

TCP/11/16(578) – 18/01419/FLL – Erection of a fence at 2 Gowrie Farm, Stanley, Perth

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**TCP/11/16(578) – 18/01419/FLL – Erection of a fence at 2
Gowrie Farm, Stanley, Perth**

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

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 type="checkbox"/> | <input checked="" 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:

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.

This application is for the erection of a domestic scale fence, replacing an existing post and wire fence installed as part of the original development approved under application 06/02277/FUL. As part of that approval, permitted development rights were removed with future alterations to the buildings/site requiring planning consent.

Under normal circumstances the proposed works would have been considered permitted development and would not have required to be the subject of a planning application. A condition such as this should not be an automatic presumption against any development, particularly of such a minor nature.

The proposals are consistent with any residential development and are considered to be appropriate within their setting. The proposed height, design and materials of the fence are consistent with the rural location and materiality and provide an appropriate boundary treatment. The height is consistent with neighbouring boundary treatments and the inclusion of a planted beech hedge provides additional screening.

In summary, the proposals are considered to be appropriate within a rural context and will not detract from the existing visual amenity of the development. The case officer's decision has been presented as an subjective opinion and we would request that the application be considered for approval.

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.

1866/01 Location Plan

1866/02 Plans & Elevations

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

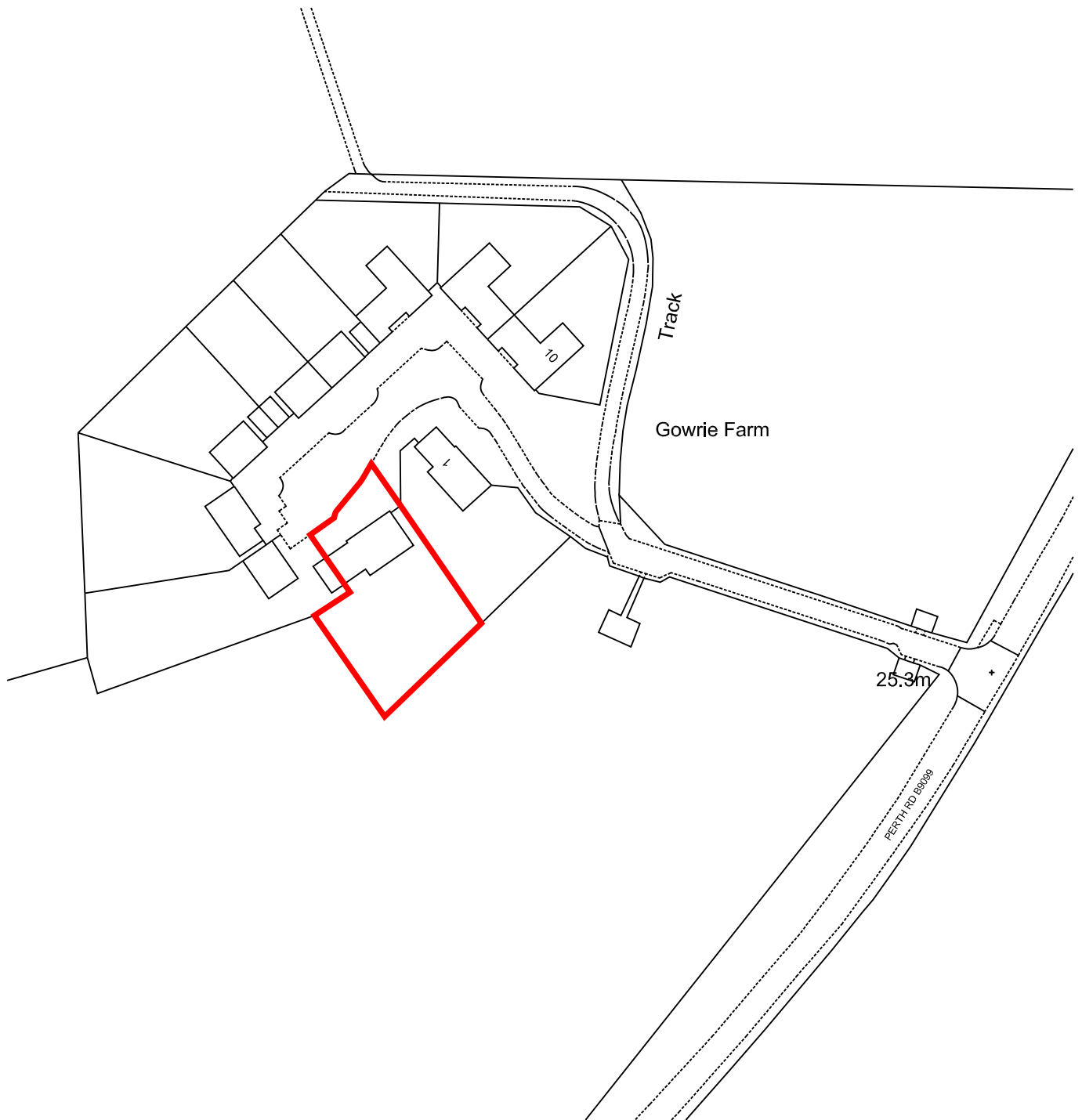
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

