMUNICATE THE BASIS OF APPEAL AND TO REPORT TO ANY QUESTIONS THAT MAY ARISE.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NO REASON

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

ATTACHMENT A - NARRATIVE
 ATTACHMENT B - MAP WITH STABLE ID'S
 ATTACHMENT C - PHOTOS
 ATTACHMENT D - REFERENCES PLANNING APPLICATION 17/01388/FUL
 REPORT OF HANDLING

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

ATTACHMENTS A, B, C, d D AS NOTES
PREVIOUSLY
 CD WITH PICTURES FOR CLARITY
 INCLUDING ATTACHMENT C.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [Redacted Signature] Date 17 DEC 2017

STABLE REFUSAL CONDITION APPEAL.

Attachment A to Notice of Review submission 17 December 2017 in connection with Planning Application 17/001049/FLL approved 29 November 2017.

In preparing the appeal to the Perth and Kinross (PKC) Planning groups refusal of stables associated with application 17/01049/FLL we have referenced the PKC documents;

- 17_01049_FLL-DECISION_NOTICE-1009949
- 17_01049_FLL-REPORT_OF_HANDLING-1009400

We have extracted the key reasons for refusal from the above noted documents and provided a detailed rebuttal as noted.

The key reasons for refusal is seen as Placemaking and the clear basis for this reason for refusal is repeated in some form throughout the Report of Handling document, refer to the quoted notes;

- 'massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside'.
- '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'.
- 'Furthermore it would not respect the character and amenity of the building group at Chance Inn'.
- 'the proposal fails to create a sense of identity and erodes the character of the countryside by extending development northwards into open countryside to the detriment of the building group and sense of place.'
- 'The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience due to the scale and mass of the proposed stables in the open countryside.'
- 'Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.'
- 'The refusal documentation specifically references the new development 'Furthermore it would not respect the character and amenity of the building group at Chance Inn'. which will replace the current established farm sheds and prior to the design of the stables the applicant discussed the stable design with the piggery developer to ensure that it would be in keeping with the high standard of development proposed for the piggery.'

All of the above notes clearly relate to a concern over Placemaking and we would wish to note the following in response;

- The surrounding area is clearly equestrian friendly with the majority of the surrounding properties having populated horse paddocks in one form or another, with some stabling in the area significant in size. We feel that the proposed stables are therefore in line with the local amenities and situation and the quality of design of the new build will enhance the area in relation to similar builds. Refer to Attachment B, Local Plan colour coded for stable / field shelter locations and horse paddocks.
Refer to Attachment C Local Pictures
- There has recently been a stable application similar in size, if not layout, approved in the neighbouring property again establishing the area as equestrian friendly.
Note this referenced application includes 3 stables, 1 tack room and 1 store similar in content to the applicants application.

Refer to attachment D regarding application 17/01388/FLL which was submitted 15 Aug 17 and approved 3 Oct 17 therefore was under assessment at the same time as the applicants. The approved application 17/01388/FLL is 80m² in size v the applicants 120m² and this variance is a consequence of the applicants layout which is designed to facilitate the ability to clean and groom the applicants 2 horses in all weathers to support the intent to show at local horse shows. Refer to Attachment D, report of handling for approved planning application 17/01388/FLL.

- We would note that the stables have been proposed with three stalls with a design intent to create an area inside for storage of feed and tack and thereby providing the capability to keep the site tidy.
- The refusal refers to; 'the scale, massing and location of the stable building is considered to be unacceptable it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside' we would note the stable block is located in a natural depression in the area, is single storey in height and has been specified to have an external finish of high quality natural appearance.
- The development is positioned to suit a current access road and thereby limits any disruption and change to the area infrastructure, note no objection from the road department.
- The scale of the property is in keeping with the area of paddocks to be utilised, which is approx. 5 acres in size. We currently have 2 horses and have designed the stables for a maximum of 3 horses. The stables are clearly for personnel use and enjoyment with the applicants passion showing at local events. E.g. Kinross Show, West Fife Show and Royal Highland show.
- We have already commenced the planting of native trees (21 trees planted to date) to further lessen the impact of the stables in the line of sight of all neighbouring properties and will continue with this effort over the coming period to fully establish the stables blending into the natural countryside. In addition to our future intent there is already an established ten foot hawthorn hedge between the road and the identified area shielding the area from the main access road.
- The identified area is central to the applicants paddocks, lies in a natural depression, is adjacent to the current access and therefore is located in the most suitable location on the applicants land.
- The proposed wooden cladding to the stables is an architectural feature of no structural benefit purposely designed to provide a clear benefit of ensuring the building is visibly appealing, this clearly demonstrates the intent of the applicant to ensure that the area is developed in a visually appealing manner.
- The refusal refers to the neighbouring planning application to upgrade the piggery area on the opposite side of the road with a high spec development. The applicant would like to highlight that they engaged the current developer of this high spec development to agree external appearance of the stables to ensure they are in keeping with a high standard development. The applicant would also wish to note that it is the developers intent to offer land to the north of the applicants proposed stable location to prospective purchasers of the developed properties to provide the opportunity for the new owners to develop paddocks and one would assume some form of stabling.

Further noted reasons for refusal are noted as;

'where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.'

In this respect we would note that the Environmental Health had no comments or objections and when referring to the neighbouring approved stables 17/01388/FLL the Report of Handling notes
'There are several other existing residential properties adjacent to the applicants and it is my contention that there is the potential for neighbouring properties to be aware of odours and noise at times which are common to any rural agricultural area; there are existing livery stables at Gellybank Farm.'

We feel that this assessment by the councils Environmental Health should also apply to the applicants application.

We would like to reference the granted consent for application 17/01388 for similar stables located closer to existing residential properties. In the assessment of the notice of handling on page 4 it states that neighbouring properties should be aware and in keeping with the character of the immediate area, as further shown in Attachment B.

In addition we would like to highlight re the concern re noise and odour in that the noted area is surrounded by horses in fields and in stables of various designs therefore why this particular application has been identified as having the potential to cause additional noise and odour we find strange. We would also note that we can not imagine a stable for 3 horses for personnel use along with the associated paddock areas as representing an intensive use of 5 acres of land this will surely have no greater impact than what is expected from a low intensity use of 5 acres of rural farm land.

Further noted reasons for refusal are noted as;

'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.'

We would respond by noting that ensuring the countryside is available for the enjoyment by, amongst others, horse owners living in the immediate area, as opposed to having to travel to a location elsewhere, this should be seen as clear benefit to quality of life and therefore clearly conforms to the noted clause from the TAYside Strategic Development Plan

In general we would like to make the following additional points regarding Refusal on development in countryside;

- Proposed stables are on the corner of the field adjacent to the existing built area and existing road access.
- Stables used for personal use such as this are commonly found in the countryside.
- Stable is located in the lowest part of the field and will not impede views. There are significant existing structures on the other side of the road that have a far greater impact than the single storey stables being proposed, Refer to Attachment C, picture 6.

The following reason for refusal.

"There is insufficient information to illustrate that a stable of the scale proposed in this application can provide a satisfactory residential environment due to the proximity of the proposed equestrian stables to the approved Chance Inn Farm residential development 09/00941/FLL where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014."

- In response to the above we would like to refer you to the Environmental Health response below. The PKC environment health team have completed an assessment and deemed it acceptable subject to conditions which we are happy to comply fully with.

Environmental Health (assessment date –21/07/17)

Recommendation

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

Comments

This Service made no adverse comment with regards to contaminated land in memo dated 11 August 2009 for approved 09/01160/FLL for erection of two dwellinghouses

This application is for the erection of a single dwelling house and stables therefore there is the potential for existing and future residents to be affected by odour from the stables.

The stables are to be sited approximately 201metres from the proposed property and 168 metres from the closest existing property Chance Inn Farmhouse.

The stable plans indicate that there is three stable stalls, tack, feed and storage areas, the stables are not for commercial use.

Therefore I recommend that the undernoted condition be included on any given consent to protect residential amenity from odour nuisance.

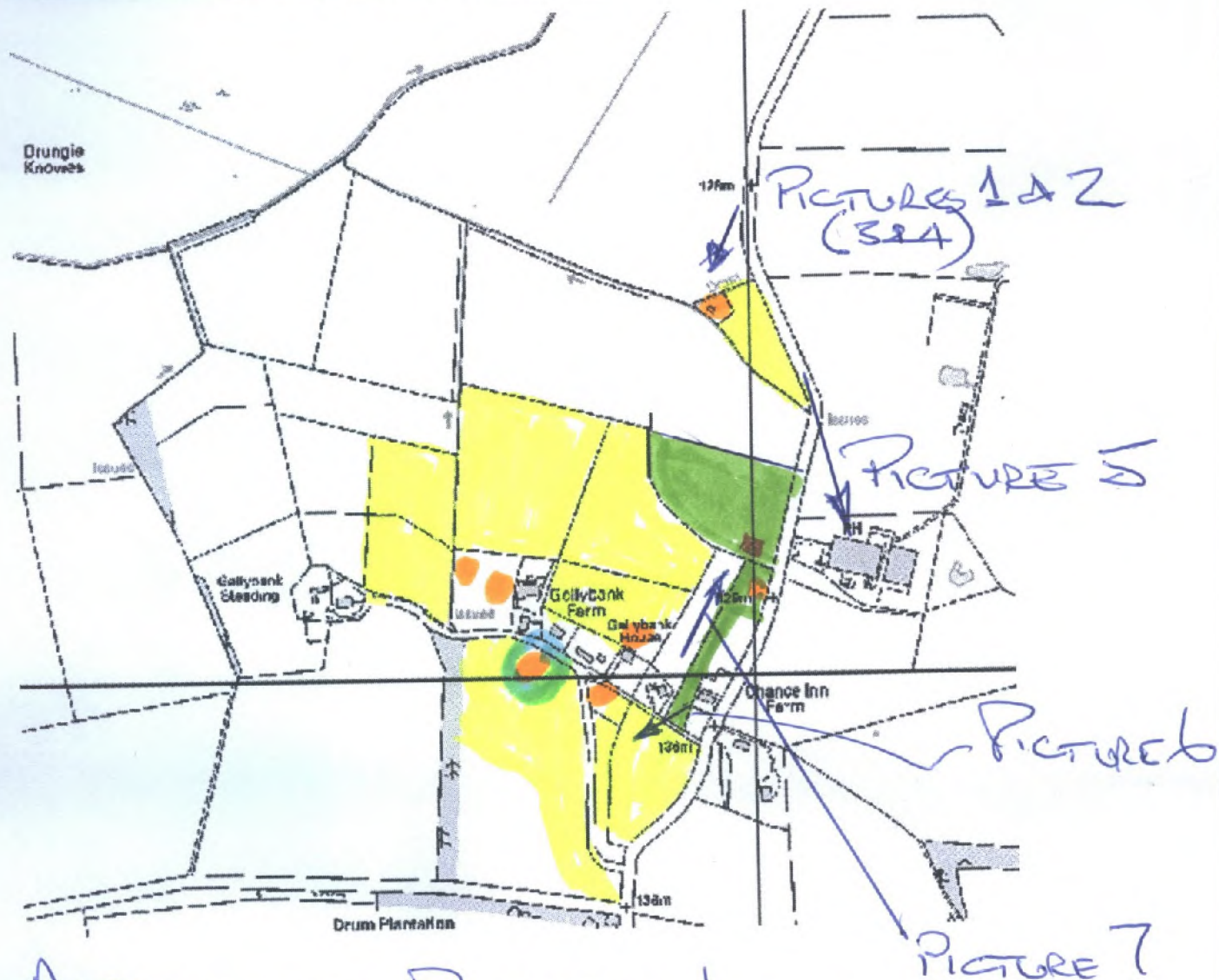
Condition

- *An effective waste management plan for the building shall be in place for the storage and removal of manure, to ensure that odour is kept to a minimum*

In conclusion we feel the application is perfectly acceptable

In conclusion we have picked this location in the countryside that we find most appealing, as hopefully our final home, specifically to enjoy both the large garden and the convenience of having a suitable high class stable facility to enjoy our pastime of looking after and showing our horses.