R TAYLOR (for studioEAST)

Date

07/12/18



Location Plan
1:1250

SCALE 1:1250
0 5 10 15 20 25 50m



studio | EAST

Project: **New Fence**
2 Gowrie Farm
Stanley

Client: Mrs M Soutar

Job No: 1866

Date: Aug 18

Purpose: Location Plan

DWG. NO. 01

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY
t: 01738 472090 e: hello@studio-east.co.uk

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DO NOT SCALE FOR CONSTRUCTION PURPOSES. ACCURACY OF THIS DRAWING IN PRINT FORM CANNOT BE GUARANTEED.
IF IN DOUBT...ASK!

Client: Mrs M Soutar

DWG. NO. 02

Project:
New Fence
2 Gowrie Farm
Stanley

Title:
Plans & Elevations

Scale as shown @ A3

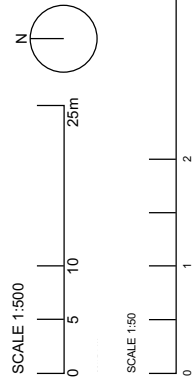
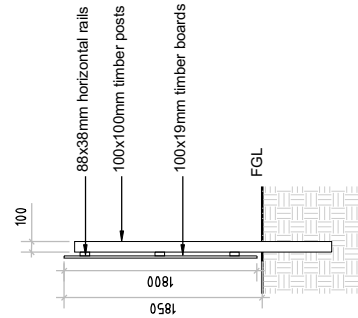
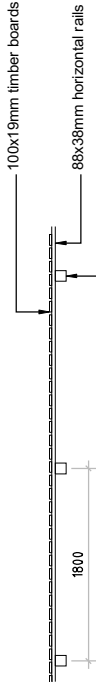
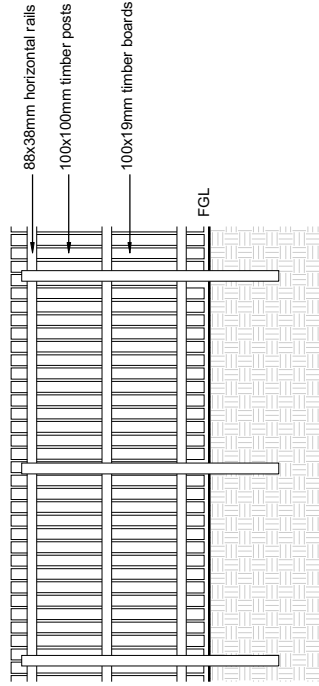
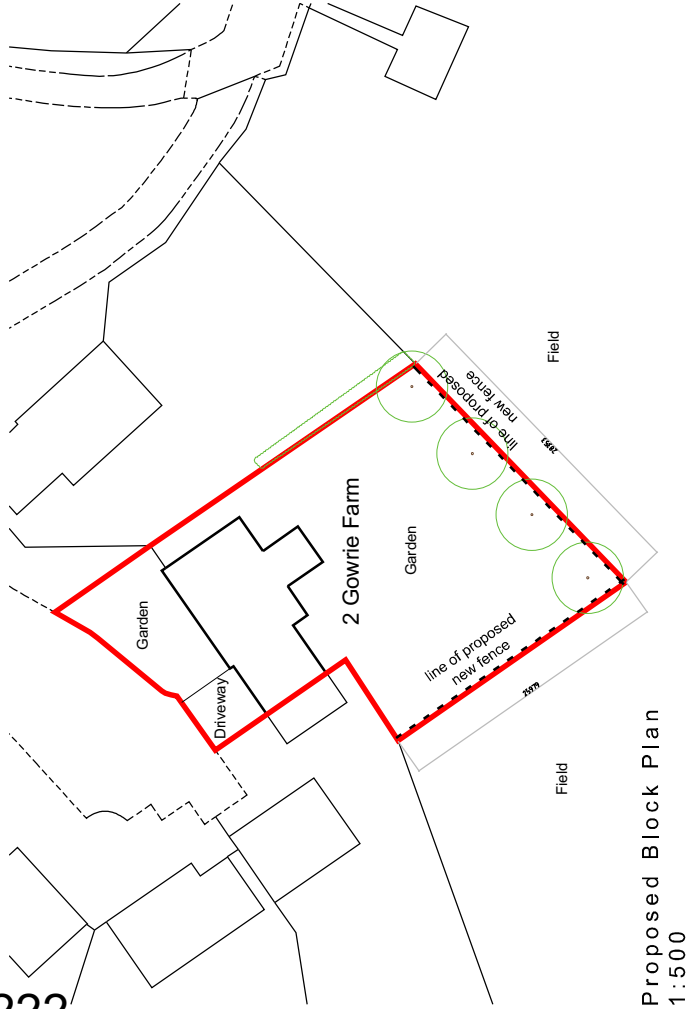
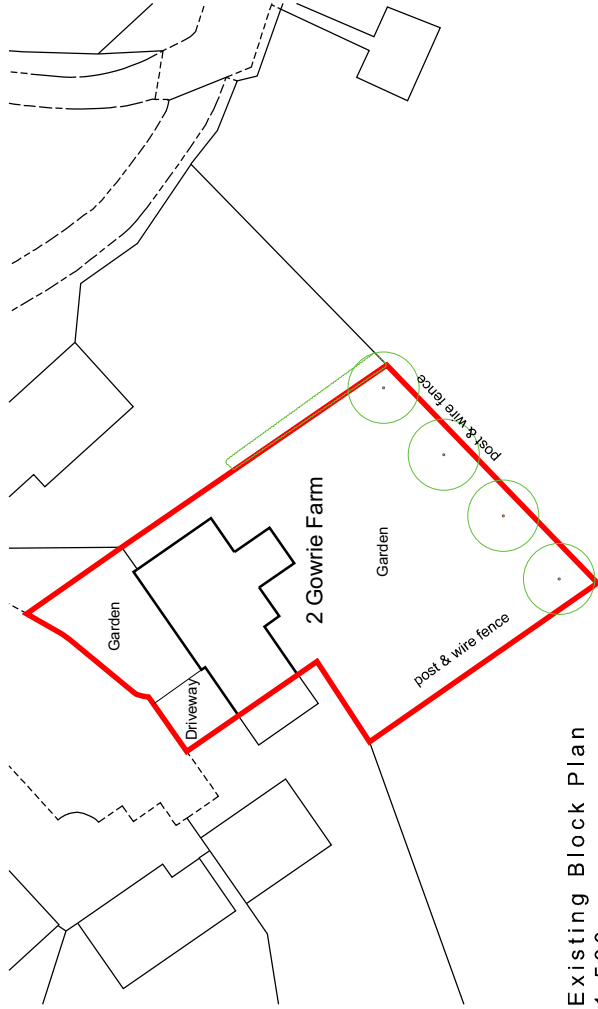
Job No: 1866