Attachment B: Local Site Map showing nearby similar facilities



- APPLICANTS PROPERTY / LAND
- STABLES & FIELD SMELTERS (7 OFF)
- PROPOSED STABLE LOCATION
- CURRENT PADDOCKS
- RECENTLY APPROVED STABLE APPLICATION
 17/01388/FUL. SUBMITTED 15 AUG 17
 APPROVED 3 OCT 17.
 3 STABLES + TACK ROOM + FEED STORE

Attachment C - Pictures

Picture 1 – Looking South



Picture 2 Looking South



Pictures 3 & 4 Looking South

Picture 5 - Piggery



Picture 6 – Next Door Field Shelter



Picture 7 – Proposed Location in a Valley



Picture 8 – Applicants Current Field Shelter











Proposed location in a natural depression





Attachment D.

**REPORT OF HANDLING
DELEGATED REPORT**

Ref No	17/01388/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	14.10.2017	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of stables

LOCATION: Land 70 Metres South West Of Gellybank Cottage Kinross

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 29 August 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of stables at land 70m southwest of Gellybank Cottage, Kinross. The site is located in a rural area adjacent to a small grouping of buildings at Gellybank Farm.

This application is for the erection of a stable block with three stables, tack room and store on agricultural land, opposite the applicant property New Bungalow Gellybank Farm, which will also graze sheep. The applicant has stated that the stables are for their personal use and are not for a commercial business.

SITE HISTORY

17/01365/FLL Erection of stables and formation of an outdoor riding arena 11 August 2017 application withdrawn as invalid

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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 adaptation.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

Transport Planning No objection, no conditions required

Environmental Health No objection, conditions required

REPRESENTATIONS

No letters of representation received

ADDITIONAL INFORMATION RECEIVED:

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 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

The site is located within a rural area and the proposal is for a domestic scale development. The relevant policy is therefore Policy PM1 Placemaking.

Policy PM1 Placemaking requires that the design, density and siting of development should respect the character and amenity of the place. Proposals should respect the site topography and the wider landscape character of the area.

The proposal does not raise any policy concerns.

Design and Layout

The proposal is to erect a stable block on an L shaped floorplan and form a gravelled access and turning area. The stable block has a footprint of approx. 80 sq metres and is small scale appropriate for the location. No details of the finishes have been provided and therefore and condition will be added.

Residential Amenity

There are several other existing residential properties adjacent to the applicants and it is my contention that there is the potential for neighbouring properties to be aware of odours and noise at times which are common to any rural agricultural area; there are existing livery stables at Gellybank Farm.

Visual Amenity

The buildings are to be located on a flat area of land with the paddock rising to the south. The site is therefore well contained and relates well to the existing group. It is therefore considered that the proposal would not detrimentally impact on the visual amenity of the area.

Roads and Access

The access to the site will be taken from the existing track that serves the grouping. Parking and turning can be accommodated within the site.

Drainage and Flooding

No drainage or flooding implications.

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 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 approval subject to conditions.

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

Approve the application

Conditions and Reasons for Recommendation

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

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

2 The stables hereby approved shall be used solely for private purposes only and shall not be utilised as part of any commercial enterprise to the satisfaction of the Council as Planning Authority.

Reason - In order to control and restrict the use of the building.

3 Prior to the use of the development hereby approved a waste management plan for the stable building will be submitted to and agreed in writing with the Council as Planning Authority for the storage and removal of manure, to ensure that odour is kept to a minimum.

Reason - In order to safeguard the residential amenity of the area.

4 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to

the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

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

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01388/1
17/01388/2
17/01388/3
17/01388/4

Date of Report 3.10.17

TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr And Mrs George Jack
c/o Shand Architecture
Stuart Shand
Studio One
Crook Of Devon
Kinross
UK
KY13 0UL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 6th October 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01049/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 29th June 2017 for permission for **Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design) Land 120 Metres West Of Chance Inn Farm Kinross** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the scale, massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside. Furthermore it would not respect the character and amenity of the building group at Chance Inn.
2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside by extending development northwards into open countryside to the detriment of the building group and sense of place.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience due to the scale and mass of the proposed stables in the open countryside.
4. There is insufficient information to illustrate that a stable of the scale proposed in this application can provide a satisfactory residential environment due to the proximity of the proposed equestrian stables to the approved Chance Inn Farm residential development 09/00941/FLL where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

Justification

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

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

Plan Reference

17/01049/10

17/01049/1

17/01049/2

17/01049/3

17/01049/4

17/01049/5

17/01049/6

17/01049/7

17/01049/8

17/01049/9

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01049/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	28.08.2017	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

LOCATION: Land 120 Metres West Of Chance Inn Farm Kinross

SUMMARY:

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

DATE OF SITE VISIT: 9 August 2017

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to the ground to the south and west of the bungalow at Chance Inn Farm, near Kinross. The application is for the change of house type to that previously approved along with the erection of a stable building to the north east of the plot.

It should be noted that a field shelter has already been erected on this land however it is not the proposed structure associated with this application, it is much smaller.

There is a considerable amount of site history as detailed under the Site History heading below.

SITE HISTORY

07/01054/FUL Erection of 2 dwellinghouses 1 September 2007 Application Withdrawn

07/02142/FUL Erection of 2 dwellinghouses 13 February 2008 Application Refused

09/01160/FLL Erection of 2 dwellinghouses 26 April 2012 Application Permitted

12/01424/FLL Change of house types (modification of 09/01160/FLL to erect 2 dwellinghouses) 5 October 2012 Application Permitted

16/00014/FLL Erection of 2no. dwellinghouses 27 April 2016 Application Permitted

16/01797/FLL Change of use from agricultural land to private equestrian arena, erection of stables and formation of vehicular access 14 November 2016

16/02146/FLL Erection of a dwellinghouse and stables, and formation of a private riding arena and vehicular access (change of house design) 10 March 2017 Application Withdrawn

PRE-APPLICATION CONSULTATION

Pre application Reference: Discussions undertaken during withdrawal of application 16/02146/FLL regarding concerns with overlooking, extent of plot curtilage, impact of stables and menage area in open countryside.

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 adaptation.

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 PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD3 - Housing in the Countryside

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

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE1A - International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP7A - Drainage within the Loch Leven Catchment

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment
Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

OTHER POLICIES

Developer Contributions

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

Housing in the Countryside Guide

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

CONSULTATION RESPONSES

Local Flood Prevention Authority – No objection subject to conditional control.

Scottish Environment Protection Agency – No objection. The site already holds a foul drainage discharge licence. The change of design does not increase the Population Equivalent which informed the original CAR licence. No increased mitigation is required for this proposal.

Contributions Officer - A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.

Transport Planning – No objection.

Scottish Water – No objection.

Environmental Health - This Service made no adverse comment with regards to contaminated land in memo dated 11 August 2009 for approved 09/01160/FLL for erection of two dwellinghouses. This application is for the erection of a single dwellinghouse and stables therefore there is the potential for existing and future residents to be affected by odour from the stables. The stables are to be sited approximately 201 metres from the proposed property and 168 metres from the closest existing property Chance Inn Farmhouse. The stable plans indicate that there is three stable stalls, tack, feed and storage areas, the stables are not for commercial use. Therefore conditional control should be included on any given consent to protect residential amenity from odour nuisance.

REPRESENTATIONS

The following points were raised in the 2 representation(s) received:-

- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area - The housing plot is positioned east - west facing when all other dwellings on the west of Cleish Road are north-south facing. The stables and arena are out of keeping with the settlement and visually intrusive. There are no buildings on the west side of Cleish Road. This precedent would be visually intrusive to all dwellings to the south.
- Over Intensive Development - The planning history of this plot includes a Reporters recommendation that only one house should occupy the plot (which is now two) and that no access should be taken from the north.
- The proposed stables and arena access is almost directly opposite the entrance to Chance Inn Farm.
- Any screening should be with Beech or Hawthorn in keeping with other hedging and screening in the settlement.

The above matters are taken into account in the appraisal section of the report. The following points raised are addressed below.

- The application to erect the house also extends over a substantial area of agricultural land. There should be a separate applications for the house and another for the stables otherwise residential use is being extended northward beyond the settlement over agricultural land. Response – The concern is noted however the extent of the site curtilage associated with the dwelling house has now been clarified.
- The application form had an incorrect response saying "no" to the application involving agricultural holdings when two thirds of the application area is agricultural holdings/ land. Response – the concern is noted but not all areas of land will have an agricultural holding number.

- The application creates a risk of future access being created interlinking the existing settlement with the stables and land to the north. Response – any future link would be subject to planning control.
- There is no indication of lighting at the stables which would be intrusive if floodlit. Response – there is no lighting proposed as part of this application. Conditional control could be applied.
- There is no detail of the finish to the stable yard which should be in keeping with the agricultural character of the area and avoid concrete or tarmac. Response – The concern is noted. Conditional control could be applied to secure an appropriate finish.

ADDITIONAL INFORMATION RECEIVED:

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 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

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single

houses or groups of houses which fall within the six identified categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case the buildings at this location can be considered as a (a) Building Group.

Supplementary guidance, 'The Housing in the Countryside Policy' was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

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

Proposals which contribute towards ribbon development will not be supported.

The principle of siting a development on the plot has already been accepted and the dwelling curtilage remains the same as approved. However, application 16/00014/FLL had a total building foot print of 160sqm (house and ancillary buildings). This proposal seeks to increase the size of the footprint on this plot to 308sqm. This opens up the principle of the development and whether the increase is appropriate taking account of character, layout and building pattern of the group. This is assessed in greater detail below along with the proposed stable building which is located in fields to the north.

Design and Layout

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The dwelling plot size remains the same as application 16/00014/FLL. The design and siting of the development has changed with

the orientation of the proposed house changing and with a garage building detached to the north which generally aligns with the neighbouring Chance Inn dwelling. The proposal represents a significant change to the previous scheme however it does create a courtyard type feel that can be supported. In my view it does not adversely affect the character the building group at Chance Inn and would comply with policy PM1A and PM1B subject to appropriate landscaping and boundary treatment being secured.

I consider that the design and location of the stable building conflicts with Policy PM1A and PM1B due to the impact it will have on landscape. This is discussed in greater detail below.

Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

I do not consider the dwelling or the extent of the dwelling curtilage conflicts with Policy ER6.

With regards to the stable area I consider that the surrounding topography and landscape framework is not capable of absorbing the extent, scale and mass of this built development. It would extend built development further north from the Chance Inn building group into the open countryside in a highly visible location. In addition the stables position on the opposite side of the road to Chance Inn Farm which has planning consent for residential development 09/00491/FLL would increase the numbers of receptors that would experience the visual impact once that permission is built out.

From my site visit a field shelter building has already been erected on the land which has a visual impact, this reinforces my concerns that locating a larger permanent stable building in this location is unacceptable. There could be potential to reduce the visual harm of the field shelter if it was relocated hard against the hedge.

Taking the above into account the application as proposed is contrary to Policy ER6 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character (Lowland Loch Basin Unit in The Tayside Landscape Character Assessment), the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape and the quality of landscape experience by extending development northwards into the open countryside.

Residential Amenity

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed property is required and in this case cognisance of the surrounding landuses has to be taken into account.

Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. Having had the opportunity to assess the plans I do not consider that will impact on neighbouring properties to an extent that would warrant refusal of the application.

There is a need to take account of overlooking and impact on residential amenity. This scheme includes glazing on the west boundary and this does raise overlooking and residential amenity issues for the neighbouring Chance Inn Cottage.

I do not consider there is an overlooking issue from the high level windows or the non-habitable rooms on the west elevation. I note the agent has incorporated obscure glazing into the bedroom window on the west elevation to alleviate privacy issues from this room. There is also an intention to form boundary hedging to act as a screen on this boundary. While hedging in the long-term will likely secure privacy along this boundary in the short term it will not be sufficient. Other forms of screening should therefore be incorporated into this boundary, while a close boarded fence would not be acceptable there is scope to integrate other solutions to secure an acceptable level of residential amenity to coincide with the occupation of the dwelling.

While Environmental Health has commented on the relationship of the proposed stables to the Chance Inn the building group there has been no assessment on the relationship with the Chance Inn Farm development (09/00941/FLL) approximately 75 metre to the East of the stable site. I consider that further information would be required to fully assess the relationship between the stable and this residential development site to ensure a landuse conflict does not occur from noise contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014 and odour.

Roads and Access

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied.

Drainage and Flooding

There are no flooding issues at the site and conditional control can ensure that Sustainable Urban Drainage Systems are installed to attenuate water and avoid off site flooding.

Policies EP7 A, EP7B and EP7C of the adopted local plan read together with the aim to seek control and, where possible, reduce phosphorus levels discharged within the Loch Leven Catchment Area a SPA, SSSI and Ramsar site. I therefore consider these matters together.

Policy EP7A specifies that built development should not exceed the current level permitted by the discharge consents for the Kinross or Milnathort waste water treatment works together with the current contribution from built development within the rural catchment area.

Policy EP7B requires that all developments connect to the Kinross or Milnathort waste water treatment works, exceptions are where (a) drainage can be diverted out of the catchment or (b) mitigation measures are implemented in accordance with the Council's published Supplementary Guidance.

While Policy EP7C requires the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development where proposed developments breach EP7A and EP7B.

The previous application submitted drainage calculations in support of that application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance. SEPA have been consulted and advise that they have no objection to this proposal as there will not be an increase in the number of usable bedrooms from the earlier approved house for the site. Conditional control can be applied to secure appropriate foul drainage and mitigation arrangements to ensure compliance with the Loch Leven Catchment policies.

Developer Contributions

This site has planning consent under 16/00014/FLL for two units and a contribution towards primary education was paid on 27 April 2016. This proposal seeks to change the design of one of these consented units but will not increase the total number of units on site accordingly no contribution to primary education is required.

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 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 approval subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the scale, massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside. Furthermore it would not respect the character and amenity of the building group at Chance Inn.
- 2 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside by extending development northwards into open countryside to the detriment of the building group and sense of place.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience due to the scale and mass of the proposed stables in the open countryside.
- 4 There is insufficient information to illustrate that a stable of the scale proposed in this application can provide a satisfactory residential environment due to the proximity of the proposed equestrian stables to the approved Chance Inn Farm residential development 09/00941/FLL where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

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

17/01049/1

17/01049/2

17/01049/3

17/01049/4

17/01049/5

17/01049/6

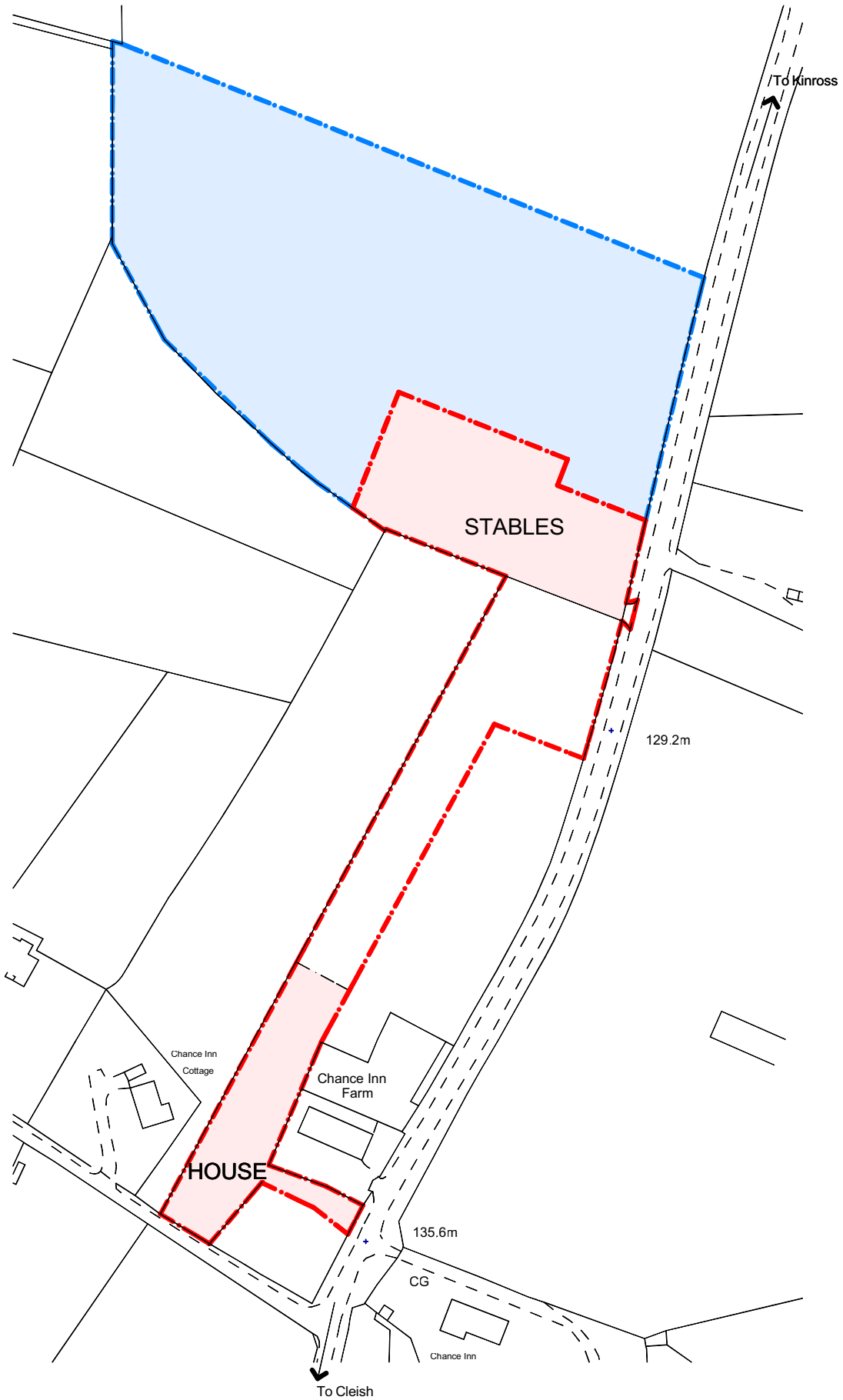
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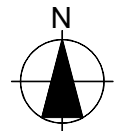
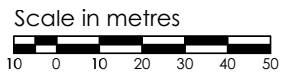
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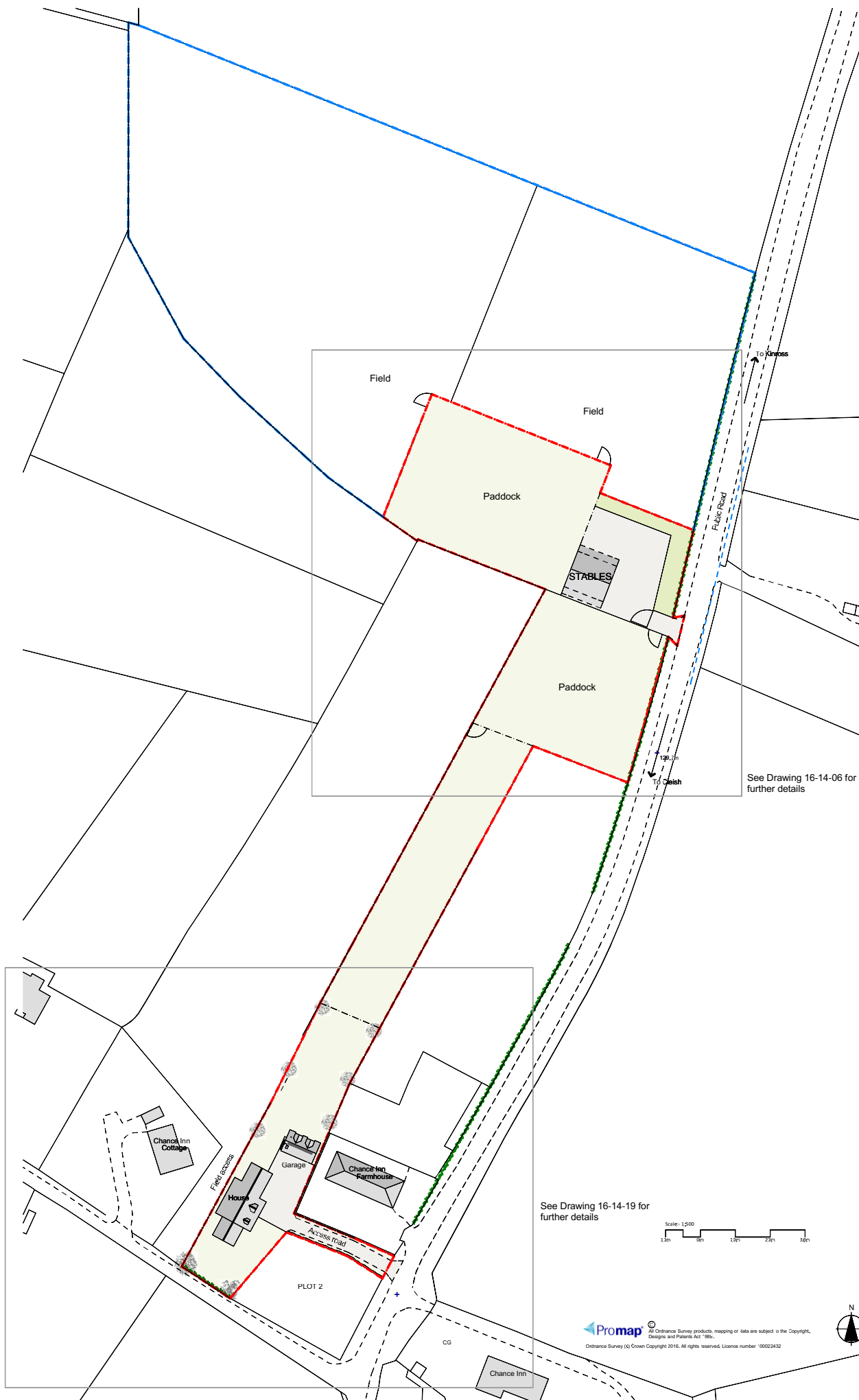
Date of Report 05 September 2017