Date: Aug 18

Purpose: Planning

Drawn by: RRT

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY
t: 01738 472090 e: hello@studio-east.co.uk



TCP/11/16(578) – 18/01419/FLL – Erection of a fence at 2 Gowrie Farm, Stanley, Perth

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 221-222)*

PERTH AND KINROSS COUNCIL

Mrs Marjory Souter
Duncain
2 Gowrie Farm
Stanley
Perth
UK
PH1 4PP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 23rd October 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01419/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 27th August 2018 for permission for **Erection of a fence 2 Gowrie Farm Stanley Perth PH1 4PP** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is therefore contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014, which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
2. The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2014 and Scottish Planning Policy 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

Notes

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

Plan Reference

18/01419/1

18/01419/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01419/FLL	
Ward No	P5- Strathtay	
Due Determination Date	26.10.2018	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a fence

LOCATION: 2 Gowrie Farm Stanley Perth PH1 4PP

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: 6 September 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a residential property located in an elevated position above the B9099 between Luncarty and Stanley, to the north of the Gowrie Sand and Gravel Quarry. Historically, planning consent was approved for the demolition of a Farmhouse and Steading and its replacement with 10 dwellinghouses. The dwellinghouses are arranged around a courtyard.

The existing dwellinghouse has two levels of accommodation with an attached single storey garage set within a generous sized plot and located on the south side of the courtyard.

Planning consent has recently been approved (18/00420/FLL) for an extension (in retrospect) on the south elevation of the property. Full planning consent is now sought for the erection of a fence to a height of 1.8 metres on the south east/south west boundaries.