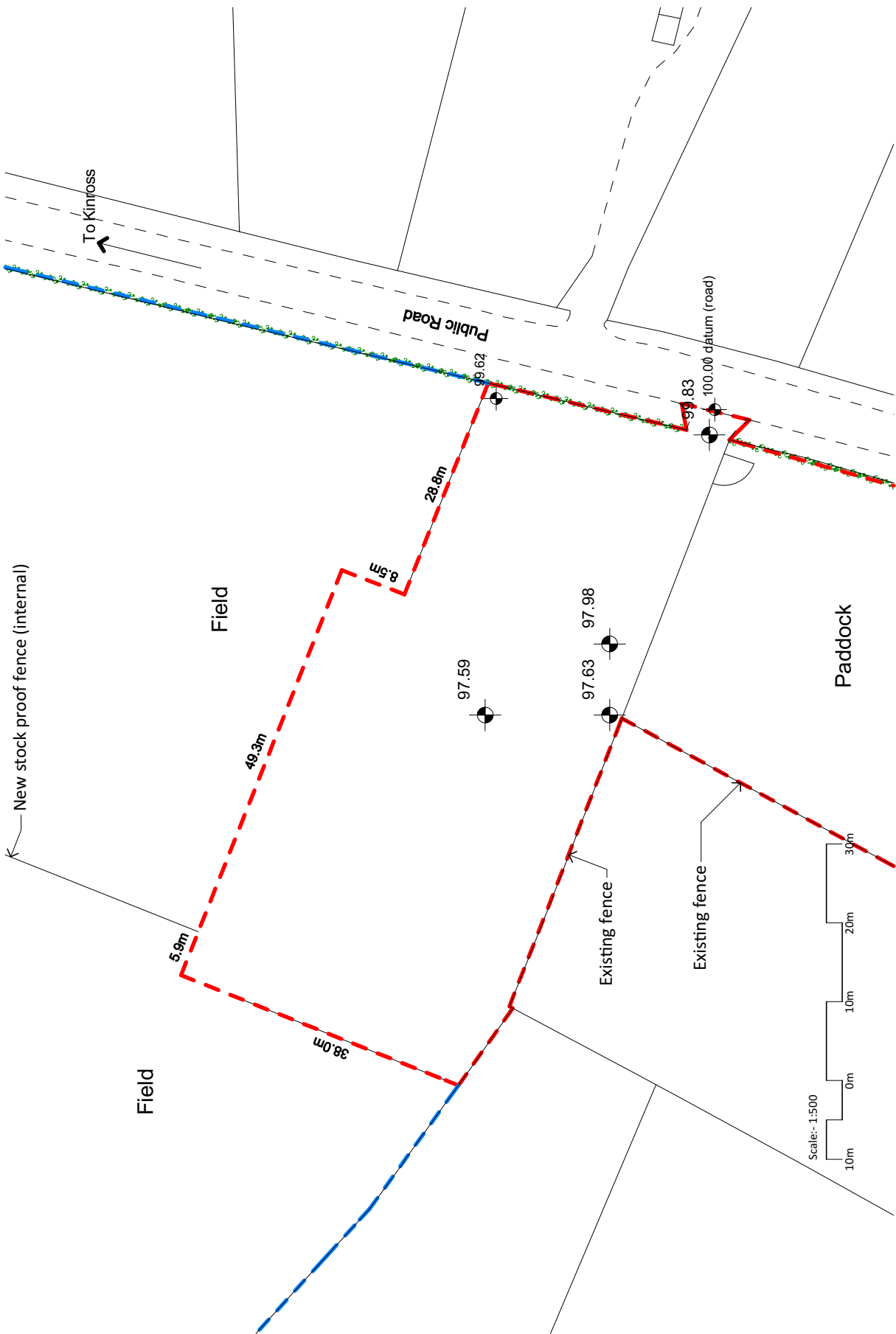
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Chartered Architect Shand Architecture Studio One, Crook of Devon, Kinross KY13 0JL www.shandarchitecture.co.uk	Project	Drg. Title	Date	Sept. 2016	Scale	1:1250	Drg. No.	
	Proposed House + Stable Plot 1, Chance Inn Cleish, Kinross-shire	211 LOCATION PLAN	Stage	Planning				16-14-01
			Revision	A	B	C	D	



Studio One, Crook of Devon, Kinross KY13 9UL shand@shandarchitect.co.uk shandarchitecture.co.uk		Shand Architecture Chartered Architect	
Project: Proposed House + Stable Plot 1, Chance Inn, Kinross-shire		Dwg. Title: SITE PLAN STABLE - Existing layout	
Date: Oct. 2016	Scale: 1:500	Dwg. No.:	16-14-07
Stage: Planning	Revision: A B C D E F G H		



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Revisions	
G	
F	
E	
D	
C	
B	Minor amendments 15.6.17
A	Layout amended 5.6.17

Architect **SHAND ARCHITECTURE**
 Studio One, Crook of Devon, Kinross KY13 0JL
 E: stuar@shandarchitecture.co.uk
 W: shandarchitecture.co.uk
 T: 01577-940 202

Project
 Proposed House + Stable
 Plot 1, Chance Inn
 Kinross-shire
 KY13 0LE

Title
PROPOSED SITE PLAN

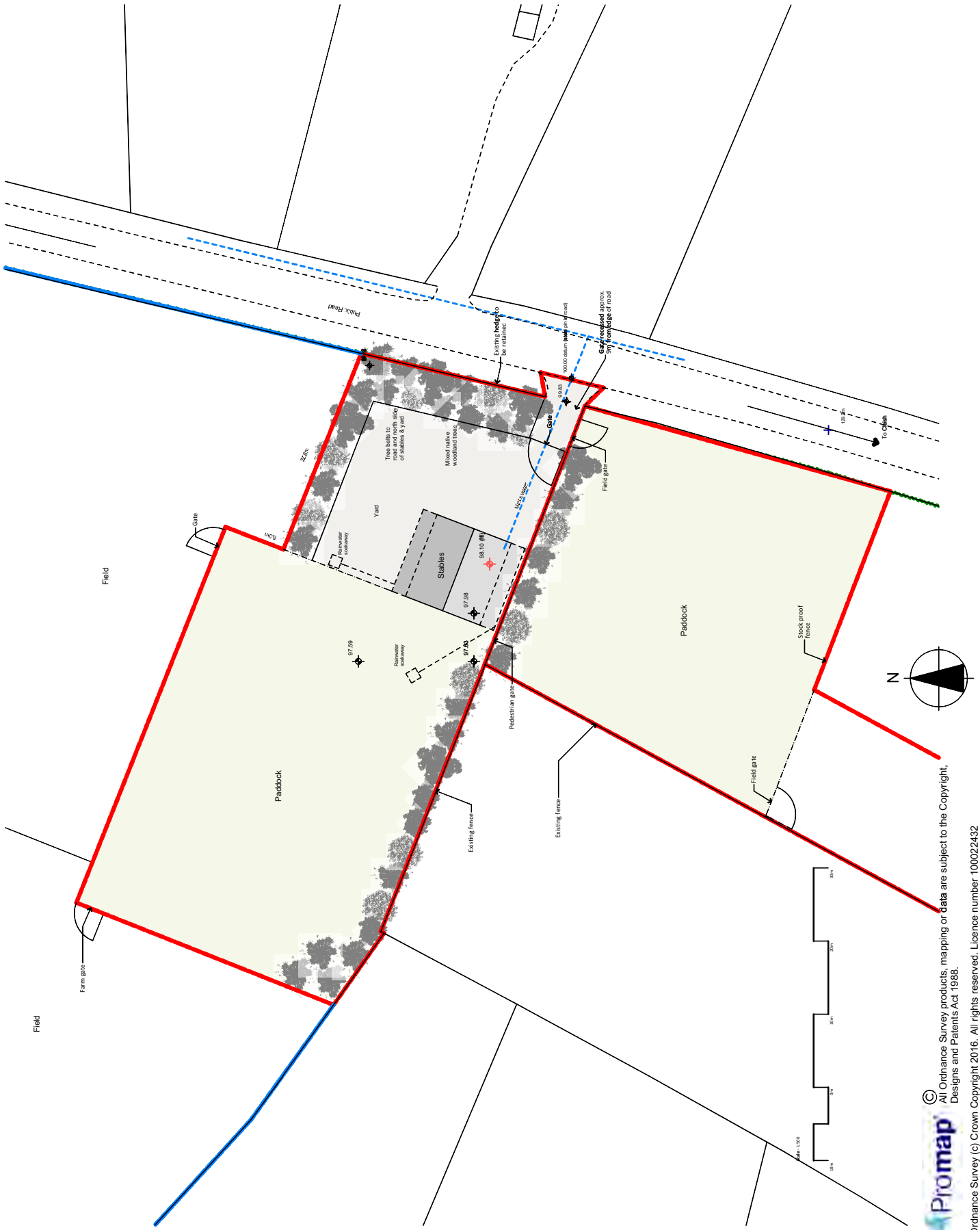
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Dwg. No.	16-14-19
Stage	Planning



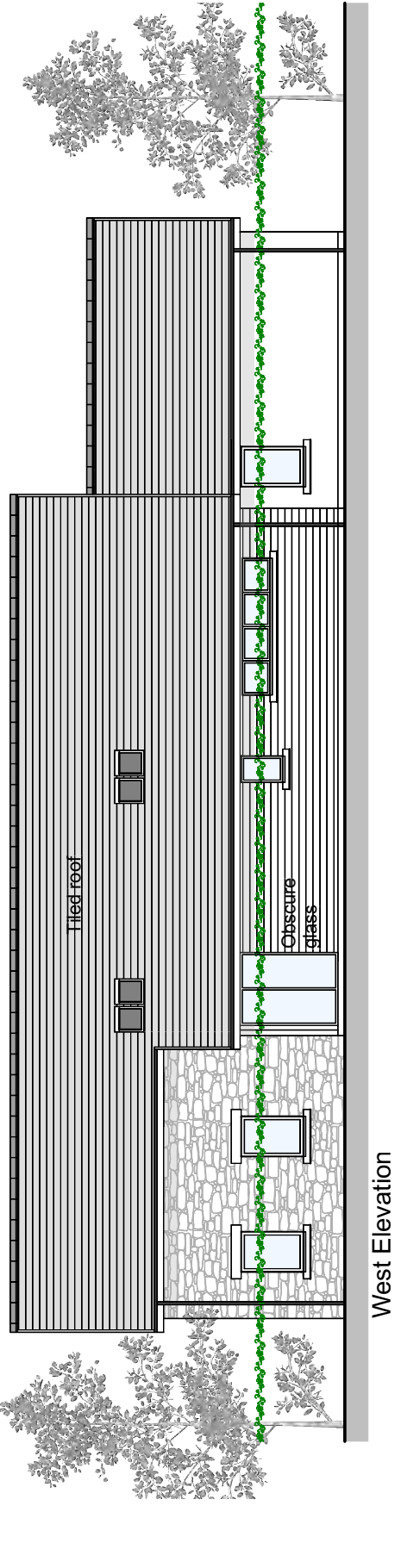
Scale in metres

Promap
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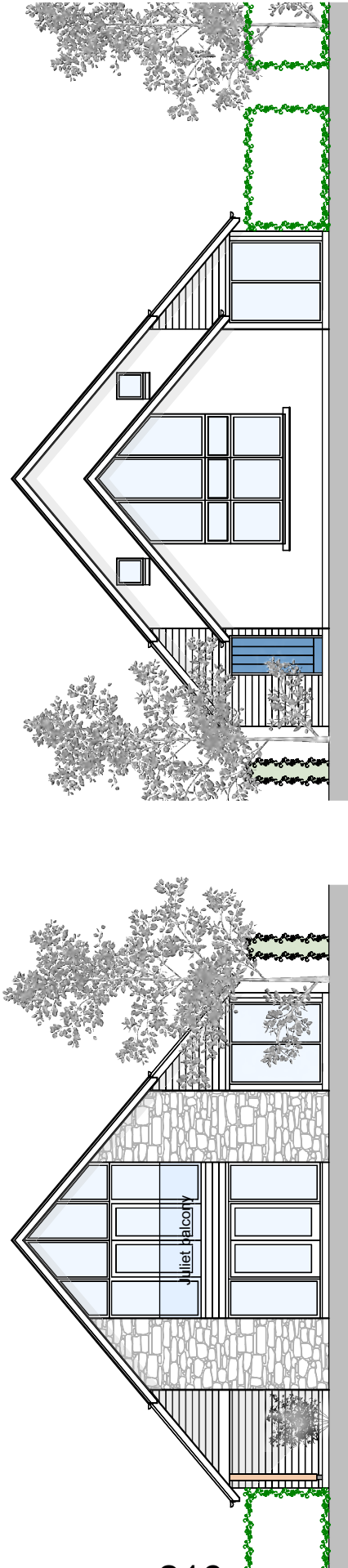
Studio One, Crook of Devon, Kinross KT13 0UL Studio One Architecture, shandarchitecture.co.uk		Shand Architecture Chartered Architect	
Project: Proposed House + Stable Plot 1, Chance Inn, Kinross-shire			
Dwg. Title: PROPOSED SITE PLAN - Stables			
Date: Sept 2016	Scale: 1:500	Dwg. No. 16-14-06	
Revision:	Stage: Planning		
A	B	C	D
E	F	G	H



Scale in metres (1:100)

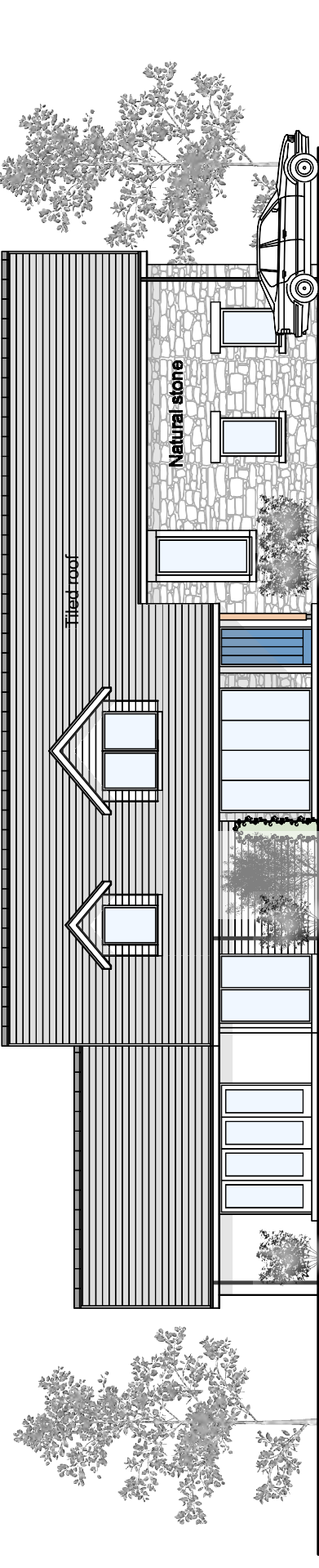


West Elevation



South Elevation

North Elevation



East Elevation

Natural stone

Tiled roof

Obscure glass

Jilliet balcony

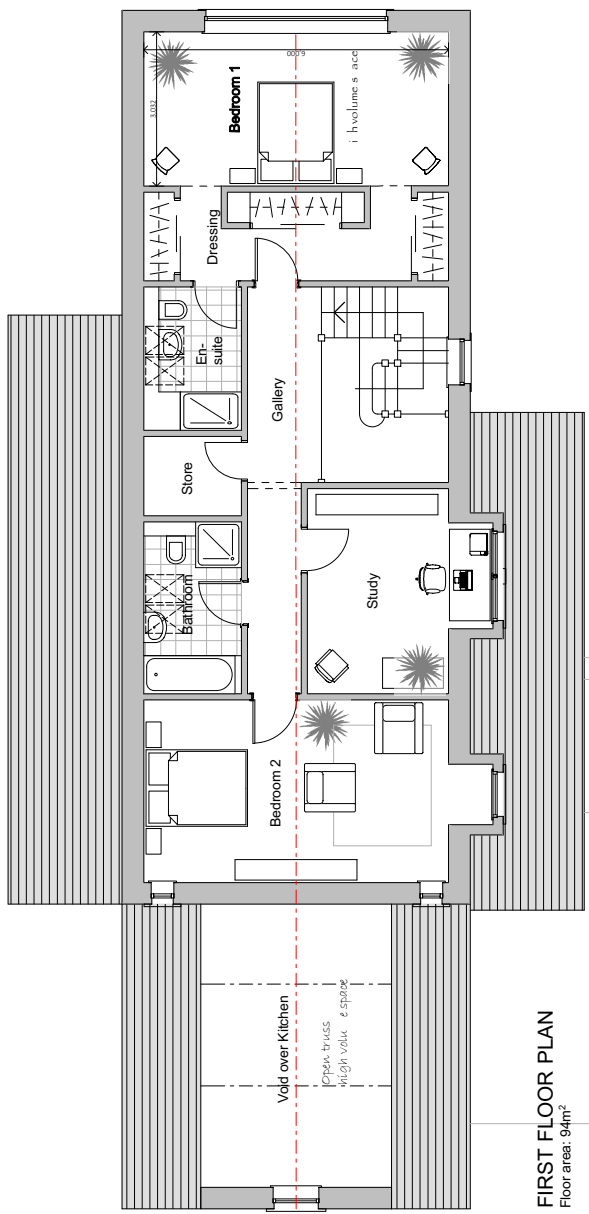
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Revisions	
K	
J	
H	
G	
F	
E	
D	
C	Layout changes 5.6.17
B	Layout changes 3.6.17
A	Layout changes 20.5.17

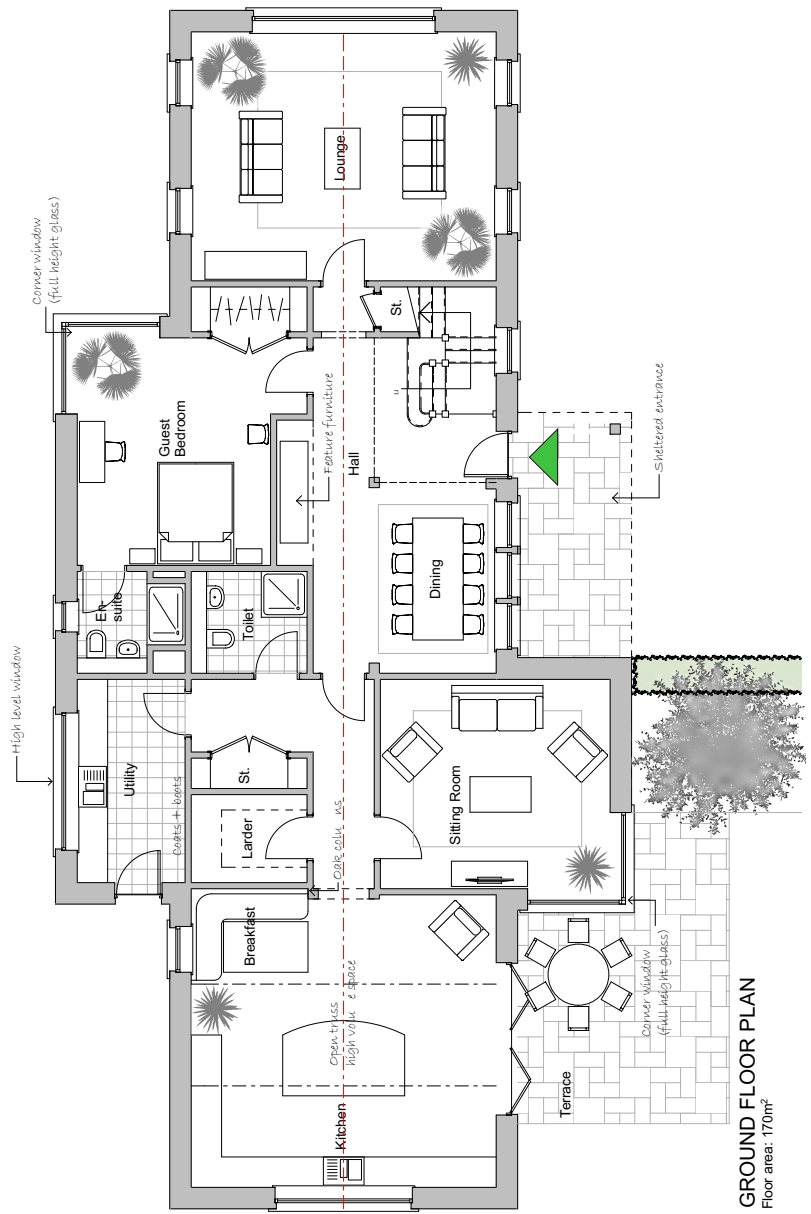
Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
Tel: 01778 440 202
www.shandarchitecture.co.uk

Project
Proposed House + Stables
Plot 1, Chance Inn
Kinross-shire
KY13 0LE

Title	PROPOSED FLOOR PLANS		
Scale	1:50		
Date	May 2017		
Drw. No.	16-14-18		
Stage	Planning		



FIRST FLOOR PLAN
Floor area: 94m²



GROUND FLOOR PLAN
Floor area: 170m²

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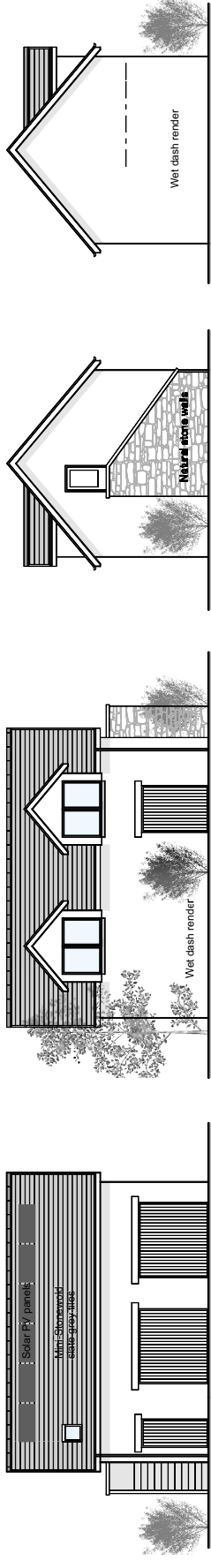
Revisions	
G	
F	
E	
D	
C	
B	
A	Various revisions 13/12/16

SHAND ARCHITECTURE
 Studio One, Crook of Devon, Kinross KY13 0UL
 E: stuart@shandarchitecture.co.uk
 W: shandarchitecture.co.uk
 T: 01577-940 202