Generally, the proposal would be permitted development, however, a planning application is required as Condition 10 of planning consent 06/02277/FUL states, no development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Classes 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwellings, as shown on the approved site layout plan, without the express consent of the Council as Planning Authority.

SITE HISTORY

06/02277/FUL	Demolition of farmhouse and steading and erection of 10 dwellinghouses with garages (Application Approved)
18/00420/FLL	Extension to dwellinghouse (in retrospect))Application Approved)

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 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

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

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

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

None.

INTERNAL CONSULTATION RESPONSES

Transport Planning – no objections.

REPRESENTATIONS

None at time of report.

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 2016 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 applicable policies of the local plan are Policy PM1A & Policy PM1B: Placemaking.

Policy PM1A on Placemaking states that development must contribute positively, to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B are;

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

For reasons stated elsewhere in this report the proposal is not considered to comply with these policies.

Design and Layout

A vertical close boarded timber fence to a height of 1.8 metres is proposed along both the south east and south west boundaries of the site. The information submitted with the application indicates a beech hedge will be planted on the outer edge of the fence. Existing boundary treatments are in the form of hedging along the south west boundary and shrubs/hedging with post and wire fencing behind on the south east elevation. No details have been provided as to whether the fence will be painted or left natural.

The key issue in determining this application is whether the proposed fence would be harmful to the established character and appearance of the area.

In my view, the proposed fence, despite its well-constructed and tidy appearance is not appropriate in the specific location due to the rural and open nature of the site.

Landscape

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

Residential Amenity

The proposal will have no impact on residential amenity.

Visual Amenity

The area is generally characterised with hedging and post and wire fencing although there is timber fencing evident between some properties. Of which these are unseen from the public domain with the exception of unauthorised timber fencing at timber 10 Gowrie Farm. The rear garden of this particular property faces onto the main Luncarty to Stanley public road and as such is highly prominent, whereas others are not so prominent. The area is typical of a rural location, with no public footpath at the side of the public road and some hedging along both sides of the roadside boundary, otherwise has an open aspect.

In terms of the site itself, the property sits in an elevated position above the public road with its closest boundary around 30 metres back with an open field in the intervening space between the site and the public road. An open field also adjoins the south west boundary of the rear garden and as such residential amenity is not compromised. A residential property bounds the site to the west, however, an existing beech hedge forms this boundary. The existing boundary treatments provide an adequate level of privacy to the rear garden of the property.

It would appear from the information submitted the fence is proposed to allow time for a new beech hedge to be planted and mature to provide privacy within the rear garden. Although the visual aspect of the proposed fence may be for a temporary period, until such time as the hedge grows, and will provide the occupants of the property a higher degree of privacy, I am not satisfied that the design and layout maintains or improves the local environment. I do not believe the fence is compatible with its surroundings and therefore, adversely affects the character and amenity of the surrounding area. The height and solidity of the structure has a detrimental visual impact, thereby, alters the visual aspect of the area.

Scottish Planning Policy (Rural Development) stipulates all new development should be appropriate to the character of the particular rural area. I do not consider that a vertical timber fence, in the manner indicated, is appropriate or necessary in this rural location.

The proposed fence would be a prominent feature within the area and due to its prominence, position and height would significantly alter the visual appearance of this rural location.

My view is that the proposed fence would appear alien in this environment and would materially harm the prevailing character of the existing property and surrounding area by substituting hard materials for the soft, natural boundaries which give the area its distinctive appearance.

The Planning Authority has a duty to enhance and preserve the area. This area is primarily characterised by a mixture of boundaries which are generally hedges and trees. Whilst the fence may provide an instant solution for privacy for the occupants, this is at odds with the surrounding area and is an inherently unattractive feature which will damage the character of the area. If approved, this could set a precedent for similar proposals which I feel are unacceptable and unnecessary in this location.

Whilst it is acknowledged there is an unauthorised fence at number 10 Gowrie Farm which is highly visible from the public road and has not helped to preserve or enhance the area. This, however, is not a good reason to allow more damaging developments.

Roads and Access

No changes are proposed to the existing parking or access arrangements and the proposed fence will have no impact on sightlines.

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 not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is, therefore, contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
2. The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2014 and Scottish Planning Policy 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

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01419/1

18/01419/2

Date of Report: 23 October 2018

**TCP/11/16(578) – 18/01419/FLL – Erection of a fence at 2
Gowrie Farm, Stanley, Perth**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01419/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a fence		
Address of site	2 Gowrie Farm Stanley Perth PH1 4PP		
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	13 September 2018		