Project
 Proposed House + Stable
 Plot 1, Chance Inn
 Kinross-shire
 KY13 0LE

Title
PROPOSED GARAGE - Plans and Elevations

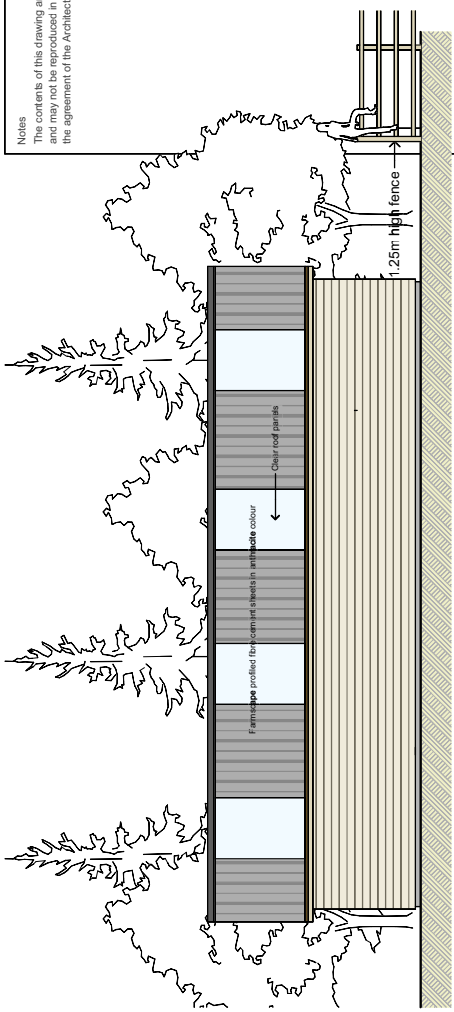
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 Date November 2016
 Dwg. No. 16-14-10
 Stage Planning



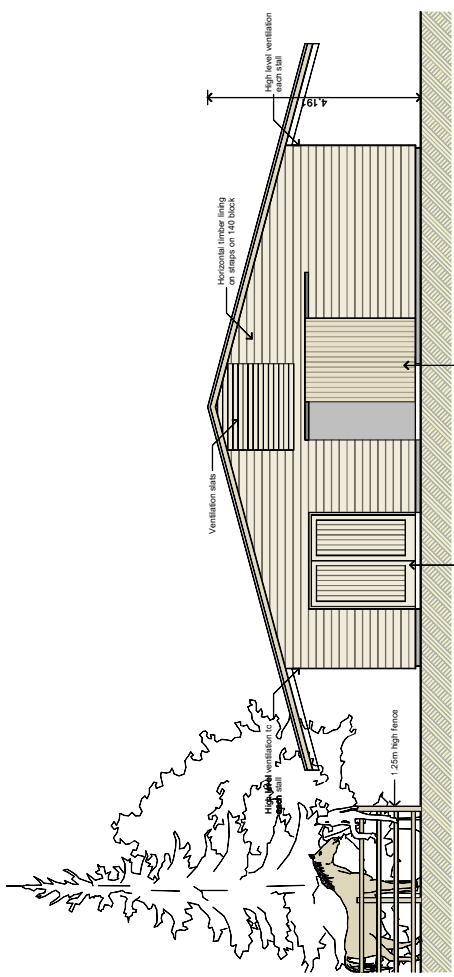
FIRST FLOOR PLAN

GROUND FLOOR PLAN

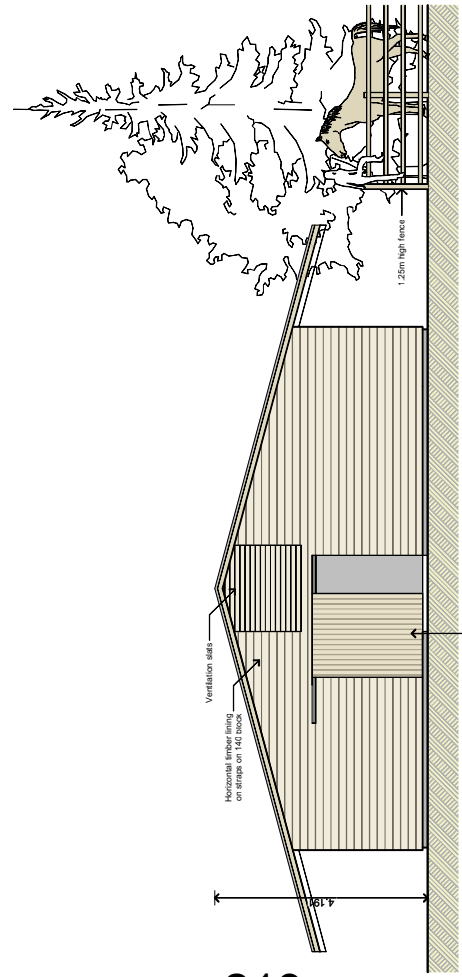
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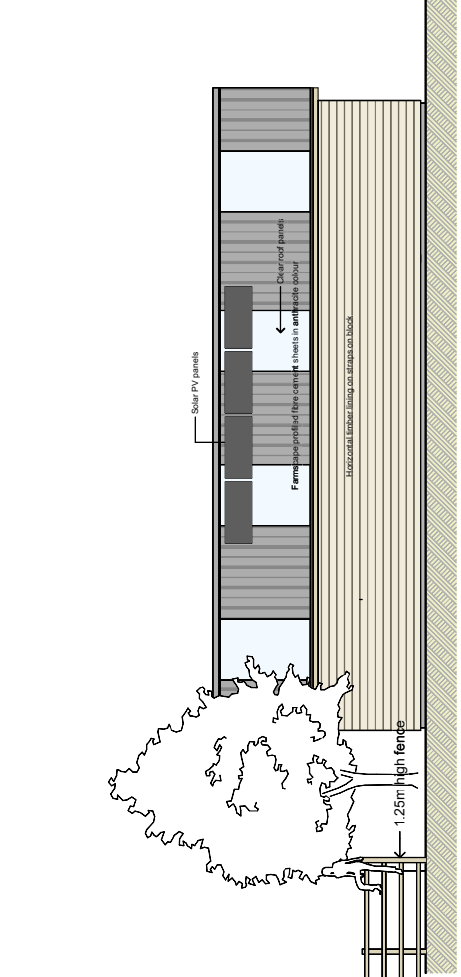
North Elevation



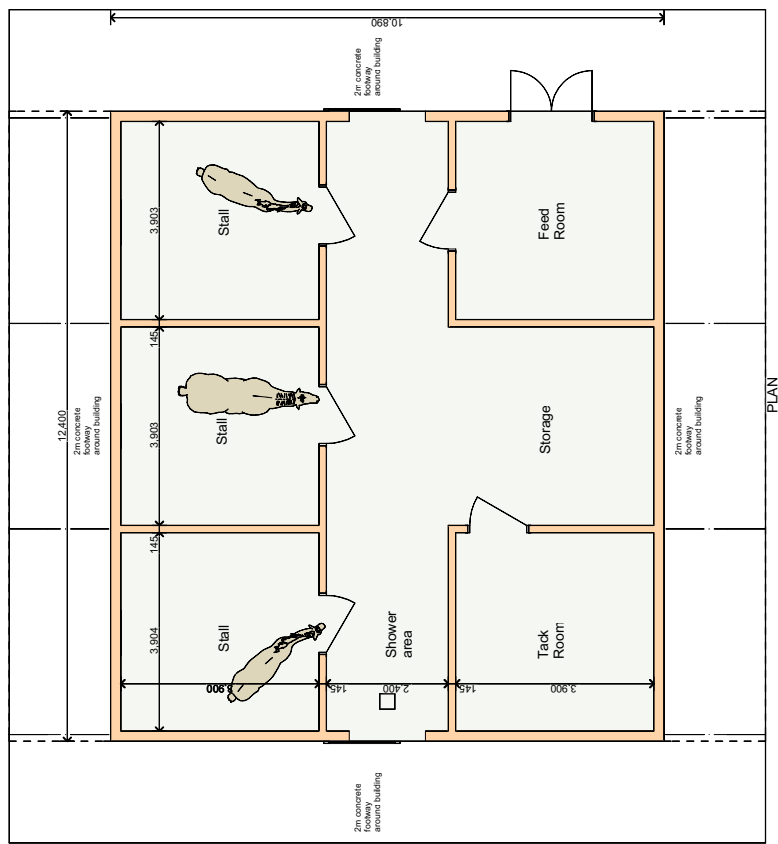
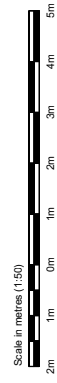
East Elevation



West Elevation



South Elevation



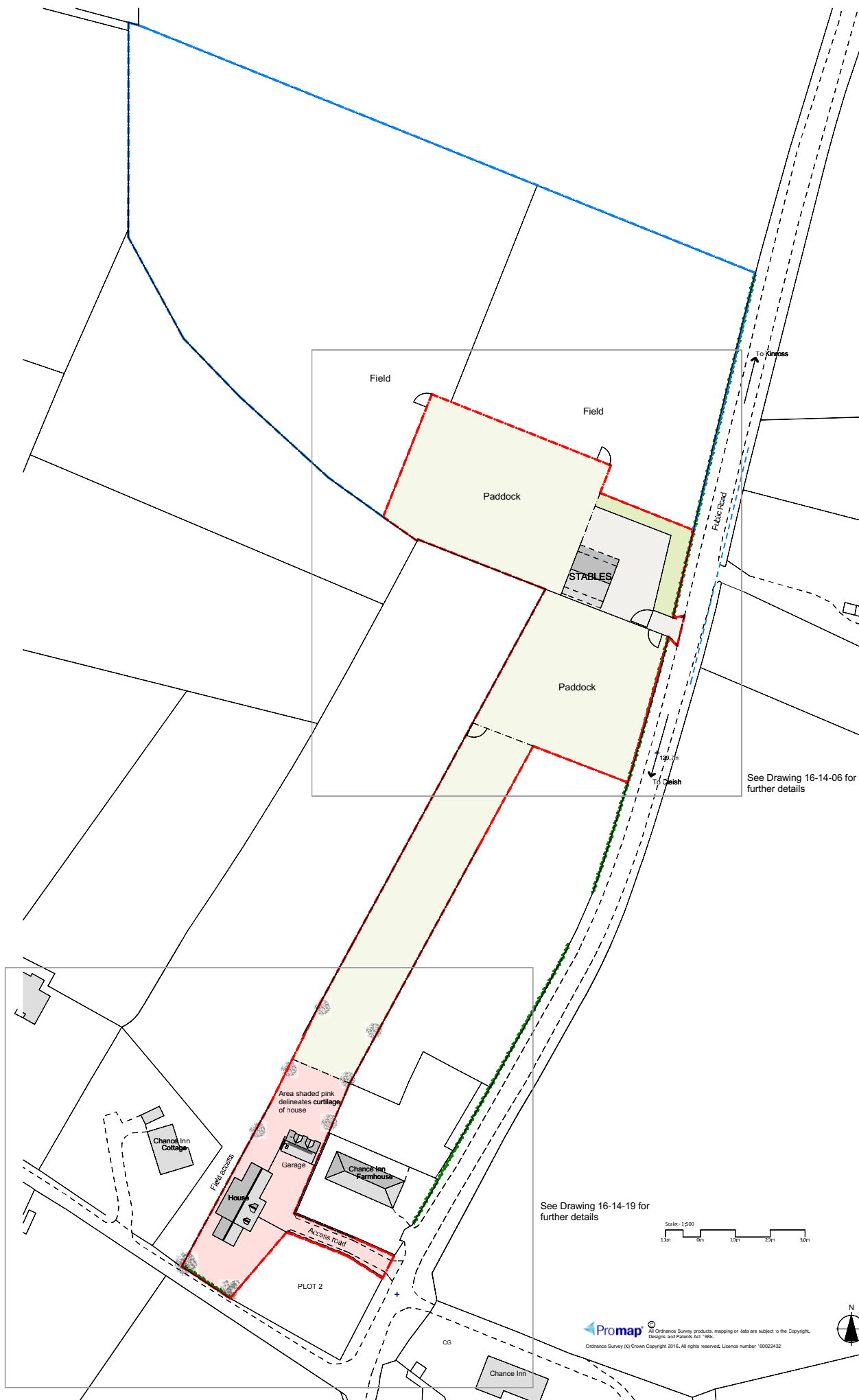
PLAN

Revisions		
K		
J		
H		
G	Roof material change	20.01.17
F	Concrete footway added	17.11.16
E	Clear panels added	4.11.16
D	Minor change to title	25.10.16
C	Columns removed	14.10.16
B	Double external door to feed store	12.10.16
A	Various amendments	11.10.16

Shand Architecture
Studio One, Crook of Devon, Kenross KY13 0UL
Tel: +44 (0)1754 202 202
www.shandarchitecture.co.uk

Project
Proposed House + Stables
Plot 1, Chance Inn
Kinross-shire
KY13 0LE

Title	
STABLE PLAN + ELEVATIONS	
Scale	1:50
Date	August 2016
Drw. No.	16-14-05
Stage	Planning



TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross

REPRESENTATIONS

Our ref: PCS/153832
Your ref: 17/01049/FLL

If telephoning ask for:
Diarmuid O'Connor

05 July 2017

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sir/Madam

Town and Country Planning (Scotland) Acts
Planning application: 17/01049/FLL
Erection of a dwellinghouse, garage and stables and formation of vehicular access
(revised design)
Land 120 Metres West of Chance Inn Farm, Kinross

Thank you for your consultation email which SEPA received on 29 June 2017.

We have **no objection** to the above proposal, we would highlight that the site already holds a foul drainage discharge licence. The change of design does not increase the Population Equivalent which informed the original CAR licence. No increased mitigation is required for this proposal.

If you have any queries relating to this letter, please contact me by telephone on 0131-2737361 or by e-mail to planning.se@sepa.org.uk

Yours faithfully

Diarmuid O'Connor
Senior Planning Officer
Planning Service

ECopy to: Stuart Shand, Shand Architecture, stuart@shandarchitect.co.uk



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01049/FLL	Comments provided by	Gavin Bissett
Service/Section	TES/Flooding	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)		
Address of site	Land 120 Metres West Of Chance Inn Farm Kinross		
Comments on the proposal	<p>We have no objection to this application.</p> <p>We note that the SEPA flood maps show potential surface water issues at the South of the site. The design must consider this risk and any site drainage should be designed to allow for this.</p>		
Recommended planning condition(s)	<p>DR01 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.</p>		
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)		
Date comments returned	7.7.17		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01049/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)		
Address of site	Land 120 Metres West Of Chance Inn Farm, Kinross		
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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p> <p>A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total: £0</u></p>		
Recommended informative(s) for applicant			
Date comments returned	11 July 2017		

Comments for Planning Application 17/01049/FLL

Application Summary

Application Number: 17/01049/FLL

Address: Land 120 Metres West Of Chance Inn Farm Kinross

Proposal: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

Case Officer: John Russell

Customer Details

Name: Mrs Karen Elwis

Address: Chance Inn Cottage, Kinross KY13 0LE

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Out of Character with the Area
- Over Looking

Comment: Dear Sir/Madam,

With regard to planning application no. 17/01049/FLL by Mr and Mrs Jack for a new bungalow and stable at two separate sites near Chance Inn Farm, we have several concerns regarding the applicants' new application.

The first is that the application itself appears to be flawed, and in two respects. Firstly, the application is being submitted as a single application for residential use, yet there is an area of grass paddock between the proposed house and the proposed stable building and yard which has always been agricultural land. Therefore, to treat this whole area as residential under one application would be to change its official designation, which could constitute a dangerous precedent for this visually attractive rural area close to Loch Leven. For this reason, we respectfully suggest that there should have been two applications submitted - one for the residential site and a separate one for the non-residential (stable) site. We would invite the members of the Council to visit the site in person in order that they might see for themselves the agricultural land to which I allude.

Secondly, although on a similar vein, the significant area of land adjacent to the proposed stable, which is designated as 'yard' in the application plans, is currently a greenfield site. Therefore, to put this land under tarmac or chips etc. (no finish is stipulated in the application) would once again risk changing the rural nature of the landscape and is not at all in keeping with the nature of this rural setting. Allowing the creation of such a 'yard' would potentially pave the applicant's way for residential development in future on what is unequivocally a greenfield site at present. It should be noted by the Council, for background information, that we believe the applicant has built several

houses on the land immediately adjacent to his current dwelling in Scotlandwell, and he thus appears to have established a precedent of buying a house with a paddock area, gradually building several houses on the said paddock for commercial gain, then selling up and moving on. We would ask that all the above, particularly the change of use from agricultural to residential land, be taken into consideration by the planners.

Our third concern relates to the positioning of the house within the plot. If the Council were to visit the site, they would see for themselves that there are currently five houses in the line of houses which the proposed property is allegedly 'infilling'. In each case, the properties are essentially positioned running North to South, whereas the house proposed in the application runs more East to West. The position of the proposed house on the site is therefore out of kilter with the existing ones in the 'row', which is what results in it overlooking part of our property invasively. Once again, the Council may wish to visit the site to establish the lie of the land in person, as we appreciate it is not easy to appreciate this fully based on a paper drawing.

Furthermore, we would refer you to our comment regarding a previous planning application for this site (plot 1 in the original application submitted by the previous owner), which also applies in this instance.

Discharging the conditions of the original consent (16/00014/FLL); Condition 2 "The planting plans and boundary treatment should specifically strengthen the boundaries of the site....", the original applicant provided a beech hedge along the majority of the western boundary (copy of relevant drawing can be provided).

Owing to the proximity of the proposed house to our property, we are still extremely concerned that our house and garden will suffer a loss of amenity due to the said proximity of the new house, unless the screening is as efficient as possible. We note that the latest application provides for a 'mixed species' hedge along the said boundary, which partially addresses our concerns and which we appreciate.

However, given that the proximity and invasiveness of the proposed development is still significant, owing to the fact that the proposed house extends beyond the end of ours and has at least two windows overlooking our garden, we would respectfully suggest that beech would be the best choice of species for this hedge (as per the original application in 2014), because beech leaves remain on the plant for most of the year, even once they have turned brown - unlike many other deciduous hedgerow species- thus providing the most efficient natural screening (evergreen being poisonous to livestock). For this reason, we would urge the Council to specify that the hedge being planted by the applicant between the two properties (starting at the corner adjacent to the track that leads to our property and extending for the full length of the house along the boundary) should consist solely of beech. This would also be in keeping with the solely beech hedge that currently borders two sides of Plot 2 on the proposed site.

As further background information, the Council may wish to check the planning history for this site and refer back to the Reporter's Decision several years ago which recommended that only one house be permitted on the area, as it was not sufficiently large to allow houses with garden areas similar to those in the 'line' of properties. Despite the Reporter's recommendation, two plots were given permission.

12th July 2017

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



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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: KY13 Kinross Chance Inn Farm Land 120 Metres West

PLANNING REF: 17/01049/FLL

OUR REF: 747461

PROPOSAL: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

Please quote our reference in all future correspondence

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

Water

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

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- **Non Domestic/Commercial Property:**

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

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely

Lisa Lennox

Development Operations Analyst

Lisa.lennox2@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01049/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)		
Address of site	Land 120 Metres West Of Chance Inn Farm Kinross		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	12 July 2017		

Comments for Planning Application 17/01049/FLL

Application Summary

Application Number: 17/01049/FLL

Address: Land 120 Metres West Of Chance Inn Farm Kinross

Proposal: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

Case Officer: John Russell

Customer Details

Name: Mr John Stevenson

Address: Gellybank House Zc498 From The U225 West Of Hatchbank To The B966 South Of Kinross, Kinross, Perth And Kinross KY13 0LE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area
- Over Intensive Development

Comment:I make the following comments:

1. The single application to erect the house also extends over a substantial area of agricultural land. There should be a separate applications for the house and another for the stables other wise residential use is being extended northward beyond the settlement over agricultural land.
2. The application form had an incorrect response saying "no" to the application involving agricultural holdings when two thirds of the application ares is agricultural holdings/ land.
3. The stables and arena are out of keeping with the settlement and visually intrusive. There are no buildings on the west side of Cleish Road. This precedent would be visually intrusive to all dwellings to the south.
4. The previous application was deemed to be out of keeping with the proposed residential development at Chance Inn farm. Nothing has changed in the application other than indicated screening.
5. Screening is undefined as "natural woodland trees". Any screening should be with Beech or Hawthorn in keeping with other hedging and screening in the settlement.
6. The proposed stables and arena access is almost directly opposite the entrance to Chance Inn Farm.
7. There is no indication of lighting which not be intrusive or floodlit.
8. There is no detail of the finish to the stable yard which should be in keeping with the agricultural

character of the area and avoid concrete or tarmac.

9. The stables create development out with the settlement boundary and do not meet rural place making criteria and the risk of coalescence through infill development.

10. The housing plot is positioned east - west facing when all other dwellings on the west of Cleish Road are north-south facing. The planning history of this plot includes a Reporters recommendation that only one house should occupy the plot (which is now two) and that no access should be taken from the north. The application creates a risk of future access being created interlinking the existing settlement with the stables and land to the north.

I trust that these comments will be taken into consideration when determining the application.

John Stevenson.

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01049/FLL

Our ref LRE

Date 21 July 2017

Tel No 

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission
PK17/01049/FLL RE: Erection of a dwellinghouse, garage and stables and formation of
vehicular access(revised design) land 120 metres West of Chance Inn Farm Kinross for Mr
and Mrs George Jack**

I refer to your letter dated 4 July 2017 in connection with the above application and have the following comments to make.

Environmental Health (assessment date –21/07/17)
Recommendation

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

Comments

This Service made no adverse comment with regards to contaminated land in memo dated 11 August 2009 for approved 09/01160/FLL for erection of two dwellinghouses

This application is for the erection of a single dwellinghouse and stables therefore there is the potential for existing and future residents to be affected by odour from the stables.

The stables are to be sited approximately 201metres from the proposed property and 168 metres from the closest existing property Chance Inn Farmhouse.

The stable plans indicate that there is three stable stalls, tack, feed and storage areas, the stables are not for commercial use.

Therefore I recommend that the undernoted condition be included on any given consent to protect residential amenity from odour nuisance.

Condition

- An effective waste management plan for the building shall be in place for the storage and removal of manure, to ensure that odour is kept to a minimum



Gellybank House

Kinross

KY13 0LE

Local Review Body

Perth & Kinross Council

2 High Street

Perth

PH1 5PH

FOA: Gillian Taylor, Clerk to Local Review Body

Your ref: TCP/11/16 (511)

21 January 2018

Dear Sirs

Notice of Review – Comments

Please find attached our comments in relation to the Notice of Review TCP/11/16 (511). We trust these can be considered by the review body in determining the review.

Yours faithfully,

John & Helen Stevenson

Perth & Kinross Council
Submission to Local Review Body
Comments on Notice of Review

Case: TCP/11/16 (511)

Planning Application Ref: 17/010149/FLL
at
Chance Inn/ Gellybank
Kinross

Submitted
by

John & Helen Stevenson
Gellybank House
By Kinross
KY13 0LE

1. Comments on Notice of Review (NoR)

1.1 Attachment "A" Responses to NoR

There is no numbering in the NoR and the comments below are in response to the consecutive bullets in paragraph 3 of page 1:

- Whilst there are equestrian uses in the vicinity other uses also include agriculture and residential dwellings. The equestrian use is dominated by the commercial livery at Gellybank Farm which is diversification of the farm. The key sensitivity is that the other small stables evidenced by the supporting photographs in the NoR are all within the established settlement group apart from the small stable to the north which is not consented. There may be other stables but they are more sensitively located.
- The recent stable application referred to is smaller and was consented in a location within the existing settlement group. The applicant has already erected a field shelter for the two horses which demonstrates the impact of the location and setting on the existing settlement. We challenge the suggestion that the proposed location of the stables is "in a natural depression". The settlement/ housing group sits higher to the south, and the topography then slopes gently north in the near and middle distance; there is no landscape mitigation. The effect of this is to create an impact out of keeping with the surrounding landscape as there are no buildings on the west side of the public road at this location.
- The scale of the building, car parking and ménage ring is out of keeping with the intention to stable two horses, the normal ratio being one horse per acre.
- The planting of trees and timber cladding proposed in mitigation evidences the very concerns stated above of adverse impact and inappropriate location.

- Approving the application will set an adverse precedent in relation further stable development on the remaining balance of agricultural land to the north owned by Caledonian Trust, the developer of Chance Inn Farm steadings. The potential adverse impact would be to encourage the proliferation of stables across the landscape to the north of the existing settlement. Evidence of the adverse effect of this can be seen at nearby Hatchbank Stables on Hatchbank Road, Gairneybank where the farm has been allowed to be developed with ad hoc stable building spread over the landscape. A stable, car park and ménage ring is considerably more impact than a cropped field.
- P3 – the applicants are already keeping many specimen fowl which is attracting rats from Chance Inn Farm. Several residents have complained to Caledonian Trust who have had to set poison. There are already problems with odour and seepage of manure run off at Gellybank Farm. The applicant provides no real details of environmental control measures.

There is no new evidence submitted to support or justify a change in the determination of the application and contend that the reasons stated in the Report of Handling (ref 1009400) remain sound and should be upheld.

1.2 Land Use

The NoR predominantly focusses on placemaking. The Report of Handling sets out the concerns about the inappropriate position of the stables in the landscape and the impact on the existing settlement.

In addition, we highlight a concern already stated in comments to previous applications that there is inappropriate land use being proposed by the stables forming part of a single application for residential use.

- The proposed stable will be some 150 metres north of the actual housing plot separated by a thin strip of paddock. It therefore artificially extends residential use due north of the existing settlement. This has no supporting justification.
- Allowing residential use within the original application area is a proxy for further residential use outwith the existing settlement boundary which runs west-east and not to the north. This coalescence has the potential to create not only an extension of settlement which could spread further to the north, it also exposes the potential for ribbon with a small infill strip fronting the road between the applicant's house and paddocks which is in other ownership. This could also potentially coalesce which the proposed development at Chance Inn Farm. Our concern here is beyond simply equestrian use but land use in and around the settlement in perpetuity. A change of use from equestrian to residential is a small step.
- A previous application (08/01258/FUL) was referred to the Inquiry Reports Unit which determined a "tension" between the two proposed housing plots with the surrounding dwellings and rejected in that application a proposed residential access to the plots from the north. Granting residential use extending over the proposed underpins a potential for future inappropriate residential use out with the settlement boundary.
- The applicants have offered no coherent reason why a single application for residential use is being sought. There is no precedent for equestrian uses falling within residential use.

2 Summary

In summary our comments on the NoR are as follows:

1. The reasons in the Report of Handling relating to placemaking and adverse impact are not addressed in the NoR which offers only anecdotal comments and refers to mitigation measures which in themselves evidence the impacts already identified. No new evidence is presented to suggest otherwise.
2. There is a land use issue in extending residential use northwards exposing a risk of adverse and inappropriate development in the future which is at odds with protecting communities from such impacts as referenced in the Report of Handling. It will set a potential adverse precedent.
3. The west side of Chance Inn/ Gellybank is at a point where development is saturated and any further extension of residential use will have an adverse effect on the existing community.

We trust that the committee can consider these comments in determining the review.

John & Helen Stevenson
21 January 2018

CHANCE INN COTTAGE, by KINROSS, KY13 OLE

FAO: The Local Review Body, Perth and Kinross Council

Tuesday 23rd January, 2018

RE: Application Ref: 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross – Mr G Jack

And Application Ref: 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross – Mr G Jack

Dear Sir/Madam,

With reference to planning applications **17/01738/FLL** and **17/01049/FLL** by Mr G. Jack, who is appealing the respective planning decisions made by Perth and Kinross Council's planning department, we are writing to express our thoughts and to ask that the Council remains firm in its decisions.

Firstly, I should point out that there is a stark difference between the applicant's proposed development plans and the current situation at Chance Inn/Gellybank. For a start, all other stables mentioned as evidence in the applicant's submission are situated close to the dwellings and are not randomly situated in the middle of open countryside on agricultural land.

Allowing the applicant's proposed large stable building to be constructed at the distance from their residence(s) that is being suggested would completely change the nature of the setting (the existing dwellings being currently in a 'group') and would set a precedent. Moreover, the applicants already have a stable building, which is more separate from their residence than is the norm in the setting.

The stable for which permission is requested under application **17/01049/FLL** is substantially larger than the requirements for two/three horses – and, just like the curiously 'house-shaped' garage which the applicants have already erected adjacent to our house, it is probably large enough to become a dwelling in the future. Like many other residents in the neighbourhood, we are not convinced by the applicants' claim that the house they propose to build is their forever home; based on the precedent of them having constructed several houses, close together, in their previous residential setting then moved on, we contend that this may be a cynical attempt by the applicants to urbanise the countryside in the long-term, with an inappropriate density of buildings immediately adjacent to Chance Inn Cottage. Please remember – with reference to application **17/01738/FLL** specifically – that at one point permission was only to be granted by the Council for one house on the site in question prior to an appeal, and now it has become two houses PLUS a 'garage/flat' (which, as you will see from the photo which I am sending under separate e-cover, looks very like a house). This is wholly inappropriate for what is a very rural setting, and it threatens to change the character of our whole community.

No one objected to the stables being put up by any of the other residents in this small rural community – because these were of a completely different character, in that they formed part of an already existing unit and did not impact on the open landscape in the way that the applicant's stable building and manege will – the proposed stable and manege development would be clearly visible to anyone who lives here, as well as others passing through this beautiful area. It will detract from the amenity of the area and send out a message to others that random buildings in rural areas,

constructed at some distance from the owner's dwelling, are acceptable to Perth and Kinross Council.

In summary, I urge you to please bear the following points in mind during your deliberations:

1. The applicants apparently have a previous history of building houses in their garden/domestic land then moving on. They may genuinely believe that this is their 'forever' home, but the truth is that they could easily change their minds and decide not to stay here (but to develop the land and then leave, as they have done before) within a day of receiving any decision to allow them to pursue their plans for this quintessentially rural area.
2. The applicants tried to claim, in one of their applications, that the long strip of agricultural land between their house(s) and the 4-acre horse paddock was "domestic" (which, to the best of our knowledge and belief, could enhance their ability to request permission for further houses there in future). This suggests they may have future plans for the land, and we would ask you to bear this in mind during your review process.
3. The applicant's 'garage' building already appears to be a backdoor attempt to obtain consent for yet another residential property on a plot in a density out of keeping with the previous housing density in this location. The layout plan of the surrounding properties and the garden demonstrates the intensity of the applicant's development. The fact that their proposed house is as close as legally possible to ours (9 m) is not in keeping with the density of other dwellings in the setting.
4. The applicants already have a stable building that appears adequate for their equine purposes. Their ponies are of a native breed, so do not require year-round stabling – in fact for native breeds, a field shelter can even be adequate, so there is no requirement for a large-scale building of the type being applied for.
5. The proposed stable would stick out like a sore thumb in the countryside, being at some distance from the applicants' residence and in a field that has been arable land for generations.
6. The applicant evidently felt fairly confident that their application for the house and garage would be accepted, as foundations for the proposed house and garage had been completed and the garage walls erected before planning consent was given. So even if the Council had refused the application, the face of the land had already been altered.
7. Allowing this development to go ahead would set a dangerous precedent. If permission is granted for one such large, fixed and permanent stable in open countryside then there would surely be no reason in future to refuse similar buildings for the nearby residents in virtually identical situations? The effect of that on the local landscape would be unthinkable. Please do not set this very dangerous precedent. This is an attractive small rural community, which is not a recognised settlement in the Local Development Plan, and the development proposals being applied for by the applicant threaten the character and setting because of their impact on the agricultural rural landscape.

Thank you for your consideration. Yours faithfully,

Karen and Alister Elwis



Old Butts
Leslie Road
Scotlandwell
Perth and Kinross
KY13 9JE
7 February 2018

FAO: Clerk – Gillian Taylor Appeals Department

Perth and Kinross Local Review Body
Council Building,
2 High Street,
PERTH,
PH1 5PH

Ref.: Appeal TCP/11/16 (511)

Dear Sir,

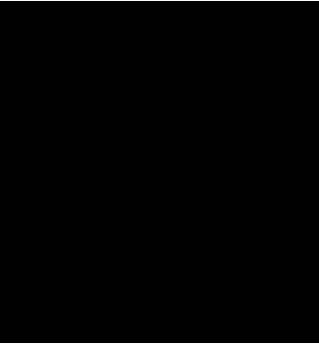
This letter is issued in response to representations made by both Elwis and Stevenson.

I do not see the point in responding to all the items raised by both parties as in the main the comments are observations and would be classed as non material considerations in the evaluation of the application. I do wish to respond to one or two items in detail.

1. References to the nearby approved application 17/01388/FLL. The representations refer to this approved application as being acceptable as it is 'located in an existing settlement'. The reference to any existing settlement was not mentioned in the planning officers report and therefore can be deemed to not have been a material consideration in making their decision therefore we deem this application is very relevant in relation to the applicants.
2. The reference to the applicants history is totally irrelevant in the review of this application, and in the applicants view inappropriate. Perth and Kinross Planning do not and should not refer to any applicants history in reviewing an application. In addition the applicant would wish to point out at no time have they looked to apply for any change of use for any of the land owned by the applicant and find these references miss-leading and pointless. The use of the land for stables And horses falls within the current use of class of the field.
3. Reference to the scale of the application in relation to two horses is non material. The applicant wishes to point out that their hobby involves showing of the horses and the stables have been designed with this in mind, e.g. to provide a suitable environment and space for cleaning and grooming the horses to show quality.
4. The reference to rats and fowl is also non material to the assessment of the stables. The applicant would wish to point out that the rats do in fact come from across the road and the applicant has taken actions in this matter in line with advice from Perth and Kinross pest control.
5. The existing settlements relating to the stables sit in elevated positions in relation to the stables therefore the applicant wishes to note that a single storey stable located in the corner of the site will not impact current views and to state this is factually incorrect.

In summary previous approved applications for stables in 2017 clearly state that this is a suitable location for a stable and the location in a depressed corner next to an existing access road is the most suitable location for same.

Yours sincerely



George Jack